

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON EDUCATION**

**Seventy-Ninth Session
April 19, 2017**

The Committee on Education was called to order by Chairman Tyrone Thompson at 3:18 p.m. on Wednesday, April 19, 2017, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/79th2017.

COMMITTEE MEMBERS PRESENT:

Assemblyman Tyrone Thompson, Chairman
Assemblywoman Amber Joiner, Vice Chair
Assemblyman Elliot T. Anderson
Assemblywoman Olivia Diaz
Assemblyman Chris Edwards
Assemblyman Edgar Flores
Assemblyman Ozzie Fumo
Assemblywoman Lisa Krasner
Assemblyman William McCurdy II
Assemblywoman Brittney Miller
Assemblyman Keith Pickard
Assemblywoman Heidi Swank
Assemblywoman Jill Tolles

COMMITTEE MEMBERS ABSENT:

Assemblywoman Melissa Woodbury (excused)

GUEST LEGISLATORS PRESENT:

Senator Aaron D. Ford, Senate District No. 11
Senator Julia Ratti, Senate District No. 13
Senator Ben Kieckhefer, Senate District No. 16



STAFF MEMBERS PRESENT:

Amelie Welden, Committee Policy Analyst
Karly O'Krent, Committee Counsel
Sharon McCallen, Committee Secretary
Trinity Thom, Committee Assistant

OTHERS PRESENT:

Craig M. Stevens, Director of Intergovernmental Relations, Government Affairs,
Community and Government Relations, Clark County School District
Ed Gonzalez, Lobbyist and Policy Analyst, Clark County Education Association
Chris Daly, Deputy Executive Director, Government Relations, Nevada State
Education Association
Somer Rodgers, Private Citizen, Las Vegas, Nevada
Justin Harrison, Director, Government Affairs, Las Vegas Metro Chamber of
Commerce
Cathy Olmo, Director of Communications, Donor Network West, San Ramon,
California
Deanna Santana, Public Education/Relations Manager, Sierra Donor Services,
Sacramento, California
Nancy Ponte, Private Citizen, Reno, Nevada
Jill Robinson, Private Citizen, Las Vegas, Nevada
Lindsay Anderson, Director, Government Affairs, Washoe County School District
Brad Keating, Legislative Representative, Community and Government Relations,
Clark County School District
Mary Pierczynski, representing Nevada Association of School Administrators; and
Nevada Association of School Superintendents
Tyre L. Gray, Private Citizen, Las Vegas, Nevada

Chairman Thompson:

[Roll was taken. Committee protocol and rules were explained.] We have two bills today, and they are coming from the Senate, because we have had our Committee passage. We will be taking things out of order and we will begin with Senate Bill 119 (1st Reprint).

Senate Bill 119 (1st Reprint): Provides immunity from civil liability to certain volunteers who serve on an organizational team established by the principal of a public school as part of the reorganization of the school district. (BDR 34-322)

Senator Aaron D. Ford, Senate District No. 11:

I am here to present Senate Bill 119 (1st Reprint), which in summary provides civil immunity for school organizational teams. This bill is short and to the point, but I will give you a brief background.

In 2015, we passed Assembly Bill 394 of the 78th Session which created the Advisory Committee to Develop a Plan to Reorganize the Clark County School District (CCSD). That committee, along with the associated Technical Advisory Committee, met during the 2015-2016 Interim. I sat on that committee, and as part of our duties, we were required to develop a reorganizational plan that was submitted to the State Board of Education. The Board was required to adopt regulations that carried out the directives of A.B. 394 of the 78th Session. Our committee developed the idea of school organizational teams (SOTs), as I will call them, to assist principals and the reorganization efforts and to help make decisions for the schools. These SOTs are comprised of volunteers that include teachers, staff, parents, and community members.

During one discussion, someone asked what would happen if members of an SOT were sued. The issue of immunity for those volunteers, unfortunately, had not been discussed and was not discussed at the time A.B. 394 of the 78th Session passed. We were advised by counsel at that time that there would be liability that could, indeed, inure to the SOT members or to the SOT itself. We determined at that meeting that was not the intent of that bill. In fact, we determined if that were the case, it would deter people from volunteering. We did not want to discourage parents from getting involved. We very much wanted parents to be involved and we did not want the threat of a lawsuit or the threat of being liable after a lawsuit to be a deterrent to the parents.

