

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

**Seventy-fourth Session
March 14, 2007**

The Senate Committee on Human Resources and Education was called to order by Chair Maurice E. Washington at 1:36 p.m. on Wednesday, March 14, 2007, in Room 2135 of the Legislative Building, Carson City, 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

STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Craig Kadlub, Clark County School District

CHAIR WASHINGTON:

We will start this work session with Senate Bill (S.B.) 6.

SENATE BILL 6: Includes marijuana in the provision which prohibits persons from intentionally allowing children to be present at certain locations where certain crimes involving controlled substances are committed. (BDR 40-223)

MARSHEILAH D. LYONS (Committee Policy Analyst):

You have a work session document ([Exhibit C](#)) which lists the bills we will be discussing in this work session. The first measure for the Committee's consideration is S.B. 6 that includes marijuana in the provision which prohibits persons from intentionally allowing children to be present at certain locations where certain crimes involving controlled substances are committed. Attached to this, you have an amendment from Senator Heck.

SENATOR HECK:

I want to make sure the intent of this bill is perfectly clear before I present the amendment. This bill in no way further criminalizes the actual use of marijuana, and there is no increased penalty for anybody who is a user. It also in no way affects the provisions provided for under the medical marijuana chapter. It does not affect any of those requirements or the use of medical marijuana. This bill is simply about protecting children from the violence associated with drug dealing. It does not matter whether it is dealing methamphetamine, marijuana or any illegal drug. The violence associated with these acts is what the bill is attempting to control. It is also trying to control those who manufacture, cultivate or in any way produce these materials in the presence of a child. We have heard a lot of testimony revolving around how this is a methamphetamine bill, and I agree. The original wording of this bill included every controlled substance other than marijuana. If someone bought Tylenol with codeine and sold it out of their house, they would be covered by this bill. It even covers users of Tylenol with codeine who do not have a valid prescription for it. I did appreciate the position of the public defender regarding the quantity that needed to be present before there would be a danger and realize that someone with one or two marijuana plants in their garage is not going to pose a significant danger. The amendment would read, "or cultivates marijuana in excess of the amounts permitted by *Nevada Revised Statute* (NRS) 453A.200." That is the medical marijuana chapter within the NRS. It refers to the amount of marijuana an individual can have which this legislative body has already determined to be for personal use. For the sake of full disclosure, the amount for personal use is one ounce of useable marijuana or three mature plants or four immature plants. If you have more than that, you are liable to the greater penalties. That would be the amendment to cut out the occasional user growing one plant at home.

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SENATOR CEGAVSKE:

Did you have to change the language and make it an ounce to make someone happy?

SENATOR HECK:

Yes. The opposition came from the American Civil Liberties Union (ACLU) and from the public defender's office. Their primary concern is that increased penalties would overload our judicial system and marijuana did not pose as big a threat to children as methamphetamine. This somehow would skew the ability for judges to give escalating penalties based on the drug involved.

SENATOR CEGAVSKE:

Your goal is solely for the children present at a residence where there is manufacturing of an illegal drug.

SENATOR HECK:

That is correct.

SENATOR CEGAVSKE:

Do the majority of the people manufacturing drugs have children?

SENATOR HECK:

There was no specific data available. I looked at the fiscal note from the last Session when this was first put into place, and based on the number of people who may be incarcerated, it was inconsequential. It is believed it would result in no more than 34 additional penalties applied when the bill was heard last Session.

SENATOR CEGAVSKE:

Is marijuana the only drug that has to be an ounce, or does methamphetamine have to be an ounce also?

SENATOR HECK:

All other controlled substances included in the law have no amount requirement. The concern is whether a person who has a couple of joints and a child in the house, needs to be put in jail. I can concede that point. That is why I looked for an amount that would delineate the person had more in mind than smoking a joint in his own home.

SENATOR CEGAVSKE:

Is this because people do not consider it harmful to have marijuana smoked in a residence?

SENATOR HECK:

That was my impression.

SENATOR CEGAVSKE:

Based on that, I am not in favor of the amendment. I support the bill as it is.

CHAIR WASHINGTON:

Do I have a motion to amend and do pass?

SENATOR CEGAVSKE MOVED TO DO PASS S.B. 6.

