

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

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

The Senate Committee on Human Resources and Education was called to order by Chair Maurice E. Washington at 12:01p.m. on Friday, May 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 K. Cegavske, Vice Chair
Senator Dennis Nolan
Senator Joe Heck
Senator Bernice Mathews
Senator Valerie Wiener

COMMITTEE MEMBERS ABSENT:

Senator Steven Horsford (Excused)

GUEST LEGISLATORS PRESENT:

Assemblyman Tom Grady, Assembly District No. 38
Assemblywoman Marilyn Kirkpatrick, Assembly District No. 1

STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Craig Kadlub, Clark County School District
Lynn P. Chapman, Nevada Eagle Forum

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

Jeannette N. Welsh, Nevada Association of Counties
Daniel C. Holler, Douglas County
Dave Drew, Deputy Fire Chief, East Fork Fire and Paramedic Districts
Chad N. Hastings, Chief Deputy, State Fire Marshal Division, Department of
Public Safety

CHAIR WASHINGTON:

We will open the meeting with Assembly Bill (A.B.) 162. This bill is summarized under tab A of the work session document ([Exhibit C](#), original is on file at the Research Library). There were no amendments provided for the bill.

ASSEMBLY BILL 162 (1st Reprint): Revises provisions governing charter schools and educational personnel. (BDR 34-934)

SENATOR MATHEWS MOVED TO DO PASS A.B. 162.

SENATOR HECK SECONDED THE MOTION.

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

MARSHEILAH D. LYONS (Committee Policy Analyst):

The next bill, A.B. 168, is located under tab B of [Exhibit C](#). There is an amendment proposed by Lucille Lusk, Nevada Concerned Citizens.

ASSEMBLY BILL 168: Revises provisions governing charter schools. (BDR 34-861)

SENATOR CEGAVSKE MOVED TO AMEND AND DO PASS AS AMENDED A.B. 168.

SENATOR MATHEWS SECONDED THE MOTION.

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

Senate Committee on Human Resources and Education
May 13, 2005
Page 3

Ms. LYONS:

The next bill, A.B. 180, is located under tab C of [Exhibit C](#). There are three proposed amendments. The first proposed amendment is from Ms. Lusk, Nevada Concerned Citizens. The second amendment is proposed by Senator Washington, and it is related to the adoption of uniform programs for school districts to collect, maintain and transfer data to systems. The third amendment is proposed by Ricci J. Rodriguez-Elkins. The intent is listed in [Exhibit C](#).

ASSEMBLY BILL 180 (1st Reprint): Revises provisions governing charter schools. (BDR 34-1034)

SENATOR HECK:

Did we not process a bill that allowed charter schools to go directly to the State Board of Education without having to be denied by the local board? The intent was to be able to get around not applying and being denied by the local school board.

CHAIR WASHINGTON:

The bill you are speaking of is still in the Senate Committee on Finance. The amendments proposed here would be fine. In the event one of the bills becomes impeded I am sure the Legal Division of the Legislative Counsel Bureau (LCB) will rectify them.

SENATOR CEGAVSKE MOVED TO AMEND AND DO PASS AS AMENDED A.B. 180 WITH AMENDMENTS TWO AND THREE OF [EXHIBIT C](#).

SENATOR HECK SECONDED THE MOTION.

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

Ms. LYONS:

The bill summary for A.B. 377 is located under tab D of [Exhibit C](#).

ASSEMBLY BILL 377: Revises provisions governing association for interscholastic activities. (BDR 34-735)

Senate Committee on Human Resources and Education
May 13, 2005
Page 4

SENATOR CEGAVSKE:

I have asked the parties to meet with the Nevada Interscholastic Activities Association. I request this bill be held until the Senate Committee on Human Resources and Education meeting of May 18, 2005.

Ms. LYONS:

The next measure, A.B. 519, can be found under tab E of [Exhibit C](#).

ASSEMBLY BILL 519 (1st Reprint): Requires State Department of Agriculture to, in certain circumstances, revoke registry identification cards issued to participants in medical marijuana program. (BDR 40-273)

SENATOR HECK MOVED TO DO PASS A.B. 519.

SENATOR WIENER SECONDED THE MOTION.

