

**MINUTES OF THE  
SENATE COMMITTEE ON HUMAN RESOURCES AND EDUCATION**

**Seventy-third Session  
April 13, 2005**

The Senate Committee on Human Resources and Education was called to order by Chair Maurice E. Washington at 1:30 p.m. on Wednesday, April 13, 2005, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412, 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 at the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator Maurice E. Washington, Chair  
Senator Barbara Cegavske, Vice Chair  
Senator Dennis Nolan  
Senator Joe Heck  
Senator Bernice Mathews  
Senator Valerie Wiener  
Senator Steven Horsford

**STAFF MEMBERS PRESENT:**

Leslie K. Hamner, Committee Counsel  
Marshellah D. Lyons, Committee Policy Analyst  
Cynthia Cook, Committee Secretary

**OTHERS PRESENT:**

Todd M. Butterworth, Chief, Office of Disability Services, Department of Human Resources  
Robert A. Desruisseaux, Northern Nevada Center for Independent Living  
Bob Hogan, Nevada Community Enrichment Program  
Brian Burke, Northern Nevada Disability Advocacy and Law Center  
Lorrie Smith, Northern Nevada Disability Advocacy and Law Center  
Michael Jones  
Charles Duarte, Administrator, Division of Health Care Financing and Policy, Department of Human Resources  
Lawrence P. Matheis, Nevada Medical Association

Senate Committee on Human Resources and Education  
April 13, 2005  
Page 2

Coleen Lawrence, Social Services Chief, Division of Health Care Financing and Policy, Department of Human Resources  
Darrell W. Faircloth, Deputy Attorney General, Office of the Attorney General  
Jeanette Belz, Nevada Psychiatric Association  
Joyce Haldeman, Clark County School District  
Dr. Keith Rheault, Superintendent of Public Instruction, Department of Education  
Anne K. Loring, Washoe County School District  
Michael J. Willden, Director, Department of Human Resources  
Dorothy (Dotty) Merrill, Washoe County School District  
Craig Kadlub, Clark County School District  
Alice Baldrice, Deputy State Historic Preservation Officer, Office of Historic Preservation, Department of Cultural Affairs  
Pamela B. Wilcox, Administrator and State Land Registrar, Division of State Lands, State Department of Conservation and Natural Resources  
Daniel J. Klaich, Vice Chancellor of Legal Affairs, System Administration Office, University and Community College System of Nevada  
Bradford Lee, M.D., J.D., M.B.A., State Health Officer, Health Division  
Department of Human Resources  
Daniel K. O'Brien, Manager, State Public Works Board, Department of Administration  
Rose E. McKinney-James, Clark County School District  
Alexander Haartz, M.P.H., Administrator, Health Division, Department of Human Resources  
Julie Whitacre, Nevada State Education Association

CHAIR WASHINGTON:

We will open the hearing on Senate Bill (S.B.) 187.

**SENATE BILL 187**: Revises provisions relating to payment of per diem and travel expenses for members of Advisory Committee on Traumatic Brain Injuries. (BDR 38-686)

TODD M. BUTTERWORTH (Chief, Office of Disability Services, Department of Human Resources):

The bill enables the Advisory Committee on Traumatic Brain Injuries to receive payment for per diem and travel expenses. There is a fiscal note of \$4,100.

ROBERT A. DESRUISSEAU (Northern Nevada Center for Independent Living):

The bill was recommended by the Strategic Plan Accountability Committee and the Legislative Committee on Persons With Disabilities. Nevada is one of four states without a State Plan for traumatic injuries. The Office of Disability Services was recently awarded a federal grant to develop a traumatic brain injury (TBI) plan for the State. In order to move forward with this process, we need the input of the community. The \$4,100 fiscal note will be matched with 3-to-1 federal dollars. We will have the opportunity for federal grants for five more years after the TBI State Plan is complete.

SENATOR CEGAVSKE:

Is there still a high school program for students with TBI?

MR. BUTTERWORTH:

The focus of our program is for adults.

BOB HOGAN (Nevada Community Enrichment Program):

The Nevada Community Enrichment Program is the largest group in the State for those with TBI. We support this bill. It will open future grant possibilities. The brain injury program at Bonanza High School in Las Vegas was discontinued by the Clark County School District (CCSD) for financial reasons.

BRIAN BURKE (Northern Nevada Disability Advocacy and Law Center):

We would like to express our support for the bill. We receive federal grant money to provide advocacy for individuals with TBI. We would like to work with this advisory board.

LORRIE SMITH (Northern Nevada Disability Advocacy and Law Center):

A TBI is for life. Nevada has an annual TBI fatality rate of 28.7 persons per 100,000 persons. The advisory committee can provide survivors with answers to their many questions regarding rehabilitation, transportation and housing.

MICHAEL JONES:

I have had two traumatic brain injuries. The second one involved a great deal of rehabilitation. I have remained unemployable since then. This bill is very important.

SENATOR CEGAVSKE MOVED TO DO PASS S.B. 187.

SENATOR WIENER SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR WASHINGTON:

We will open the hearing on S.B. 420.

**SENATE BILL 420**: Authorizes Drug Use Review Board to hold closed meetings for certain purposes. (BDR 19-172)

CHARLES DUARTE (Administrator, Division of Health Care Financing and Policy, Department of Human Resources):

The bill allows the Division of Health Care Financing and Policy to hold a closed session for the Drug Use Review Board. All information remains confidential, not subject to public record. The review will include drug-claim history for fraud, abuse, gross overuse and inappropriate or medically unnecessary care among physicians, pharmacists and patients.

LAWRENCE P. MATHEIS (Nevada Medical Association):

The matters that the closed hearings will address are somewhat obscure. There are concerns about policy issues being discussed in a closed meeting. During the occasions when individual medical records are being reviewed, whether a drug being prescribed is appropriate or the discussion is patient specific, the meeting should be closed. In the past, if the Drug Use Review Board was looking at a pharmacist- or physician-prescribing issue in terms of policy, the meeting was followed by a letter to the physician or pharmacist.

MR. DUARTE:

Discussion of policies or best-practice prescribing protocols is done in an open forum. We are referring to situations when there is a need to discuss practitioners, practice and prescribing patterns. It may be necessary to talk about particular patients.

CHAIR WASHINGTON:

I want to be assured the bill is narrowly defined.

LESLIE K. HAMNER (Committee Counsel):

This bill would make the information confidential as long as it was being considered in connection with what is called a retrospective drug-use review conducted pursuant to federal law. That provision of federal law provides that the program consider information for the periodic examination of claims and other records to identify patterns of fraud, abuse, gross overuse or inappropriate, unnecessary care among physicians, pharmacists and individuals receiving benefits. According to this bill, all of that information would remain confidential.

CHAIR WASHINGTON:

We can insert language to reflect any policy or regulatory issues are subject to the Open Meeting Law.

MR. DUARTE:

That would be agreeable.

MR. MATHEIS:

It might be worthwhile to have a more extended statement for the record when the bill is heard, specifying the legislative intent.

COLEEN LAWRENCE (Social Services Chief, Division of Health Care Financing and Policy, Department of Human Resources):

The Medicaid Drug Utilization Review program is very broad. This bill is specific to what counsel stated. If we go to patient-specific information, we will be reviewing diagnosis. The closed hearing may show the pain medication is appropriate in certain cases. We are looking at multiple use of the same type of drug for one person.

SENATOR HECK:

What is the composition of the Drug Use Review Board?

MS. LAWRENCE:

The board consists of four physicians and four pharmacists.

SENATOR HECK:

I am a proponent of closed meetings for peer review. I do have concerns about S.B. 420. The fact the records are being kept from the parties is troublesome.

MR. DUARTE:

The meeting could lead to a referral to the Office of the Attorney General. There is a letter to the physician or pharmacist in most cases. We are talking about the occasional opportunity when there is a responsibility to look at cases. The closed meeting could lead to an investigation. Bringing in the party being discussed could compromise the meeting.

