

**MINUTES OF THE MEETING  
OF THE  
ASSEMBLY COMMITTEE ON HEALTH AND HUMAN SERVICES**

**Seventy-Third Session  
May 16, 2005**

The Committee on Health and Human Services was called to order at 1:31 p.m., on Monday, May 16, 2005. Chairwoman Sheila Leslie presided in Room 3138 of the Legislative Building, Carson City, Nevada, and, via simultaneous videoconference, in Room 4401 of the Grant Sawyer State Office Building, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Ms. Sheila Leslie, Chairwoman  
Ms. Kathy McClain, Vice Chairwoman  
Mrs. Sharron Angle  
Ms. Susan Gerhardt  
Mr. Joe Hardy  
Mr. William Horne  
Mr. Garn Mabey  
Ms. Bonnie Parnell  
Ms. Peggy Pierce  
Ms. Valerie Weber

**COMMITTEE MEMBERS ABSENT:**

Mrs. Ellen Koivisto (excused)

**GUEST LEGISLATORS PRESENT:**

Senator Dennis Nolan, Clark County Senatorial District No. 9

**STAFF MEMBERS PRESENT:**

Barbara Dimmitt, Committee Analyst  
Joe Bushek, Committee Attaché

**OTHERS PRESENT:**

Dave Noble, Assistant Staff Counsel, Public Utilities Commission of Nevada

Craig Steele, Manager, Safety and Quality Assurance, Public Utilities Commission of Nevada

Mark Sullivan, Assistant Executive Director, Associated General Contractors of America, Nevada Chapter

Debra Jacobson, Legislative Advocate, representing Southwest Gas Corporation

Jennifer Lazovich, Legislative Advocate, representing Republic Services, Inc.

Leo Drozdoff, Administrator, Division of Environmental Protection, Department of Conservation and Natural Resources, State of Nevada

Alex Haartz, Administrator, State Health Division, Department of Human Resources, State of Nevada

Kaitlin Backlund, Political Director, Nevada Conservation League

Steve Walker, Legislative Advocate, representing the Truckee Meadows Water Authority

Stephanie Wilson, Environmental Scientist, Region 9, United States Environmental Protection Agency, San Francisco, California

Andy Belanger, Legislative Advocate, representing Southern Nevada Water Authority and Las Vegas Valley Water District

Joe Johnson, Legislative Advocate, representing the Toiyabe Chapter of the Sierra Club

Doug Zimmerman, Bureau Chief, Bureau of Waste Management, Division of Environmental Protection, Department of Conservation and Natural Resources, State of Nevada

Larry Bennett, Legislative Advocate, representing U.S. Ecology Corporation and American Ecology Corporation

Sabra Smith-Newby, Legislative Advocate, representing the City of Las Vegas, Nevada

**Chairwoman Leslie:**

[Meeting called to order and roll called.] We'll begin by opening the hearing on S.B. 146.

**Senate Bill 146 (1st Reprint): Makes various changes concerning detection and marking of subsurface installations. (BDR 40-654)**

**Dave Noble, Assistant Staff Counsel, Public Utilities Commission of Nevada (PUC):**

Senate Bill 146 is the Commission's proposal to streamline and simplify the process of accurately locating and marking underground facilities prior to excavation.

Beginning in October of 2005, we request that new construction of nonconductive utility facilities, which are made out of concrete PVC [polyvinyl chloride] and those types of materials, be marked with tracer wire and above-ground or below-ground electronic markers, depending on the operator's choice of marker. The reason is that facilities can be easily detected underground because they're made out of a metallic material. In the case of telecommunications, an electrode can be put at one end that sends a signal through it. There are devices that can pick up the utility facility underground and can accurately mark it.

Without the avenue of marking, the utility has to rely on as-built plans, and those are not always accurate. As a result, you have a larger number of dig-ins, even though those facilities have been marked by the utilities. This is an effort to minimize the number of dig-ins and accurately mark the facilities, so there's no disruption of the utility services.

Some counties require marking as part of their operations, and other counties do not. This would bring consensus across the state in how operators of underground facilities mark their new construction. It enables them to detect those utilities when there's going to be excavation.

Sections 2 through 4 are ministerial, referring back to Section 1 and incorporating those into *Nevada Revised Statutes* (NRS). Currently, Section 5 provides that when an excavator is going to dig in a certain area, the area delineated is marked in white. The operators come in, see the white markings, and then locate their facilities within those demarcations. Currently, NRS states that white paint be used. The problem is that if the marking is on dirt or some other material where it can fade away, the operators may not have accurate information to properly mark the facilities.

We've asked to include flags, stakes, and whiskers because they have more permanency in areas that aren't asphalt or hard surfaces, which easily receive paint and hold it for a period of time.

Section 6 is in regard to the actual marking of the facilities. Currently, NRS 455.133 provides that certain colors be used for underground facilities. We're asking that the Commission have the authority to adopt regulations that

have consistent marking. For example, fiberoptic is marked "FO." We'd like to adopt the American Public Works Association's (APWA's) consensus standards for marking these facilities. If there are changes in the future, the Commission could make the changes through rulemaking. They wouldn't have to come back to the Legislature to effectuate those changes.

**Chairwoman Leslie:**

I know some members are wondering why the Health and Human Services Committee is hearing S.B. 146. It's because it's in our chapter. Believe it or not, all the bills today are unusual for us, but they are all in Chapter 40 of *Nevada Revised Statutes*, which belongs to the Health and Human Services Committee.

**Assemblyman Hardy:**

What about projects that were bid before October 1, 2005? What is the cost of doing something like this, and have we made allowances for previously bid projects? Will they continue under a grandfather clause?

**Craig Steele, Manager, Safety and Quality Assurance, Public Utilities Commission of Nevada:**

The operators perform the marking. They sometimes do it with their in-house sources, and sometimes, they do it through contractors. There are no significant differences. The colors we are deleting in this bill will be the same colors that are adopted. The only difference is that we will be adopting a few colors that are not identified in this statute. To the best of my knowledge, there are no contracts. This is not a public works issue. There would not be a public works contractor charged with this, and there would be no cost to them.

**Assemblyman Hardy:**

I don't know how there can't be a cost, because you're putting something on something underground or you have to track it in some way. Somebody has to pay for the extra wire or extra receiver. If there's a project that's already been bid, there's an additional cost somebody didn't take into account.

**Craig Steele:**

I was thinking of a different part of the bill. The part you're referring to is the electronic markers. The utility would have the option to choose. There are different methods they can employ, but yes, there would be some additional cost, and it would be picked up by the utility. However, it would be offset by the savings to the utility of being able to accurately mark their facilities.