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

Ms. LYONS:

The next measure, A.B. 521, can be found under tab F of [Exhibit C](#).

ASSEMBLY BILL 521 (1st Reprint): Revises provisions governing allocation of money from Fund for a Healthy Nevada. (BDR 40-713)

SENATOR WIENER MOVED TO DO PASS A.B. 521.

SENATOR HECK SECONDED THE MOTION.

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

CHAIR WASHINGTON:

We will open the hearing on A.B. 70.

ASSEMBLY BILL 70 (1st Reprint): Requires boards of trustees of certain school districts to establish policies governing use of school property without charge. (BDR 34-842)

ASSEMBLYWOMAN MARILYN KIRKPATRICK (Assembly District No. 1):

This bill has undergone several revisions. I believe this format, which is in the form of a resolution, remains focused on the intent of the original bill. My goal was to accomplish two things. One was to ensure all the districts have in place a facility-use policy that gives special consideration to groups when assessing facility fees. Such groups would include the pupils of the school and support the mission of public education as well as the groups that promote strong home-school relationships. The other goal was to ensure that school policies are applied uniformly throughout the school districts and that the public is not denied use of public facilities. I believe this measure is a step towards achieving the two goals. It has generated significant discussion and attention. The most important thing is to be in the best interest of the children, parents and taxpayers. In that respect, the bill has accomplished much. I recognize that school boards have crafted use policies. This bill will take it to the next level by ensuring access to schools for groups throughout the school districts. I have worked extensively with the Clark County School District in bringing A.B. 70 to this point, and I believe we have reached agreement.

SENATOR CEGAVSKE:

I am in full support of this bill. The idea of encouraging students to perform service projects in lieu of a fee is excellent.

SENATOR MATHEWS:

I think this is a great idea. I wonder how the liability issue is handled.

ASSEMBLYWOMAN KIRKPATRICK:

These groups are required to provide a \$1 million policy at any time they use the facilities.

CRAIG KADLUB (Clark County School District):

The Clark County School District is here to support this measure. We were pleased to be included in the decision-making process.

Senate Committee on Human Resources and Education
May 13, 2005
Page 6

LYNN P. CHAPMAN, (Nevada Eagle Forum):

The Nevada Eagle Forum is neutral on A.B. 70. We approve the use of school facilities by various groups. The United States Supreme Court has reaffirmed, unanimously, that churches seeking to use community facilities must be treated on the same basis as other community groups.

SENATOR CEGAVSKE MOVED TO AMEND AND DO PASS AS AMENDED
A.B. 70.

SENATOR WIENER 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 A.B. 141.

ASSEMBLY BILL 141: Increases maximum balance allowed in district fire emergency fund of certain fire protection districts. (BDR 42-593)

JEANNETTE N. WELSH (Nevada Association of Counties):

The Nevada Association of Counties (NACO) brought this bill forward on behalf of Douglas County. Due to the increased cost of wildland fire suppression, emergency-fund response and potential declining financial support from the federal government for fire suppression, the NACO feels it is necessary to provide for an increase in the balance of emergency funds. The bill would allow an increase from \$250,000 to an amount not to exceed \$1 million. The amount would be at the discretion of the fire district.

DANIEL C. HOLLER (Douglas County):

As the County Manager for Douglas County, I hope this straightforward bill will be passed. It is permissive to the fire district and does not add costs to the State. In the past, the fire districts have taken savings throughout the year and moved them into the emergency fund. The concern we have at the \$250,000 level is if there is a large wildland fire. Our goal is to have the funding in place to allow capability at the local level.

SENATOR HECK:

The fire district tax is assessed on the property-tax bills. Is it itemized as operating and emergency expenses or just as a fire-district tax?

MR. HOLLER:

It is just listed as a fire-district tax. We have broken it out to show a capital fund, but not the emergency fund.

SENATOR HECK:

Do you take money that comes in as part of the tax and allocate some of it to the emergency fund?

MR. HOLLER:

Yes, and it could also come from interest, fees or other revenue. If the tax revenues are in excess of operating expenses, they would be moved to the emergency fund.

SENATOR HECK:

Is there any concern with putting too much in the emergency fund and coming up short in operating expenses?