SENATOR HECK:

The federal law does not require the discussion to be kept from the person who may be reviewed. A referral to the Medicaid Fraud Control Unit of the Office of the Attorney General should be made available to the individual to try to clear his name.

MR. DUARTE:

The Surveillance and Utilization Review Subsystem (SURS) takes these cases after review by the Drug Use Review Board. If there is a gross finding of fraud that will hamper an investigation, the Division of Health Care Financing and Policy could be found accountable.

SENATOR HECK:

I am uncomfortable with that provision remaining in the bill.

MS. LAWRENCE:

The Drug Use Review Board members have clinical expertise. The board does not take an action. Once the SURS investigation has begun, there are various procedures that start the due process.

SENATOR HECK:

Then the individual should be at the proceedings in which the case was discussed.

MR. DUARTE:

I will get an opinion from the Office of the Attorney General.

DARRELL W. FAIRCLOTH (Deputy Attorney General, Office of the Attorney General):

I am counsel for Medicaid and I am not familiar with the Medicaid Fraud Control Unit. The function they serve is criminal prosecution of fraudulent activities on the part of providers. As counsel for Medicaid, we see this activity as

performing a task that is a screening function that could result in actions by the Medicaid Fraud Control Unit. If giving notice to the individual to be investigated by the Medicaid Fraud Control Unit would impede their investigation, this would be self-defeating on the part of Medicaid.

SENATOR HECK:

The bill states that at no time can a physician, pharmacist or a person receiving benefits, who is discussed, receive a copy of the minutes.

MR. DUARTE:

I have indicated that I am willing to consider language to help clarify the situations in which the files would need to be closed.

SENATOR WIENER:

How long has there been a Drug Use Review Board?

MS. LAWRENCE:

The board was enacted under the Omnibus Budget Reconciliation Act of 1990. In 1991, Nevada Medicaid established their board.

SENATOR WIENER:

How have the concerns being discussed today been handled in the past?

MS. LAWRENCE:

The regulations of the Health Insurance Portability Accountability Act (HIPAA) read if the review can be traced back to patient-specific diagnosis, the information cannot be relinquished. Although it is not in code currently for the Drug Use Review Board, it is for HIPAA.

SENATOR WIENER:

I have concerns there may be unintentional policy changes based on what is learned about the behavior of the individuals being reviewed.

MR. DUARTE:

I understand the concern. Should a review of a specific group of practitioners or patients result in interest in reviewing policy changes, then those changes would be addressed in an open meeting.

Senate Committee on Human Resources and Education  
April 13, 2005  
Page 8

CHAIR WASHINGTON:

I will ask Mr. Duarte, Mr. Matheis and Ms. Lawrence to meet with Senator Heck to address these concerns.

SENATOR CEGAVSKE:

I do not support this bill.

JEANETTE BELZ (Nevada Psychiatric Association):

The Drug Use Review Board meeting could potentially lead to further action. I would argue that four physicians should not be reviewing a pharmacist and four pharmacists should not be reviewing physicians. That is not peer review.

CHAIR WASHINGTON:

I encourage you to work with Mr. Duarte, Mr. Matheis, Senator Heck and Ms. Lawrence.

We will open the work session. Please refer to the document prepared by the Research Division of the Legislative Counsel Bureau ([Exhibit C](#), original is on file at the Research Library).

MARSHEILAH D. LYONS (Committee Policy Analyst):

There have been no proposed amendments received for S.B. 166, S.B. 214, S.B. 268, S.B. 305 and S.B. 460.

[SENATE BILL 166](#): Limits enrollment of pupils in new public schools constructed in certain larger school districts. (BDR 34-61)

SENATOR CEGAVSKE MOVED TO INDEFINITELY POSTPONE S.B. 166.

SENATOR NOLAN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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[SENATE BILL 214](#): Revises provisions governing statewide system of accountability and revises other provisions governing education. (BDR 34-459)

Senate Committee on Human Resources and Education  
April 13, 2005  
Page 9

SENATOR CEGAVSKE MOVED TO DO PASS AND REREFER TO THE SENATE COMMITTEE ON FINANCE S.B. 214.

SENATOR WIENER SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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**SENATE BILL 268**: Revises provisions governing qualifications for employment as administrators of school districts. (BDR 34-945)

SENATOR CEGAVSKE MOVED TO DO PASS S.B. 268.

SENATOR NOLAN SECONDED THE MOTION

SENATOR HORSFORD:

The intention of the bill is to get administrators back into the classroom. I think it creates an enormous hardship on the districts at this time.

SENATOR HECK:

I wholly support the concept of the bill. However, having the administrators return to the classroom for a semester every five years is onerous.

SENATOR MATHEWS:

I agree with Senator Heck. I like the concept of the bill, but at this time I think it would be too much for the districts.

SENATOR HECK:

I would support one day each quarter instead of one semester every five years.

SENATOR CEGAVSKE:

I will withdraw the motion on S.B. 268.

SENATOR NOLAN:

I will withdraw the second on S.B. 268.

SENATOR CEGAVSKE MOVED TO AMEND AND DO PASS S.B. 268.

SENATOR NOLAN SECONDED THE MOTION.

SENATOR HORSFORD:

Currently, administrators are required to observe in the classroom. Will this bill change what is currently being done?

JOYCE HALDEMAN (Clark County School District):

It is a good idea for the central office administrators to be in a classroom once each semester. That could be accomplished by them acting as a substitute teacher. It is difficult to gauge the impact of administrators that currently have a responsibility to observe.

CHAIR WASHINGTON:

Senator Horsford, would you be amenable to having the administrators from the school district headquarters teach one day a semester?

SENATOR HORSFORD:

That would be an improvement. The other concern I have is if the administrator is located at the school district headquarters, would they substitute in the area they are qualified to teach.

MS. HALDEMAN:

I believe the administrator should also be a licensed teacher.

SENATOR HECK:

The bill already refers to an administrator being licensed. The one day a semester that an administrator is in the classroom can be at a scheduled time or as a substitute teacher, depending on the circumstances.

SENATOR CEGAVSKE:

Teachers I have spoken to have said the administrators do not understand what happens in the classroom, and they need to spend time there.

We would like an amendment to state that qualified administrators would be required to spend one day in the classroom or teach one day each semester.

Senate Committee on Human Resources and Education  
April 13, 2005  
Page 11

THE MOTION CARRIED. (SENATORS MATHEWS, WIENER AND  
HORSFORD VOTED NO.)

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CHAIR WASHINGTON:  
We will open the discussion on S.B. 305.

SENATE BILL 305: Limits number of administrators employed by school  
districts. (BDR 34-941)

SENATOR CEGAVSKE:  
I have requested information about the number of administrators per student in  
Nevada.

SENATOR WIENER:  
Are we talking about the on-site or the off-site administrators?

SENATOR CEGAVSKE:  
The audit of the Clark County School District was on-site. We are trying to  
ascertain the ratio of administrators to students.

DR. KEITH RHEAULT (Superintendent of Public Instruction, Department of  
Education):  
I was not aware of your request, but I will get the information to you tomorrow  
morning. We do keep track of site and district administrators.

CHAIR WASHINGTON:  
We will hold the bill until the information is received. We will open the hearing  
on S.B. 460.

SENATE BILL 460: Revises provisions governing class-size reduction.  
(BDR 34-1091)

SENATOR CEGAVSKE MOVED TO DO PASS S.B. 460.

SENATOR NOLAN SECONDED THE MOTION.

SENATOR HECK:

This bill allows the flexibility to Clark and Washoe Counties that is currently allowed in some other counties. It will allow the current class size to be increased through Grade 6. I would support the bill if there were an absolute cap on class size.