SENATOR HORSFORD:

Senator Heck has done a good job of trying to frame the discussion. My concern with the bill, without the amendment, is the level of potential incarceration. I reluctantly would be prepared to support the bill as amended. It at least directs attention to those individuals who are using the types and amounts of marijuana that should be penalized. Based on the projections, we are talking about nearly doubling the amount of incarceration based on the laws we have on the books today. To impose this level of a penalty on individuals who use poor judgment sets up the State to pay more money to incarcerate them. It costs \$25,000 a year to incarcerate someone for 20 years versus doing the type of education and prevention that would help them understand that exposing children to marijuana or any illegal substance is unacceptable. That is where the attention should be placed. I appreciate Senator Heck's efforts on this bill. I struggled with the policy on this. I have to balance the interest of what we can do fiscally as a State. We cannot continue to put people in prison for long terms when we cannot afford to educate people now. I will not support the motion. I will support a motion that includes the amendments brought by Senator Heck.

SENATOR WIENER:

I concur with Senator Horsford's comments. I have worked with this issue, and I have spent a few years working in substance-abuse prevention. I support the amended version.

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SENATOR NOLAN:

I like Senator Cegavske's thought process with what she is trying to do, but I also agree with Senator Heck's summary of the amendment. I will be supporting the amended version.

CHAIR WASHINGTON:

I am going to support the amendment. It is a reasonable compromise to this situation.

SENATOR WOODHOUSE:

I am also in support of the amendment.

SENATOR CEGAVSKE:

Any time you are doing something illegal and putting children in jeopardy, there should be a penalty.

SENATOR HECK:

I agree with Senator Cegavske. However, I do not want the Committee to vote no on this bill. I appreciate their support of the amended version.

THE MOTION FAILED FOR LACK OF A SECOND.

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SENATOR HECK MOVED TO AMEND AND DO PASS S.B. 6.

SENATOR NOLAN SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR CEGAVSKE VOTED NO.)

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CHAIR WASHINGTON:

I will now open the hearing on S.B. 63.

SENATE BILL 63: Revises certain fees charged by the Commission on Postsecondary Education. (BDR 34-563)

MRS. LYONS:

Senate Bill 63 revises certain fees charged by the Commission on Postsecondary Education. This bill eliminates the fees charged by the Commission for a transcript of an academic record in the possession of the Commission and increases all other fees charged by the Commission, except the fee deposited in the account for student indemnification. The bill also imposes a fee of \$500 for certification of certain alcohol-beverage awareness programs by the administrator of the Commission. No amendment is included in the work session document ([Exhibit C](#)) for this measure.

CHAIR WASHINGTON:

There was a concern regarding the Governor's State of the State speech in regard to fees and assessments being imposed or increased. We asked the author of the bill to confer with the Governor to see exactly his position. Did anyone have an opportunity to talk to the Governor?

SENATOR CEGAVSKE:

I did. It will not pass his desk.

SENATOR NOLAN:

I was not present for the hearing on this bill. I may abstain from voting on it until I understand it better.

SENATOR HORSFORD:

I am the executive director of an agency that is licensed by the Commission on Postsecondary Education. I do not believe the proposal will affect the organization I represent any differently than other organization. I will be voting on the bill.

SENATOR CEGAVSKE MOVED TO INDEFINITELY POSTPONE S.B. 63.

SENATOR HECK SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR WIENER AND SENATOR HECK VOTED NO. SENATOR NOLAN ABSTAINED FROM THE VOTE.)

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CHAIR WASHINGTON:

I will now open the hearing on S.B. 97.

SENATE BILL 97: Limits salaries of certain school district administrators to one and one-half times the salary of the highest paid principal in the district. (BDR 34-16)

MRS. LYONS:

This bill provides that a school district shall not enter into a contract or agreement with an administrator if that contract or agreement provides a salary or other compensation for the administrator in an amount that is more than one and one-half times the salary or compensation paid to the highest-paid principal in the school district. This restriction applies to administrators who are employed to provide services at the district or regional level rather than the school level. This restriction applies only to contracts and agreements that are executed or renewed on or after July 1, 2007.

An amendment ([Exhibit C](#)) is proposed by Senator Washington. The first amendment proposes to limit the administrative salary to one and one-half times the highest salary or compensation allowable on the pay schedule for a principal employed by the school district. This allows for stability and budgeting and does not penalize the administrator in the event the highest-paid principal retires or otherwise leaves the employment of the district.

The second amendment limits the application of the provision of the measure to apply to Clark County School District only.

SENATOR CEGAVSKE MOVED TO AMEND AND DO PASS S.B. 97.

SENATOR NOLAN SECONDED THE MOTION.