Some of the devices mentioned in the bill are already in use by the Las Vegas Valley Water District and others. We're not inventing a new device here. We

want the utility to place something underground that would enable them to mark it from the surface without having to dig it up. The accuracy afforded by that should save them long-term, because if they fail to mark it accurately, the cost of the repairs is borne by the utility.

**Assemblyman Hardy:**

If they're already doing it, do we need a law to do it, or is this a law that will make somebody, who is a private contractor subcontracting to the utility, do something they didn't plan on doing, but now they have to?

**Craig Steele:**

Burying these markers is not a universal practice across the state. However, these are the Orange Book specifications and the Orange Book standard details. The Orange Book standard details provide that underground utilities are marked with tracing wires and other devices to enable them to be marked. I would estimate that the vast majority of nonmetallic conduit and others are being marked in that fashion today.

It will impact a few utilities who don't mark and place trace wire in their trenches. Those people will need to do that. If the wire costs two cents a foot and the installation of the pipe costs \$18 a foot, it's not a significant cost. The cost of nonmetallic or radio-type devices that might be placed over a concrete vault could cost more. The cost is worth it, according to the Las Vegas Valley Water District. Southwest Gas Corporation also uses these markers.

**Assemblyman Hardy:**

Are the utilities that will be affected by this aware of it?

**Craig Steele:**

Yes. The proposal of this bill came out of rulemaking conducted by the Public Utilities Commission over the last couple of years. The participating stakeholders included two gas companies, both power companies, two water districts, a representative from the Underground Utilities Contractors Association, and USA [Underground Service Alert] North, which is the "call before you dig" organization. Since we did not have the statutory authority to add the FO, they recommended we bring it to the Legislature. They are aware of these practices.

**Assemblyman Hardy:**

Thank you. I appreciate it.

**Chairwoman Leslie:**

Are we going to have to make a statutory change every time something new comes along?

**Dave Noble:**

Section 6 would make it a one-time change. It would empower the Commission to adopt those standards. If there's a consensus change among the stakeholders from the American Public Works Association, the Commission could make that change at any time in the future.

**Mark Sullivan, Assistant Executive Director, Associated General Contractors of America (AGC), Nevada Chapter:**

I have an amendment ([Exhibit B](#)) to distribute for S.B. 146. When I went before the Senate Human Resources and Education Committee—we were unaware of these proposed changes—I hadn't had an opportunity to review the bill beforehand. I was told at that Committee hearing that they wanted to check this for national security reasons.

I was specifically concerned about Section 6, because you're removing those markings. Contractors call USA North, and USA North contacts the operators who go out and mark the concrete or pavement where the utilities are, so the contractors don't dig into them. They said, for national security reasons, "We don't want those markings on the ground because terrorists could attack them."

When I went back to my office and looked at the telephone pole behind my office, there was a big orange thing on the side of it that said, "Fiberoptic line." It has little orange balls going across it and running down the power line. Then I went down to the railroad tracks, and they have four-foot high PVC pipes sticking out of the ground that say, "Fiberoptic lines." Attack here, I suppose, if you were going to attack them.

It didn't make sense to me. When I contacted Mr. Noble, he said that he researched it more and said, "We actually want national consistency." It's not consistent between Northern Nevada, the APWA, and the Common Ground Alliance, which get together to decide what color everything should be.

The only change you would need to make in the law, to make it consistent with Northern Nevada, the APWA, and the Common Ground Alliance, is to put an "O" in there. Right now you have "F." That was the explanation that was given to me for yanking everything out of there, rather than just adding an "O."

We are concerned about the dig-in if you don't have the markings, which is what you were talking about. The fiberoptic lines go to hospitals, airports, and

other critical facilities. If you were to dig into those right now, and they were mismarked, there would be a debate over whether or not it was mismarked by the contractor or the people who marked it.

[Mark Sullivan, continued.] If they were moving out of the location, they'd be hand-digging everything where there's a possibility of having some kind of fiberoptic line in there. Their proposal to me was that they would mark it with orange, which every telecommunication line is marked with. If it's marked with orange, you're going to have people out there hand-digging.

The comment that Assemblyman Hardy made is absolutely correct. There are costs associated with this, and they are rather high. When you refer to operators, you're talking about the operators of those facilities, not equipment operators. It could be a telecommunications company or a cable company. Make sure that's clear. The people who operate equipment go out there and dig where they're told to dig. If there's an orange line in the ground, instead of an "F" or an "FO," they won't dig with equipment. They'll hand-dig it. I don't know how they arrived at this decision. I think you should contact TMWA [Truckee Meadows Water Authority] and Sierra Pacific and ask them if they think their costs are going to go up.

It's the end user and the taxpayer whose costs go up, or anybody who ends up using those services. When you are doing public works projects for public entities, a lot of this is in the right-of-way of the streets.

**Chairwoman Leslie:**

Let me ask you about your amendment ([Exhibit B](#)). Do you want the colors back?

**Mark Sullivan:**

Yes. The only change that amendment would make in the current law would be to add an "O." The rest of the bill is fine. I'm talking about Section 6 of the bill.

**Chairwoman Leslie:**

They took the colors out.

**Mark Sullivan:**

They struck all the colors out on the Senate side.

**Chairwoman Leslie:**

You want the colors back in.

**Mark Sullivan:**

Right.

**Chairwoman Leslie:**

Mr. Noble, could you come back and explain why this is not a good idea?

**Dave Noble:**

We do not agree with Mr. Sullivan's proposal. Mr. Sullivan proposes to put everything back in and change the designation of the fiber optic from "F" to "FO." That's what our bill does when it provides that the Commission will adopt regulations. We have stated that we will adopt the standards of the American Public Works Association. Their designation for fiberoptics is "FO." If we go with Mr. Sullivan's proposal, we're already out of alignment with APWA because they also have the color purple for reclaimed water. So, we'd have to come back and change that again.

When we sat down and talked with them, we took a look at it and felt that it was more appropriate for the Commission to have the ability to adopt the standards, the consensus national standards. That way, we wouldn't have to keep coming back to the Legislature when there's a change.

**Mark Sullivan:**

We have a higher level of comfort with having it in the law because it's more difficult to change. We're not recommending anything other than what the national standard is. We would be amenable to upgrading this to whatever it needs to be.

**Chairwoman Leslie:**

You're saying the national standard.

**Mark Sullivan:**

Yes, whatever the national standard is. I get paranoid when someone tells me one thing and then they tell me another thing. It doesn't make sense to me. This is the first time I've heard it stated on the record that it would be "FO" in the Public Utilities Commission.

**Chairwoman Leslie:**

Are you referring to the national security issue? Is that what you mean by being "uncomfortable"?



**Mark Sullivan:**

Right. That's originally what it was, and then it was national consistency. If you want national consistency, it would be very easy to put "national consistency" into the statute.

**Chairwoman Leslie:**

You would feel better if we amended it to say that?