CHAIR WASHINGTON:

Currently, other counties have the flexibility and are successful. They must report every two years, and we can make sure Clark and Washoe Counties do the same.

SENATOR CEGAVSKE:

When class-size reduction was first introduced, it was only for certain grades. Some of the classrooms in Clark County were team-taught because of a lack of room. We are looking for the flexibility for Grades 1 through 6. Schools can then even out the numbers in classes where there might be a heavier enrollment.

SENATOR HORSFORD:

My main issue is with section 4 of the bill. The need to provide a quality education at the primary level is important. That is the reason class-size reduction was started in Nevada. To change this is a step backwards. When class-size reduction was implemented, it was before the construction boom in Clark County. As new schools have opened, class-size reduction is being met. In those schools there has been improved student achievement. The problem with the class sizes mentioned on page 4, lines 37 and 38 of the bill is that studies have shown smaller classes equal good student achievement.

SENATOR HECK:

Does the ratio of 15 students to 1 teacher remain for kindergarten?

CHAIR WASHINGTON:

That is correct.

DR. RHEALT:

The previous bill that allowed the alternative class-size reduction for the rural districts was in a revisers' note and not put in statute. If this bill is not approved, then the rural districts would no longer have flexibility.

SENATOR MATHEWS:  
Have we heard this testimony?

DR. RHEAULT:  
This testimony was presented at the joint meeting of this Committee and the Senate Committee on Finance. I made the point that this bill was important because the rural districts would lose their option for alternative class size.

MS. HALDEMAN:  
I agree with Dr. Rheault. The primary purpose of this bill is to make sure the counties have the flexibility for class-size reduction approved last Session. The approval expires on June 30, 2005. The superintendents did include class-size reduction flexibility as a part of the iNVEST program. There was discussion about removing Clark and Washoe counties from that consideration, because it was not given last Session. Clark County would like class-size flexibility in order to utilize it in the 12 percent of the first- and second-grade classes that are team-taught.

CHAIR WASHINGTON:  
You would not mind if language was added to read "where applicable."

MS. HALDEMAN:  
That would be fine.

ANNE K. LORING (Washoe County School District):  
We are in support of flexibility.

MS. HALDEMAN:  
If the Committee does not feel Clark and Washoe counties should have the option, I hope that you will continue to allow the other counties to have flexibility.

MS. LORING:  
I echo the comments by Ms. Haldeman. It is important that rural counties continue to have flexibility.

DR. RHEAULT:  
The calculation for how many teachers the rural counties are entitled to for first, second and third grade is based on class-size reduction. They use that allocation

to spread over the remaining grades. We do not calculate a separate teacher allocation if they choose the flexibility alternative.

CHAIR WASHINGTON:

Would you use the same method if Clark and Washoe counties were included in the flexibility alternative?

DR. RHEAULT:

Yes.

SENATOR HECK:

I would be comfortable with the language you recommended.

SENATOR HORSFORD:

How will the added language be implemented?

CHAIR WASHINGTON:

The intent of "where applicable" would be used to reduce team-teaching.

SENATOR HORSFORD:

The problem is that it would not help students who are in some of the older schools.

CHAIR WASHINGTON:

The newer schools have been built to accommodate smaller class sizes. The older schools have problems.

SENATOR HORSFORD:

Typically the older schools are in lower-income neighborhoods. Would the students in those schools receive an equitable education?

MS. HALDEMAN:

I do not disagree with Senator Horsford. Since 1992, every school that has been constructed or enlarged has had class-size reduction capabilities built into them. There are a couple of schools that do not have space and have team-teaching. If given flexibility, those campuses might be better to have a combination of 19 students throughout all grades.

Senate Committee on Human Resources and Education  
April 13, 2005  
Page 15

SENATOR HORSFORD:

The bill would allow for the flexibility to be as high as 22 students in Grades 1, 2, and 3, and 25 students in Grades 4, 5, and 6.

MS. HALDEMAN:

That is correct. The decision has to be made for each campus. The question is which is better, to be a child in a first grade classroom with 38 students and two teachers or in a class with 19 students.

CHAIR WASHINGTON:

When the annual report is complete, it may be important that you put an estimated time as to when you are going to try to comply with class-size reduction.

MS. HALDEMAN:

The reason we have requested flexibility is because I do not know if we will ever be able to comply in the 12 percent of schools that are using team-teaching. The only thing that could change is if new zoning is implemented.

CHAIR WASHINGTON:

Your request for flexibility will go to the State Board of Education for approval.

MS. HALDEMAN:

That is when we request the waiver.

SENATOR HORSFORD:

To make this policy change without information about which method is better for the students is detrimental to the children we want to help.

SENATOR CEGAVSKE:

I will withdraw the motion on S.B. 460.

SENATOR NOLAN:

I will withdraw the second on S.B. 460.

SENATOR CEGAVSKE MOVED TO AMEND AND DO PASS S.B. 460.

SENATOR NOLAN SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS MATHEWS, WIENER AND  
HORSFORD VOTED NO.)

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CHAIR WASHINGTON:

We will open the hearing on S.B. 462.

SENATE BILL 462: Repeals, reenacts, reorganizes and revises certain provisions relating to Department of Human Resources. (BDR 38-178)

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

This bill is the omnibus for the Department of Human Resources. It will rename the Department and the Welfare Division. Certain statutes will be moved to their proper location. There was concern about losing the word welfare. We are now suggesting the division be called The Division of Welfare and Supportive Services. The suggested amendments are under tab AA in [Exhibit C](#).

SENATOR CEGAVSKE:

I have an additional suggested amendment for S.B. 462. It would place the Bureau of Alcohol and Drug Abuse (BADA) under the Division of Mental Health and Developmental Services.

MR. WILLDEN:

The BADA has been under several entities. In some states, it is under the Division of Mental Health and Developmental Services. The Division has a heavy workload for the upcoming biennium, and I am concerned about adding additional duties. The Board of Examiners for Alcohol, Drug Abuse and Gambling Counselors has seven members who are appointed by the Governor. They do the certification of the three addictions groups. They do not advise the Department of Human Resources. They are an independent certification board and hire their own staff.

SENATOR CEGAVSKE:

This would move the board under the Division of Mental Health and Developmental Services, Department of Human Resources.

Senate Committee on Human Resources and Education  
April 13, 2005  
Page 17

CHAIR WASHINGTON:

We will first vote on the amendments suggested by the Department of Human Resources.

SENATOR CEGAVSKE MOVED TO ACCEPT THE AMENDMENTS PROVIDED BY THE DEPARTMENT OF HUMAN RESOURCES ON S.B. 462.

SENATOR WIENER SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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SENATOR HECK MOVED TO AMEND S.B. 462 TO MOVE THE BUREAU OF ALCOHOL AND DRUG ABUSE TO THE DIVISION OF MENTAL HEALTH AND DEVELOPMENTAL SERVICES.

SENATOR CEGAVSKE SECONDED THE MOTION.

SENATOR WIENER:

I understand the merits of the suggested amendment. I also believe the timing is difficult now. Perhaps, this can be addressed in the 74th Legislative Session after the Committee has conducted hearings.

SENATOR HECK:

I agree with the concept of the suggested amendment. Many mental health patients are dual-diagnosed. Since the Department of Human Resources is going to restructure, this might be the best time to integrate the Bureau of Alcohol and Drug Abuse into the Division of Mental Health and Developmental Services.

THE MOTION CARRIED. (SENATORS MATHEWS AND WIENER VOTED NO.)

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SENATOR CEGAVSKE MOVED TO AMEND AND DO PASS S.B. 462.

SENATOR WIENER SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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SENATOR MATHEWS:

I reserve the right to vote against the bill on the floor of the Senate.

CHAIR WASHINGTON:

We will open the hearing on S.B. 56.