At that time, I personally committed to bring forth legislation that would provide immunity—meaning that people would not be able to be sued. That immunity would apply retroactively back to the date the volunteer first began serving on the SOT. That was important because the SOTs were going to begin their work well before we began our legislative session. We did not want those individuals to be subjected to liability. If they had been sued in the interim, that lawsuit would be deemed inappropriate and unlawful.

On the Senate side, we amended the bill to include a specific list of duties for which immunity was going to be granted. The goal is not "unlimited" immunity; it is protection only while undertaking the duties of the SOT, hence the reason for our amendment in the Senate. There is a limitation here and I want to be frank about that. In the event that the regulations change, or in the event that they add new responsibilities to the SOT, those new duties will not be immune under this statute, because they are not delineated. We have to be cognizant of this in view of the fact that regulations can change over time.

This body already voted 40 to 2 in favor of a bill addressing A.B. 394 of the 78th Session, and this issue may very well be taken care of by the ultimate passage of that particular bill, but this is—for lack of a better phrase—building suspenders to ensure that we can guarantee immunity. I want to place that limitation on the record because, in the event the larger bill does not pass, we have to recognize that if a regulation changes, we have not delineated that particular change as something from which the SOT members will decide is immune from suit.

There is a second provision in section 1, subsection 2 to reiterate that the statute does not restrict the liability of the public school or a school district for an act or omission of the SOT or its voluntary members. What does that mean? It simply means that I cannot sue this Committee, for example, but I could sue the entire Legislature for their actions as a body. Similarly, while we cannot sue the SOT or its members, you can sue the school district if the SOT does something that is suable, for lack of a better phrase. If the SOT does something wrong, or if the members on the team make a decision that the public disagrees with, the SOT or members therein cannot be sued, but the school district can be. The district remains the entity that is liable for lawsuits, and it will have to defend those suits.

Again, the immunity provided by S.B. 119 (R1) is retroactive. The bill is also effective upon passage and approval. I urge your support for this critical legislation to protect our citizen volunteers.

Assemblywoman Swank:

As I was thinking about this, it seems that these folks are in some ways analogous to the board of directors for a nonprofit. I know that boards of directors have directors and officers insurance so that should there be any misbehavior by the board of directors, there is insurance that covers them. I am wondering if that kind of approach was considered. I am a little hesitant. You would like to think that all of your volunteers are going to act with the best of intentions, but sometimes everyone does not agree on the best of intentions. Instead of immunity, is there an insurance type of thing like a directors and officers insurance?

Senator Ford:

A better analogy for this would be a subcommittee of the board of directors. The board of directors, in my view, would be the school board that would have that officers and directors insurance and would be covered under that. Subcommittees of a board of directors would not be particularly allowable to a lawsuit; it would be the board itself. In any event, to answer your question, yes, we did consider that. In fact, the initial draft of the brief drew from the liability provisions or a limitation of liability provisions of nonprofits and other things. It did not fit perfectly within the context of which we speak; therefore, we decided to specifically enumerate those duties. Initially, it was broad immunity, and what we did not want to happen, for example, is someone driving to an SOT meeting, having a car accident, hurting someone, then claiming that because they were enroute to an SOT that they were immune from lawsuit from the car wreck. That is not at all the intent of the immunity provision. Therefore, we simply decided to delineate exactly what those issues were—which, as I have indicated, present their own set of circumstances and issues because we are referencing a regulation that can change.

Assemblyman Pickard:

I completely support the idea of making sure that the volunteers are protected in the process. They are sticking their necks out to help. I do believe this is appropriate. I thought you were going to address my question as you talked about the differences between what is covered in the statute and what may end up being in the regulation. However, you did not quite answer

the question as to why we decided to leave it codified in the statute and not simply leave it to what is in regulation or what will be in the regulation given that was an option. Can you just explain?

Senator Ford:

That also was considered. The direction from our competent legal staff is that statutes do not reference regulations because regulations change. My hope and desire, frankly, is that this becomes a moot issue because we will pass Assembly Bill 469. We did consider that as well. In fact, I asked the direct question, could we simply reference the regulatory provisions in the *Nevada Administrative Code*, and we were advised that it was not something we ever do in statute.

Assemblywoman Tolles:

Was there ever a need to discuss that this is for very specific circumstances? In the course of the discussion, was there any contemplation of how this might impact other organizations of volunteers related to the schools like Parent Teacher Associations (PTA), for example?

Senator Ford:

Those types of organizations already have their own forms of liability protections and insurance policies associated with them.

Chairman Thompson:

We are going to those in support of S.B. 119 (R1). We will start here in Carson City.