**Mark Sullivan:**

Absolutely.

**Craig Steele:**

Very little is being changed in NRS 455 by S.B. 146. There are a lot of things that still remain the same. The excavators, who are required to call two days in advance, are required to mark in white the perimeter of the location where they will be doing their excavating.

The association for operators, which is USA North, is still required to distribute notifications to those utilities that operate facilities within that area. That hasn't changed. The contractors or utilities are still required to mark all their facilities. They are required to use a color code. The color code is not changing. The color code that is in the statute will not be changed, with the exception of adding the color purple for the reused water and putting the "O" back in.

The impact of this is very minimal. We're transferring from the statute to the regulation what this color code will be. Currently, the national consensus, which is basically the American Public Works Association set of color codes, is still in the statute. The color codes of the American Public Works Association have been adopted by the Common Ground Alliance, which is a national association of multiple stakeholders. There are 15 to 20 different types of companies that are represented there. There are insurance companies, call centers, and excavators. It is the consensus of Common Ground Alliance to adopt the American Public Works Association color codes.

It's our expectation from staff that we will adopt the APWA series of colors as the regulation. It is a national consensus and is well debated. We don't see any reason to create a Nevada color. At this point in time, given that APWA does use "FO" for fiber optic, we would be using that same "FO."

**Mark Sullivan:**

We both agree on what should be in there, but it's whether or not the Legislature is going to oversee it or the Public Utilities Commission is going to oversee it. I think that is the question.

**Assemblyman Hardy:**

Why are we here? We're all in agreement, except we wonder who's going to oversee it. If we legislate something in that agrees with the organization that decides on the colors, and you're okay with that, do we just need to codify regulations, but we disagree on how that should be codified?

**Dave Noble:**

On the Senate side, there was discussion about Section 6 and whether or not to put in the standards adopted by the American Public Works Association, versus providing that the Commission adopt the standards. The Senate decided that if language is put in, which exists in the current version of S.B. 146, these organizations, like the American Public Works Association, may occasionally change names or metamorphose into something else, so why not just leave it to the Commission? The Commission is the one who is enforcing the "call before you dig." They are the authority on this and will be the ones tracking it for the foreseeable future. Put the authority to adopt the appropriate regulations for markings in the hands of the Commission.

**Assemblyman Hardy:**

So, if that's the reason, are we all okay with that?

**Mark Sullivan:**

We are more comfortable with that authority belonging to the Legislature and having it in the law. My understanding of the last change that happened with the Common Ground Alliance, which is all those groups that Mr. Steele talked about, was that the AGC was a part of it.

The frequency with which that changes is low. It looked like we had a recent change, but previous to that, it had been 11 or 12 years. It's not something that the Legislature will see every session.

On the Senate side, when I heard they were going to pull it out of there, nobody mentioned anything to me about a regulation or anything else. If I hadn't gone over there and said something, or if I hadn't been here today, I suppose it could have been pulled out, and there would be no markings for fiber optics. I am concerned that something isn't right. I would rather leave it with the Legislature.

There are three people on the Public Utilities Commission, and I don't know one of them by name. I have a certain comfort level with the legislators that represent me and the people that I represent, who are contractors and subcontractors in our industry. They have a higher comfort level with coming and talking to their legislator about problem issues. That's why we're asking for it to stay here.

**Assemblywoman Parnell:**

I want to be clear about having the PUC make those regulations, versus something in the bill that talks about the American Public Works Association regulations. If we give it to the PUC and take out that national standard, then you could conceivably have rules or colors different from other states. Is that true?

**Dave Noble:**

If other states adopt a standard that is not the APWA standard, they would not be consistent with the national standard. If other states have the APWA standard, then Nevada would be consistent.

**Assemblywoman Parnell:**

How many other states do not use the American Public Works Association as their standard?

**Craig Steele:**

I'm not aware of any states that have other standards. There may be states—like Nevada, for example—that have not yet adopted the purple paint for reused water, or there may be some minor variations, but the trend is to the national standard.

**Assemblywoman Parnell:**

I want to add, for the record, that I would be comfortable if, somewhere in the bill, it referenced the national standard as being the guideline that we would follow.

**Chairwoman Leslie:**

That's probably a good idea. Are there any other questions? [Chairwoman Leslie yielded the gavel to Vice Chairwoman McClain.]

**Debra Jacobson, Legislative Advocate, representing Southwest Gas Corporation:**

I am here today to support S.B. 146. Southwest Gas Corporation and other utilities were part of the group that worked on this bill over the last year to get the changes in. We sponsored the amendment on the other side regarding Section 6, which everyone is discussing, and a part of the bill that talks about allowing whisksers and flags for marking. The reason behind that, although no one has questioned it, is to codify industry practice. White paint works really well on hard surfaces such as asphalt, but it doesn't work as well on unpaved roads.

[Debra Jacobson, continued.] We proposed the exact line that everyone is talking about: adopting the American Public Works Association codes. That was in our amendment and is what the utilities and the Contractors Association had initially wanted. After the hearing, the Legislative Counsel Bureau (LCB) contacted the Public Utilities Commission with a question about that. They thought this was a better way to handle it.

We wanted to take the specific color codes out of the statute and adopt the American Public Works Association color codes. That's how we ended up with the language that will allow regulation to be done by the Commission.

**Vice Chairwoman McClain:**

The Legislative Counsel Bureau suggested you take that reference out?

**Debra Jacobson:**

That's my understanding. They contacted the Public Utilities Commission, because it's their bill, and they agreed to that. We're fine with it, because these are our facilities. We are the ones who mark them, and we don't want people digging into our facilities. We will be very involved, obviously, at the Commission level.

**Vice Chairwoman McClain:**

I'd like to ask the Research staff to follow up on that. We reference other codes in other areas of NRS.

**Debra Jacobson:**

Initially, we wanted to reference the American Public Works Association code. We're fine with it either way.

**Vice Chairwoman McClain:**

We'll have Barbara Dimmitt check on that. Are there any questions? Is there anyone else who wishes to testify on S.B. 146? I'll close the hearing on S.B. 146 and open the hearing on S.B. 354.

**Senate Bill 354 (1st Reprint): Revises provisions governing municipal solid waste management systems. (BDR 40-1153)**

**Jennifer Lazovich, Legislative Advocate, representing Republic Services, Inc.:**

Senate Bill 354 is very straightforward. Existing law allows for municipalities that have an improved plan for solid waste to adopt an ordinance that allows

them to collect on any unpaid garbage bill. Currently, the cities of Las Vegas and Henderson have those ordinances in effect.

[Jennifer Lazovich, continued.] In working with Clark County to adopt an ordinance that would allow Republic Services, or any garbage companies that operate in Clark County, the ability to collect unpaid garbage bills, a concern was raised that the language needs to be a little more expressive. This is the reason we brought this bill forward. We worked with Clark County, as well as all the other local governments, to make sure that the language satisfied their needs and made them comfortable.

