

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

**Seventy-fourth Session
March 30, 2007**

The Senate Committee on Human Resources and Education was called to order by Chair Maurice E. Washington at 11:10 a.m. on Friday, March 30, 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:

Senator Bob Beers, Clark County Senatorial District No. 6
Senator Dina Titus, Clark County Senatorial District No. 7

STAFF MEMBERS PRESENT:

Marsheilah D. Lyons, Committee Policy Analyst
Joe McCoy, Committee Policy Analyst
Sara Partida, Committee Counsel
Betty Ihfe, Committee Secretary

OTHERS PRESENT:

Mary C. Walker, North Lake Tahoe Fire Protection District
Michael D. Brown, Fire Chief, North Lake Tahoe Fire District, Incline Village
Marty Scheuerman, Truckee Meadows Fire Protection District,
Pete Anderson, State Forester Firewarden, Division of Forestry, State
Department of Conservation and Natural Resources

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Eric Guevin, Fire Marshal, Storey County Fire Department
Michael Greene, Fire Chief, Sierra Fire Protection District
Ray Bacon, Nevada Manufacturers Association
Joyce Haldeman, Clark County School District
Scott M. Craigie, Nevada State Medical Association
Michael J. Willden, Director, Department of Health and Human Services
Dotty Merrill, Ed.D., Nevada Association of School Boards
Alex Haartz, Administrator, Health Division, Department of Health and Human Services
Bill Welch, President and Chief Operating Officer, Nevada Hospital Association
Brian Rogers, MedicWest Ambulance
Randy Howell, City of Henderson Fire Department

CHAIR WASHINGTON:

We will open the hearing on two bills, Senate Bill (S.B.) 288 and S.B. 289 before we go into our work session.

SENATE BILL 288: Makes various changes concerning fire protection districts.
(BDR 42-944)

SENATE BILL 289: Revises provisions relating to fire protection districts.
(BDR 42-471)

MARY C. WALKER (North Lake Tahoe Fire Protection District):

For the past eight or nine years, I have been representing the North Lake Tahoe Fire Protection District plus Carson City and the Douglas, Lyon, and Storey Counties. The *Nevada Revised Statute* (NRS) chapter 474, County Fire Protection Districts (474 Fire District), is a very old chapter of law with many sections dating from the original 1937 law. In addition, other sections of the law dealing with county governments are not consistent with each other.

Senate Bill 288 modernizes chapter 474 of NRS in order to provide for the efficient operations and budgeting of these fire districts. Senate Bill 288 is the culmination of eight months of work between local fire departments, fire districts, firefighter unions, local emergency managers and the Nevada Division of Forestry. It is through all these efforts that we come before you today in a cooperative manner to support S.B. 288.

Some examples of how S.B. 288 modernizes chapter 474 of NRS are in my written testimony ([Exhibit C](#)). The bill updates regulations concerning districts created by election which were originally volunteer fire services. It defines emergency medical services, hazardous material response services and the emergency fund. We urge your support of S.B. 288. We believe it will provide a uniform, consistent application of the law among fire districts, and it will provide for the efficient operation and budgeting of the fire districts.

In the bill on page 13, below line 17, there is some text titled, "Text of Repealed Section." The proposed amendment before you ([Exhibit D](#)) addresses the repeal. The intent of the amendment is to eliminate in the bill the repeal of the NRS 474.480, Coordination of protective activities; duties of State Forester Firewarden. Section 2 of the amendment revises the wording to reflect current practices.

MICHAEL D. BROWN (Fire Chief, North Lake Tahoe Fire District, Incline Village):
I am one of those fire chiefs who under the law has no legal jurisdiction to hold my position. We have been working for years to update this bill and now with the participation of fire chiefs throughout the State, we bring this legislation to you.

MARTY SCHEUERMAN (Division Chief, Truckee Meadows Fire Protection District):
We administer the Truckee Meadows Fire Protection District. We have been working diligently to bring this to culmination and ask your support of the bill.

PETE ANDERSON (State Forester Firewarden, Division of Forestry, State Department of Conservation and Natural Resources):
The Division of Forestry supports this bill and appreciates the efforts that have been expended to update the language in the bill. It better accommodates the rapidly expanding urban development in our State while still being consistent with our rural counties.

ERIC GUEVIN (Fire Marshal, Storey County Fire Department):
Currently, the law does not allow me to exist in the position I hold either. This bill will clarify the law and will allow us to take care of the business we do every day. Our county is growing. We are an all-risk service which means in addition to fire protection, we provide paramedic response and rescue. We definitely hope you pass this bill.

MICHAEL GREENE (Fire Chief, Sierra Fire Protection District):

We have a fire station located across from an island of territory within another jurisdiction. That department can get to a fire faster than we can from our location, but it is not in their territory. Senate Bill 288 will enable us to improve our response times and enhance our service delivery. It has real-world impact, and we support this bill.

SENATOR HECK:

With the emergency medical services (EMS) you currently provide, are those personnel now permitted to respond under the provisions of NRS 474.450 as shown in section 2, subsection 1, paragraph (b)?

CHIEF BROWN:

Yes. The territory is now in the North Lake Tahoe Fire Protection District. I see the other fire chiefs present at this table nodding their heads in agreement.

SENATOR HECK:

In the bill, page 3, section 9, lines 24-33, the words "one or more counties" are being deleted. Does that mean fire districts are no longer going to cross county lines? If so, why is that?

MS. WALKER:

There are no fire districts that cross county borders. That was just an old provisional law in case it did happen. It was never practical because different counties have elected boards that set different tax rates.

CHAIR WASHINGTON:

We commend all of you on the time and effort it has taken to come to agreement and present this bill.

SENATOR WIENER MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 288.

SENATOR HECK SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR WASHINGTON:

We will open the hearing on S.B. 289.

SENATE BILL 289: Revises provisions relating to fire protection districts.
(BDR 42-471)

MS. WALKER:

Senate Bill 289 allows county commissioners, with concurrence from the State Forester Firewarden, the ability to reorganize the NRS chapter 473, Fire Protection Districts Receiving Federal Aid (473 Fire District) or a newly created chapter 474 of NRS, the 474 Fire District for the purpose of fire protection. This bill also includes the ability to adjust boundary lines between the 474 Fire Districts, if they are contiguous.