Craig M. Stevens, Director of Intergovernmental Relations, Government Affairs, Community and Government Relations, Clark County School District:

We fully support S.B. 119 (R1). We appreciate the Majority Leader for bringing this important bill forward. In our attempt to try to get folks to participate in these SOTs earlier in the year, we ran up against this issue, especially. Many of the folks who want to be on these committees are very intelligent, and they want to know exactly what their roles are and what protections they will have regarding the decisions they make. We believe this will help solve many of those problems and get more and more folks involved in their schools and in the reorganization.

Ed Gonzalez, Lobbyist and Policy Analyst, Clark County Education Association

We have been supportive of the reorganization since the beginning of the process. I do want to highlight a couple of things. People might want to know how many parents this will impact. There are more than 1,000 parents that sit on these teams in the 357 schools in the Clark County School District. There are close to 850 teachers who sit on these teams, 1,100 people ran, and there were 10,000 people who voted. That gives you an idea of how many people are already serving and excited to sit on these committees. The one thing they are concerned about—I appreciate Senator Ford bringing this bill forward as he promised—is liability. We appreciate this part of the bill, and hopefully we will not need this because A.B. 469 will pass, but we are in support of this bill.

Chris Daly, Deputy Executive Director, Government Relations, Nevada State Education Association:

We believe that quality public education requires partnerships; partnerships with students, employees, families, communities, and all stakeholders who support the betterment of our schools. The Nevada State Education Association (NSEA) members in Clark County, both education support professionals and teachers, have been working alongside of the administrators, parents, students, and community members to build these school organization teams. The NSEA appreciates getting real school site decision-making by those most closely involved with students. Items like school budgets and programming will empower school communities to improve school climate and culture and deliver better overall education to students. However, any barriers to participation threaten the success of these school organizing teams and need to be mitigated for these reasons. The NSEA supports S.B. 119 (R1). We are hoping that volunteers have the same safeguards that the other members of the school organization teams enjoy.

Somer Rodgers, Private Citizen, Las Vegas, Nevada:

I am a parent member of an SOT at John R. Hummel Elementary School. I would like to thank Senator Ford for bringing this bill forward, and I fully support it. Hopefully, there will never be a time where it is needed, but it is good to have that assurance that I will not personally be sued and in danger of everything being taken from me and my family.

Justin Harrison, Director, Government Affairs, Las Vegas Metro Chamber of Commerce:

I will reiterate some of the things that have been said earlier. We are here in full support of S.B. 119 (R1). We recognize that this is needed as we hope that there will be broad input and support from not only parents and teachers, but also community members who hope to engage with these school organizational teams.

Chairman Thompson:

Is there anyone else in support of S.B. 119 (R1)? [There was no one.] Is anyone in opposition to S.B. 119 (R1)? [There was no one.] Is there anyone neutral for S.B. 119 (R1)? [There was no one.]

Senator Ford:

Thank you for hearing S.B. 119 (R1)—a promise made, a promise kept. This is a very important bill, and we want to encourage volunteers on the SOTs. It dawned on me, as I was waiting to come back up, that I did not clarify the reason why this could become a moot issue. It is because this bill specifically has been incorporated into A.B. 469. If it passes, this bill will be moot by virtue of that bill passing.

Chairman Thompson:

We will close the hearing for S.B. 119 (R1) and open the hearing for Senate Bill 112. We welcome our two Senators, Senator Ratti and Senator Kieckhefer.

Senate Bill 112: Requires a course of study in health provided to pupils in certain grade levels in public schools to include certain information on organ and tissue donation. (BDR 34-516)

Senator Julia Ratti, Senate District No. 13:

We are thrilled to be here together today presenting what we think to be a very important bill that will save lives. I am thrilled to be working with Senator Kieckhefer, who has done quite a bit of good work on the issue of organ and tissue donation. Today, we are bringing forward a bill that will help save lives by making sure that young people have the education they need at the time they need it to make an informed decision when they get to the Department of Motor Vehicles (DMV) and they are asked the question, "Do you want to be an organ donor?" What this bill does is save and heal lives. More than 120,000 people will wait for a lifesaving organ transplant across the United States; nearly 600 of those are Nevadans. The shortage of available organs sadly results in 22 people, nationally, who die each day waiting. While it is easy to register as a donor at the DMV or online, unfortunately, only 40 percent of people do so. A single donor can provide 8 organs and more than 75 tissues to save and heal lives.