We had no problems on the Senate side. Mr. Dan Musgrove spoke in support of the bill on the Senate side.

**Vice Chairwoman McClain:**

This is a classic example of what cities are allowed to do and counties aren't.

**Assemblywoman Weber:**

I was curious about the amount of accounts that go into arrears.

**Jennifer Lazovich:**

In the city of Las Vegas, they send out approximately 420,000 bills. They bill every 4 months. The people who don't pay—we have to start sending out letters—amounts to 1.4 percent. It is a small amount, but it adds up. With respect to Henderson, 272,000 bills are sent out, and approximately .09 percent do not pay.

**Assemblywoman Weber:**

Is that commercial and residential?

**Jennifer Lazovich:**

I believe it's just residential.

**Vice Chairwoman McClain:**

Is there anyone else who wants to testify on S.B. 354? We'll close the hearing on S.B. 354 and open the hearing on S.B. 395.

**Senate Bill 395 (1st Reprint): Transfers responsibility for operation of certain programs from Health Division of Department of Human Resources to Division of Environmental Protection of State Department of Conservation and Natural Resources. (BDR 40-660)**

**Leo Drozdoff, Administrator, Division of Environmental Protection, Department of Conservation and Natural Resources, State of Nevada:**

[Mr. Drozdoff submitted and read testimony from [Exhibit C](#), which is incorporated herein.]

**Assemblyman Hardy:**

If we change from the State Health Division to the State Environmental Division, what becomes of Clark County Health District, which currently looks at drinking water? There are county agencies that are involved here as well.

**Leo Drozdoff:**

They remain unchanged.

**Assemblyman Hardy:**

Does the county health district get all of its jurisdictional authority from the county and not the State Health Division?

**Alex Haartz, Administrator, State Health Division, Department of Human Resources, State of Nevada:**

[Submitted [Exhibit D](#).] For the purposes of the Safe Drinking Water Act of 1974, that's performed on a contractual basis. The statutory authority is at the state level, recognizing that there are entities that perform that function closer to the community. That's a delegated contractual authority. With this transfer, the Division of Environmental Protection will be the contracting agency, and Clark County Health District would perform the function on their behalf.

The Health Division is in support of this, as well as the Department of Human Resources, and believes it creates a streamlined single-agency system. As Administrator Drozdoff said, this transfer, from a financial standpoint, has been heard by the joint subcommittees and has been approved at their level. This bill takes care of the statutory aspects related to this transfer.

**Kaitlin Backlund, Political Director, Nevada Conservation League:**

We would like to go on record in support of the bill.

**Steve Walker, Legislative Advocate, representing Truckee Meadows Water Authority:**

We feel that combining all the water quality duties of the state into one department makes a lot of sense. We're regulated by them, work with them, and are completely supportive of this move.

**Stephanie Wilson, Environmental Scientist, Region 9, United States Environmental Protection Agency, San Francisco, California:**

The United States Environmental Protection Agency supports the proposed transfer of the PWSS [Public Water Supply Supervision] Program from the State Health Division to the Nevada Division of Environmental Protection for many of the reasons that Mr. Drozdoff outlined.

Consolidation of the Safe Drinking Water Act of 1974 programs into one agency will provide savings and better efficiency in the administering of those programs. The integration of Clean Water Act of 1972 programs with the Safe Drinking Water Act of 1974 programs provides additional protection for surface and drinking water quality.

We support the proposed transfer because we think it will benefit the environment and public health in Nevada. I have a letter from our regional administrator ([Exhibit E](#)) showing our support and approval of the proposed transfer.

**Andy Belanger, Legislative Advocate, representing Southern Nevada Water Authority and Las Vegas Valley Water District:**

We want to express our support for S.B. 395.

**Joe Johnson, Legislative Advocate, representing the Toiyabe Chapter of the Sierra Club:**

We would like to go on record in support of S.B. 395.

**Vice Chairwoman McClain:**

Are there any questions from the Committee members? We'll close the hearing on S.B. 395 and open the hearing on S.B. 396.

**Senate Bill 396 (1st Reprint): Revises various provisions regarding waste disposal and regulation. (BDR 40-401)**

**Leo Drozdoff, Administrator, Division of Environmental Protection, Department of Conservation and Natural Resources, State of Nevada:**

This bill will change sections in Chapter 444 of *Nevada Revised Statutes* (NRS), which are the statutes covering collection and disposal of solid waste. Chapter 444A of NRS has statutes that cover programs for recycling. Chapter 459 of *Nevada Revised Statutes* has statutes covering hazardous waste disposal.

[Leo Drozdoff, continued.] Section 1 of the bill contains two significant changes to NRS 444.560. These changes include the deletion of existing authority for establishment of fees and the substitution of revised authority for fees. I want to assure the Committee that no new fees will be put in place over the next biennium. The fees in question will not be effective until 2008, and only after a process, which will include public participation and adoption of a fee schedule by the State Environmental Commission. The Governor's Office is aware of the proposed changes and concurs with the need for this change.

The first change in Section 1 deletes existing language that allows the State Environmental Commission to establish fees specifically applicable to the importation of solid waste. The United States Supreme Court has ruled that such laws are in violation of the *United States Constitution*, Article 1, Section 8, Clause 3, the Interstate Commerce clause, which is the basis for our recommended deletion of this portion of the statute.

The next change in Section 1 is the addition of language that will allow the State Environmental Commission to establish a schedule of fees based on the disposal of solid waste or the issuance of permits. These fees would only be applicable to facilities subject to the jurisdiction of the Division. In Clark and Washoe Counties, the local health districts are the designated solid waste management authority. For all other areas of the state, the Division acts as the solid waste management authority. This amendment would only affect areas outside of Clark and Washoe Counties.

The principal reason for this amendment is to ensure that landfills that import large volumes of waste from out of state pay for the regulatory oversight associated with their facilities. It's an equity issue for the residents of Nevada, who fund solid waste and recycling programs by paying a fee of \$1 on every tire they purchase. However, this tire fee supports the entire regulatory program in the Division and significant portions of the Clark and Washoe County programs.

Both Clark and Washoe Counties have additional fee schedules in place to supplement their share of revenue under the tire fee. Under the amended law, we have proposed a fee schedule to cover costs of permanent application reviews and compliance monitoring in solid waste facilities. Revenue generated by the proposed fee would replace some tire fee revenue. The tire fee revenue could then be used to support recycling efforts in Nevada.

On an annual basis, we currently fund approximately 100,000 to 150,000 recycling projects with tire fee revenue. This typically represents about 10 to 15 projects, for things like the purchase of playground equipment made



from recycled materials in the City of Sparks, a shop furnace that burns oil in Pershing County, and recycling containers for the UNLV [University of Nevada, Las Vegas] recycling program. However, we consistently receive more proposals than we can fund, so we're certain we can utilize any additional revenue that becomes available in the future.

