

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

**Seventy-fourth Session
May 16, 2007**

The Senate Committee on Human Resources and Education was called to order by Chair Maurice E. Washington at 1:46 p.m. on Wednesday, May 16, 2007, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412E, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Maurice E. Washington, Chair
Senator Barbara K. Cegavske, Vice Chair
Senator Dennis Nolan
Senator Joseph J. Heck
Senator Valerie Wiener
Senator Steven A. Horsford
Senator Joyce Woodhouse

GUEST LEGISLATORS PRESENT:

Assemblywoman Bonnie Parnell, Assembly District No. 40

STAFF MEMBERS PRESENT:

Marsheilah D. Lyons, Committee Policy Analyst
Joe McCoy, Committee Policy Analyst
Sara Partida, Committee Counsel
Shauna Kirk, Committee Secretary

OTHERS PRESENT:

Deborah A. McBride, M.B.A., Chief, Bureau of Community Health, Health Division, Department of Health and Human Services
Tami Chartraw, M.B.A., Health Program Specialist I, Health Division, Department of Health and Human Services
Cari Rovig, Executive Director, Nevada Immunization Coalitions

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Bonnie Sorenson, Director, Clinic and Nursing Services, Southern Nevada Health District

Carissa L. Monfalcone, Saint Mary's Regional Medical Center

Robert L. Crowell, Sierra Health Services, Incorporated

Kathie Lloyd, Perinatal Clinical Nurse Specialist, Renown Regional Medical Center

Dr. Craig Kadlub, Clark County School District

Keith W. Rheault, Ph.D., Superintendent of Public Instruction, Department of Education

James M. Wright, Chief, State Fire Marshal Division, Department of Public Safety

CHAIR WASHINGTON:

We will open the hearing on Assembly Bill (A.B.) 410.

ASSEMBLY BILL 410: Makes certain changes relating to the immunization of children. (BDR 40-877)

DEBORAH A. MCBRIDE, M.B.A. (Chief, Bureau of Community Health, Health Division, Department of Health and Human Services):

I will read from my written testimony ([Exhibit C](#)).

SENATOR HECK:

As many know, the immunization registry has been a pet peeve of mine for some time. Specifically, we have received over \$2.8 million in federal grants since 1992, and we still do not have a statewide integrated registry. There is the State Registry, and there is the Southern Nevada Health District Registry. What is the plan to have those two linked, as opposed to Southern Nevada Health District just supplying data? If no one can see what is in each other's database, how are they going to know where the child is in the immunization schedule?

MS. MCBRIDE:

Currently, we upload data from the Southern Nevada Health District. We are looking at ways in the future of linking both of those systems together so they can share data.

SENATOR HECK:

We have been working on this for 15 years and have spent in excess of \$2.8 million. I would like to know when is that going to happen. Where are we in that linkage?

TAMI CHARTRAW, M.B.A. (Health Program Specialist I, Health Division, Department of Health and Human Services):

We are improving the matching algorithm which the search function of the data uploads of Southern Nevada Health District Registry to the State registry. We have recently given view only and add record rights to all Southern Nevada Health District staff so they can do the State registry as well. We are looking at funding opportunities to increase the functionality of the registry.

SENATOR HECK:

I will not belabor the issue. I requested from the Health Division a "white paper" on the immunization registry. It shows our complete lack of progress in this regard over 15 years. I applaud this bill. It is needed, but there are grave concerns about a doctor in Clark County who has to access two different databases to see where a child is in their immunization schedule. Until that is taken care of, it does not make a difference what we do with this immunization registry. It will continue to be broken. I hope that by 2009, you will be reporting that we have a fully integrated and functional immunization registry.

CHAIR WASHINGTON:

We can offer an amendment to take a serious look at it during the interim with the Legislative Committee on Health Care. There has to be some linkage.

SENATOR CEGAVSKE:

Section 1, subsection 4 states, the form provided to the parent or guardian must inform the parent or guardian of the child receiving the immunization of the immunization information system and must allow the parent or guardian to decline inclusion. It sounds like you are asking the child's parent to fill out the form and give that to you. Who is required to give you the information? Are you getting it from the doctor's office or the health district?

MS. MCBRIDE:

It would be given to the parent to be filled out and given to the provider.

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SENATOR CEGAVSKE:

Who does the parent give it to?

