

**MINUTES OF THE
SENATE COMMITTEE ON COMMERCE AND LABOR**

**Seventy-third Session
May 31, 2005**

The Senate Committee on Commerce and Labor was called to order by Chair Randolph J. Townsend at 8:04 a.m. on Tuesday, May 31, 2005, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4406, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Randolph J. Townsend, Chair
Senator Warren B. Hardy II, Vice Chair
Senator Sandra J. Tiffany
Senator Joe Heck
Senator Michael Schneider
Senator Maggie Carlton
Senator John Lee

GUEST LEGISLATORS PRESENT:

Senator Bernice Mathews, Washoe County Senatorial District No. 1
Assemblywoman Chris Giunchigliani, Assembly District No. 9

STAFF MEMBERS PRESENT:

Kevin Powers, Committee Counsel
Jeanine Wittenberg, Committee Secretary
Scott Young, Committee Policy Analyst
Lynn Hendricks, Committee Secretary

OTHERS PRESENT:

Gary D. Wayne, PowerLight Corporation
Terry Graves, American Chemistry Council
Ivan R. Ashleman, Vice Chairman, State Public Works Board

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Rebecca Wagner, Public Information Officer, Public Utilities Commission of Nevada
Cheri L. Edelman, City of Las Vegas
Rose E. McKinney-James, Clark County School District
Joe L. Johnson, Toiyabe Chapter Sierra Club; Independent Power Corporation
Robert Tretiak, International Energy Conservation
Jon B. Wellinghoff, MGM Mirage
Judy Stokey, Nevada Power Company; Sierra Pacific Power Company
Robert E. Shriver, Secretary, Commission on Economic Development
Irene E. Porter, Southern Nevada Home Builders Association
Danelle Fanning
Dorothy (Dotty) Merrill, Washoe County School District
Fred L. Hillerby, State Board of Pharmacy
Robert A. Ostrovsky, Employers Insurance Company of Nevada, A Mutual Company
Tracy Berrey, Planned Parenthood Mar Monte
Susan Fisher, Chiropractic Physicians' Board of Nevada
James F. Nadeau, Nevada Association of Realtors
Keith Lee, Nevada State Contractor's Board

CHAIR TOWNSEND:

I will open the hearing on Assembly Bill (A.B.) 385.

ASSEMBLY BILL 385 (2nd Reprint): Revises provisions governing building and zoning and creates incentives and standards for green buildings. (BDR 22-730)

CHAIR TOWNSEND:

I am informed by the chair of the Senate Committee on Finance that this bill does not need to be referred to them.

ASSEMBLYWOMAN CHRIS GIUNCHIGLIANI (Assembly District No. 9):

The intent of A.B. 385 is to set the standard for environmental building and construction, as has been done in several other states.

SENATOR TIFFANY:

This is a relatively new field that can be counted on to change with time. Why do you lock Nevada into the Leadership in Energy and Environmental Design (LEED) green-building rating system?

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ASSEMBLYWOMAN GIUNCHIGLIANI:

The LEED system has developed into the industry standard. It has been adapted by the U.S. Green Building Council and has been used in many federal buildings. It is well known in the industry, both in development and in architecture. In recognition of the fact that the technology is changing in this field, we have included the phrase "or its equivalent" in reference to the standard. This will allow other standards to be used as they come into play. It was important to set some standard to begin with, however.

SENATOR TIFFANY:

I would rather take out all references to LEED and let the Public Utilities Commission of Nevada (PUCN) or some other body choose the standard.

I am also concerned about the section regarding the certification and training of installers. We may be moving too fast in this area.

ASSEMBLYWOMAN GIUNCHIGLIANI:

We have training centers set up currently. Licensing is the next step for consumer protection.

GARY D. WAYNE (PowerLight Corporation):

We support A.B. 385. We have a few technical amendments ([Exhibit C](#)).

In section 8.2, subsection 2 of the bill, the definition of "photovoltaic installer" is written to encompass a number of people having little to do with installation. [Exhibit C](#) makes the language more specific so it clearly refers to the people directly doing the wiring.