In my written testimony ([Exhibit E](#)), I point out that as Nevada's rural areas have grown, development has encroached on forest lands within the 473 Fire District boundaries, particularly in western Nevada. Additional fire services are required especially for structural fires and for EMS assistance. This bill would provide the mechanism for the county commissions and the State Forester Firewarden to jointly determine the best organizational structure for fire service within the 473 Fire Districts. It would allow them the flexibility to change boundary lines or to reorganize a 473 Fire District into a new or existing 474 Fire District.

In many cases due to antiquated boundary lines, some of which are 50 years old, and recent development of the land, citizens in 1 fire district may be paying for services to citizens in other fire districts. Senate Bill 289 allows the lines to be adjusted to ensure the citizen's tax dollars are being spent for the services they receive.

The amendment ([Exhibit F](#)) offered to S.B. 289 concerns page 3, lines 36-39. The amendment would allow a consolidation of two 474 Fire Districts in total, or in part, if they are contiguous. That was the intent of the original law; however, it was not drafted correctly.

CHAIR WASHINGTON:

If the territory is a partial district, who would provide the oversight?

MS. WALKER:

The oversight would pertain to the boards of county commissioners or the fire districts.

CHAIR WASHINGTON:

With the annexation of a new fire district, would it be the contiguous county that would provide the approval, revenue sources and oversight to maintain it?

MS. WALKER:

Currently, the revenue sources come from the districts. As they get annexed, it would still be those same tax dollars. The final approval would be with the State Forester Firewarden and with the county commission as they are also the board of fire commissioners for the fire districts.

MR. ANDERSON:

We support the changes and updates through S.B. 289 to both the NRS 473 Fire District and the NRS 474 Fire District. This does give county commissioners more options and the ability to address the expanding urban growth in their counties.

CHIEF BROWN:

A lot of research and a lot of work have gone into making sure these bills were put together correctly. As a 474 Fire District in North Lake Tahoe, we are in support of this bill.

SENATOR HORSFORD:

The fire chiefs in Clark County have indicated to me they are in support of S.B. 289.

SENATOR WIENER MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 289.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR WASHINGTON:

We will begin our work session by considering S.B. 8 first.

SENATE BILL 8: Provides that the repeated misuse of alcoholic beverages or controlled substances by a person who is responsible for a child's welfare constitutes prima facie evidence of negligent treatment or maltreatment of the child under certain circumstances. (BDR 38-245)

MARSHEILAH D. LYONS (Committee Policy Analyst):

Senate Bill 8 is summarized on page 2 of the work session document ([Exhibit G](#), original is on file at the Research Library). The proposed amendment on page 3 is offered by Cotter Conway, Washoe County Public Defender's Office.

SENATOR NOLAN:

My concern about S.B. 8 is that unwarranted allegations can almost become a conviction simply because of the prima facie evidence. I am, however, in support of the amended version of the bill.

SENATOR HECK:

In the proposed amendment, subsection 3, where it is stated "... certified by the Health Division of the Department of Health and Human Services," that was too stringent for me, but just saying "... offered in the community" is much too loose for me.

SENATOR CEGAVSKE:

Why do we need this bill?

CHAIR WASHINGTON:

There is concern about children being neglected while the users of alcohol or drugs are imbibing and not paying attention to the care of the children.

SENATOR CEGAVSKE:

There is a law already in existence about this; is there not?

SENATOR HECK:

I believe there are provisions in the NRS chapter 432B.140.

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SENATOR NOLAN MOVED AMEND AND DO PASS AS AMENDED S.B. 8.

THE MOTION FAILED FOR LACK OF A SECOND.

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CHAIR WASHINGTON:

We will hold S.B. 8 for the next work session.

We will now consider S.B. 52 and hear the subcommittee report.

SENATE BILL 52: Creates the Governor Guinn Millennium Teaching Scholarship Program. (BDR 34-43).

JOE MCCOY (Committee Research Analyst):

A summary of S.B. 52 appears on page 4, [Exhibit G](#). A subcommittee was appointed to study all measures relating to the Governor Guinn Millennium Scholarship Program. In their amendment they have recommended structural changes, supplementary provisions and additional eligibility requirements. You have before you, "Report of Subcommittee on S.B. 52 and S.B. 109" ([Exhibit H](#)). The three amendments on pages 4-8 have been proposed by the subcommittee, the Nevada System of Higher Education and Chair Washington.

SENATE BILL 109: Revises provisions governing eligibility for receipt of a millennium scholarship (BDR 34-472).

SENATOR CEGAVSKE:

The reason S.B. 52 came about is because mathematics (math), science and special education are the areas that have been identified as the most critically needed in education in Nevada. While others areas are certainly needed in the business community, these three areas have been identified as critical and they should be addressed first. After addressing that need, we can move to other needed disciplines.

SENATOR WOODHOUSE:

I agree the three areas of math, science and special education are in desperate need, but with the other areas mentioned in S.B. 370, page 2, lines 19-21, is your intent to be overarching into everything?

SENATE BILL 370: Revises the eligibility requirements for the Governor Guinn Millennium Scholarship for students who have completed a certain number of credits. (BDR 34-301).

SENATOR CEGAVSKE:

No. I am specifying these three subject areas as they are the most needed and the most sought-after disciplines. We still have to get this bill out of the Senate Committee on Finance (Senate Finance). To minimize the cost, I would like to limit the bill to these three crisis areas.

SENATOR HORSFORD:

Have we had a hearing on Assembly Bill (A.B.) 170? Is it being recommended that we pass this bill without hearing testimony on A.B. 170?

ASSEMBLY BILL 170: Revises provisions governing the Governor Guinn Millennium Scholarship Program. (BDR 34-827)

SENATOR CEGAVSKE:

In the subcommittee, we looked at the bills from both Houses and took the portions of those bills we thought belonged in this bill.