MR. HOLLER:

The operating expenses are always funded first. At the end of the fiscal year any excess is transferred to the emergency fund.

DAVE DREW (Deputy Fire Chief, East Fork Fire and Paramedic Districts):
I am sure you are all aware of the cost of fighting wildland fires.

SENATOR NOLAN:

If there were a mutual-aid situation from another fire district, would that be a use for the emergency fund?

MR. HOLLER:

Within the Sierra Front Interagency Dispatch Center, the first 24 hours is free of charge. If the situation is beyond that, we could look at the emergency fund to cover those costs.

SENATOR NOLAN MOVED TO DO PASS A.B. 141.

SENATOR HECK SECONDED THE MOTION.

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

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ASSEMBLYMAN TOM GRADY (Assembly District No. 38):
The bill I have today is A.B. 346.

[ASSEMBLY BILL 346 \(1st Reprint\)](#): Authorizes State Fire Marshal to adopt certain regulations relating to use of fire by fire departments in providing training to firemen. (BDR 42-276)

ASSEMBLYMAN GRADY:

This bill requires the regulations to be based upon nationally recognized standards. The State Fire Marshal Division has an amendment which covers two areas ([Exhibit D](#)). We do not accept the term "shall." We want the word "may" to remain. Metropolitan areas have their own expertise to deal with the issues addressed in this bill. We talked with the State Fire Marshal and he is now in agreement.

CHAD N. HASTINGS (Chief Deputy, State Fire Marshal Division, Department of Public Safety):

The State Fire Marshal Division would like to complete the missions that we have been assigned during the reengineering phase of the Department of Public Safety (DPS). With the new series of DPS Officer and Hazardous Materials Inspector, we need to be able to participate as public-safety officers and hazardous-materials technical experts on federal, State and local areas. This amendment will further strengthen the role of the State Fire Marshal Division and the Department of Public Safety.

MR. DREW:

I concur with Mr. Hastings. To add "shall" to the amendment brings up a different group of concerns. Permissive language is more appropriate at that level. We support the changes in the training language in [Exhibit D](#).

SENATOR HECK:

Currently, who sets the regulations for dealing with the towers?

MR. DREW:

Currently, there are national model codes that should be followed. The enforcement is on a local basis. The intent of putting this into state law is to standardize the regulations so firefighters will be able to train safely.

SENATOR HECK:

If the State Fire Marshal decides to promulgate regulations relating to this, is it your intent to encompass all counties?

ASSEMBLYMAN GRADY:

I believe the intent of the amendment is to say the public-safety officers may participate. The federal regulations describe the basic regulations necessary to be completed before a live burn. All fire departments would be bound by these regulations.

SENATOR HECK:

[Exhibit D](#) makes reference to participation as public-safety officers and hazardous-materials technical experts on local teams and task forces. Do you currently fill that role?

MR. HASTINGS:

In some areas, yes we do. We want to reinforce the role of the State Fire Marshal Division. We are looking at hazardous materials being transported through Nevada and making sure the local fire departments have the regulations. This amendment will strengthen our current role. In doing so, it will also strengthen the role of the DPS.

MR. DREW:

There are diverse needs throughout the State. The permissive language, would allow the State Fire Marshall to provide those services when and where necessary.

SENATOR NOLAN MOVED TO AMEND AND DO PASS AS AMENDED
A.B. 346.

SENATOR HECK SECONDED THE MOTION.

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

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Ms. LYONS:

As motions are being discussed, they are sometimes not properly finalized. We have been asked to confirm three measures that were heard on April 13, 2005. They have passed on the floor of the Senate. For the record, we will clarify the Committee vote. These motions were Senate Bill (S.B.) 268, S.B. 368 and S.B. 460.

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

SENATOR HECK MOVED TO AMEND AND DO PASS AS AMENDED S.B. 268.

SENATOR CEGAVSKE SECONDED THE MOTION.

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

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

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

SENATOR HECK SECONDED THE MOTION.

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

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

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

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

SENATOR HECK SECONDED THE MOTION.

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

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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 12:46 p.m.

RESPECTFULLY SUBMITTED:

Cynthia Cook,
Committee Secretary

APPROVED BY:

Senator Maurice E. Washington, Chair

DATE: _____