[Leo Drozdoff, continued.] The driving force behind this change is an equity issue. It would ensure that any out-of-state waste is at least paying for the regulatory oversight of the disposal facilities being put in place to accept this waste.

Section 2 amends NRS 444.570 to clearly define the times and areas of solid waste facilities that Division employees can inspect without a search warrant. The existing provisions that allow entry were successfully challenged in a Nevada District Court and found to be too broad. This proposed amendment narrows the Division's authority to entry during normal working hours and to portions of the facilities associated with solid waste activities.

Section 3 amends NRS 444.583 by replacing updated language with wording that is consistent with Nevada solid waste law. Throughout this section, the word "Department" is replaced by "solid waste management authority." This change reflects the fact that Clark and Washoe Counties act as lead solid waste agencies in their respective jurisdictions.

Section 4 amends NRS 444.592 by replacing an incorrect citation of another statute.

Section 5 amends NRS 444A.040, concerning the requirements and municipal recycling programs in Clark and Washoe Counties. The Clark County Recycling Forum of 2001 identified that a lack of public information for businesses on recycling services creates an obstacle for improving recycling within that county. This change will help address the issue by requiring counties to provide information to applicants when a new or renewed business is applied for. This information could be transferred in the form of an informational handout or identifying link on the county website.

Section 6 amends NRS 444A.050, which also addresses requirements for municipal recycling programs. In this section, municipalities are required to evaluate the effectiveness of their recycling programs and propose necessary program improvements. The frequency of the program is changed from 3 years to 2 years, each even-numbered year. Those reviews and any proposed program revisions must be submitted to the Division for approval. We are proposing this amendment because it will allow the Division to include the most current

information in our biennial report to the Legislative Counsel Bureau, which is submitted January 31 of each odd-numbered year.

[Leo Drozdoff, continued.] Section 7 amends NRS 444A.060 by clarifying the language required on notices concerning management of used tires in Nevada. This notice, which must be posted by a retail facility selling tires, informs the purchaser that the retailer must accept used tires for disposal or recycling when new tires are purchased.

Section 8 amends NRS 444A.110 by giving the Division the authority, subject to regulations adopted by the State Environmental Commission, to award grants for the enhancement of solid waste systems and to promote recycling.

The Division currently accomplishes much of the work required under the statute by contracts with local governments, educational institutions, and nonprofit organizations. The State contract procedure is poorly adapted to these ends, because it's usually structured to facilitate an arrangement between the State and a contractor who's providing a service to the State. The goal of this statute is to support effective local recycling programs, not to provide a direct service to the State. Grant programs have more flexibility and would be a more appropriate financial mechanism to implement this section of the law.

While the Division awards contracts, our authority is also limited to public education about solid waste and promotion of recycling programs. With this amendment, we could expand the scope of our efforts to address the program areas in greatest need. For example, we could award grants to rural areas to assist with orphan dump cleanups, help out anti-illegal-dumping campaigns, or assist a needy rural local government with the purchase of solid waste facilities or equipment.

No additional funding is requested for these grant programs. As with our current recycling contracts, the grants would typically be less than \$15,000 each and would total approximately \$150,000.

Sections 9, 10, and 11 amend Chapter 459 of NRS, which is Nevada's hazardous waste disposal law, by requiring all new and expanding hazardous waste disposal facilities to be constructed with a liner and a leachate collection and removal system. These sections also remove the option for an applicant to request a variance for this requirement from the State Environmental Commission.

Additionally, Section 13 provides an exemption for these requirements for existing facilities if they undergo or commence closure before

December 31, 2005. We want to be clear about this: the only facility that this applies to is a disposal site operated by the Department of Energy and the Nevada Test Site. This disposal site, scheduled for closure, has been in operation since 1985.

[Leo Drozdoff, continued.] Finally, Section 12 would repeal NRS 444.587. The text of the repealed section is shown on the last page of the bill. The statute requires the Division to develop recycling markets in Nevada. This requirement of the section was originally the responsibility of the Office of Community Services, but that office was eliminated in the 67th Legislative Session, and those responsibilities were shifted to the Division.

There is no question that recycling markets are essential for the success of recycling programs. The Division recognizes that market development is an appropriate government function. However, market development, despite our best efforts, is outside the purview and expertise of Division staff. An effective program would exceed both resources and the authority of this agency. Our market development efforts over the last decade have been unsuccessful. We believe such an issue would be more appropriately addressed by an economic development agency, and we pledge our full support there.

**Vice Chairwoman McClain:**

I'm a little curious about changing from 3 years to 2 years. Is there anyone who is against doing that?

**Doug Zimmerman, Bureau Chief, Bureau of Waste Management, Division of Environmental Protection, Department of Conservation and Natural Resources, State of Nevada:**

No. We've consulted with both counties. It will allow us to generate the report that the statute requires us to give to the Legislative Counsel Bureau with the most current information. Both counties have indicated their support of that.

**Kaitlin Backlund, Political Director, Nevada Conservation League:**

We would like to go on record in support of this bill.

**Larry Bennett, Legislative Advocate, representing U.S. Ecology Corporation and American Ecology Corporation:**

We are in support of S.B. 396. U.S. Ecology Corporation currently uses liners in all of its pits and will continue to do so in the future. We particularly support Section 11, subsection 4, which disallows variances. That is good public policy.

**Joe Johnson, Legislative Advocate, representing the Toiyabe Chapter of the Sierra Club:**

We're in support.

**Assemblyman Hardy:**

I'd like to ask Larry a question. The concept of using a liner in your pits: does this bill require that people go backwards and do that, or does this apply to new pits?

**Larry Bennett:**

I think Leo Drozdoff could answer that.

**Leo Drozdoff:**

This would apply from date of adoption and all new activities.

**Assemblyman Hardy:**

Would it apply to extensions of a pit as well as new pits?

**Leo Drozdoff:**

That's correct.

**Vice Chairwoman McClain:**

We'll close the hearing on S.B. 396 and move to the Work Session Document ([Exhibit F](#)).

**Senate Bill 118 (1st Reprint): Makes various changes concerning county coroners. (BDR 40-747)**

**Barbara Dimmitt, Committee Policy Analyst, Legislative Counsel Bureau:**

The first bill in the Work Session Document ([Exhibit F](#)) is S.B. 118, on page 3. This measure provides for an additional \$1 to be charged for issuance of a certified copy of a death certificate, and it then requires the counties to deposit the funds in a separate account for the support of the offices of the county coroner. The funds may be used for specified purposes, including youth programs—which involve visitation to the coroner's offices—equipment for the office of the county coroner, and training for ex officio members.