ASSEMBLYWOMAN GIUNCHIGLIANI:

This definition of photovoltaic installer is a good one. I have no problem with the language.

MR. WAYNE:

In section 8.2, subsection 3, we would change the definition of "photovoltaic system" to limit it to those less than ten kilowatts and commencing construction six months after the Division of Industrial Relations first issues licenses for photovoltaic installers.

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SENATOR TIFFANY:

Are there any other states that require certification of photovoltaic installers?

MR. WAYNE:

I am not an expert in this area, but I know that California requires certification and Colorado does not. There are other ways to protect consumers; for example, California requires contractors to provide customers with a five-year warranty of the systems they install.

SENATOR TIFFANY:

Have you seen the LEED standard in statute in other states?

MR. WAYNE:

I cannot say. It is the preeminent building standard in the industry. PowerLight is not directly involved with LEED; it has to do with building efficiency, and we are solar experts.

SENATOR HARDY:

In section 8.5, photovoltaic installers are required to complete an apprenticeship before being licensed. Most apprenticeship programs are three to four years in length. We may be slowing down the implementation of this program by several years, especially if these programs do not currently exist.

ASSEMBLYWOMAN GIUNCHIGLIANI:

That section of A.B. 385 came from another bill. I will consult with the party who requested the language and find the reason for it.

TERRY GRAVES (American Chemistry Council):

It is our position that there are many green-building standards, and this is an evolving field. A specific standard should not be put into statute at this point. I have an amendment ([Exhibit D](#)) deleting all references to the LEED system.

IVAN R. ASHLEMAN (Vice Chairman, State Public Works Board):

I have an amendment ([Exhibit E](#)) that includes a fiscal note. We have no problem with putting the LEED standard in statute, as long as the phrase "or its equivalent" is included. San Francisco and other western cities have used the LEED standard as a template to develop their own standards.

We have a considerable problem with requiring the silver level of the LEED standard. Government entities have certain requirements that make reaching this high level close to impossible; for example, we cannot shop around for environmentally favorable building sites. We suggest the base level be used instead, since it is more reachable for government buildings.

ASSEMBLYWOMAN GIUNCHIGLIANI:

I have no problem with requiring the base level rather than the silver level. This was also the recommendation of the late Dick Burdette, who worked with us extensively on the first draft of this bill.

SENATOR TIFFANY:

Section 12 of A.B. 385 requires the reduction of energy purchases for state-owned buildings by 20 percent by 2015. Will this be a problem?

MR. ASHLEMAN:

The target date is far enough in the future to allow ample time to study the matter and report back to the Legislature if we are having difficulty. If you can afford to put in the technology, that goal should not be a problem. In any event, the language requires only that the director prepare a plan for a 20-percent reduction. The provision is a reasonable one in its present wording.

REBECCA WAGNER (Public Information Officer, Public Utilities Commission of Nevada):

The PUCN is willing to fund the provisions of A.B. 385 out of its reserves in increments of \$125,000. Thus, the reference in section 19.8 to the State General Fund should be changed.

We have concerns about the lack of reference to the State of Nevada in sections 16 and 17. We recommend this language be reworked to be more specific to Nevada.

In section 16, subsection 2, there is a reference to 200 megawatt-hours. This is an error; it should be 200 megawatts. The same correction should be made to section 17, subsection 4.

In section 17, subsection 2, we recommend the first sentence say, "The regulatory operations staff of the Commission shall annually establish and publish the market rate for solar energy in this State." This would allow our

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staff to make this determination and establish and publish it without it having to go to the full Commission.

ASSEMBLYWOMAN GIUNCHIGLIANI:

I will work with the PUCN on these two sections.

CHERI L. EDELMAN (City of Las Vegas):

We have an amendment ([Exhibit F](#)) that allows the local governments as well as the State to contract out professional services for the analysis required. We would also like to point out the reference in section 5, subsection 5, to buildings designed after July 1, 1981, and ask if this should be updated.