SENATOR NOLAN:

This boiled down to a Clark County issue with the superintendent. We are not recruiting locally. We are recruiting nationally. The salary that was paid to this superintendent in Clark County was somewhere in the middle range. The qualifications of the superintendent were not limited to an educational bachelor or doctoral degree. Chief operating officer (CEO) types from large corporations could also apply for these jobs. When we discussed the salary range of these individuals, it was said that this is an apple-to-orange comparison, and you

could not bring a CEO salary range into the picture, because it was different. It is not different. We are trying to attract the best person to lead the school district. I am not exactly sure how much we bind the school district with the amendment. Will you can explain how this amendment is going to work.

CHAIR WASHINGTON:

There is a pay schedule for administrators or principals. The highest paid on the pay schedule is reflective of a principal who meets the qualification and criteria the school district is requiring. You may have a principal being paid \$100,000, but the pay schedule reflects \$200,000. When they hire a superintendent, they can hire one at one and one-half times the highest level on the pay schedule.

SENATOR NOLAN:

What was that pay schedule in Clark County?

CHAIR WASHINGTON:

The highest-paid principal was \$112,000 in Clark County. That is not the highest level on the pay schedule.

CRAIG KADLUB (Clark County School District):

The highest range on the salary schedule is for the general counsel of the school district. He is at about \$144,000 a year. It would be \$144,000 plus \$72,000 for the maximum yearly salary of the superintendent. This is based on the highest range of the principal.

SENATOR NOLAN:

The amendment states the board of trustees of the school district shall not enter into a contract or other agreement with an administrator if that contract or agreement provides a salary or other compensation for the administrator in an amount that is more than one and one-half times the highest salary or compensation allowable on the pay schedule for a principal employed by the school district.

CHAIR WASHINGTON:

Ms. Partida, are we referring to just the principal or any person that is in an administrative capacity within the school district that fits the highest-paid schedule?

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SARA PARTIDA (Committee Counsel):

I believe the intent was to apply to the district administrators and not to the principals themselves.

MR. KADLUB:

The general counsel is the next highest-paid administrator. The range of that salary would be \$144,000 a year maximum. It has a low of \$107,000 a year.

CHAIR WASHINGTON:

The act does say one and one-half times the pay to the principal who receives the highest salary. The bill states one and one-half times the compensation paid to the principal.

SENATOR HECK:

It applies to all administrative people at the district level, and not just the superintendent. According to the Administrative Positions chart, [Exhibit D](#), that you handed out, the highest range for a principal would be pay range 42 at \$85,500.

MR. KADLUB:

On page 4 of [Exhibit D](#), the senior high school principal is at a range 45. That ranges from a low of \$80,000 to a high of \$107,900 a year.

SENATOR HECK:

Would it be one and one-half times \$107,900?

MS. PARTIDA:

The salary of the administrator at the district level is one and one-half times the highest-paid principal.

SENATOR HORSFORD:

The wording in section 1, subsection 1 states, "The board of trustees of a school district shall not enter into a contract" Is that any contract, or just an employment contract? Does it need to be more specific?

MS. PARTIDA:

Subsection 1 of section 1 simply says contract or other agreement for salary or other compensation.

SENATOR HORSFORD:

Does that mean they would be prohibited from entering into a contract that is greater than one and one-half times the pay of the highest-paid principal to provide health care services to employees? It sounds like the word contract is too broad.

CHAIR WASHINGTON:

Do we need to clarify that so it is explicit or will the intent be enough?

MS. PARTIDA:

I do not read it to include things like health benefits. It is specific as to the contract or agreement for salary and other compensation. To my understanding, the health benefits are all the same package.

SENATOR HORSFORD:

I was using that as an example. I am reading it as a contract or other agreement with an administrator. The school board enters into many types of contracts like contracts for health care services, pension services, technology service, or any number of contracts. If those contracts are more than one and one-half times the principal's salary, would the district be prohibited from entering into those contracts? I understand the intent of the bill. I do not think the language in section 1, subsection 1, is limited to just an employment contract the way it is written.

CHAIR WASHINGTON:

The question was asked of the maker of the bill and various representatives from the Clark County School Board, if it was just for salaries. I understand the benefit package is in addition to the salary. The administrator's contract or agreement provide salaries or other compensation for the administrator in an amount that is one and one-half times that of the principal. I am assuming it is the salaries we are concerned about. I do not know, if when doing a contract or agreement, if the package includes the salary and benefits, or if they are two different contracts.

MS. PARTIDA:

It is salary and compensation.