Senator Nolan testified that staff of the Governor's Office informed him that the bill would face a potential veto, on the grounds that it increases a fee, unless there was an opt-out for counties. You will find an amendment to that effect on page 5 ([Exhibit F](#)). Alex Haartz indicated that the Health Division and

State Registrar have identified no concerns that would require an amendment. There may need to be budgetary revisions, in terms of how the budgets are actually described, and that can be done through the Interim Finance Committee. There was no testimony in opposition to the bill.

[Barbara Dimmitt, continued.] Senator Nolan provided a statement of intent on page 5 ([Exhibit F](#)). We have a mockup of the bill beginning on page 6 ([Exhibit F](#)). Whenever it mentions a fee or participating in the program, counties are allowed to opt in or opt out. If a county opts in, it will take advantage of the opportunity to collect the additional fee, which would fund its activities. If the county did not want to participate, it would not charge the additional \$1 fee.

If the State Registrar is charging the fee through its collection on behalf of certificates of death issued for people who live in the county or who died in that county, then the State Registrar will only attribute those funds to the participating counties. It's all voluntary.

**Vice Chairwoman McClain:**

With this amendment ([Exhibit F](#)), is the \$1 or \$11 voluntary?

**Barbara Dimmitt:**

The \$1. It provides two different fees: \$10, or \$11 if the county or jurisdiction takes advantage of this program. There are two charges on page 8 ([Exhibit F](#)).

**Vice Chairwoman McClain:**

Is Senator Nolan okay with this?

**Barbara Dimmitt:**

Yes. He is the one who submitted it.

**Vice Chairwoman McClain:**

Is the coroner's office okay with making it optional?

**Barbara Dimmitt:**

I would assume so. According to the Senator, the Governor's Office finds this acceptable.

**Vice Chairwoman McClain:**

Are there any questions or discussion?

**Assemblywoman Angle:**

I will be voting no on this because there is a fee increase, even though it's optional.

ASSEMBLYMAN HARDY MOVED TO AMEND AND DO PASS  
SENATE BILL 118 WITH THE AMENDMENT SUBMITTED BY  
SENATOR NOLAN.

ASSEMBLYMAN HORNE SECONDED THE MOTION.

THE MOTION CARRIED, WITH ASSEMBLYWOMAN ANGLE  
VOTING NO. (Mrs. Koivisto and Ms. Leslie were not present for the  
vote.)

**Senate Bill 254 (1st Reprint): Makes various changes relating to child care  
facilities operated by businesses as auxiliary service provided for their  
customers. (BDR 38-1127)**

**Barbara Dimmitt, Committee Policy Analyst, Legislative Counsel Bureau:**

The second bill in the Work Session Document is S.B. 254, on page 13  
([Exhibit F](#)). This bill defines an "accommodation facility" as a child care facility  
operating in a business that wishes to provide this as a convenience for its  
customers, and the business is not in the business of child care. Originally, the  
bill was applicable only to health clubs, but then it was made broader.

There was testimony in opposition to this bill. One issue that was raised  
involved the exemption of these facilities from immunization requirements.  
Senator Nolan has submitted a proposed amendment on page 14 ([Exhibit F](#)).  
This amendment would no longer exempt these accommodation facilities from  
the immunization requirement, but it would provide that they have several ways  
they can get this information. They could get a letter from a physician, a record  
of enrollment in a public or private school where those immunization records  
would have been required as a condition of enrollment, or proof through local  
health district documentation. It also provides that evidence of the  
immunizations needs to be maintained at one location, but be accessible to  
other locations that the business has. Staff contacted Washoe County District  
Health Department and Station Casinos, both of which had problems with the  
bill as we heard it, and they have indicated that this amendment removes their  
objections to the bill.

We received no additional proposed amendments.

**Assemblywoman Parnell:**

I have a question in regard to private schools requiring immunization records. Is there anyone that could tell me if that is required for private schools?

**Barbara Dimmitt:**

I did some research on that a while back, and as I understand it, they do have these types of requirements. They have the same exemptions for parents who object on religious or medical grounds.

**Assemblyman Hardy:**

Did we get rid of the problems the City of Las Vegas had? It seems to me that we have decreased this by doing what Senator Nolan has suggested. It gets rid of their objections, but I haven't heard.

**Barbara Dimmitt:**

I attempted to contact them, and I haven't heard back yet. I don't know if anyone in the audience would know. However, they indicated that the standards were already less stringent compared to regular child care, other than the multi-level play structure and parents going in and out, which is sort of a special circumstance for this kind of facility. I don't believe that this would change the regulations with regard to accommodation facilities, other than it would restore some mention of the immunization, but as I said, I did not get a response back from them.

**Assemblyman Mabey:**

I am concerned about allowing adults to be in with the kids. In Section 4, subsection 3 of S.B. 254, it says, "An accommodation facility shall permit each parent or guardian of a child who is receiving care in the accommodation facility to attend to the needs of the child and to participate in activities with the child if the parent or guardian does so..." I'm not sure it's appropriate for parents or guardians to be in with all the other kids.

**Vice Chairwoman McClain:**

I need to think about this bill a little more. There are a couple of things in there that seem unclear to me. We'll hold this one.

**Assemblywoman Parnell:**

What requirements do we have in day care centers? This seems to me like it would function as a day care center rather than a school. I don't know if there's a difference in what our day care preschools require with regard to immunization.

**Vice Chairwoman McClain:**

If you take a child to a Kids Quest at a Station casino, it is nothing like a day care. You drop the child off and have fun for a few hours. I'm questioning the need for immunization records for something like this. It's the same thing at a health club. I see the reason behind it. You put all these kids together, and they have many germs. They're the ones that don't get sick; it's the adults who are around them. I would like to hold off on this so that someone can explain it to me a little better. It sounds like some of the other Committee members need further explanation.

**Senate Bill 280 (1st Reprint): Authorizes certain entities to transport allegedly mentally ill person to mental health facility or hospital for emergency admission. (BDR 39-1131)**

**Barbara Dimmitt, Committee Policy Analyst, Legislative Counsel Bureau:**

On page 15 ([Exhibit F](#)), you will find S.B. 280, which authorizes certain entities to transport allegedly mentally ill persons to mental health facilities or hospitals for emergency admission. The types of facilities that would be allowed to transport under this bill are exempted from some of the requirements of the Transportation Services Authority.

There was testimony from Joe Cain of REMSA [Regional Emergency Medical Services Authority], who indicated that they have a nonprofit affiliate that would be covered by this bill. If it were deemed appropriate for this nonprofit to provide the transportation for an individual, it would be less expensive than an ambulance.