ROSE E. MCKINNEY-JAMES (Clark County School District):

I support the bill with the amendments offered by Mr. Ashleman with regard to the ability of governmental entities to meet the LEED standard.

JOE L. JOHNSON (Toiyabe Chapter Sierra Club; Independent Power Corporation):

We support the amendments noted in [Exhibit C](#), but would suggest the cutoff in section 8.2 be 30 kilowatts rather than 10 kilowatts.

ASSEMBLYWOMAN GIUNCHIGLIANI:

The 30-megawatt definition would probably be more appropriate, since it ties into what is already in statute.

MR. JOHNSON:

We would also like to express concern about the apprenticeship program provision. We would like to see a grandfather clause allowing existing installers to continue at their jobs without having to undergo an extensive apprenticeship.

ROBERT TRETIAK (International Energy Conservation):

I need to clarify that I am with International Energy Conservation, a conservation company based in Las Vegas. We are not affiliated with the *International Energy Conservation Code* mentioned in section 13 of [A.B. 385](#).

I have an amendment ([Exhibit G](#)) that includes further additions to chapter 338 of the *Nevada Revised Statutes* (NRS) to allow for retrofitting. We would like to propose that graduated, transparent goals be established by the various agencies to reduce energy costs by stages. We recommend requiring that the

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costs of retrofitting be funded in full by future cost savings. [Exhibit G](#) includes a letter from Wells Fargo Bank explaining how this is done.

ASSEMBLYWOMAN GIUNCHIGLIANI:

While I appreciate wanting to cover renovating and retrofitting, we need to start with new construction and iron out some of the problems before we move into that area.

CHAIR TOWNSEND:

Could the language on retrofitting be applied to the private sector? There are older buildings in Reno, and renovating them could provide an economic boost to the area, as well as saving some beautiful older buildings from the wrecking crew.

ASSEMBLYWOMAN GIUNCHIGLIANI:

Retrofitting does have a place in extending the life cycle of a building and making it more energy efficient. On the other hand, buildings eventually reach a stage at which retrofitting is pointless because the structure is otherwise unusable. Nothing in this bill prohibits an agency or corporation from following the LEED standards when they renovate a building or a wing of a building. However, I did not feel it was appropriate to mandate it at this point.

JON B. WELLINGHOFF (MGM Mirage):

We support this bill, including the references to the LEED standard. We initially had the same concerns Senator Tiffany has expressed regarding LEED. However, with the addition of the phrase "or its equivalent," A.B. 385 will allow agencies the flexibility to explore alternative standards. Several other states have adopted the LEED standard.

ASSEMBLYWOMAN GIUNCHIGLIANI:

There are in fact four states that have adopted the LEED standard into statute.

SENATOR TIFFANY:

My concern is with putting LEED in statute. Could it not be adopted by the PUCN by regulation instead?

MR. WELLINGHOFF:

Yes; it could be done at the implementation stage. Our concern is that the process could take a year or more. As the bill is currently written, we can start

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with LEED now and build on it. We are in the process of considering construction of facilities totaling 27 million square feet, and we are interested in moving forward as quickly as possible. With LEED as a direction, we can be off and running much more quickly. I would expect the final regulations to be adopted will not follow LEED 100 percent, but will use it as a base.

We support the amendments described in [Exhibit C](#).

JUDY STOKEY (Nevada Power Company; Sierra Pacific Power Company):
We support A.B. 385. We have worked extensively with the sponsor of the bill on the language and are happy with the final result.

CHAIR TOWNSEND:
Can section 6 be applied to retrofitting in the private sector?

ROBERT E. SHRIVER (Secretary, Commission on Economic Development):
We have no problem with using tax abatement as an incentive for builders to bring new technologies to extend the life cycle of buildings.

ASSEMBLYWOMAN GIUNCHIGLIANI:
We could expand the language in section 6, subsection 1, so that "... property which has a building or other structure that is certified ..." includes private-sector buildings being retrofitted or rebuilt. The current language does not exclude those structures, but I have no problem clarifying it. The place where we removed renovation was really in the public-sector process; it was not intended to apply to the private sector.