SENATOR HORSFORD:

Without having the benefit of the testimony before the full Committee on the provisions of A.B. 170, I am reluctant to vote on this proposed amendment to such a comprehensive bill.

CHAIR WASHINGTON:

The additional eligibility requirements proposed in the amendment came up in the subcommittee to ensure Nevada residency and U.S. citizenship. It was agreed that Millennium Scholarship recipients should be legal residents.

MR. MCCOY:

On page 5, Exhibit G, that is the intention in amendment 2, item 3, subitem b. In order for an applicant to complete the free application for federal student aid (FAFSA) form, the applicant needs a Social Security number, and therefore, must prove legal residency.

SENATOR HECK:

How will the 3.25 grade point average (GPA) and the SAT or ACT scores be linked? Does a student have to meet both criteria?

MR. MCCOY:

Yes. The proposal before the Committee is for the applicant to meet both criteria.

SENATOR HECK:

We have had concerns about grade inflation influencing the GPA. We have also discussed whether or not class ranking would be a more sensitive predictor of success. Since neither the SAT nor the ACT are required for college entrance in Nevada, how will we utilize a tool that not everyone is obligated to take, and how do we keep this from being discriminatory?

CHAIR WASHINGTON:

In order to access the Millennium Scholarship, the student would have to take either the SAT or the ACT. It would not be either the GPA or one of the examinations (exams); it would be both the GPA and one of the exams.

RAY BACON (Nevada Manufacturers Association):

From our discussions, my notes indicate the wording was initially "and," but it was crossed out and the word "or" was added. The suggestion was there should be an alternative method or criteria in awarding the scholarships; the SAT or ACT would be that alternative.

SENATOR HORSFORD:

Has anyone done the analysis on the impact of "and" versus "or" to determine the number of students who would be eligible based on the existing criteria and those who take the SAT or ACT? How are we going to answer questions about the specific exam score being set by the Board of Regents when that average or median score fluctuates based on how Nevada students compare nationally?

CHAIR WASHINGTON:

We were trying to accomplish three things in the subcommittee. We wanted the scholarship to have some predictability, to have sustainability and to address the State's workforce needs. We asked the Secretary of State, along with the Fiscal Division of the Legislative Counsel Bureau (LCB), to provide us with predictions as to the length of time the funding would last based on the

currently required 3.25 GPA. Their information resulted in a prediction until the year 2009 or 2010.

MR. MCCOY:

Depending on how the funds are apportioned, the year 2014 was also mentioned as the outer limit of present revenues.

CHAIR WASHINGTON:

Now that we are proposing to have the GPA include the core curriculums along with the SAT and the ACT, the year should be extended even further.

SENATOR HORSFORD:

That is my point. I prefer that we have better projections before we make these significant policy changes. We change the criteria without understanding the full impact of who is being affected.

CHAIR WASHINGTON:

Working with university system representatives, our goal is to meet the intent of the Governor Guinn's Scholarship. Based on the testimony, if we made the changes we are proposing, the funding would extend beyond the year 2014. It would extend even further if we set the GPA at 3.70.

SENATOR HORSFORD:

If we are putting all these criteria in place to extend the availability further without the supporting data, we may not be making the best decision to preserve the scholarship. Based on lower revenues from the tobacco funds and from the General Fund, it is imperative we have valid data before making these policy decisions. Our decisions must avoid raising expectations of students and families by making promises we cannot keep.

CHAIR WASHINGTON:

The university said they will be able to give us more relevant data as we put these policies in place. That would include the projections using the 3.70 GPA. We have received some information from the Fiscal Division which indicated the tobacco money would probably see a 10- to 18-percent reduction. This is a variable we cannot control.

MR. MCCOY:

The analysis of the numbers would depend on data that is being collected now. Since a large percentage of the current Millennium Scholarship recipients have not taken the SAT or ACT, it is difficult to project that impact. They would be vague estimates. Since citizenship has not been a criterion, another difficult projection would be the impact the FAFSA form would have on the numbers.

SENATOR HORSFORD:

I realize we have to make certain assumptions in order to come up with projections. That means we need to give direction to representatives of higher education, to the Fiscal Division and to the LCB to bring us their best projections. I think more SAT and ACT data may be available than previously thought as students usually apply to multiple colleges or universities and most of those institutions probably require one of the exams. I am not comfortable voting on these policy amendments without more informed data.

CHAIR WASHINGTON:

We are dealing with the policy side of this. The bill will probably be rereferred to Senate Finance.

SENATOR WOODHOUSE:

When we were working on this bill, my understanding was that the word was "or" not "and." My concern is about the number of deserving students who will not qualify depending on which word is used.

SENATOR BOB BEERS (Clark County Senatorial District No. 6):

My intent with this bill is to eliminate the potential for detrimental, though well-meaning, grade inflation. It appears that the word "and" would go further in accomplishing that intent.

CHAIR WASHINGTON:

I draw your attention to the third amendment, page 8, [Exhibit G](#). The intention of this amendment is to make it clear that we want the scholarships to be available for as long as possible to benefit the State.

SARA PARTIDA (Committee Counsel):

Given the nature of points included in the third amendment, it has been determined it is a preamble to the bill.

SENATOR HORSFORD:

I must abstain from voting on all of the amendments, because I do not have enough data on the impact to make an informed decision. These are very significant policy proposals, and we have not had a hearing on some of the issues.

SENATOR WIENER:

At a previous hearing we were given a report and a grid. Considering that information, I share the concerns of Senator Horsford. With hearing the report and folding in even small pieces from other bills, there are some ramifications. I would like to have the opportunity to review all those considerations in order to make the best possible policy decision. I will also be abstaining from the vote.

SENATOR NOLAN:

Will the proposed amendments require this to be rereferred to Senate Finance?

CHAIR WASHINGTON:

Currently S.B. 370 is in Senate Finance, and the fiscal projections are already with the bill. It is my understanding, based on the university's indicators, S.B. 370 will save money. Using the provisions from the subcommittee, they have indicated there may be some additional savings which would extend the life of the Millennium Scholarship. With that there will be some predictability, some sustainability and some addressing of the workforce issue.