Most high school students look forward to obtaining their driver's licenses and are asked to register as a donor having been given little or no information in advance. This legislation will provide information for students to make their donation decision before their visit to DMV.

Family conversations about donation will naturally occur as a result when students become more engaged in their curriculum. Family members will then know and understand their donation decisions, and they may be more likely to make the decision to donate. Organ and tissue donation education will be more widespread and will be consistent within the 360 high schools in Nevada. At its core, this bill will result in more people registering as donors in Nevada and therefore will save more lives.

The bottom line of what this bill does is require all Nevada high schools to provide instruction to students about organ and tissue donation in their health education curriculum ([Exhibit C](#)).

I did want to note two important pieces. You are going to hear from some wonderful advocates today as well as some family members who have been affected by this issue. Two pieces of information that I think are important for you to know as we are going into that is first, the organ donor advocates have made a pledge to donate the curriculum materials that are necessary to fulfill this mandate. Second, the health curriculum standards are being updated this year. As we have worked on this bill, the timing is such that there will not be a need for any additional process. These can just be added as part of the normal update to the health curriculum standards. With that, I will turn it over to Senator Kieckhefer for his personal remarks.

Senator Ben Kieckhefer, Senate District No. 16:

I would like to thank Senator Ratti for the opportunity to tag along on this bill. This was a labor of her hard work, not mine. When she offered me the opportunity to join in the effort, I certainly jumped at it. This is the third bill that I have been a primary sponsor on that is intended to increase the number of donors in our state. The first two have become law, I am proud to say. I am hoping this one becomes the third.

While I am not generally a proponent of putting new mandates on our schools, I think that the significance of the issue before you today is elevated to the level that allows me to do so in confidence. The curriculum being provided to the districts makes it economically feasible for the districts to do. The requirements, in terms of time, are not in any way overburdensome. The potential outcome of people having their lives saved in this state makes it entirely appropriate.

I am here to lend my support and answer any questions that you may have. I certainly appreciate all of you taking the time to consider it. This is a critical issue for the people of our state.

Senator Ratti:

We would be happy to answer some questions right now, or if you are ready, we would bring forward some of the advocate organizations to present more information, followed by the family members.

Chairman Thompson:

We will start with some questions from our Committee.

Assemblywoman Miller:

When you say "they" are updating the standards for this year, who are "they?"

Senator Kieckhefer:

That is the State Board of Education.

Assemblywoman Miller:

This is not an argument about not supporting organ donation. It is about the delicate line with regard to children; when does it become persuasion as opposed to just presenting knowledge and facts and information? There was the comment about the kids at 16 years of age being able to go to the Department of Motor Vehicles and register to be organ donors. There are many things that we do not allow minors to do until they are 18 years of age because they do not fully understand or are not able to take on the full responsibility of some of those decisions. Can a 16-year-old actually decide, in Nevada, to be an organ donor? If so, is that the intent of this bill?

Senator Ratti:

The first part of your question is that the philosophy behind this bill is the informed consent, not advocacy. I appreciate the question. It really is trying to address the situation that we have now where our young people show up at the DMV and, because of some great work that has been done in the past, they are all going to be asked the question, Do you want to be an organ donor? What we want to ensure is that the question does not catch them off guard and that they have the information that they need to make that decision. It is a matter of informed consent.

The other piece is, you are going to hear from some families whose children did make that decision. The families did not necessarily know that their children had made the decision when they found themselves in the very awful position of the doctor asking them whether they wanted to donate their child's organs. They made that decision and found out, after the fact, that they had made the same decision as their child. It is a question that is going to be asked of a parent in that situation, and what you will hear from the family members today is that knowing what their children's wishes were actually makes it easier on the parents. Getting to that conversation earlier rather than later is very powerful.

Chairman Thompson:

We will go to the additional testimonies if you would like.

Cathy Olmo, Director of Communications, Donor Network West, San Ramon, California:

Donor Network West is the organ and tissue procurement organization that serves northern Nevada. We are pleased to support Senate Bill 112 and thank both Senator Ratti and Senator Kieckhefer as coauthors of this bill to educate youth.

As an organ and tissue recovery organization, we facilitate the recovery and placement of organs and tissues for transplantation and research. There are four recovery agencies just like us that serve Nevada. This includes Donor Network West, Sierra Donor Services, Intermountain Donor Services, and Nevada Donor Network. All four of these organizations are in full support and are aligned in the support of S.B. 112. As an organ and tissue recovery organization, we work in close partnership with donor families, hospitals, physicians, nurses, funeral homes, and medical examiners. These partnerships work best when the public is educated and, in the best case scenario, when individuals are registered as organ and tissue donors on the donor registry.