IRENE E. PORTER (Southern Nevada Home Builders Association):
I support this bill and have been working with Assemblywoman Giunchigliani on its development.

I encourage the expansion of the language to include retrofitting. However, the references to LEED or other standards will need to be removed from those sections because they have not developed standards for retrofits.

The two most prevalent standards in the industry at this point are the LEED system and Global Green Standards. The main difference between them is that Global Green includes standards for the use of lumber and is a few years

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younger than the LEED standard. Neither has standards for residential building or retrofits.

CHAIR TOWNSEND:

I will close the hearing on A.B. 385 and open the work session on Senate Bill (S.B.) 134.

SENATE BILL 134 (1st Reprint): Requires providers of Communication Access Realtime Translation to be qualified and makes various changes related to practice of interpreting. (BDR 54-142)

SENATOR BERNICE MATHEWS (Washoe County Senatorial District No. 1):

The Assembly's Amendment No. 760 to this bill was added in an attempt to accommodate some of the school districts, which are having difficulty getting realtime translators who can meet the standards set in the bill. They are asking for more time to meet the standards and for a two-year study to be done by the Legislative Committee on Persons With Disabilities to determine how the school districts may meet these standards. Most of the concerns that were expressed by the subcommittee will be addressed by this study.

The Communication Access Realtime Translation (CART) portion of this bill is vitally important to CART providers and the deaf community as a whole. I implore you to reconsider your action and concur with the amendment so the bill may move forward.

DANELLE FANNING:

Currently, NRS 656A.100 requires interpreters to be certified by the Educational Interpreter Performance Assessment (EIPA) at a proficiency level of 4 or 5. Few interpreters in Nevada are passing the EIPA at this level. Las Vegas has been providing additional training to interpreters and has passed ten at the required level in the last four years. We expect the numbers of fully qualified interpreters to increase with training like this.

The study proposed in the amendment will answer many questions: How do we train interpreters? How do we find qualified interpreters? What is a qualified interpreter? How are interpreters used in the schools? This is a hot emotional issue in the deaf community at the moment. The study would also give the school districts until 2007 to meet the EIPA standard. They are asking that the minimum standard be lowered to 3.5.

SENATOR CARLTON:

At a previous hearing on S.B. 134, the deaf community was adamantly opposed to this amendment. Can I assume the study was added as a compromise to this opposition?

MS. FANNING:

Yes. The study will give both sides a chance to be heard.

SENATOR HECK:

I agree that the CART portion of this bill is an important piece of legislation that should have been passed without any trailer amendments. What I find troubling is that in the original bill we were raising the standard; in the amendment, we are lowering the standard. I have concerns with not moving the standard forward. While I agree with the study and trying to figure out what the problems might be, I can foresee a situation where the school districts cannot hire people at a 3.5 level and push for a 3.0 level. I cannot support the amendment without something to ensure forward movement on the standards, such as setting the standard at 3.0 this year and 3.5 next year.

SENATOR MATHEWS:

I can appreciate that, since these are minimal standards. However, right now we have no interpreters at all; while we dicker over this, the students lose. Lowering the standard temporarily would at least let us get our foot in the door. I will lose the amendment rather than lose the CART portion of the bill, but only as a last resort.

SENATOR TIFFANY:

I agree with Senator Heck. Clark County School District informs me that they have 27 interpreters: 10 are not certified, 5 are at level 3, 11 are at level 4 and 1 is at level 5. Clark County provides training, pays for courses and gives an increase in pay when an interpreter becomes certified. With all this, there are still ten interpreters who are not certified.

SENATOR LEE:

I agree with Senator Mathews that we need this study to find out where we are right now on this matter.

SENATOR HARDY:

I agree with Senator Tiffany and the original intent of S.B. 134. However, I see the point that is being made here. We need to be sensitive to the concerns of the school districts and respect the concern of the bill's sponsor. I would support rescinding our previous action and concurring with the amendment.