SENATOR HORSFORD:

I am not comfortable supporting the bill as written. We are stepping outside of our bounds. Local school districts are elected by their local communities. To put this type of State limitation is stepping outside of our roles as Legislators. I need more explanation around employment contracts. The Senate Committee on Commerce and Labor deals with contracts between individuals and the rules around them. We might be going beyond our expertise as far as contractual arrangements. For those two reasons, I will not be supporting the bill as written.

SENATOR WOODHOUSE:

I would be opposed to this bill for a number of reasons. One of the responsibilities of the local school board is the hiring of their superintendents and this responsibility belongs to them. There was a great deal of discussion on market demands. That is important when you look at school districts the size of Clark County School District. I find it unnecessary and inappropriate.

SENATOR NOLAN:

I had signed on as a sponsor of S.B. 97, and I agree with the intent of the bill and what Senator Beers has tried to do. He is trying to limit what could be a runaway salary range for a school superintendent. It is unfortunate we have the same salary situation in a number of government positions. We are not looking at comparing the salary of this position with any other like positions other than superintendents across the nation. The median range of a superintendent is approximately \$200,000 to \$250,000. We would be limiting this to the lowest aspect of the salary range for school superintendents to run one of the largest and most-complicated school districts in the nation. I would like to see no action taken on this bill until we can find some language that would adjust this to a salary range that would still be attractive enough to find the best and the brightest.

CHAIR WASHINGTON:

We will hold this bill until the next work session, and open the hearing on S.B. 150 ([Exhibit C](#)).

SENATE BILL 150: Expands the jurisdiction of advocates for residents of facilities for long-term care. (BDR 38-596)

MRS. LYONS:

This bill expands the jurisdiction of the Aging Services Division employees appointed to serve as advocates for persons who are 60 years of age or older to include homes for individual residential care which are licensed by the Health Division of the Department of Health and Human Services (DHHS). No amendments are included in this work session document for this measure.

SENATOR WIENER MOVED TO DO PASS S.B. 150.

SENATOR HECK SECONDED THE MOTION.

SENATOR CEGAVSKE:

Since I was not here for this the first time, can I have a brief overview?

MRS. LYONS:

I will read the summary that I have here:

A representative of the Aging Services Division indicated that currently the Aging Services Division appointed advocates are not able to investigate or review certain issues regarding homes for individual residential care, which are licensed by the Health Division of the DHHS. This measure would provide the necessary jurisdictional authority. No testimony was presented in opposition to this measure.

Currently, they are able to investigate long-term care facilities. This was one group that was not included in that provision.

SENATOR CEGAVSKE:

The homes?

MRS. LYONS:

Yes.

SENATOR CEGAVSKE:

Can they come in at any time, or do they have to give you notice?

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CHAIR WASHINGTON:

No. The DHHS would have to follow the same procedures followed with long-term care. That process would apply to individual homes which are licensed and certified homes.

SENATOR CEGAVSKE:

They should have been with the others and they were not.

CHAIR WASHINGTON:

Yes.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR WASHINGTON:

We will now discuss S.B. 151 ([Exhibit C](#)).

SENATE BILL 151: Revises provisions governing school schedules.
(BDR 34-444)

MRS. LYONS:

Senate Bill 151 revises provisions governing school schedules. This bill expands the circumstances under which a school district in a county whose population is 100,000 or more may apply for an alternative schedule that is designed solely for the purpose of providing professional development for education personnel. No amendments were included for this measure.

CHAIR WASHINGTON:

I will take a motion.

SENATOR NOLAN MOVED TO DO PASS S.B. 151.

SENATOR HECK SECONDED THE MOTION.

SENATOR CEGAVSKE:

The testimony indicated that Clark County was not opposed. Would that mean they would be able to have the same flexibility as Washoe County?

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CHAIR WASHINGTON:
Yes.

SENATOR CEGAVSKE:
Is there no recorded cost?

CHAIR WASHINGTON:
No. You might remember we gave permission to the rural counties to actually implement the same procedures as far as shifting and juggling their schedule within the 180 days.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR WASHINGTON:
We have Bill Draft Request (BDR) 42-471 to introduce which revises provision relating to fire protection districts.

BILL DRAFT REQUEST 42-471: Revises provisions relating to fire protection districts. (Later introduced as Senate Bill 289)

SENATOR HECK MOVED TO INTRODUCE BDR 41-471.

SENATOR CEGAVSKE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR WASHINGTON:

This meeting of the Senate Committee on Human Resources and Education is now adjourned at 2:21 p.m.

RESPECTFULLY SUBMITTED:

Shauna M. Kirk,
Committee Secretary

APPROVED BY:

Senator Maurice E. Washington, Chair

DATE: _____