CARI ROVIG (Executive Director, Nevada Immunization Coalitions):

It informs parents their child's information is going into a registry and allows them to opt out.

SENATOR CEGAVSKE:

Would it then go back to the doctor and the health district?

Ms. ROVIG:

Correct.

SENATOR CEGAVSKE:

Are they the ones who are going to supply you with the information?

Ms. ROVIG:

They can put it directly into the registry via the Website, or they can do so in another format.

SENATOR CEGAVSKE:

In section 1, subsection 2, line 20, it states, "Any other information required by the State Board of Health." That is too broad. Other than their name, shots, age, gender and race, what else would you need, and why would we have it so broad?

Ms. MCBRIDE:

Any other information needed would be decided by the State Board of Health.

SENATOR CEGAVSKE:

I do not know why you need paragraph (d) when you have paragraphs (a), (b) and (c).

Ms. CHARTRAW:

There are certain core-data elements that are required by the Centers for Disease Control and Prevention (CDC) and the National Vaccine Advisory Committee. Those include patient name, patient birth date, patient sex, patient's birth state, vaccine type, manufacture date and vaccine lot number.

SENATOR CEGAVSKE:

Why not spell out exactly what it is you want?

MS. CHARTRAW:

We are anticipating the regulations going to a micro level in terms of actually spelling out the demographic information that would be included.

SENATOR CEGAVSKE:

I would prefer that it be spelled out. Would you be sending out notices to parents whose children are behind in their immunization schedule?

MS. MCBRIDE:

Yes. There is a reminder-recall system within the Web Immunization Tracking System (WebIZ) that providers can access. That will list what immunizations are needed or that have been missed.

SENATOR CEGAVSKE:

Will the providers do that and not the State?

MS. MCBRIDE:

Yes.

SENATOR CEGAVSKE:

Are you sending it out to the providers?

MS. MCBRIDE:

No. It would be sent out from the provider's office.

MS. CHARTRAW:

The WebIZ is set up on a provider level. The provider manages and acts as the medical home for the child. They produce periodic reports that will show the children who are overdue for their vaccinations.

SENATOR WIENER:

Can we say the other information is as required by the CDC for tracking under section 1, subsection 2, paragraph (d) of A.B. 490?

CHAIR WASHINGTON:

Section 1, subsection 2 spells it out.

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SENATOR WIENER:

The Centers for Disease Control and Prevention was the reference in the response.

CHAIR WASHINGTON:

That is correct; however, subsection 2 says whatever the CDC requires as far as other information is required by the State Board of Health.

SENATOR WIENER:

Are you referring to the Public Health Service Advisory Committee on Immunization Practices?

CHAIR WASHINGTON:

Yes, approved by the United States Public Health Service Advisory.

SENATOR WIENER:

I thought that might make it clearer, and we would not have to come back every other year.

SENATOR HECK:

There are other entities interested in collecting this data. If just paragraph (d) was information required through regulations, it is specified. There is an open workshop and public comment, and the decision can be made as to whether or not the data should be collected. There would be some control if it is done through workshop and regulation.

BONNIE SORENSON (Director, Clinic and Nursing Services, Southern Nevada Health District):

I will read from my written testimony ([Exhibit D](#)).

CARISSA L. MONFALCONE (Saint Mary's Regional Medical Center):

Saint Mary's Regional Medical Center supports this bill.

ROBERT L. CROWELL (Sierra Health Services, Incorporated):

Sierra Health Services, Incorporated, also supports this bill.

KATHIE LLOYD (Perinatal Clinical Nurse Specialist, Renown Regional Medical Center):

I also support this bill.

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SENATOR WIENER MOVED TO AMEND AND DO PASS AS AMENDED
A.B. 410 WITH SENATOR WIENER'S AMENDMENT ON CDC AND
SENATOR HECK'S AMENDMENT ON REGULATORY PROCESS.

SENATOR WIENER:

Can the CDC and the regulatory process be combined as one? I do not think they conflict and suggest combining those two.

SENATOR HECK:

It could be through the CDC or by regulation.

CHAIR WASHINGTON:

There is another amendment to look at the integration of systems between county health departments.

SENATOR HECK SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR WASHINGTON:

We will open the hearing on A.B. 485.