SENATE BILL 56: Makes various changes concerning charter schools and distance education programs. (BDR 34-18)

Ms. LYONS:

The proposed amendments to the bill are located under tab A of Exhibit C. The Washoe County School District (WCSD) has six suggestions.

DOROTHY (DOTTY) MERRILL (Washoe County School District):

The first suggested amendment addresses the concern of the Washoe County School District about requiring a series of one-year-only contracts which roll over for a six-year period. It is difficult to attract and retain teachers for one year. The goal of WCSD is to increase stability by reducing the number of years that a teacher could be on leave. It has been pointed out that this would improve stability for charter schools as well.

SENATOR HORSFORD MOVED TO ACCEPT THE FIRST AMENDMENT SUBMITTED BY THE WASHOE COUNTY SCHOOL DISTRICT FOR S.B. 56.

SENATOR HECK SECONDED THE MOTION.

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

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SENATOR CEGAVSKE MOVED TO ACCEPT THE SECOND AMENDMENT SUBMITTED BY THE WASHOE COUNTY SCHOOL DISTRICT FOR S.B. 56.

SENATOR NOLAN SECONDED THE MOTION

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

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SENATOR HORSFORD MOVED TO ACCEPT THE THIRD AMENDMENT SUBMITTED BY THE WASHOE COUNTY SCHOOL DISTRICT FOR S.B. 56.

SENATOR HECK SECONDED THE MOTION.

SENATOR CEGAVSKE:

I do not support this amendment. I believe charter schools should be able to enroll students from anyplace.

THE MOTION CARRIED. (SENATORS WASHINGTON AND CEGAVSKE VOTED NO. SENATOR MATHEWS WAS ABSENT FOR THE VOTE.)

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Ms. LYONS:

The intention of the fourth change suggested by WCSD is based upon the district's position that a charter school approved on the basis of serving at-risk pupils should serve only those people. It is recommended to strike section 3, subsection 3 of the bill.

SENATOR HORSFORD MOVED TO ACCEPT THE FOURTH AMENDMENT SUBMITTED BY THE WASHOE COUNTY SCHOOL DISTRICT TO S.B. 56.

SENATOR WIENER SECONDED THE MOTION.

Ms. MERRILL:

The WCSD concurs with the position of the CCSD.

Senate Committee on Human Resources and Education  
April 13, 2005  
Page 20

CRAIG KADLUB (Clark County School District):

The bill suggested the at-risk charter schools need not serve at-risk pupils. Existing legislation ensures that a charter applicant who applied to serve at-risk students would serve those students. Existing statute states 51 percent of the students are to be those who are at risk. The request is to delete section 3, subsection 3.

MS. MERRILL:

The existing statute will expire at the end of the 2007 school year.

SENATOR HORSFORD:

I believe it is premature to change the policy at this time. If a charter school is licensed as an at-risk school and served students who were not at risk, the community would be troubled, based upon the commitments that have been made.

CHAIR WASHINGTON:

There are some schools that have intentions of meeting the at-risk student enrollment, but the demographics may not permit them to meet the 51-percent capitation.

MR. KADLUB:

If that should happen, the school can submit a request to amend their charter.

CHAIR WASHINGTON:

That is a long process.

MR. KADLUB:

The request for an amendment can be submitted at any time.

THE MOTION CARRIED. (SENATORS WASHINGTON, NOLAN AND  
CEGAVSKE VOTED NO.)

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MS. LYONS:

The intention of the fifth amendment submitted by WCSD is based upon further consideration to purchase services. An amendment proposed by Senator Washington that is included under tab A of [Exhibit C](#) would amend the

Senate Committee on Human Resources and Education  
April 13, 2005  
Page 21

bill to require school districts to provide to the State Board of Education a report describing all the administrative support and services the district provides to charter schools.

SENATOR CEGAVSKE MOVED TO ACCEPT THE AMENDMENT  
SUBMITTED BY SENATOR WASHINGTON TO S.B. 56.

SENATOR HECK SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR WASHINGTON:

The Clark County School District has requested the due date for student applications for enrollment in a second-semester distance-education program be moved from February 1 to March 1.

SENATOR HECK MOVED TO ACCEPT THE AMENDMENT SUBMITTED BY  
THE CLARK COUNTY SCHOOL DISTRICT TO S.B. 56.

SENATOR CEGAVSKE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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SENATOR HORSFORD:

Section 16, subsection 2, paragraph (b) of S.B. 56 mentions a teacher who provides instructions at the community college or university. Do we not want the paragraph to read something like "in the subject matter?"

CHAIR WASHINGTON:

That is correct. We will add that terminology.

SENATOR HORSFORD:

Page 11, line 30 of the bill states a member of the governing body of a charter school is a public officer and is subject to the provisions of the *Nevada Revised*

Senate Committee on Human Resources and Education  
April 13, 2005  
Page 22

*Statute* (NRS) 281. I do not know if people realize what is going to be asked of them.

Ms. LYONS:

Senator Horsford asked for information on what these requirements would entail. I can provide that information before April 15, 2005.

SENATOR CEGAVSKE MOVED TO AMEND AND REREFER S.B. 56.

SENATOR HECK SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

\* \* \* \* \*

CHAIR WASHINGTON:

We will open the discussion on S.B. 81.

**SENATE BILL 81**: Makes various changes concerning protection of certain significant historical resources. (BDR 33-428)

Ms. LYONS:

The proposed amendments for the bill are under tab B of Exhibit C.

Ms. HAMNER:

There is one issue to clarify. Currently the NRS 381.197 makes it a misdemeanor for a person to investigate, explore or excavate a historic or prehistoric site on federal or state land or to remove any object from that land unless he or she has a valid permit. The proposed amendment would provide a person who willfully removes, mutilates, debases, excavates, injures or destroys a prehistoric or historic site or resource would be subject to a misdemeanor for a first offense and a gross misdemeanor for a subsequent offense. For consistency, either section 12 of the bill could be just a misdemeanor or the provision of the NRS 381.197 could be changed.

SENATOR MATHEWS:

The desecration of a cemetery is a category D felony. A cemetery is considered a historic site.

Senate Committee on Human Resources and Education  
April 13, 2005  
Page 23

SENATOR CEGAVSKE:  
Is that for Indian burial grounds?

SENATOR MATHEWS:  
No, it is for any cemetery.

ALICE BALDRICA (Deputy State Historic Preservation Officer, Office of Historic Preservation, Department of Cultural Affairs):

The proposed language was meant to parallel with federal laws that protect archeological sites. We intended stiffer penalties with provisions for civil penalties as well. Cemeteries are historic sites. We will look at the language closely to assure that we are not going to be in conflict with other proposals.

PAMELA B. WILCOX (Administrator and State Land Registrar, Division of State Lands, State Department of Conservation and Natural Resources):

The impetus behind this bill was to protect lands that come out of federal ownership into state ownership. We wanted to ensure to the federal government that Nevada would provide protection. The sections concerning penalties would apply on all the State's lands. We would not have a problem amending this bill in a way to apply the more serious penalty.

SENATOR NOLAN:  
Under section 12, I would like language added to say "a person who knowingly and willfully removes ... ."

Ms. WILCOX:  
We are in agreement with the amendments that have been suggested today.

SENATOR CEGAVSKE MOVED TO AMEND AND DO PASS S.B. 81.

SENATOR MATHEWS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Senate Committee on Human Resources and Education  
April 13, 2005  
Page 24

CHAIR WASHINGTON:

We will open the discussion on S.B. 193. The suggested amendment provided by the University and Community College System of Nevada (UCCSN) is under tab D of [Exhibit C](#).

**SENATE BILL 193**: Requires licensure by Health Division of Department of Human Resources of facilities which procure, perform tests on, store or distribute human tissues or organs for medical or dental education, medical or dental research or advancement of medical or dental science. (BDR 40-51)

SENATOR WIENER:

The proposed amendment adds an additional member to the Nevada Committee on Anatomical Dissection. Has the fact that the Committee will now have an even number been addressed in discussion?