Educators are in a very unique position to present students with facts and truths about donation. Senate Bill 112 has the power to reach thousands of students in advance of their first visit to the Department of Motor Vehicles. According to Donate Life America, 20 other states have donation education in their high schools and find that de-mystifying the myths about the organ and tissue donation process increases registrations and in turn helps save and heal more lives.

The need for transplants in Nevada continues to grow, especially in the Latino (20%) and Black (16%) communities. One organ donor can save up to 8 lives and, as a tissue donor, can heal the lives of 75 more.

We offer the hope to heal through organ and tissue donation. We ask that you join us today in supporting S.B. 112 to educate our youth. Thank you.

[The witness submitted prepared text that included additional testimony ([Exhibit D](#)).]

Deanna Santana, Public Education/Relations Manager, Sierra Donor Services, Sacramento, California:

Thank you for considering S.B. 112. I am with Sierra Donor Services, a Donate Life partner here in Nevada. I actually joined Sierra Donor Services after my son became an organ, eye, and tissue donor in 2011 at age 17. I am one of those parents who did remember that my son had made donation his wish, and I was able to honor it because I knew exactly what he wanted. The reason I am here today is, before joining Sierra Donor Services staff, I worked in education as an early childhood educator and many years in special education compliance. I understand first-hand how legislation can impact school districts and teachers and tax an already over-taxed system. Sierra Donor Services and Donor Network West acknowledge this very valid concern. We have shown you a sample of the "Educator Resource Guide," by Donate Life California ([Exhibit E](#)) that we are fully committed to putting into place. We also have a video called "Your Decision to Donate," ([Exhibit F](#)) already customized for Nevada students. We would ask for your support on S.B. 112 so that every student can make an informed consent when they go to the DMV.

[The witness submitted prepared text that included additional testimony ([Exhibit G](#)). Other items were submitted but not discussed and will become part of the record: ([Exhibit H](#)) and ([Exhibit I](#)).]

Nancy Ponte, Private Citizen, Reno, Nevada:

My daughter, Haylee Ponte, died on January 27, 2015 in Reno, and she was an organ and tissue donor. I am here in support of S.B. 112 and hope you will support it as well. Haylee had suffered from mild to moderate asthma her whole life, but we never thought it was going to be this bad. She was a sophomore at the University of Nevada, Reno (UNR), studying biology with aspirations of attending medical school at UNR and remaining in northern Nevada to practice medicine. This was not a surprise because she always was such a caring person. It seemed a natural fit for her.

In January 2015, she suffered an acute asthma attack. Haylee did not survive. The day that Haylee passed, we had some difficult decisions to make. The most difficult was organ and tissue donation. My husband and I decided we would donate Haylee's organs and tissue to honor her course of study and intended profession. We did not have a family discussion about this before Haylee's death, so we did not know what she had wanted. It was not until after we made the decision to donate that we spoke with the organ and tissue donation staff

and were advised that Haylee was already signed up as a donor. Knowing that she registered as a donor eliminated the difficulty of the donation decision for us. She had already made her own choice. We are not sure how she learned of this donation, but are glad that she made the decision through DMV.

It makes sense to educate our youths in school about this very important end-of-life decision. Haylee saved and healed five lives that day. She is a hero to people that she never met. Thank you for your time and I ask that you support S.B. 112 ([Exhibit J](#)).

Chairman Thompson:

Thank you, Mrs. Ponte, for your testimony. I know that you probably have given that testimony numerous times, but it all comes back the same—emotional. I want to say thank you for being able to speak out and thank goodness for Haylee, for being able to save some lives.

Senator, did you have any other testimonies?

Senator Ratti:

We do not have any other scheduled support. I believe there are others in the audience who will want to speak.

Chairman Thompson:

Is there support for S.B. 112 at this time in Carson City?

Jill Robinson, Private Citizen, Las Vegas, Nevada:

Although I was not ready for this, it hit home, and I would like to share a personal story. About four years ago, I found myself on life support. My parents did not know that I had made the decision to donate when I was 16 years old. At that time, we did not have these educational intentions, and I am 34 years old and still do not know everything that goes along with this. We were taught that this is the right thing to do and it can save lives.