If the Committee will adopt the amendments, we will bring the bill back to the Committee for further review. By that time we should have some revenue projections from the State Treasurer's Office, as well as more information from the university system.

SENATOR NOLAN:

Conceptually, I agree with the policy changes. I agree with voting on the amendments, getting a clean bill back to the Committee to review it again before a final vote. The bill will get thorough review in Senate Finance.

SENATOR WIENER:

There are still pieces of some other bills being folded into this one that are making policy. Since we have not had access to testimony on those issues, I will be abstaining.

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SENATOR WOODHOUSE:

Perhaps it is because I am a new Legislator, but I am having difficulty juggling four or five bills along with their amendments to see how it is all going to come together. While I agree with some of the amendments, I find contradictions to other pieces. If we have to vote today, I will have to abstain although I do not want to do that.

CHAIR WASHINGTON:

If you want to see the bill in complete written form, it would be better to adopt the amendments, bring the bill back, take a look at it again and make your final decision at that point.

SENATOR HECK MOVED TO ADOPT THE AMENDMENTS TO S.B. 52 ON PAGES 4 THROUGH 8, [EXHIBIT G](#).

SENATOR CEGAVSKE SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS HORSFORD, WIENER AND WOODHOUSE ABSTAINED FROM THE VOTE.)

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SENATOR HORSFORD:

Are we going to be able to have the benefit of a hearing on the provisions in A.B. 170 before we consider this bill again?

CHAIR WASHINGTON:

Currently, A.B. 170 is in the Assembly Committee on Ways and Means.

SENATOR HORSFORD:

I have not experienced this before where we vote on a provision in an existing bill without having had a hearing on a similar bill in the other House. Can someone explain the protocol to me?

CHAIR WASHINGTON:

In my experience, this has happened relatively often on several different committees. Passing it in this Committee does not mean we necessarily support the entire bill. It does mean we think it has certain provisions we want to retain, because it makes sense to the overall concept or policy of the bill.

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CHAIR WASHINGTON:

The Committee will now consider S.B. 97.

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

MS. LYONS:

A summary of S.B. 97 is in Exhibit G, page 9. The amendment proposed by Chair Washington is on page 10 and was in the work session on March 14, 2007.

SENATOR NOLAN:

After the testimony we have received, putting a cap on the administrator's salary may not be in the best interests of the students in the school district. Depending upon the responsibilities and number of students, if the average superintendent's salary in the nation is between \$170,000 and \$150,000, that is a good salary. If we limit the salary, we could be taking ourselves out of the market of top-end superintendents. Trying to compete with chief executive officer salaries in the business world is probably unrealistic.

JOYCE HALDEMAN (Clark County School District):

Those numbers are the range mentioned in a previous hearing. We feel this bill severely limits our ability to attract the best chief administrative officer to run the fifth-largest school district in the nation. We are trying to improve student achievement, and we know that our current superintendent will be with us for at least two or three more years. To limit this bill to Clark County seems especially punitive.

SENATOR HECK:

My impression is that almost everyone in southern Nevada agrees the current superintendent in Clark County is doing a very good job. If he were to decide to stay on, when his contract comes up for renewal, this bill would cause his salary to be cut by more than half. My concern is how this bill affects all new and renewal contracts.

CHAIR WASHINGTON:

The Committee will consider S.B. 109.

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SENATE BILL 109: Revises provisions governing eligibility for receipt of a millennium scholarship. (BDR 34-472)

MS. LYONS:

A summary of S.B. 109 is on page 11, [Exhibit G](#). It is recommended by the subcommittee to roll the amended provisions of S.B. 109 into S.B. 52. The amendment on page 13 has already been addressed in the discussion on S.B. 52.

CHAIR WASHINGTON:

The Committee will consider S.B. 112.

SENATE BILL 112: Enacts provisions governing the sale of products containing materials that are used in the manufacture of methamphetamine and other controlled substances. (BDR 40-27)

MS. LYONS:

A summary of S.B. 112 is on page 14, [Exhibit G](#). There are two proposed amendments. The first proposed amendment is by Chair Washington. The second proposed amendment is by Liz MacMenamin from the Retail Association of Nevada (RAN). The amendments are on pages 14-23.

SENATOR DINA TITUS (Clark County Senatorial District No. 7):

The proposed amendments presented by the RAN, [Exhibit G](#), pages 14-16, eliminate all the penalties for retailers who do not abide by this new restriction. I do not think that is appropriate. Either we are going to be tough on methamphetamine (meth) or we are not. The only way to get this bill through is to remove the criminal penalties. I can understand that, but I certainly do not think you also want to strike the civil penalties.

CHAIR WASHINGTON:

I spoke to Ms. MacMenamin, and I think she is in agreement with the amendments as proposed for S.B. 112 on pages 17-23, [Exhibit G](#).

SENATOR CEGAVSKE:

For what offenses would the retailers be penalized?

SENATOR TITUS:

Under the provisions of the NRS 453.553, we are limiting the amount of substance that can be bought in any one 24-hour period. We are requiring the stores to keep a log of who buys what substance and the quantity of the purchase. The retailers are accountable for the log. The original bill had the penalty if you do not keep the log or if you are found in violation of these limitations that are placed on how much of the substance you can buy, then you could be punished for a criminal offense as well as civil. Since this is a business matter, I can see why it would be a civil matter rather than criminal, but I do not think you want to remove the civil penalty.

SENATOR CEGAVSKE:

This is a difference between a drugstore and a convenience store. In a convenience store there might be a small inventory, only two packages of something. To have to ask someone for their name to keep a record of that puzzles me. The original bill was to keep these substances behind the counter in the pharmacy. Is there another bill to address that?

SENATOR TITUS:

That was also to require a prescription. I believe they are going to amend out that provision. This does not require a prescription. This is more control over the sale.

SENATOR CEGAVSKE:

There is a difference between a convenience store and a drugstore in the quantities that are inventoried and sold. With the small quantities in convenience stores, it would be a hardship on them. You would have to go to a lot of convenience stores to purchase enough quantities to make meth.