CHAIR TOWNSEND:

What is the problem that Washoe County School District is running into?

DOROTHY (DOTTY) MERRILL (Washoe County School District):

I have written testimony ([Exhibit H](#)). The District has made every effort to try to bring our interpreters up to the required standard. We have brought in trainers from the Boys Town National Research Hospital, where the EIPA originated. We have provided opportunities for our interpreters to take classes at the expense of the District. At one time, there was a grant available to Washoe, Lyon, Douglas and Carson Counties for this training and more like it; however, that grant was recently reduced from \$300,000 to \$21,000. There is also a statewide shortage of people qualified to proctor the EIPA exams. On July 1, we will have two interpreters who meet the level required by law. We have raised the salaries for interpreters, and interpreters with a higher EIPA level make a higher salary. We have not been sitting on our hands; we have been working diligently on this issue. We are just not there yet.

MS. FANNING:

Training is scarce in Nevada and in the United States as a whole. When this requirement first came into law, the school districts asked us to give them until 2001 to meet the standard. In 2001, they asked us to extend the deadline to 2003; in 2003, they asked us to extend it to 2005. Now they want to extend it to 2007. We are willing to make this concession, provided a study is done to discover why they cannot meet the standard and what needs to be done to allow them to come into compliance with the law.

CHAIR TOWNSEND:

I would define this as a market failure. You are providing tests, training and salaries, but nobody wants the job. In that case, neither lowering the standard nor raising the financial incentive is likely to have much effect on the number of applicants. Please make sure someone from this Committee is on the Legislative Committee on Education that will be receiving the reports from this study.

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SENATOR MATHEWS:

I will do so. I should point out that Washoe County is not the only county that has problems in this area.

SENATOR CARLTON:

I would like some assurance that if we pass this amendment, Washoe County will keep working on this over the next two years. We should be able to see those numbers greatly increase within that time.

MS. MERRILL:

We will not cease our efforts. Training is planned for this summer, and other school districts plan to do the same.

SENATOR CARLTON:

Apparently what you have been doing has not been working. You will need to improve your efforts to make any progress.

MS. MERRILL:

I will take that message back to the District.

SENATOR HARDY MOVED TO RESCIND THE PREVIOUS ACTION TAKEN
ON S.B. 134.

SENATOR CARLTON SECONDED THE MOTION.

THE MOTION PASSED. (SENATORS HECK AND TIFFANY VOTED NO.)

SENATOR HARDY MOVED TO CONCUR WITH AMENDMENT NO. 760
TO S.B. 134.

SENATOR CARLTON SECONDED THE MOTION.

THE MOTION PASSED. (SENATORS HECK AND TIFFANY VOTED NO.)

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CHAIR TOWNSEND:

I will close the work session on S.B. 134 and open the work session on S.B. 29.

SENATE BILL 29 (2nd Reprint): Requires policies of health insurance to provide coverage for certain treatments for cancer. (BDR 57-265)

SENATOR HECK:

Amendment No. 834 reinserts language about holding the insurers responsible for complications related to clinical trials, something the Committee explicitly removed from the bill. I recommend we not concur with this amendment.

SENATOR HECK MOVED TO NOT CONCUR WITH AMENDMENT NO. 834 TO S.B. 29.

SENATOR TIFFANY SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR TOWNSEND:

I will close the work session on S.B. 29 and open the work session on S.B. 37.

SENATE BILL 37 (2nd Reprint): Revises provisions governing wholesalers of prescription drugs. (BDR 54-13)

SENATOR CARLTON:

Senator Wiener informs me that she is comfortable with the language in Amendment No. 878.

FRED L. HILLERBY (State Board of Pharmacy):

We are pleased with the amendment. The aberrant behavior this bill seeks to correct could pose an imminent health hazard. The amendment also requires that the executive secretary of the State Board of Pharmacy be a trained pharmacist, and we agree with that.

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SENATOR HECK:

I have reviewed the amendment, and I agree that it clears up a number of problems with the bill.