The day that I was put on life support in the Summerlin Hospital—it was August 10, 2013—my parents did not know that I had put myself up as an organ donor. It was not that they did not support it, it is that they just did not know. As a child, I did not know how to bring that up or that it was even relevant to bring it up. I thought it was something everyone did. It came as quite a shock to my parents. As the doctors continued to tell my parents that I might not make it, it was a shock because it is not something parents are ready to even handle. No parent should have to bury their own children, let alone think of doing something such as this, no matter how much it saves other lives.

We have a chance to teach our youth how to handle such a massive situation, and know how to deal with it with their parents, because we have so many situations where they just do not know how to talk with their parents. I believe this would definitely be worth teaching. Our children are so torn apart from their parents now. I am definitely for S.B. 112.

Lindsay Anderson, Director, Government Affairs, Washoe County School District:

I take great pleasure in seeing two Senators from Washoe County in a bipartisan manner supporting a bill, and I am so happy to be up here also supporting those two Senators. You heard in some of the testimony some of the reasons we are here in support. In terms of logistics, we really appreciate the offer to donate the materials to the school district. That obviously alleviates any concerns we have from a fiscal perspective, and with the coordination with the health standards currently being reconsidered, it seems like the stars aligned for a piece of legislation like this. We are here today in support. Thank you.

Brad Keating, Legislative Representative, Community and Government Relations, Clark County School District:

We are very happy to be up here to support this bill. It is amazing to us. Organ and tissue donation really hit the forefront in 2001 with Frankie Sue Del Papa, the former Attorney General, and Dawn Gibbons, a legislator and former first lady. Fast forward to 2017, and we are incredibly fortunate to have Senators Ratti and Kieckhefer pushing this ahead. It is so important to discuss the benefits of organ and tissue donation. Teaching our students when they are as young as possible about the benefits will make society a better place because these issues are being discussed. We are here in support and look forward to seeing it passed.

Mary Pierczynski, representing Nevada Association of School Administrators; and Nevada Association of School Superintendents:

We are in support of the bill. We appreciate the curriculum materials. I understand the video is about ten minutes, and if a teacher just wants to use it, that would suffice. It is manageable in the curriculum, and I think it is timely because we are currently looking at those health curriculum standards. We appreciate the materials being provided to the school and appreciate the Senators for bringing this bill forward. Thank you.

Tyre L. Gray, Private Citizen, Las Vegas, Nevada:

I am actually testifying in my personal capacity today, even though many of you know me as an attorney with the law firm of Fennemore Craig.

September 12, 2012, was the day that I will personally never forget, because that is the day in which I received a kidney transplant. You are looking at a person who was part of those 600 people in Nevada who were on the list waiting for somebody like Deanna's son and/or Haylee to make an election that saved my life.

Before going into law, I had a very successful career in business, but I actually became too sick to work. I had to rotate, and in the interim while being sick, I decided I would go to law school in order to have a goal, and a time limit in order to look forward to surviving just another couple of years. Then, by the Grace of God, I was fortunate enough to have somebody who made that election. This person was a young person so every day I live my life and try to put out kindness, happiness, and love because I understand that my life is not only my own now, but also belongs to somebody else. I want you to know that I am in support of this bill as a person. This bill has a lot of merit.

Chairman Thompson:

Thank you, Mr. Gray, for stepping away from your professional side to share that personally with us. We appreciate that.

Ed Gonzalez, Lobbyist and Policy Analyst, Clark County Education Association:

We are in support of this bill and anything that we can do in the classroom to increase interest in organ donations. We do not believe this is going to take much time out of the curriculum.

Chairman Thompson:

Do we have anyone else in support of S.B. 112? [There was no one.] Is there anyone in opposition to S.B. 112? [There was no one.] Is there anyone neutral on S.B. 112? [There was no one.]

Before you start, Senator, I am curious and I appreciate all of the materials that you have given us, but the information in ([Exhibit I](#)) is comprehensive throughout the state of Nevada, correct? It shows that there were 63 transplants, correct? Can you explain that map a little more to us?

Cathy Olmo:

The map that you are referring to shows that of the 211 Nevadans who were transplanted last year, 63 received transplants in Nevada; 95 went to California; 3 went to Florida. That is how you read that map.

Chairman Thompson:

I know that it is based on time, so is there ever a delay because of a person's ability to pay or their insurance coverage or something like that? It has to move along. If a person has to be transported to a hospital out of state, how does that work?

Cathy Olmo:

Are you asking about the donor being moved, or the recipient?

Chairman Thompson:

I mean the recipient. If the recipient has to be transported, is it ever held up because they do not have insurance—would they not get the donation? We do not have time to get a preauthorization; we have to move along with it.