SENATOR TITUS:

Senate Bill 112, page 3, section 6 says a retailer can keep the substances in a locked case or cabinet or behind the counter so that the public does not have direct access to it. Section 7 limits the quantity of the chemical that can be sold to the same person during a 24-hour period, and section 8 describes the log the seller is required to maintain.

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CHAIR WASHINGTON:

This bill mirrors the federal law under the Federal Food, Drug and Cosmetic Act, 21 *United States Code*, section 301, which also includes convenience stores and grocery stores.

SENATOR TITUS:

We wanted to legislate this now and not wait for the federal government to force them to comply.

SENATOR HECK:

Did you give consideration to the portion of the amendment proposed by the RAN on pages 15 and 16, [Exhibit G](#) which makes the State and federal logbook notices the same?

SENATOR TITUS:

With the exception of the RAN wanting to remove the civil penalty, I support the rest of their amendment.

SENATOR NOLAN MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 112.

SENATOR HECK SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR WASHINGTON:

The Committee will consider S.B. 115.

SENATE BILL 115: Revises provisions governing the rights of parents of pupils with disabilities. (BDR 34-737)

Ms. LYONS:

A summary of S.B. 115 is on page 24, [Exhibit G](#). The proposed amendment 3467 is on pages 25-27 and has been agreed to by Senator Coffin.

MS. PARTIDA:

The original bill provided that certain rights of a parent do not transfer to a pupil. This amendment does, in fact, transfer those rights. In [Exhibit G](#), page 26, section 3, lines 28-44 and continuing on page 27, lines 1-10, the amendment provides a process whereby a parent can petition the school district or charter school in which the pupil is enrolled, to be appointed as the representative of the pupil's educational interests.

SENATOR HECK:

When such an application is made to the school district or charter school, what person or entity is going to make the determination as to whether or not the pupil has the ability to provide his or her own informed consent? Are the pupils capable of making such a determination?

MS. PARTIDA:

The process would require the school district or the charter school to follow the hearing process laid out in the Individuals with Disabilities Education Act, 20 *United States Code*, section 1400. There are procedures already in place for things like this.

SENATOR CEGAVSKE MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 115

SENATOR HECK SECONDED THE MOTION.

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

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CHAIR WASHINGTON:

The Committee will consider S.B. 143.

SENATE BILL 143: Revises provisions governing pupils and parents. (BDR 34-415)

MS. LYONS:

A summary of S.B. 143 is on page 28, [Exhibit G](#). The amendment on pages 29 and 30 was proposed by Chair Washington with the consensus of all the stakeholders who were concerned about S.B. 164.

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SENATE BILL 164: Revises provisions governing the Fund for a Healthy Nevada.
(BDR 40-95)

SENATOR WOODHOUSE:

On the parental involvement form that is being designed, I just want to verify that the word "may" at the bottom of page 29, [Exhibit G](#), does pertain to the list beginning on page 30, number 2, and especially to item d. which reads "attends school activities." Is that correct?

CHAIR WASHINGTON:

Yes. That is correct.

SENATOR CEGAVSKE MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 143.

SENATOR WIENER SECONDED THE MOTION.

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

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CHAIR WASHINGTON:

The Committee will consider S.B. 169.

SENATE BILL 169: Adopts the Revised Uniform Anatomical Gift Act. (BDR 40-968)

MS. LYONS:

There is a summary of S.B. 169 on page 31, [Exhibit G](#). The amendments submitted by Sabra Smith-Newby and various stakeholders in consultation with Senator Care are on pages 31-34.

SCOTT M. CRAIGIE (Nevada State Medical Association):

There is an unresolved conflict between what should be uniform in the 50 states and what is unusual in the individual states. It is obviously more complex for the National Conference of Commissioners on Uniform State Laws (NCCUSL), who are headquartered in Chicago, Illinois, than they originally thought, especially with deadlines looming.

We do not want to hold up or create problems for producing a Uniform Anatomical Gift Act, so Senator Care and I have agreed, if this Committee will allow both amendments to go to the Assembly, before it reaches the Assembly we will have more discussions with the NCCUSL and with the Clark County amendment sponsors in order to reach a consensus position. While I have not been a party to the discussions with the Clark County people, we are actually very close to an agreement with the Chicago group. We invite anyone from this Committee to participate in those discussions.

SENATOR HECK:

Who submitted the proposed amendment on page 34, [Exhibit G](#)?

MR. CRAIGIE:

The amendment for S.B. 169 on page 34 is offered by the physicians, and it was agreed to on a conference call with many physicians participating.

SENATOR HECK MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 169.

SENATOR CEGAVSKE SECONDED THE MOTION.

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

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MR. CRAIGIE:

The vote you just made plus your willingness to work with others to have this important subject resolved demonstrates a great deal of trust.

CHAIR WASHINGTON:

The Committee will consider S.B. 171.

[SENATE BILL 171](#): Creates the Nevada Academy of Health. (BDR 40-952)

MS. LYONS:

The summary of S.B. 171 creating the Nevada Academy of Health (the Academy) is on page 35, [Exhibit G](#). The amendment proposed by Senator Heck is on page 36. The amendments delete the State Health Officer and include the director of the Department of Health and Human Services or his/her designee; it

includes a representative of the Nevada System of Higher Education and a member appointed by a Legislator rather than a Legislator who has served on the Legislative Committee on Health Care. Is that correct?

MS. PARTIDA:

That would be correct. One member would be appointed by a Legislator rather than a Legislator being a member because a separation of power between the Executive Branch and the Legislative Branch must be maintained.

SENATOR WIENER:

If the member is to be appointed by a Legislator, which Legislator will make the appointment?

SENATOR HECK:

The intent is for the Legislative Committee on Health Care to make that appointment.

SENATOR CEGAVSKE:

Who will staff the Academy?

SENATOR HECK:

In its formation, the Department of Health and Human Services is tasked to support the Academy. Once the Academy is functional, it will have its own staff.