ASSEMBLY BILL 485 (1st Reprint): Revises provisions relating to the attendance and truancy of pupils. (BDR 34-418)

ASSEMBLYWOMAN BONNIE PARNELL (Assembly District No. 40):

Assembly Bill 485 is addressing the issue of truancy and excessive absences in our schools. It has become critically important. We have too many students missing school. Page 5 of the bill is regarding the annual report done by schools and includes information about dropouts. Section 3 is to have a creative group of people who can address issues regarding attendance other than the child does not want to go to school. Page 20 states, if you are a parent or guardian knowingly enabling a child not to attend school, you can be brought before the legal system. It also says the juvenile court may suspend a fine if the parent or guardian of a child is ordered to pay a fine should there be extenuating circumstances. I have a proposed amendment to section 11. This section

requires the chairman of the Legislative Committee on Education to appoint a subcommittee during the next interim to study issues of truancy. We would like to see how this bill works for a two-year period and get a report on the success of having these attendance councils. I do not want the fiscal issue of a subcommittee to keep this bill from going forward, and I would delete section 11 of this bill.

SENATOR HORSFORD:

I wanted to bring an amendment to a bill that is being heard this afternoon in your committee dealing with the National Governors Association's Compact on State High School Graduation Data regarding dropouts. According to the Legislative Counsel Bureau, the bill I wanted to run that amendment on is not germane. Would you be willing to accept that amendment on this bill?

ASSEMBLYWOMAN PARNELL:

I would be happy to do so.

SENATOR HORSFORD:

I will read that amendment ([Exhibit E](#)). Based on information from national organizations working on this, there are other states that have already implemented this. I would like to get something on the record from the Legislature, again, stating how important it is that they follow through on this compact that our governors have entered into. If the sponsor of the bill would permit and the Committee would allow, I would like to consider that.

SENATOR CEGAVSKE:

It is actually coming from the Legislative Committee on Education. We need to make sure that Senator Raggio is onboard with it.

SENATOR HORSFORD:

Separate from this issue, I wondered if the Committee on Education had heard or considered other options relating to habitual truancy and giving discretion to the juvenile courts to suspend, revoke or deny a student their driver's license if they are not attending school.

ASSEMBLYWOMAN PARNELL:

That was not a part of the discussion.

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SENATOR CEGAVSKE MOVED TO AMEND AND DO PASS AS AMENDED
A.B. 485.

SENATOR WIENER SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR WASHINGTON:

We will now go to our work-session document ([Exhibit F](#), original is on file in the Research Library), and discuss A.B. 263.

ASSEMBLY BILL 263 (1st Reprint): Makes various changes to provisions governing the abuse and neglect of children. (BDR 38-598)

MARSHEILAH D. LYONS (Committee Policy Analyst):

Assembly Bill 263 makes various changes to provisions governing the abuse and neglect of children. There is an amendment offered by Senator Washington that you can see on page 3 of [Exhibit F](#).

CHAIR WASHINGTON:

The Division of Child and Family Services, Department of Health and Human Services is happy with the bill.

SENATOR CEGAVSKE MOVED TO AMEND AND DO PASS AS AMENDED
A.B. 263.

SENATOR WIENER SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR WASHINGTON:

We will now discuss A.B. 334.

ASSEMBLY BILL 334 (1st Reprint): Revises provisions governing charter schools. (BDR 34-413)

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JOE MCCOY (Committee Policy Analyst):
Assembly Bill 334 revises provisions governing charter schools. There are two amendments proposed for this bill, [Exhibit F](#).

SENATOR CEGAVSKE:
Why are we not including all schools?

CHAIR WASHINGTON:
There was a bill that dealt with administrators' salaries and compensation that Senator Beers introduced.

SENATOR CEGAVSKE:
This bill is for charter schools only. It only makes them adhere to the new regulation.

CHAIR WASHINGTON:
We spoke to Craig Butz from Odyssey Charter Schools. The administrators are in compliance and are happy with the amendment. It does address one situation that was overlooked. It provides some clarity for the governing body or the sponsoring agent to verify salary and compensation to address that issue.

SENATOR CEGAVSKE:
I would like to amend public schools into this. Does it make the public schools adhere to it as long as a charter is a public school?

CHAIR WASHINGTON:
That is a fair question. We are looking at the pay for administrators based on the salary and compensation package for public school administrators and make sure they are in line. If we do it for public schools, who do we measure their pay against?