Cathy Olmo:

The way that the system works is that recipients need to be located within four hours, generally, of their transplant center. If you are here in Nevada, listing yourself in Florida would mean you would move to Florida unless you have access to a private plane. In terms of insurance, that is also part of the transplant center's vetting of the patients. They have to be able to pay not only for the transplants, but also the medication and all of the follow-up care, and promise to take care of their organ. There are many factors in that.

Chairman Thompson:

I am trying to dig deep into this. Is much of this based on ability to pay or having insurance? If there is a child from an impoverished community and a transplant makes a difference whether that child lives, is there a foundation that could pay that difference for families so they would not have to face that burden should it happen?

Senator Ratti:

Your question gets more to the strengths and weaknesses of our health care system than it does necessarily to the strengths and weaknesses of the Donor Network and the work that they do. In the case of the impoverished child, my understanding would be they could get covered on the Medicaid system. It would be that kind of question. If they are in that gap that we are all relatively familiar with—the challenge in Nevada with access to insurance—then you are going to have the same challenges of accessing this health care that you would with any other health care. I do not think there are any particular challenges with regard to receiving a donation in terms of your insurance status that are not true of all of the other care that you would have needed to receive in order to survive while you are on the waiting list. I really think it is more that question. I do not want to sound like a broken record, but some of you serve on the Assembly Committee on Health and Human Services as well, and the Affordable Care Act, the expansion of Medicaid in our state, and the expansion of the number of people who are now on our exchange makes a big difference for the people who find themselves faced with an illness where they need to receive care. This would just be one more component of that care.

Assemblywoman Diaz:

How many states already have a component of organ donation education? Do we know how many states currently have something similar to what we are trying to implement here with this bill?

Cathy Olmo:

At this point, Donate Life America quotes 20 states.

Assemblywoman Diaz:

That is helpful to know. My other question falls in line a little with Assemblywoman Miller's questioning about that fine line of educating versus persuading. As I reread the language in the bill, I was wondering why we just did not put out facts about organ and tissue donation, because I think the second Roman numeral that says "the benefits" kind of tilts the scale to the pro side. We should present the information and allow families to have the conversations. It does help to at least have the discourse if they are being exposed to it in the schools, and they can then go home and talk to their families about it, especially if they make that decision upon getting a driver's license, for instance. I was wondering why we just did not leave the language at sharing facts about organ and tissue donation. Why did we take it to stressing those benefits? I see that if we do talk about facts, it would be included so I wanted to know your thinking about that.

Senator Ratti:

The piece I would be struggling with if I were an educator trying to figure out where that line is, is there is no gray area in terms of the facts—about how one donor can save X number of lives. There is a very clear line about the benefit to society around what happens when an organ is donated. That is factual—it is not advocating, which is saying that you should make the personal decision about organ donation. That is not what this intended to do. I do not know how you present the information about organ donation without talking about the benefits that society accrues, because that is the whole point of organ and tissue donation. That would be the reason the benefits are in there. It is a factual benefit.

Assemblywoman Miller:

My question would go back to the beginning regarding the organ donation issue, about the standards being changed by the State Board of Education. If that is the case, then what is the necessity for the bill?

Senator Ratti:

The update of the health curriculum standards would not necessarily have included organ donation education if we did not say that it needed to.

The other piece that I would like to share with you is that we did have conversations with some health teachers. The feedback that we received from them is that they were excited about this because there are pieces that would go with what they are already teaching in health class: what the organs are, anatomy, and other things along those lines. They felt that adding organ donation to that dialogue or education process would pique students' interests. It is a natural area where students are going to have more questions and more curiosity, and it might actually bring to life some other aspects of the curriculum that they are already presenting because it is a new and different way to talk about it. To be clear and directly answer your question, organ and tissue donation would not necessarily be included in the standards update if this bill does not pass.

Assemblywoman Miller:

That is where I was unclear. Before, it sounded like they are already changing the standards; then you followed up with the "timing fits perfectly," but you are actually saying the health standards are changing anyway so now is the time to legislate this into the standards.

Senator Ratti:

They are doing the normal and regular comprehensive update of the health standards, so the timing is good, and because of that, we do not have a fiscal note because they are not going to have to do this outside of the normal schedule. It just happens to be the timeline that they are already following for the update. As part of that, this would slide in nicely, while they are doing that update.

Chairman Thompson:

Now we will let you finish up the presentation.