Mr. Cain provided the Committee, because there were a number of questions regarding what safety requirements would still be in place under this bill, the information that's on page 17 ([Exhibit F](#)). It only exempts these entities from having to obtain a certificate of public convenience and necessity, which is something that is required by common carriers. It would still bring these entities under oversight with regard to safety.

These nonprofits would also be subject to local government business licensing requirements. It's the certificate of public convenience and necessity that would be exempted here. These transporters are already exempt from this, and this would allow them to be an additional transporter of the mentally ill to the mental institutions and hospitals.



ASSEMBLYMAN HORNE MOVED TO DO PASS SENATE BILL 280.

ASSEMBLYMAN HARDY SECONDED THE MOTION.

THE MOTION CARRIED. (Mrs. Koivisto and Ms. Leslie were not present for the vote.)

**Senate Bill 282 (1st Reprint): Makes various changes concerning certain facilities for persons released from prison. (BDR 40-622)**

**Barbara Dimmitt, Committee Policy Analyst, Legislative Counsel Bureau:**

Senator Washington's bill makes various changes concerning facilities for persons released from prison. This measure creates a category of facility for the dependent, called the "facility for transitional living for released offenders." It defines three subcategories of offenders, requires the State Board of Health to adopt standards and regulations for licensure of the facilities, and authorizes the Board to collect fees for issuance and renewal of licenses. In addition, it specifies that each alcohol and drug abuse program, with the exception of governmental entities, must be certified by the Health Division of the Department of Human Resources.

The bill further provides that a facility for transitional living for released offenders that is located near property being sold, leased, or rented would not be considered material to the transaction and need not be disclosed by the seller, lessor, or landlord.

Senator Washington testified that S.B. 282 came out of the Study of the Criminal Justice System in Rural Nevada and Transitional Housing for Released Offenders. The Department of Corrections supported the bill. Clark County supported the bill with the exception of Section 11, which concerns local authority regarding the location of facilities.

You will find an amendment from Clark County on page 20 ([Exhibit F](#)). This amendment deletes Section 11 of the bill. It restores it back to its original language. The intent is to leave all current provisions of NRS 278 intact. Clark County contends that, without this proposed amendment, these kinds of transitional housing would be given the same status and protections as are contained under the federal Fair Housing Act of 1968 and would limit Clark County and other counties' ability to have discretion as to where they are located.

**Vice Chairwoman McClain:**

Please explain again what the amendment will do.

**Barbara Dimmitt:**

Section 11 is existing law with one change; it adds the housing facilities in there. They would be included with facilities for the elderly and so forth, which have current facilities for the disabled and are protected under the Fair Housing Act of 1968. When they have protection under the Fair Housing Act of 1968, localities can do less investigation and have less discretion over the location.

ASSEMBLYMAN HARDY MOVED TO AMEND AND DO PASS  
SENATE BILL 282.

**Assemblyman Horne:**

I'm not comfortable with it.

**Vice Chairwoman McClain:**

Are you concerned with the amendment or the bill?

**Assemblyman Horne:**

With the bill.

**Vice Chairwoman McClain:**

The amendment kind of fixes the bill. We'll hold this bill. We have a suggestion by Mr. Mabey to look at the last three bills we heard today.

**Senate Bill 354 (1st Reprint): Revises provisions governing municipal solid waste management systems. (BDR 40-1153)**

**Vice Chairwoman McClain:**

Is there any discussion on S.B. 354?

ASSEMBLYMAN HARDY MOVED TO DO PASS SENATE BILL 354.

ASSEMBLYWOMAN ANGLE SECONDED THE MOTION.

**Vice Chairwoman McClain:**

This bill allows county government to establish a lien for late payments. We'll wait on S.B. 354.

**Senate Bill 395 (1st Reprint):** Transfers responsibility for operation of certain programs from Health Division of Department of Human Resources to Division of Environmental Protection of State Department of Conservation and Natural Resources. (BDR 40-660)

**Vice Chairwoman McClain:**

Is there any discussion on S.B. 395? I don't believe we had an amendment.

ASSEMBLYMAN HORNE MOVED TO DO PASS SENATE BILL 395.

ASSEMBLYWOMAN WEBER SECONDED THE MOTION.

THE MOTION CARRIED. (Mr. Koivisto and Ms. Leslie were not present for the vote.)

**Senate Bill 396 (1st Reprint):** Revises various provisions regarding waste disposal and regulation. (BDR 40-401)

**Vice Chairwoman McClain:**

Is there any discussion on S.B. 396? This bill gives the authority to the Department of Conservation and Natural Resources. We will wait on S.B. 396. Senator Nolan is here to answer questions on S.B. 254.

**Senate Bill 254 (1st Reprint):** Makes various changes relating to child care facilities operated by businesses as auxiliary service provided for their customers. (BDR 38-1127)

**Assemblyman Mabey:**

I'm concerned about allowing adults in with their children in the child care facility. That seems inappropriate. When my kids went with me to the gym, they used to be checked in and they would be able to play. When I came to pick them up—or now, when I see other people picking up their kids—they ring a

buzzer. Somebody answers the door, and they go in and pick up their kids and leave, instead of being able to play with them.

**Senator Dennis Nolan, Clark County Senatorial District No. 9:**

If it were in the capacity of monitoring and supervising the children while the parent was otherwise occupied—whether it was in a resort watching a movie, having dinner, or at a health club facility working out—I absolutely agree with you. The operators were looking for narrow allowances for parents to come back in when their toddler needed a diaper change, which we can more narrowly restrict that language. The other one was for health club facilities who wanted to designate a separate area for activities that parents could come in and do with their children. These would be adult/child activities. In that situation, it would be one-on-one. The parent and child are monitored and are in an open, supervised area. The clubs were fine with it being apart from the rest of the kids' play area if they had a designated room that all the kids went into, like an athletic room.

Those were the two situations that the industry wanted. If we need to more thoroughly define or narrowly define the bill, we could do that. Most of us are used to a small area for kids to play in at a health club. You wouldn't want to have a bunch of parents back there playing with kids in a tight spot. That wasn't their intent or my intent, either.

**Assemblyman Mabey:**

It needs to be tightened up for me to vote yes on it. The way I read it now, the parents could be anywhere.

**Senator Nolan:**

You have a conceptual amendment in front of you ([Exhibit F](#)) that we could take back and try to incorporate with some better language. The other thing that was proposed was in regard to the immunization records. After some of the testimony in this Committee, and in speaking with some of the Committee members, it seemed that even though the opportunity for contracting or disseminating communicable disease—let's face it; kids have coughs and colds, and it goes around. One of the diseases that kids might spread over and above any of those other things that they're inoculated for, there hasn't been a recorded case in Nevada in quite a while. If the Committee felt that immunization records by these organizations should still be required, they would ask for the immunization record, a letter from a physician, or a copy of enrollment in a public or private school here in Nevada. The employees at these facilities have no training in reviewing the records by statute.