SENATOR CEGAVSKE:
Who do you use to measure charter schools?

CHAIR WASHINGTON:
Public schools.

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SENATOR CEGAVSKE:

If they are high, then the charter schools would be high, so why do we need the bill?

SENATOR HORSFORD:

Do you mean the provision of the bill, or the bill?

CHAIR WASHINGTON:

The provision of the amendment addresses a situation, because there was some incongruence and some misuse of funds, and it needs to be addressed.

SENATOR CEGAVSKE:

I would like to ask Sara Partida, Committee Counsel, if this will include public schools.

SARA PARTIDA (Committee Counsel):

The bill and amendment are simply to tie a charter school to the same salary the public schools are already getting with respect to their use of public funds. I do not think this in any way addresses the salaries of a school district administrator.

SENATOR CEGAVSKE:

This should address charter schools along with public schools.

CHAIR WASHINGTON:

You can offer an amendment to include public schools and leave it up to the members of the Committee. Would that be your amendment?

SENATOR CEGAVSKE:

I would like the language to include public schools.

CHAIR WASHINGTON:

We can take a motion on your amendment to include public schools in the language of section 6, subsection 8, on page 24.

SENATOR CEGAVSKE MOVED TO AMEND AND DO PASS AS AMENDED
A.B. 334 TO INCLUDE PUBLIC SCHOOLS IN REVIEWING THEIR SALARY
AND COMPENSATION PACKAGE.

SENATOR NOLAN SECONDED THE MOTION.

SENATOR HECK:

The goal is a charter school administrator cannot be paid more with public funds than the compensation, including salary and fringe benefits, of a comparable administrator's school. If they want to pay them more out of private funds, that is fine. If they want to pay them more with public funds, it would go to audit and a decision would be made as to whether it is justifiable or not. Will the amendment state if a public school administrator is going to be paid more than whom? Are we saying that we are going to make sure no public school administrator is paid more than a charter school administrator in a comparable position?

SENATOR CEGAVSKE:

The public schools could pay an administrator more than another school. If it is out of line with the rest of them, we have no way to know.

SENATOR HECK:

The public schools have negotiated pay scales and steps to follow which were presented at the discussion of Senator Beers' bill regarding the different levels of compensation.

SENATOR CEGAVSKE:

There will be situations of different salaries with the empowerment-type schools.

SENATOR HECK:

Can we have someone from the school district administration address the issue as to whether that is what they foresee, and whether an empowerment principal can get a \$20,000-a-year-bonus and whether that is going to be out of line?

CHAIR WASHINGTON:

The empowerment schools will still be bound by negotiations. We did not exclude that as part of Senator Horsford's amendment to the bill. Those salaries and compensation packages still have to be negotiated.

DR. CRAIG KADLUB (Clark County School District):

There are classifications into which each administrator will fall. In the case of the empowerment schools, there have been some separately negotiated agreements with the bargaining unit. The district, in and of itself, does not have the discretion to say, I am going to pay this administrator an extra \$1,000. It is decided based on assignment and whether they are at a year-round school or an elementary school or high school. They all fall into designated classification with little or no discretion beyond those.

SENATOR HORSFORD:

As I understand the original bill, it states that a charter school administrator's salary must not exceed the salary of the highest-paid administrator in a comparable position in the district in which the charter school is located. The vice chairman is raising is a valid point, but negotiated salaries are the floor. What this says is that a charter school cannot pay more than the highest-paid administrator in that district. As a practical point, I do not know why we would pay more with public money. I understand the point you are trying to raise, in that charter schools should be given a level autonomy, but they should not be given free rein. This bill seeks to cap it at what the highest salary would be for a comparable position in the district.

CHAIR WASHINGTON:

We have a motion and a second on the floor. We will close the discussion and open it up for a vote to include public schools.

THE MOTION FAILED. (SENATORS WASHINGTON, HECK, HORSFORD, WOODHOUSE, WIENER AND NOLAN VOTED NO.)

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CHAIR WASHINGTON:

Mr. McCoy will review the amendments being offered on A.B. 334.