CHAIR WASHINGTON:

No, it was not.

SENATOR HECK MOVED TO AMEND AND DO PASS S.B. 193.

SENATOR MATHEWS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR WASHINGTON:

We will open discussion of S.B. 212.

**SENATE BILL 212**: Limits time for commencement of certain morning classes in high school. (BDR 34-729)

Ms. LYONS:

The proposed amendment submitted by the WCSD is located under tab E of [Exhibit C](#). The intention is to exempt certain schools, under certain conditions, from the mandatory start time and change the start time from 8 a.m. to 7:35 a.m.

Senate Committee on Human Resources and Education  
April 13, 2005  
Page 25

Ms. HALDEMAN:

We think this is a local-control issue. We approve the proposal submitted by WCSD.

SENATOR CEGAVSKE MOVED TO AMEND AND DO PASS S.B. 212.  
SENATOR HECK SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

\* \* \* \* \*

CHAIR WASHINGTON:

We will open the discussion on S.B. 221.

[SENATE BILL 221](#): Provides for participation of homeschooled children in certain interscholastic activities and events. (BDR 34-1158)

Ms. LYONS:

The amendment proposed by Frank Schnorbus of the Nevada Homeschool Network is located under tab G of [Exhibit C](#). The proposal removes reference to "governed by an interscholastic association." There is no association for middle school students.

SENATOR HECK:

How would the phrase in section 1, subsection 1 read?

Ms. LYONS:

It would read that a homeschooled child must be allowed to participate in the interscholastic activities and events.

SENATOR NOLAN MOVED TO AMEND AND DO PASS S.B. 221.

SENATOR CEGAVSKE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

\* \* \* \* \*

Senate Committee on Human Resources and Education  
April 13, 2005  
Page 26

CHAIR WASHINGTON:  
We will open the discussion on S.B. 223.

SENATE BILL 223: Revises provisions governing education. (BDR 34-73)

Ms. LYONS:

The Chair has proposed the amendment located under tab H of Exhibit C. The measure would be amended to specify that a pupil is eligible for school choice if he is required to attend a public school that has been designated as demonstrating the need for improvement for one or more years. An amendment proposed by Mr. Schnorbus of the Nevada Homeschool Network adds the word "or" under section 36, subsection 1, paragraph (a) at the end of line 7.

SENATOR NOLAN MOVED TO AMEND AND REREFER S.B. 223.

SENATOR CEGAVSKE SECONDED THE MOTION.

SENATOR HECK:

When the Committee first heard this bill, it was stated there were 95 private schools, of which 54 provide only kindergarten. I am curious to know if private schools have been polled to see how many will accept an amount that may be less than their actual tuition.

CHAIR WASHINGTON:

The amount allotted by the State would allow the counties to take out administrative costs before the voucher is disbursed.

SENATOR HECK:

We are asking a private school to accept that amount as payment in full. How many private schools would be willing to take an amount less than their actual tuition?

CHAIR WASHINGTON:

That is difficult to say. They may not take it at all.

SENATOR HECK:

Are we creating something that may not have any utility?

Senate Committee on Human Resources and Education  
April 13, 2005  
Page 27

CHAIR WASHINGTON:

Other states have instituted vouchers. This bill is narrow in scope.

SENATOR HECK:

I do not understand why the bill is targeted to those at a certain poverty level. Why it is not open for all students? I would like to see the legal opinion prepared by the Legal Division of the Legislative Counsel Bureau (LCB) regarding the constitutionality of the bill.

CHAIR WASHINGTON:

I have no objection to that.

SENATOR HECK:

I would propose to add language to include all students.

SENATOR HORSFORD:

I have also requested a legal opinion explaining how this bill provides for the vouchers based upon the Constitution of the State of Nevada.

CHAIR WASHINGTON:

We will make sure you will receive that opinion.

THE MOTION CARRIED. (SENATORS MATHEWS, WIENER AND  
HORSFORD VOTED NO.)

\* \* \* \* \*

SENATOR HECK:

I want to reserve the right to vote no on the floor if I am uncomfortable with the legal opinion.

CHAIR WASHINGTON:

We will open the hearing on S.B. 232. This bill is required to be rereferred to the Senate Committee on Finance.

**SENATE BILL 232**: Revises provisions governing issuance of diploma of graduation from University and Community College System of Nevada.  
(BDR 34-91)

Senate Committee on Human Resources and Education  
April 13, 2005  
Page 28

MS. LYONS:

Amended language provided by UCCSN is located under tab I of [Exhibit C](#).

DANIEL J. KLAICH (Vice Chancellor of Legal Affairs, System Administration Office,  
University and Community College System of Nevada):

The language provides two minor changes. A student who changes their major, the catalog being used cannot be more than ten years old at the time of graduation, and the changed major is then the student's new catalog.

SENATOR WIENER:

Is the ten year time frame a new addition?

MR. KLAICH:

Yes, it is. That is a part of our policy, and the sponsor of the bill found it acceptable.

SENATOR WIENER:

Is that time frame a standard elsewhere?

MR. KLAICH:

I do not know.

SENATOR MATHEWS MOVED TO INDEFINITELY POSTPONE [S.B. 232](#).

SENATOR CEGAVSKE SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS WIENER AND HORSFORD VOTED NO.)

\*\*\*\*\*

MS. LYONS:

The provisions of [S.B. 241](#) are to be amended into [S.B. 223](#).

[SENATE BILL 241](#): Provides for school choice, revises provisions governing appointment of Superintendent of Public Instruction and authorizes certain local governments to veto decisions of boards of trustees of school districts. (BDR 34-45)

We will move to a discussion of a proposed amendment offered by Senators Wiener and Nolan for S.B. 254.

**SENATE BILL 254**: Makes various changes relating to child care facilities located within health clubs. (BDR 38-1127)

SENATOR NOLAN:

Private health clubs have been saddled with the difficult task of collecting immunization records for children who attend their facilities. They are exempt from having training for their employees to learn to review the immunization records. Children from out of state are exempt from providing the records.

BRADFORD LEE (M.D., J.D., M.B.A., State Health Officer, Health Division, Department of Human Resources):

There are approximately 27 health clubs in Nevada that provide child care.

SENATOR NOLAN:

The amendment removes the requirement to maintain immunization records, and allows the parent to access their child to attend to their needs. It also states that multilevel play equipment configurations cannot exceed more than 30 percent of the floor space designated as an activity area.

SENATOR WIENER:

I wonder if we should use the language "parent or guardian."

MS. HAMNER:

In section 3, subsection 3 of S.B. 254, there is a reference to a parent or guardian.

SENATOR HECK:

Why are we limiting the amount of floor space for equipment?

SENATOR WIENER:

The concern was the playground area to not be totally taken up by the play equipment.

SENATOR NOLAN:

I propose that we allow existing facilities to retain the amount of floor space covered by their play equipment.

Senate Committee on Human Resources and Education  
April 13, 2005  
Page 30

SENATOR CEGAVSKE MOVED TO AMEND AND DO PASS S.B. 254.

SENATOR NOLAN SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR MATHEWS VOTED NO.)

\* \* \* \* \*

CHAIR WASHINGTON:

We will open the discussion S.B. 274 and S.B. 292. After discussing this bill, we will need a motion to amend S.B. 274 into S.B. 292.

SENATE BILL 274: Restricts authority of State Fire Marshal in consolidated municipalities and larger counties. (BDR 42-87)

SENATE BILL 292: Revises provisions relating to construction or renovation of public school buildings. (BDR 34-818)

MS. LYONS:

In addition to the amendments proposed by the State Public Works Board, there was a proposed amendment to require a study of the State Fire Marshal Division.