SENATOR CEGAVSKE:

Do you know the amount of the fiscal note on this bill?

SENATOR HECK:

It was about \$15,000 for the biennium.

SENATOR CEGAVSKE:

Director Willden, can your department support the Academy in the short run and to whom is the Academy administration responsible?

MICHAEL J. WILLDEN (Director, Department of Health and Human Services):

Yes. We will be preparing the agendas and minutes for the Academy and that is the small fiscal note which has been discussed. We will administer the fund that has been set up and receive any other dollars that would come to it. That fund

will be dissolved when the Academy has received its *Internal Revenue Code* 501(c)(3) status.

SENATOR CEGAVSKE:

The Academy is established for the State and will answer to whom?

SENATOR HECK:

Consider the Academy as a medical think tank. It is somewhat analogous to the Nevada Arts Council that was set up in 1967 which is basically a body within the Executive Branch that makes policy recommendations and sets priorities. The Academy would serve that purpose for health care matters for the State.

CHAIR WASHINGTON:

The intent of this bill is to take the work that has been accomplished by the Legislative Committee on Health Care and provide analysis and recommendations to future Legislators to make sure the plan comports to the intent of this legislative body. The Academy would make adjustments based on workforce issues, demographics, facilities and other influences to make sure the strategic plan continues to move forward. The Academy is to ensure the strategic plan is not relegated to a shelf.

SENATOR HECK:

During the interim, two entities generated reports. Those entities were Governor Guinn's Commission on Medical Education, Research and Training and the Legislative Health Care Committee. The reports from each group will have a significant impact on the future of health care in Nevada. The Academy will be a body of technical experts who will monitor the reports to continue to meet their goals. We do not want to look back in ten years and wonder why we did not adhere to the strategic plan and achieve those goals.

SENATOR CEGAVSKE:

The bill states the Governor will appoint five members. Who appoints the other four?

SENATOR HECK:

Two would be appointed by the majority leader of the Senate, and two would be appointed by the speaker of the Assembly.

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SENATOR CEGAVSKE:

There would be no minority appointments as there are in some other committees or commissions, is that correct?

SENATOR HECK:

There are not. Governor Gibbons appointed a steering committee to determine the structure and function of the Academy. We have had our first meeting and discussed changing the representation on the committee. Next month at our next steering committee meeting and before the bill goes to the Assembly, we will probably amend the bill to reflect some other appointments.

SENATOR CEGAVSKE:

What was the genesis of this bill?

SENATOR HECK:

It was one of the formal recommendations of Governor Guinn's Commission on Medical Research, Education and Training and of the Legislative Committee on Health Care.

CHAIR WASHINGTON:

We have two bills addressing this issue with some overlap. We propose to take the portion that deals with analysis, provides the recommendations and addresses policy, the think tank part, and put it in S.B. 171. That would allow the data research and data collection part to be in S.B. 221. We will address that bill next.

SENATOR CEGAVSKE MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 171.

SENATOR HECK SECONDED THE MOTION.

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

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CHAIR WASHINGTON:

The Committee will consider S.B. 221.

SENATE BILL 221: Revises provisions relating to the development and implementation of health care policy in this State. (BDR 40-307)

MS. LYONS:

A summary of S.B. 221 is on page 44, [Exhibit G](#). The amendments are on pages 45 and 46. In amending section 5, the current appropriation would be replaced by the figures on page 45 as an enhancement and relates to the data warehouse.

MR. WILLDEN:

In reviewing the amendments, in S.B. 171 which was just amended and passed, the Academy would be the technical advisors to the state staff that would be processing the data. With that being the case, it is my understanding we were deleting section 3 of S.B. 221. If that is not deleted, we would still have two advisors, and that is not the intention of this bill.

MS. LYONS:

Mr. Willden is correct. We are deleting section 3 in S.B. 221.

MR. WILLDEN:

In the Medicaid Division or the Division for Health Care Financing and Policy and in the Health Division, we are doing "fragmented" health analysis and policy, are already in the Governor's *Executive Budget*. We are going to create a new office of health planning, and we will be combining those two existing staffs. There is also a technology improvement request in the *Executive Budget* for about \$2.2 million to create a new data warehouse. The data warehouse would collect and store all the health data instead of storing it in the silos we have now. Also included in the *Executive Budget* is a request for four new positions to support that effort. If everything is funded as requested, this new office of health planning would have a new data warehouse and would have about eight or nine full-time employees to do the data collection and policy analysis.

What appears in the fiscal note section on page 45, [Exhibit G](#), is an older version of the note. It should be updated to the actual figures in the *Executive Budget*. That number would be \$2,177,006 instead of the \$2,069,558 listed. In addition to the technology improvement request in Budget Account 1325 in the Department of Administration's control, there are the four staff, and I did not know whether that was to be part of this bill or not.

There is a Decision Unit in Budget Account 3190 E276 that has the staff in it. That is another approximately \$270,000.

It was my understanding, in section 5, [Exhibit G](#), that all the fiscal notes related to the work that was going to be accomplished on the federal Deficit Reduction Act of 2005 analysis and on the eHealth analysis are being deleted, but we still left those requirements in the bill in sections 7 and 8. If we were deleting those fiscal notes, would not the requirements be deleted as well?

CHAIR WASHINGTON:

Yes, that is correct. That was an oversight, and it will be deleted.

SENATOR HECK:

In section 6, [Exhibit G](#), since we deleted subsection 1(a), the total amount for the appropriation needs to be updated.

CHAIR WASHINGTON:

That is also correct.

SENATOR HECK MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 221.

SENATOR CEGAVSKE SECONDED THE MOTION.

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

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CHAIR WASHINGTON:

The Committee will consider S.B. 184.

SENATE BILL 184: Revises provisions governing education. (BDR 34-419)

Ms. LYONS:

A summary of S.B. 184 is on page 37, [Exhibit G](#). The amendment on page 38 was proposed by Senator Raggio.

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SENATOR HORSFORD:

As currently written, I am going to vote against the bill. There are some provisions in it that I cannot support. The Committee will be hearing a couple of bills next Monday which I am sponsoring that go in a different direction.