ASSEMBLY BILL 334 (1st Reprint): Revises provisions governing charter schools. (BDR 34-413)

MR. MCCOY:

Senator Horsford's amendment, Exhibit F, would allow a charter school to request a change of sponsor at any time, and it provides that the application

process for a change of sponsor must not require the charter school to undergo the requirements of the initial application.

SENATOR WOODHOUSE MOVED TO AMEND AND DO PASS AS AMENDED A.B. 334 WITH SENATOR HORSFORD'S AMENDMENT.

SENATOR WIENER SECONDED THE MOTION.

SENATOR HORSFORD:
Who conducts the audit in the first amendment?

CHAIR WASHINGTON:
The audit is conducted by the sponsor. It could be the district or the State.

SENATOR HORSFORD:
Who is the qualified entity that conducts the audit, and who pays for it?

CHAIR WASHINGTON:
That is left up to the sponsor.

KEITH W. RHEAULT, Ph.D. (Superintendent of Public Instruction, Department of Education):

As I recall the bill, the audit is looking at the salary of the administrator and would be simple. The State Board-sponsored charter schools would use our department auditors. The sponsor would review whether the salary is justifiable.

SENATOR HORSFORD:
There are audits done on my agency, but they do not say whether my salary is appropriate or not. They say whether or not we are following commonly accepted accounting principles. I do not understand what the audit would do to say whether or not the salary being paid is appropriate for taxpayer expense.

DR. RHEAULT:
All the requirement is asking is whether this salary exceeds the highest salary of a district-level person, and the audit would be making sure that we have the highest administrator's salary for a comparable position. I believe that is what they are talking about when they say "audit." I do not envision our auditors doing a full-blown budget and fiscal analysis of every expenditure in that charter school.

SENATOR HORSFORD:

It says that, if the charter school pays more than the highest amount, there is an audit. The audit confirms someone is being paid more than the highest comparable position in the district. Then what?

DR. RHEAULT;

The audit would determine the highest administrative salary in a comparable position for the district. Then it would go to the sponsor for justification of the higher salary for approval.

CHAIR WASHINGTON:

It would also include the duties that are performed by the administrator.

DR. RHEAULT:

They would have to show a comparable position as well.

SENATOR HORSFORD:

Would the audit be public when it is completed?

DR. RHEAULT:

Correct.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR WASHINGTON:

We will now discuss A.B. 386.

ASSEMBLY BILL 386 (1st Reprint): Requires the Nevada Interscholastic Activities Association to adopt regulations governing spirit squads.
(BDR 34-1108)

MS. LYONS:

Assembly Bill 386 requires the Nevada Interscholastic Activities Association (NIAA) to adopt regulations governing spirit squads.

MR. MCCOY:

There is an amendment offered by Senator Washington. It would require that the safety standards governing spirit squads, adopted by the NIAA, must comply with the rules governing spirit squads set forth by the National Federation of State High Schools Associations and deletes the provision that the NIAA must regulate the activity of spirit squads as an athletic activity. The amendment would also include language allowing a transition time for coaches to comply with regulations governing their qualifications.

SENATOR HORSFORD MOVED TO AMEND AND DO PASS AS AMENDED
A.B. 386.

SENATOR HECK SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR WASHINGTON:

We will now discuss A.B. 391.

ASSEMBLY BILL 391 (1st Reprint): Revises provisions governing the decisions of the Nevada Interscholastic Activities Association and certain of its designees. (BDR 34-79)

MS. LYONS:

On page 36 of the work-session document, [Exhibit F](#), you will see A.B. 391 revises provisions governing the decisions of the NIAA and certain of its designees. There are no amendments included in the work-session document.

SENATOR CEGAVSKE:

Is this the one about the athletes being taken out of a game for an alleged violation without an opportunity to play? If they were found innocent, they missed playing in the whole game.

CHAIR WASHINGTON:

That is correct.

SENATOR NOLAN:

I met with the director of the NIAA. In the beginning, I thought this would be problematic, but it is usually at a championship level that the student is being denied to play. It is usually a student with superior athletic ability, and that is why it is contested. By the end of our meeting, I came to the conclusion that this is a good bill. If the NIAA pulls an athlete, there is civil recourse that can take place. If it was determined the NIAA was wrong and the student was denied play, the NIAA would have to overturn the championship decision. In most cases, it does not give the school the opportunity to play that championship again. The NIAA takes the decision seriously if they are going to pull an athlete out of a championship game. There are enough safeguards in place. If they pull someone out of a game and are wrong, there is enough remedy to handle the situation.