[Senator Nolan, continued.] If they're enrolled in a public or private school in this state, they have to have immunization records, but they have to be reviewed by somebody who knows a lot more than these people do about what they are—that's a higher standard—or proof through a local health district, which is usually the immunization record. The only other thing they requested was, for those facilities that have a number of different facilities around town—whether it's a resort with 4 or 5 different resorts, like Station Casinos or Coast Casinos, or whether it was a health club facility—that they maintain those records at one place. The people who come in can say, "They have my records on the east side of town." They can call and verify, rather than carrying a set of documents to each location.

**Vice Chairwoman McClain:**

Don't people normally get an immunization card when their kids are up-to-date?

**Senator Nolan:**

Most kids who receive their immunizations through the Clark County Health District have a little fold-out card that they sign off on. If they don't have that, they can get a copy of the record from their doctor's office.

**Vice Chairwoman McClain:**

It sounds like it wouldn't be difficult for a parent to do.

**Assemblyman Hardy:**

Did we get rid of the City of Las Vegas' concerns with the amendment?

**Sabra Smith-Newby, Legislative Advocate, representing the City of Las Vegas, Nevada:**

Yes. We are okay with the bill as it stands.

**Vice Chairwoman McClain:**

It looks like everyone who had an interest in this is satisfied with the amendment.

**Senator Nolan:**

With regard to Mr. Mabey's concerns, we're fine with narrowing the language for parents to participate with their kids, to strictly indicate that they can assist their child if they are sick or need a diaper change. I don't know how you put that in the statute. The other provision would be if they were to participate in a structured activity with their child one-on-one and under supervision. That's what they were looking to do.

**Vice Chairwoman McClain:**

Would narrowing the language address your concerns, Mr. Mabey?

**Assemblyman Mabey:**

I think everyone knows where I'm coming from. If I'm off base, you can vote it out and I'll try to work on it. I understand in the area of a bathroom facility that is designated for use by one person. I don't have a problem with that. I'm uncomfortable with other adults playing with my children or someone else's children. If you construct it so there's an area where parents can be with their children, and it's separate from the rest of the children, that make sense to me.

I'm concerned, with the way the bill is written, that it could be intermingled with both.

**Senator Nolan:**

I share Mr. Mabey's concern. The idea of the industry was to have a separate, open area where kids can exercise with their parents or do some structured activity in a supervised situation. If it's a parent with their child, participating in a supervised structured activity in a separate, designated area, that's fine.

**Assemblywoman Parnell:**

Wouldn't the difference be that then you are under the care of your parent? That takes it out of what we're looking at as a group situation, requiring the immunization record. If I want to take my child into a health club facility and jump rope with my child, I haven't turned them over to the care of the facility. Those two don't go hand in hand. I would appreciate some clarification on that.

**Senator Nolan:**

I'll check with the industry. That's a good point. If a parent is with their child in a separate area apart from the child care facility, and they're doing some activity with their parent, they don't need to be in the day care part of it. We'll talk to the people who are promoting this, but that makes a lot of sense. In that provision, we may not even worry about including the parents and the one-on-one activity issue.

**Vice Chairwoman McClain:**

However, it does say "child care facility," which infers that you're leaving your kid there.

**Assemblyman Hardy:**

If parents are participating one-on-one with their children, that's fine. If you have a parent with his child and there are other children around, that's where

we have the problem. If a parent and a child are together with another parent and a child, I don't think we have a problem.

**Senator Nolan:**

I agree with you.

**Assemblyman Hardy:**

But, if we get a parent...

**Senator Nolan:**

In with a bunch of other kids...

**Assemblyman Hardy:**

That's where we have the problem.

**Senator Nolan:**

Yes. I agree.

**Assemblywoman Leslie:**

Having come in late, do we have to change the amendment?

**Senator Nolan:**

What we've proposed in the amendment was related to immunization, which I think is fine, unless there are some other objections. The only other thing that we were looking to include was allowing parents to come back to assist their child if they become sick or need assistance. The industry wants to allow parents to come back and participate with kids, but I think Ms. Parnell made a very good point. If they're going to create the type of environment where parents can participate with their kids apart from the group in a designated area, then they don't necessarily have to be in the child care facility. Since the parents are with them, there may not even be a need for that provision.

We are fine with the amendment the way it stands. We'll work in some language for parents to help kids when they need it.

**Assemblyman Mabey:**

In Section 4, subsection 3(a) of S.B. 254, we could delete (a), "In an area of the accommodation facility that is supervised by an operator of the accommodation facility." We would leave in (b), "In an area of a bathroom facility that is designed for use by one person." It could probably be cleaned up better.

**Vice Chairwoman McClain:**

So, all we're leaving in there is a bathroom? Why don't we just leave them both out?

**Assemblywoman Gerhardt:**

The previous testimony that we heard from people who supervise day care at gyms was that they aren't allowed to change diapers. Is that correct? It is important that parents have some private area where they can come in and care for their children.

**Vice Chairwoman McClain:**

Is there any other discussion? I will accept a motion to amend and do pass with all of the above that we've been discussing.

ASSEMBLYWOMAN LESLIE MOVED TO AMEND AND DO PASS  
SENATE BILL 254.

ASSEMBLYWOMAN PARNELL SECONDED THE MOTION.

THE MOTION CARRIED. (Mrs. Koivisto was not present for the vote.)



Assembly Committee on Health and Human Services

May 16, 2005

Page 33

[Vice Chairwoman McClain yielded the gavel to Chairwoman Leslie, who adjourned the meeting at 3:05 p.m.]

RESPECTFULLY SUBMITTED:

---

Joe Bushek  
Committee Attaché

APPROVED BY:

---

Assemblywoman Sheila Leslie, Chairwoman

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

**EXHIBITS**

**Committee Name:** Committee on Health and Human Services

**Date:** May 16, 2005

**Time of Meeting:** 1:31 p.m.

<b>Bill</b>	<b>Exhibit</b>	<b>Witness / Agency</b>	<b>Description</b>
	A		Meeting Agenda
S.B. 146	B	Mark Sullivan / Associated General Contractors of America, Nevada Chapter	Proposed amendment
S.B. 395	C	Leo Drozdoff / Division of Environmental Protection, Department of Conservation and Natural Resources, State of Nevada	Prepared testimony
S.B. 395	D	Alex Haartz / State Health Division, Department of Human Resources, State of Nevada	Prepared testimony
S.B. 395	E	Stephanie Wilson / Region 9, U.S. Environmental Protection Agency, San Francisco, California	Letter from Regional Administrator Wayne Nastri of the U.S. Environmental Protection Agency supporting the bill
S.B. 118 S.B. 254 S.B. 280 S.B. 282	F	Barbara Dimmitt / Legislative Counsel Bureau	Work Session Document