SENATOR CEGAVSKE MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 184.

SENATOR WOODHOUSE SECONDED THE NOTION.

THE MOTION CARRIED. (SENATOR NOLAN WAS ABSENT FOR THE
VOTE. SENATOR HORSFORD VOTED NO.)

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CHAIR WASHINGTON:

The Committee will consider S.B. 185.

SENATE BILL 185: Revises provisions governing the Commission on Educational Excellence. (BDR 34-426)

Ms. LYONS:

A summary of S.B. 185 is on page 39, [Exhibit G](#). Two amendments have been proposed, one by Dotty Merrill, Nevada Association of School Boards and one by Gloria Dopf, Department of Education. The amendments are on pages 40-42.

SENATOR HORSFORD:

I am in opposition to the amendment presented by the Nevada Association of School Boards. I do not agree that proposals must go through the school district. Local schools should be able to apply directly to the Commission on Educational Excellence for consideration.

SENATOR WOODHOUSE:

I agree with Senator Horsford.

SENATOR HECK:

Does the amendment have the charter school going through the school district as opposed to going directly to the Commission?

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DOTTY MERRILL, ED.D. (Nevada Association of School Boards):

No. The charter schools can go directly to the Commission. If the charter schools would like assistance, the school districts will provide it. This morning in speaking with Senator Raggio, he said he accepts this friendly amendment.

CHAIR WASHINGTON:

We will hold S.B. 185.

The Committee will consider S.B. 219.

SENATE BILL 219: Creates the Gift Account for Veterans in the State General Fund and authorizes the use of money in the Account for the support of outreach programs and services for veterans and their families. (BDR 37-637)

Ms. LYONS:

A summary of S.B. 219 is on page 43, [Exhibit G](#). There are no amendments included in the work session document for this measure.

SENATOR WIENER MOVED TO DO PASS S.B. 219.

SENATOR WOODHOUSE SECONDED THE MOTION.

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

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CHAIR WASHINGTON:

The Committee will consider S.B. 228.

SENATE BILL 228: Enacts provisions related to certain medical review committees. (BDR 40-986)

Ms. LYONS:

The summary of S.B. 228 is on page 47, [Exhibit G](#). There are no amendments included in the work session document for this measure.

SENATOR CEGAVSKE:

What does the nondisclosure of information mean in this bill?

SENATOR HECK:

Added to the provisions of review committees were peer review committees for entities that regulate or license EMS providers. Because there was the addition of two more trauma centers in southern Nevada, a trauma system needed to be developed. There is a need to do trauma case reviews as a group. This peer review committee does not create any new committees, contrary to what the Nevada Trial Lawyers Association said in the hearing. The committee has already been created. The situation was that the coroners could not participate and give us autopsy reports because they were not specifically addressed in the statute. You cannot review why somebody died, if you do not know why they died. This language is based on the same language that is already in statute for the child welfare death review teams that says the coroner can provide the autopsy records and can have them protected.

CHAIR WASHINGTON:

The only opposition to the bill was what the Trial Lawyers presented in the hearing.

SENATOR HECK MOVED TO DO PASS S.B. 228.

SENATOR CEGAVSKE SECONDED THE MOTION.

THE CHAIRMAN DECLINED TO TAKE A VOTE.

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CHAIR WASHINGTON:

We will hold S.B. 228.

The Committee will consider S.B. 239.

SENATE BILL 239: Creates the P-16 Council. (BDR 34-416)

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CHAIR WASHINGTON:

It has the same constitutional provisions in it, so we need legal clarification of this bill.

MS. PARTIDA:

We will work those clarifications out with the LCB.

CHAIR WASHINGTON:

We will hold S.B. 239.

The Committee will consider S.B. 244.

SENATE BILL 244: Revises provisions governing waiting times for emergency medical services at hospitals. (BDR 40-94)

MS. LYONS:

A summary of S.B. 244 is on page 54, [Exhibit G](#). The amendments on pages 55-58 were proposed by various hospitals, EMS personnel and health authority stakeholders.

ALEX HAARTZ (Administrator, Health Division, Department of Health and Human Services):

The amendments you have before you were put together by the various stakeholders as a result of the hearing held earlier. The issues incorporated into the amendments addressed placing the authority at the proper level at either the county or state level by using the existing statutory definitions and authorities in terms of the health authority and the State Board of Health. Other issues and consensus language agreed upon concerned quarterly reporting, electronic or manual method of reporting and the manner in which the study could be terminated.

SENATOR HECK:

In discussions following these agreements, there were some minor problems with the document. In [Exhibit G](#), page 55, section 1, subsection 2, in a county greater than 400,000 people, the health authority cannot develop regulations or protocols over the personnel of a hospital. The Health Division would still have to have some parallel process that would put into protocol or regulation for the hospital end.

MR. HAARTZ:

Is it possible to address that specific issue recognizing it gets back to a previous discussion in terms of hospitals versus EMS authority? Could language be added here to clarify that for purposes of the study and notwithstanding the authorities to the State in licensing of hospitals and the NRS chapter 449, Licensing, Regulation and Inspection?

MS. PARTIDA:

If the Committee makes their intent clear, we will craft the appropriate language to carry out that intent.

MR. HAARTZ:

If there is going to be a cost to the State, we will have to figure out a way to pay for it.

SENATOR HECK:

The big issue of two years ago when we passed this, the Health Division was charged to pass regulations which never were passed. That is why we find ourselves in this situation now. The only reason we are looking at this is because the provision from two years ago sunsets it. We keep trying to reinvent something that appears to be working. The system is up and running; the data is being collected, and I am not sure what we are trying to accomplish right now. I would support not letting this sunset and let it continue on for the next two years.