Senator Ratti:

I am grateful for your time and your clear interest in the issue. I am grateful to my cosponsor, Senator Kieckhefer, who has done some good work in this area. I am beyond grateful to the advocates who work on this issue every day, and for the family members who came to share their stories. I am really thankful, again, to the educators who came forward and said that they did not love every mandate, but this mandate is actually quite simple to implement and will have a meaningful impact.

At the end of the day, I think there are two important principles in this legislation. One is that we might increase organ donation, and that will save lives and affect the folks that you heard from today. The second is that I very much believe in informed consent. We all know 16- to 18-year-olds, and they are so close to adulthood and so hungry for knowledge and information. They want the information to assist in making some of these decisions that, in the end, affect their lives. Those two principles allow us to save and heal some lives, but we can also give young people the ability to have some informed consent. When that informed consent happens, that provides some relief for parents who are in an awful, awful situation. Those two principles are the major premise of this bill. I urge your support.

Chairman Thompson:

At this time, we will close the hearing on Senate Bill 112 and will open for public comment.

Craig M. Stevens, Director of Intergovernmental Relations, Government Affairs, Community and Government Relations, Clark County School District:

I am here with our "good news minute." Amazon and VanTrust Real Estate made a donation of \$10,000 to Mojave High School's new manufacturing and robotics program to commemorate the celebration of Amazon's new fulfillment center in North Las Vegas. The donation will give students a chance to learn about cutting edge technology that is used in Amazon facilities across the country. We are grateful to Amazon and VanTrust Real Estate, as well as all of our community partners who invest in our students and our futures. Thank you.

Lindsay Anderson, Director, Government Affairs, Washoe County School District:

I have my own "good news minute" today. Students from the Academy of Arts, Careers and Technology (AACT), which is our career and technical academy, competed against 100 high schools nationally at the National Aeronautics and Space Administration (NASA) Human Exploration Rover Challenge and received second place nationally against these 100 teams. We are very proud of our students from AACT. Thank you.

Chairman Thompson:

Now we have "good news minutes" from the north and the south. That is good. Is there anyone else with public comment? [There was no one.] Do we have any additional comments from our Committee? [There were none.]

The meeting is adjourned [at 4:12 p.m.].

RESPECTFULLY SUBMITTED:

Sharon McCallen
Committee Secretary

APPROVED BY:

Assemblyman Tyrone Thompson, Chairman

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is written testimony by Senator Julia Ratti, Senate District No. 13, regarding Senate Bill 112.

[Exhibit D](#) is written testimony regarding Assembly Bill 112, submitted by Cathy Olmo, Director of Communications, Donor Network West, San Ramon, California, dated April 18, 2017.

[Exhibit E](#) is a booklet titled "Educator Resource Guide," by Donate Life California, submitted by Deanna Santana, Public Education/Relations Manager, Sierra Donor Services, Sacramento, California.

[Exhibit F](#) is a copy of a video titled "Your Decision to Donate," presented by Deanna Santana, Public Education/Relations Manager, Sierra Donor Services, Sacramento, California.

[Exhibit G](#) is written testimony, dated April 18, 2017, in support of Senate Bill 112, presented by Deanna Santana, Public Education/Relations Manager, Sierra Donor Services, Sacramento, California.

[Exhibit H](#) is material submitted by Deanna Santana, Public Education/Relations Manager, Sierra Donor Services, Sacramento, California, and Cathy Olmo, Director of Communications, Donor Network West, San Ramon, California, consisting of the following:

1. Letters to Senator Julia Ratti and Senator Ben Kieckhefer from various persons in support of Senate Bill 112.
2. A brochure titled "Life's Worth It," from Donor Network West, San Ramon, California.
3. Talking points dated March 6, 2017, by Cathy Olmo, Director of Communications, Donor Network West, San Ramon, California, Amy Camancho, Private Citizen, Sparks, Nevada, and Nancy Ponte, Private Citizen, Reno, Nevada.
4. A copy of a mock-up presentation regarding organ donation, submitted by Cathy Olmo, Director of Communications, Donor Network West, San Ramon, California.

[Exhibit I](#) is a brochure titled "Organ and Tissue Donation Gives Nevadans the Chance to Live," by Donor Network West, submitted by Deanna Santana, Public Education/Relations Manager, Sierra Donor Services, Sacramento, California.

[Exhibit J](#) is written testimony, dated April 18, 2017, in support of Senate Bill 112, authored and presented by Nancy Ponte, Private Citizen, Reno, Nevada.