SENATOR HECK:

It would be interesting to find out how many times they have pulled someone out of a game only to have it overturned.

SENATOR HORSFORD:

It states, "must not be stayed by a court." Can a court not intervene?

SENATOR CEGAVSKE:

We are allowing the NIAA to make the decision and not the court.

THE MOTION CARRIED. (SENATOR HORSFORD VOTED NO.)

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CHAIR WASHINGTON:

We will now discuss A.B. 443.

ASSEMBLY BILL 443 (1st Reprint): Revises provisions relating to communicable diseases. (BDR 40-1057)

Ms. LYONS:

Assembly Bill 443 revises provisions relating to communicable diseases. An amendment is proposed by Senator Washington. The amendment removes medical laboratories from the legislative intent for collaboration in section 3 of the bill. It also removes medical laboratories from requirements to provide or

ensure the provision of counseling services and removes medical laboratories from the requirements to provide appropriate referrals for future services or a referral to the local health authority. The amendment deletes section 5 and instead adds a person who has tested positive for human immunodeficiency virus (HIV) to the definition of disability.

SENATOR WIENER MOVED TO AMEND AND DO PASS AS AMENDED
A.B. 443.

SENATOR HORSFORD SECONDED THE MOTION.

SENATOR CEGAVSKE:

I am going to abstain from voting on this. I do not know what the State fiscal effect will be.

Ms. LYONS:

According to Assemblyman Park's testimony, the fiscal impact was related to the first version of the bill. Once the first reprint was done, the fiscal impact was removed.

SENATOR CEGAVSKE:

If we are putting in a new category, there has to be a fiscal note. You will be adding them to the disability list and giving services.

Ms. PARTIDA:

I am not sure what the fiscal effect will be.

SENATOR HECK:

Adding HIV to the disability list in the *Nevada Revised Statute*, chapter 613, does not add a fiscal note. It just deals with equal opportunity employment practices. It does not add it as a disability for care or medical.

THE MOTION CARRIED. (SENATOR CEGAVSKE ABSTAINED FROM THE
VOTE.)

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CHAIR WASHINGTON:

I have spoken with the sponsor of this bill, Assemblyman Tick Segerblom, and also to Assemblywoman Bonnie Parnell, and it has been agreed to withdraw A.B. 459.

ASSEMBLY BILL 459 (1st Reprint): Makes various changes relating to teachers.
(BDR 34-787)

CHAIR WASHINGTON:

We will now discuss A.B. 490.

ASSEMBLY BILL 490 (1st Reprint): Revises provisions governing the sealing of records concerning a person's admission to a hospital or mental health facility under certain circumstances. (BDR 39-1376)

Ms. LYONS:

Assembly Bill 490 on page 48 of the work-session document, [Exhibit F](#), revises provisions governing the sealing of records concerning a person's admission to a hospital or mental health facility under certain circumstances. There are two amendments proposed to the bill. The first was discussed in Committee and was presented by Dr. Brandenburg from the Division of Mental Health and Developmental Services to remove the term "and clinical" from page 2, line 3 of the bill, to remove lines 32 through 37 on page 2, and lines 1 through 2 on page 3. The Honorable Judge Janet J. Berry proposed the second amendment. Her amendment is to add language in the bill that reads that a judge or judicial officer may inspect and release to interested parties, sealed records where a finding regarding a person's mental health is necessary and relevant to the disposition of any pending legal matter. The additional language was requested to ensure that judges have access to these sealed mental health records and share them with the necessary parties as the court deems appropriate without having to go through the petition process outlined in the bill.

CHAIR WASHINGTON:

I spoke with Judge Berry today, and she clarified her amendment and her intent of the amendment which basically was to allow the judges to request the sealed records for mentally ill patients so they would not have to petition themselves which would be a long, lengthy process. After her clarification, I could see her merits of the language.

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SENATOR CEGAVSKE:

Is this about a judge trying to make a decision based on what happens to the person who is mentally ill, and it is not for a relative?

CHAIR WASHINGTON:

It could be a relative. It is in regard of the best interest of the child. The way Judge Berry explained it, it is like family court when determining guardianship of a minor. It may be required that the court look at the mental health records of the biological parents to make correct and appropriate decisions in determining that guardianship.