BILL M. WELCH (President and Chief Operating Officer, Nevada Hospital Association):

The EMS community and the hospital community got together and were supportive of the language that is in the work document. The language that was just distributed to you ([Exhibit I](#)), I believe, is being proposed by Mr. Gary E. Milliken representing the American Medical Response as the result of concerns from Clark County that were raised during the hearing. The primary concern was who had the authority to write the regulations. The EMS community and the hospital community had concerns that one party could control the process by either continuing or discontinuing it. We modified the language so that the study would continue until such time that all hospitals met the 30-minute transfer time 90 percent of the time. There was a compromise to make this tie specifically and to terminate the study which Clark County thought

appropriate. This has been a partnership since the onset, and we would like to ensure it continues to be a partnership.

Having said that, both the hospital communities and the EMS providers have continued to work with the system even though the enabling legislation expired December 31, 2006. In fact, we have met often and have designed some additional procedures, protocols and modifications of the software to further enhance the capabilities of the systems and provide even more meaningful information. Whatever the Committee decides to do, I am confident the hospitals and the EMS communities are in support of continuing to work together on it.

CHAIR WASHINGTON:

If we only removed the sunset, can the Hospital Association and the EMS live with S.B. 244?

MR. WELCH:

I believe it would meet the intent and be acceptable to the hospital community.

BRIAN ROGERS (MedicWest Ambulance):

The Assembly has directed us to have a much more formalized reporting process, so there have been many more meetings. That would be one of the controversies we had in leaving S.B. No. 458 of the 73rd Session the way it was. We could go along with that if that is what you direct us to do.

CHAIR WASHINGTON:

We can pass S.B. 244 and go to conference committee to discuss and finalize it.

RANDY HOWELL (City of Henderson Fire Department):

My concern is for the participants in this study to all discuss the same issue in order to make changes. If we were to remove just the sunset, several issues would not be addressed. There was a compromise on the nonmonetary sanctions and in that compromise, it was said there would be reporting of the data to the public. It also specifies that a formal, quarterly committee meeting be held to discuss the issues. If we just revert back to the law and take away the sunset, these things will not get addressed. That would put us in the same position as we are now coming back in two years saying we need to implement these things.

CHAIR WASHINGTON:

We can address the nonmonetary sanctions and quarterly reporting issues. Then we can remove just the sunset and move forward.

SENATOR HECK:

Are these provisions in the bill in the Assembly?

MR. HOWELL:

I am not aware of any bill in the Assembly. In the Assembly Committee on Health and Human Services, we were asked questions relating to S.B. No. 458 of the 73rd Session. They inquired about the outcome of the study. We found there were some data collection and oversight issues pertaining to the regular meetings where we were to discuss the problems with the study. Senate Bill 244 addresses all the things brought up from the last study. This is our only bill, and I recommend we incorporate some of these other issues into it.

MR. WELCH:

That is correct. There is no bill in the Assembly. They are waiting for this bill to determine whether or not they would amend it. The hospitals and the EMS providers have worked together on the proposed amendment. The original document in the work session, not the handout from Mr. Milliken, has the agreed-upon language and meets the concerns being raised in the Assembly.

CHAIR WASHINGTON:

Chief Howell, are these your three concerns: one, anticipating what the Assembly may send to us and address those concerns now; two, the monetary sanctions and three, the quarterly reports?

CHIEF HOWELL:

There is no Assembly bill, but the Assembly Health and Human Services Committee asked some questions regarding the last study. The issues were the lack of standardization in both the hospitals and the EMS providers plus the lack of ongoing reporting. True, we collected the data, but we did not examine or report the numbers throughout the study. There was concern about the monetary sanctions and how those monetary sanctions would get enforced. We took out the nonmonetary-sanction issue. We decided that complying with the public reporting would serve as a motivator to improve the quality of our work.

Meeting quarterly to looking at the data will help us determine the causes of long-wait times. Senate Bill 244 addresses all the concerns.

MR. WELCH:

We will work together again on this bill; however, we believe we have addressed the concerns of this Committee and that we have completed the charge you gave us. The results are in the work session document, [Exhibit G](#), you have.

SENATOR HECK:

A lot of time has been spent on this bill. Two years ago, we put in a law to do a study. The study was not completed; however, the fact is the outcomes have produced the desired results. Those results are the hospitals and the EMS agencies are working together. The system is in place; they are cleaning up their data. The process is already moving forward especially in southern Nevada. I am reluctant to pass a bill that really does not change much and may have the focus changed to something other than what we are trying to accomplish here today.

CHAIR WASHINGTON:

We will hold S.B. 244 asking the stakeholders to get together again and bring it up again.

The Committee will consider S.B. 247.

[SENATE BILL 247](#): Creates the Nevada Youth Legislative Forum. (BDR 34-52)

MS. LYONS:

A summary of the S.B. 247 creating the Nevada Youth Legislative Forum is on page 59, [Exhibit G](#). Also on page 59 are the two amendments proposed to the bill, one by Senator Wiener and the other by Chair Washington.

SENATOR WIENER:

A clarification in the first amendment on page 59, [Exhibit G](#), is the applicants would apply to their "respective" State Senator. Senator Washington, I would like to add a friendly amendment to your amendment. Since the intent of this bill is to encourage and groom leaders of the future, would you allow them one bill draft request (BDR) as something meritorious for them to work toward and see an accomplishment for their involvement in the forum?

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CHAIR WASHINGTON:

We could do it, but my concern is that we did not make this possible for the Silver-haired Legislators. I do see the rationale for encouraging it with the young people, so I can accept your friendly amendment.

SENATOR WIENER:

Thank you, Mr. Chair.

SENATOR HECK:

I think we need to be consistent with these or other groups in not allowing them a BDR. It is still a forum of non-Legislators, and we cannot continue to grow our BDR list.

SENATOR HORSFORD MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 247.

SENATOR WOODHOUSE SECONDED THE MOTION.

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

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CHAIR WASHINGTON:

We have not considered S.B. 110, and we are holding four bills, S.B. 185, S.B. 228, S.B. 239 and S.B. 244.

With no other business to come before the Senate Committee on Human Resources and Education, the meeting is adjourned at 2:02 p.m.

RESPECTFULLY SUBMITTED:

Betty Ihfe,
Committee Secretary

APPROVED BY:

Senator Maurice E. Washington, Chair

DATE: _____