DANIEL K. O'BRIEN (Manager, State Public Works Board, Department of Administration):

Senate Bill 274 is intended to remove the State Public Works Board (SPWB) from performing plan reviews of school district projects. The amendments provided by the SPWB are under tab M of Exhibit C. I would like to point out that there is a financial implication to this bill.

SENATOR MATHEWS:

How does the construction of high-rise buildings impact the State Fire Marshal Division?

MR. O'BRIEN:

Since the mid-1980s, high-rise codes have been adopted by the State Fire Marshal Division to address the problems concerning high-rise construction.

Senate Committee on Human Resources and Education  
April 13, 2005  
Page 31

SENATOR MATHEWS:

How would that change if the local fire departments have authority under this bill?

MR. O'BRIEN:

New code minimums have been adopted for use throughout the State.

SENATOR HECK:

Is the State Fire Marshal Division still responsible for adopting the minimum statewide regulations, whether on public or private property?

MR. O'BRIEN:

That is correct.

SENATOR HECK:

Local jurisdictions can have more stringent regulations than those set by the State Fire Marshal Division.

MR. O'BRIEN:

That is correct.

SENATOR NOLAN:

Do confidentiality requirements become an issue with the Open Meeting Law?

MR. O'BRIEN:

I am not aware of anything of that nature.

SENATOR HECK MOVED TO AMEND AND DO PASS S.B. 274.

SENATOR WIENER SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

\* \* \* \* \*

CHAIR WASHINGTON:

The proposed amendments for S.B. 292 are located under tab R of [Exhibit C](#).

SENATOR CEGAVSKE:

Does the amendment suggested by Peter Krueger mean the school districts do not have to comply with state building codes?

MS. LYONS:

Mr. Krueger indicated the school districts could develop their own building codes.

MR. O'BRIEN:

The amendment does specify that the local school districts, except for those in counties with a population of 400,000 or more, would have to comply with state as well as local provisions. Section 1 of S.B. 292 is for school districts that create their own building departments.

SENATOR CEGAVSKE:

I see the state and local entities doing the same job. The district must pay the costs for both. I have a problem with the taxpayers having to pay double for a job.

MR. O'BRIEN:

Originally, the bill included a provision that the State Public Works Board would be involved in counties with populations fewer than 100,000. Assembly Bill 275 is a companion to this measure, and it takes the State Public Works Board completely out of the smaller counties. I do not believe the State Public Works Board needs to be involved in school-district business. This amendment modifies the original bill by eliminating the State Public Works Board from the smaller counties.

**ASSEMBLY BILL 275**: Revises certain provisions relating to State Public Works Board and relating to construction or renovation of public school buildings. (BDR 28-614)

CHAIR WASHINGTON:

The taxpayers will not be paying twice.

MR. O'BRIEN:

That is correct. If this is amended, the State Fire Marshal Division will no longer perform plan review of school-district projects.

MS. MERRILL:

The WCSD opposes the request by Lyon County requiring school districts to enter into an agreement with the local authority having jurisdiction. The district does support the other amendments Mr. O'Brien has provided to the Committee. The last proposed revision under tab R is dated April 11, 2005. The WCSD does not agree with section 2, subsection 4 because we believe it is covered in statute.

MR. O'BRIEN:

The new section 5 clarifies that subsections 2 and 3 do not apply to a school district that has established a building department.

SENATOR HORSFORD:

Is the language in the NRS 278.580 in this amendment?

MR. O'BRIEN:

It basically says that all political subdivisions of the State shall comply with the local zoning provisions of the jurisdiction. That is current statute. Carson City and Clark County School Districts agree with this measure.

ROSE E. MCKINNEY-JAMES (Clark County School District):

The CCSD faces an aggressive construction program that has resulted in having a stand-alone building agency. It is a necessity for our building efforts. This puts into statute what we are functionally doing. Currently, we are required to work through the State Public Works Board, local fire officials and state fire officials with respect to design and engineering. We are sometimes required to pay duplicate fees. It is our view that this amendment allows us to achieve a fairly significant economy of scale and some efficiency. This is an opportunity to save dollars.

SENATOR HORSFORD:

The language in the NRS 278.580 does not specifically address schools. By creating the school district's building department, will it qualify under those provisions?

MR. O'BRIEN:

We are proposing to remove the provisions that refer to the State Public Works Board. The amendment would state, in conducting reviews the building department of a county or other local building department shall verify that all

plans, designs and specifications that are reviewed comply with the applicable requirement of the codes adopted by the State and the applicable local authority having jurisdiction. That applies to all school districts except those in a county with a population of 400,000 or more.

SENATOR HORSFORD:

The language in the amendment seems broader than that in the NRS 278.580

MS. MERRILL:

Lyon County proposed this because of a specific problem that occurred. The reason we oppose the amendment, as written, is that it is our interpretation that the board of trustees would be at the mercy of others about locations of schools. If this amendment refers to counties with a population fewer than 50,000, then we are in agreement. We believe the other language covers the due diligence in which we are currently engaged.

SENATOR HORSFORD:

If we are giving the authority to a building department within the school district, some of these determinations will be made by the board of trustees.

MR. O'BRIEN:

I believe the school districts are in the same situation as the State of Nevada. The State must comply with local zoning provisions. If there is a requirement for a special use permit or a zone change, the State of Nevada must go through that process. We are required to comply with utility issues and road issues. The CCSD was required to build a road of some distance because it was a requirement of the local jurisdiction. A school district may acquire a building site through a donation. The district might pressure the local government to accept that site.

SENATOR HORSFORD:

Clark County has had problems with school sites. There have been issues between the municipality and the district concerning access to certain schools. I would like to see if we can work to address the intent in the amendment. There needs to be some public oversight of school building and construction projects.

MS. MCKINNEY-JAMES:

I think it is important to note that we are codifying what is reality. We have a stand-alone building department in Clark County. As with any other division within the CCSD, we report, through the superintendent, to the Clark County School District Board of Trustees. We are not establishing any new autonomy. We are removing a layer of bureaucracy that is of no assistance when we need to move forward with school construction.

SENATOR HORSFORD:

The State Public Works Board currently has some oversight, which will now be removed.

MR. O'BRIEN:

That is true. Currently, the only oversight the State Public Works Board has is for the construction plans.

SENATOR HORSFORD:

This bill can help address challenges and that is why I am bringing forward issues now that can be resolved.

SENATOR HECK:

The CCSD has its own building department. Section 1, subsection 2 states that the board of trustees shall adopt any building, electrical, plumbing or safety code as necessary and the district does not have to follow the city or county building codes. I do not understand why the CCSD is not following the same building codes everybody else is required to use. If it is in current statute, why does this section read the district is not required to do so?

CHAIR WASHINGTON:

The new amended subsection 3 clarifies that the building department conducting the plan review shall verify that the school district's plans are in compliance with the codes adopted by the State, the local authority having jurisdiction and the Americans with Disabilities Act.

MR. O'BRIEN:

There also is the NRS 278.585 which refers to compliance with county and city building codes.

SENATOR HECK:

According to what this is saying, the provisions of the NRS 275.585 do not apply.

MS. MCKINNEY-JAMES:

The intent is not to move away from compliance. If anything, the nature of our building programs may require us to go beyond the building codes of counties and local governments. If you require additional information, perhaps one of our building officials will speak with you.

SENATOR HECK:

Did David C. Broxterman, Administrative Manager, Facilities Division, Clark County School District, see these amendments?

MS. MCKINNEY-JONES:

Yes.

SENATOR HECK:

If the intent is not to be less restrictive than the building codes, why have the loophole?

MR. O'BRIEN:

Clark County School District is located in five jurisdictions. One of the concerns I have heard Mr. Broxterman express is the requirement to comply with the amendments of each jurisdiction. The district would like to have consistency, remembering they still must comply with the minimum codes. There might be some clarifying language added to the bill.