SENATOR CEGAVSKE:

Are we violating the Health Insurance Portability and Accountability Act of 1997 laws by doing this?

CHAIR WASHINGTON:

No.

SENATOR HECK MOVED TO AMEND AND DO PASS AS AMENDED
A.B. 490.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR WASHINGTON:

We will now discuss A.B. 529.

ASSEMBLY BILL 529 (1st Reprint): Clarifies the applicability of regulations of the State Fire Marshal concerning building codes. (BDR 42-375)

Ms. LYONS:

On page 50 of [Exhibit F](#), you will see A.B. 529. The first reprint clarifies the applicability of regulations to the State Fire Marshal concerning building codes. There is an amendment proposed by Senator Washington. The amended language is on page 54 of the exhibit. The amendment states as follows:

Except as otherwise provided in this subsection, any regulations of the State Fire Marshal concerning matters relating to construction, maintenance or safety of buildings, structures and property of this State do not apply in a county whose population is 400,000 or more which has adopted a code at least as stringent as the International Fire Code and the International Building published by the International Code Council. To maintain its exemption from the applicability of the regulations of the State Fire Marshal pursuant to this subsection, the county must adopt any new edition of those Codes within 1 year after publication of the new edition.

In addition, Clark County indicated concerns regarding the effective date of July 1, 2007, and wanted additional time to adopt the new codes. A new time and day was not specified.

JIM WRIGHT (Chief, State Fire Marshal Division, Department of Public Safety):
As I testified before you the other day, my main concern is that we have the ability to maintain that minimum standard code as a base across the State and that local jurisdiction could be more restrictive, if needed. The amendment that we process will allow us to maintain that base, because the State Fire Marshal has adopted the International Fire Code and the International Building Code. The original intent of this bill could have led to the possibility of the local governing jurisdiction to develop a code, pass it and put it into place that could be lesser than the State Fire Marshal's Code. That was our issue from the beginning. This is the second bill this Session that affects my responsibilities. The statutes the Fire Marshal is charged with, along with the amendments that you have encountered along the way, have made the statutes confusing. It has been very difficult to sort out what is to be done with the rules for each county's populations. Part of my work plan is to help you move and stabilize this organization. We need to get into these statutes to organize, streamline and define where our authority lies. This relates to the population of 400,000 in Clark County, and I want to make it clear that it is relating to the building and inspection portions. The Fire Marshal still retains the authority for regulatory fire protection of things dealing with people who are licensed for fire-extinguishing services, fire-sprinkler services and those types of things. As we have delegated some authority to those jurisdictions, we have not totally gotten out of the business in those jurisdictions. We still retain authority on certain aspects of it. That is what has led to some of the confusion of what the Fire Marshal does, where he does it and when he does it.

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CHAIR WASHINGTON:

I appreciate your efforts. We have been dealing with this issue since I have been here.

MR. WRIGHT:

As we understand it, Clark County is in the process of adopting the 2006 Code. Typically, we would adopt first and then them.

CHAIR WASHINGTON:

They have asked for a year. Does that create a problem?

MR. WRIGHT:

No. It would tie closely to our adoption process. I am hoping to have our process done and the 2006 Code implemented by January 2008.

SENATOR HECK:

If we extend the adoption date, they would fall under the State Fire Marshal. We can put it into effect in July, but until they adopt a new code, they are under the State Fire Marshal. If we extend the date, they are still under the State Marshal.

CHAIR WASHINGTON:

We will leave that up to your jurisdiction.

SENATOR HECK MOVED TO AMEND AND DO PASS AS AMENDED
A.B. 590.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

CHAIR WASHINGTON:

We will now hear A.B. 235 which is not in the work-session document.

ASSEMBLY BILL 235 (1st Reprint): Revises provisions relating to prescription drugs. (BDR 54-980)

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SENATOR NOLAN MOVED TO AMEND AND DO PASS AS AMENDED
A.B. 235.

SENATOR WIENER SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR WASHINGTON:

We will now adjourn the Senate Committee on Human Resources and Education
at 3:13 p.m.

RESPECTFULLY SUBMITTED:

Shauna Kirk,
Committee Secretary

APPROVED BY:

Senator Maurice E. Washington, Chair

DATE: _____