SENATOR HECK:

That explains it for me. I would be more comfortable with it if there was language to read that the construction is subject to the minimum building code.

MR. O'BRIEN:

Mr. Broxterman could work with your staff to assure the wording is correct.

SENATOR MATHEWS:

Will the university be affected by this measure?

MR. O'BRIEN:

No, they will not.

MR. KLAICH:

The UCCSN would request S.B. 292 allow the same flexibility to the University and Community College System that you are granting to the larger school districts.

MR. O'BRIEN:

I believe that request has merit. Currently, the CCSD has a building department. I think it would be acceptable if the UCCSN were to develop a system-wide building department. It is difficult for the State Public Works Board to oversee all the campuses of the UCCSN.

CHAIR WASHINGTON:

Creating a building department for the UCCSN would be costly.

MR. O'BRIEN:

We have full responsibility for capital improvement projects for the UCCSN. If there were a building department to oversee remodeling projects, that would be satisfactory.

SENATOR CEGAVSKE:

Are there any checks and balances with the county or city in which the schools are located? If so, would the county or city be charging fees?

CHAIR WASHINGTON:

Some of the university campuses have a building department.

MR. KLAICH:

We have a variety of facility managers primarily located within the system who collaborate with Mr. O'Brien. The proposed amendment could consolidate the system, which I think would help the process. Overall, I believe there would be a savings in this proposal.

SENATOR CEGAVSKE:

All along, I have been a proponent of eliminating the State Public Works Board. All the school districts are located in cities and counties that have oversight.

The problem with making a decision here today is that I believe the issue too big and is in the wrong Senate Committee.

CHAIR WASHINGTON:

This bill is a consensus worked out by all of the stakeholders over a period of time. I am pleased with the cooperation among the parties. The bill is required to be rereferred to the Senate Committee on Finance. The Office of the Governor has indicated a willingness to collaborate on this matter.

SENATOR CEGAVSKE:

Does the county or the city have any responsibility to sign off on projects of the school districts?

MR. O'BRIEN:

Currently, the school districts are exempt from going to the local jurisdictions. The local fire departments do a courtesy check. Under this proposal, all school districts, except Clark County, will go to the local jurisdiction.

SENATOR CEGAVSKE:

Why did we exempt Clark County from going to the local jurisdiction?

MR. O'BRIEN:

They would have to respond to that question, since they were involved in planning section 1 of the bill. Originally, I envisioned that they would go to the county building department, since it is a county school district.

SENATOR CEGAVSKE:

I would approve of that concept.

MR. O'BRIEN:

There is a problem. The Clark County Building Department is not large enough to handle the inspections required by the CCSD. We have talked to the officials at the Clark County Building Department, and that is their concern.

SENATOR MATHEWS:

In the past, there was a proposal for the State Public Works Board to function as every building department. We thought there would be fewer problems, but it has never happened.

MR. O'BRIEN:

Senate Bill 274 is a part of that proposal and will assist in achieving that goal. We have established policies and procedures for state buildings.

SENATOR CEGAVSKE:

There also seems to be a duplication of services and fees with the duties of the State Fire Marshal Division and the local fire units.

SENATOR HORSFORD:

There is no language in this measure that would require the building departments to hold public meetings. I think that is dangerous. If we are going to give authority, it should at the local planning department or municipal level. You cannot allow millions of dollars of decision-making to be done without public input.

CHAIR WASHINGTON:

Are you requesting the building departments comply with the Open Meeting Law?

SENATOR HORSFORD:

Yes, at a minimum. The better process is to go through the local planning departments because they are currently doing the job.

CHAIR WASHINGTON:

My understanding is that all the counties, with the exception of Clark County, must go through the local planning department. My proposed amendment is to include Clark County in that process, as well as create a system for the UCCSN. There would be one overall planning department for the UCCSN that would report their plans to the State Public Works Board.

MR. O'BRIEN:

My suggestion is the UCCSN review how they can develop a system-wide building department and return to the Legislature with that proposal.

MR. KLAICH:

This is an issue that has significant exposure at this time. I do not object to reasonable planning and public meetings. I would ask you to entertain language that would allow the UCCSN, at this time, to be a part of the exemption you are discussing.

CHAIR WASHINGTON:

We will put some permissive language together and see if it meets with your approval.

MS. HALDEMAN:

In response to the question by Senator Horsford, the building department at CCSD is subject to Open Meeting Law and public scrutiny. Everything the department does must be approved by the board of trustees. There is also a bond oversight committee which has posted public meetings.

SENATOR HORSFORD:

By the time a final recommendation is in place, many decisions have been made.

CHAIR WASHINGTON:

Do you wish to add language to state the plan-check process is open to the public?

SENATOR HORSFORD:

I have heard complaints from people who came to open meetings to voice their objections, but at that time it is too late in the process. It would need to be addressed by the UCCSN before I could support the provisions of this bill.

CHAIR WASHINGTON:

The UCCSN is requesting the bill include permissive language until they are able to work out a system-wide plan and present it to the State Public Works Board.

MR. O'BRIEN:

I do not believe the State Public Works Board would have authority over the UCCSN. Once the process has been developed, it should come before a legislative committee.

CHAIR WASHINGTON:

The process would include the open-meeting provision.

MR. O'BRIEN:

For the record, I believe the Committee is concerned with the planning process. The building department is at the tail end of the process. The building department process is to approve plans in order to assure the codes are being implemented and it comes after the planning process. The local government is

involved when the site of a building is being decided. Once approvals are received and the construction drawings are completed, the building department approves the plans.

CHAIR WASHINGTON:

The three amendments for S.B. 292 are proposed by the State Public Works Board, the UCCSN and the Chair's amendment to reinstate Clark County under the local jurisdiction.

SENATOR HECK:

There has been so much discussion. I would prefer something in writing on all of these amendments.

CHAIR WASHINGTON:

We are going to do that. The reason I am trying get action now is because of the fiscal note.

SENATOR HECK:

I could not vote to approve the bill until I see something in writing.

CHAIR WASHINGTON:

We are voting on the three proposed amendments. We are not yet voting on the bill. We could vote on them together or separately.

SENATOR MATHEWS:

I agree with Senator Heck. We have discussed many things here. If we could have a rough draft to review, I would be comfortable.

CHAIR WASHINGTON:

We will take the three amendments and put them together for the meeting on Friday, April 15, 2005.

We will open the hearing on S.B. 281.

**SENATE BILL 281**: Revises provisions governing payment to hospitals for treating disproportionate share of Medicaid patients, indigent patients or other low-income patients. (BDR 38-42)

Senate Committee on Human Resources and Education  
April 13, 2005  
Page 42

Ms. LYONS:

Under tab O of [Exhibit C](#), is an amendment proposed by Senator Washington.

Ms. HAMNER:

This proposed amendment replaces the bill to revise the Disproportionate Share Hospital program. It will require the Division of Health Care Financing and Policy, Department of Human Resources, to determine the uncompensated-care percentage of each hospital located in a county the population of which is 100,000 or more for the preceding fiscal year.

SENATOR CEGAVSKE MOVED TO AMEND AND DO PASS S.B. 281.

SENATOR NOLAN SECONDED THE MOTION.

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

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CHAIR WASHINGTON:

We will open the hearing on S.B. 296. The proposed amendment is located under tab S of [Exhibit C](#).

**SENATE BILL 296**: Revises provisions governing abuse or neglect of children.  
(BDR 38-372)

SENATOR CEGAVSKE MOVED TO AMEND AND DO PASS S.B. 296.

SENATOR HECK SECONDED THE MOTION.

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

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SENATOR MATHEWS:

I may not vote for this measure on the floor.

Senate Committee on Human Resources and Education  
April 13, 2005  
Page 43

CHAIR WASHINGTON:

We will open the hearing on S.B. 298.

SENATE BILL 298: Requires Department of Human Resources under certain circumstances to enter into agreement with Federal Government to determine eligibility for Medicaid at same time Federal Government determines eligibility for Supplemental Security Income Program. (BDR 38-692)

MS. LYONS:

The amendment proposed by the Department of Human Resources is located under tab T of Exhibit C.

MR. WILLDEN:

If the Department of Human Resources were to contract with the Social Security Administration (SSA), the fiscal note would increase. We suggested an amendment to allow the director of the Department of Human Resources to enter into an agreement to have the SSA determine eligibility for the Medicaid program or automatically enroll the Supplemental Security Income (SSI) recipients in Medicaid. If money is available, the program will be implemented.

MS. HAMNER:

Language could be added to the bill to prohibit the Department of Human Resources from implementing this measure unless the Interim Finance Committee (IFC) has determined there are sufficient funds in the Medicaid budget.

MR. WILLDEN:

We are not asking for the funds at this point. If we could work this out over the biennium, we would go to the IFC; if approved, we would implement it.

SENATOR CEGAVSKE MOVED TO AMEND AND DO PASS S.B. 298.

SENATOR WIENER SECONDED THE MOTION.

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

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Senate Committee on Human Resources and Education  
April 13, 2005  
Page 44

CHAIR WASHINGTON:

We will open the hearing on S.B. 282.

SENATE BILL 282: Makes various changes concerning halfway houses.  
(BDR 16-622)

ALEXANDER HAARTZ (M.P.H., Administrator, Health Division, Department of Human Resources):

I have worked with your staff to come up with language for this bill. The proposed amendments for S.B. 282 are located under tab P of [Exhibit C](#).

SENATOR CEGAVSKE MOVED TO AMEND AND DO PASS S.B. 282.

SENATOR NOLAN SECONDED THE MOTION.

MS. HAMNER:

The advisory committee was removed from the bill. A preamble or a letter of intent will be added to say it is the intent of the Legislature that oversight will be provided.

SENATOR MATHEWS:

Is the preamble or the letter of intent included here?

CHAIR WASHINGTON:

No, it will be added. You will see it when it is complete.

SENATOR HECK:

Is the preamble or letter of intent going to be what the Health Division would normally do and not create another committee?

MR. HAARTZ:

In previous testimony, I offered to bring subject-matter experts in for the purpose of developing appropriate regulations. It would not be an ongoing entity, nor would the Health Division be involved with program or quality-of-service decisions. That is outside of our purview.

CHAIR WASHINGTON:

The preamble will be written to call attention to your point.

Senate Committee on Human Resources and Education  
April 13, 2005  
Page 45

SENATOR MATHEWS:

You are asking us to vote on a bill that we have not seen.

CHAIR WASHINGTON:

We are asking you to vote without seeing the preamble or the letter of intent.

SENATOR WIENER:

Could you share the content with us?

MR. HAARTZ:

This is an issue that needs to be resolved through regulation and licensure of these facilities. We would bring in the responsible parties to create the regulations. We would not seek to create burdensome regulations, and the fees would be kept to a minimal amount.

CHAIR WASHINGTON:

It is not an advisory committee. It is a committee to help the Health Division develop appropriate regulations. The experts would be comprised of various members who were in the original language of the bill.

SENATOR MATHEWS:

In my opinion, that should be in regulations.

MR. HAARTZ:

We do have the authority. I was stating, for the record, that we are committed.

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

\* \* \* \* \*

SENATOR MATHEWS:

We need to receive the letter of intent before this goes to the floor, so it can be discussed.

SENATOR WIENER:

I thought a letter of intent was subject to Committee input. Will the letter of intent be going to the Health Division since they will be carrying out this legislation?

Senate Committee on Human Resources and Education  
April 13, 2005  
Page 46

CHAIR WASHINGTON:  
That is correct.

MS. LYONS:  
The proposed amendments for S.B. 368 are located under tab V of [Exhibit C](#).

[SENATE BILL 368](#): Revises provisions regarding professional development of teachers and administrators. (BDR 34-1092)

CHAIR WASHINGTON:  
It is my understanding that sections 32 and 42 will be withdrawn from the bill.

SENATOR CEGAVSKE MOVED TO DO PASS S.B. 368.

SENATOR NOLAN SECONDED THE MOTION.

MS. HALDEMAN:  
I would ask you to change the language in section 4 of the bill from "at least 85 percent" to "the primary focus ... ."

SENATOR CEGAVSKE:  
I will withdraw the motion on S.B. 368.

SENATOR NOLAN:  
I will withdraw the second on S.B. 368.

SENATOR CEGAVSKE MOVED TO AMEND AND DO PASS S.B. 368.

SENATOR WIENER SECONDED THE MOTION.

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

\* \* \* \* \*

CHAIR WASHINGTON:  
We will open the hearing S.B. 403.

**SENATE BILL 403**: Requires board of trustees of school district to report certain disciplinary information regarding teachers and school administrators to Department of Education. (BDR 34-415)

Ms. LYONS:

The proposed amendment for the bill is under tab W of [Exhibit C](#).

SENATOR CEGAVSKE MOVED TO AMEND AND DO PASS S.B. 403.

SENATOR NOLAN SECONDED THE MOTION.

Ms. HALDEMAN:

I want to put on the record that Ms. Whitacre and I met and tried to reach consensus with an issue raised with section 6. We have not come to a conclusion, but we have agreed to keep working on it.

JULIE WHITACRE (Nevada State Education Association):  
We are committed to continue working on the bill.

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

\* \* \* \* \*

CHAIR WASHINGTON:

We will open the hearing on S.B. 458. The suggested amendment is under tab X of [Exhibit C](#).

**SENATE BILL 458**: Makes various changes concerning time within which person who is transported to hospital is transferred to place in hospital where he can receive services. (BDR 40-1321)

MR. WILLDEN:

I met with Dr. Donald Kwalik, Chief Health Officer, Clark County Health District, and his staff. We came up with the revised fiscal note. The group agreed the July 1, 2005, start date would be difficult to meet, and would like it changed to October 1, 2005. The costs are identified by the Clark County Health District in the top box of the suggested amendment. The language in the bill seems

Senate Committee on Human Resources and Education  
April 13, 2005  
Page 48

confusing concerning counties other than Clark County opting to participate. If a county wants to participate, they should be required to enroll in the program.

SENATOR NOLAN MOVED TO RESCIND THE PREVIOUS ACTION TAKEN TO AMEND AND DO PASS S.B. 458.

SENATOR HECK SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

\* \* \* \* \*

SENATOR NOLAN MOVED TO AMEND AND DO PASS S.B. 458 WITH LANGUAGE TO REQUIRE COUNTIES TO NOTIFY THE STATE IF THEY WISH TO ENROLL IN THE PROGRAM.

MR. WILLDEN:

We understand there is no election required by the hospitals located in Clark County.

SENATOR HECK SECONDED THE MOTION.

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

\* \* \* \* \*

CHAIR WASHINGTON:

We will open the hearing on S.B. 286.

[SENATE BILL 286](#): Makes various changes regarding career and technical high schools. (BDR S-1228)

MS. LYONS:

The proposed amendment for the bill is located under tab Q of [Exhibit C](#).

SENATOR WIENER MOVED TO AMEND AND DO PASS S.B. 286.

SENATOR HECK SECONDED THE MOTION.

Senate Committee on Human Resources and Education  
April 13, 2005  
Page 49

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

\* \* \* \*

CHAIR WASHINGTON:

There being no other issues before us today, this meeting of the Senate  
Committee on Human Resources and Education will now adjourn at 6:34 p.m.

RESPECTFULLY SUBMITTED:

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Cynthia Cook,  
Committee Secretary

APPROVED BY:

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Senator Maurice E. Washington, Chair

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