SENATOR TIFFANY:

One of the concerns I had with the bill was the reporting structure. Some of the wholesalers were being held accountable for reports for which they did not have the data. Was this cleared up?

MR. HILLERBY:

Yes. They came up with an alternative solution to the problem, and it was acceptable to us.

SENATOR TIFFANY:

I was also concerned about the licensing process, which seemed to include a number of adjacent disciplines.

MR. HILLERBY:

That language was tightened up considerably.

SENATOR CARLTON MOVED TO CONCUR WITH AMENDMENT NO. 878
TO S.B. 37.

SENATOR HARDY SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR TOWNSEND:

I will close the work session on S.B. 37 and open the work session on S.B. 80.

SENATE BILL 80 (2nd Reprint): Establishes requirements and procedures for consumers to place security freezes in certain files maintained by credit reporting agencies. (BDR 52-284)

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SENATOR LEE:

I spoke to the sponsor of S.B. 80 today, and he and the other proponents of the bill do not like the changes in Amendment No. 722. The amendment would disallow fees to place and remove a security freeze on a file.

SENATOR LEE MOVED TO NOT CONCUR WITH AMENDMENT NO. 722
TO S.B. 80.

SENATOR HARDY SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR TOWNSEND:

I will close the work session on S.B. 80 and open the work session on S.B. 126.

[SENATE BILL 126 \(2nd Reprint\)](#): Makes various changes relating to Office for Consumer Health Assistance. (BDR 18-246)

CHAIR TOWNSEND:

I do not understand the thinking behind Amendment No. 1075. It includes a transfer of funds for an ombudsman position. However, it only does this for two years. Does anyone know the intention?

ROBERT A. OSTROVSKY (Employers Insurance Company of Nevada, A Mutual Company):

This amendment was not created in a public process, so I am not sure what the reasoning was or what the budget implications are. My guess is that it is the funding that ceases after two years, rather than the ombudsman position. This would allow the Legislature to evaluate the position and its funding process. The standard funding process for this position is for the Division of Industrial Relations to include it in their budget.

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SENATOR SCHNEIDER MOVED TO CONCUR WITH AMENDMENT
NO. 1075 TO S.B. 126.

SENATOR CARLTON SECONDED THE MOTION.

THE MOTION PASSED. (SENATOR LEE WAS ABSENT FOR THE VOTE.)

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CHAIR TOWNSEND:

I will close the work session on S.B. 126 and open the work session on
S.B. 153.

[SENATE BILL 153 \(2nd Reprint\)](#): Revises provisions relating to management of
common-interest communities. (BDR 10-830)

SENATOR HARDY:

Amendment No. 885 is clarifying language. I have no problem with it.

CHAIR TOWNSEND:

The language in this amendment appears to exempt administrative personnel
from any of the provisions with regard to collection agencies.

SENATOR HARDY:

That is not the amendment to which I was referring. I will research the matter
and bring it back to the Committee at a later meeting.

CHAIR TOWNSEND:

I will close the work session on S.B. 153 and open the work session on
S.B. 163.

[SENATE BILL 163 \(2nd Reprint\)](#): Makes changes relating to certain regulatory
bodies which administer occupational licensing. (BDR 54-22)

SENATOR CARLTON:

Amendment No. 972 has a pharmacy provision in it that has upset a number of
people. This is not the same provision that was discussed in the
72nd Legislative Session about pharmacists refusing to fill prescriptions. This
provision basically says that if a pharmacist is going to refuse to fill a

prescription, he must talk to the prescribing physician first. It is intended as a bridge-building measure.

CHAIR TOWNSEND:

What are you trying to accomplish with this amendment?

TRACY BERREY (Planned Parenthood Mar Monte):

This amendment is intended to prevent a recurrence of an incident in which a Nevada pharmacist refused to fill a prescription because he felt it violated his religious beliefs.

SENATOR HARDY:

While I appreciate the attempt to make this amendment less offensive, I am not amenable to it. It is a first step that will lead to worse offenses.

SENATOR HECK:

I agree with Senator Hardy. According to this language, a pharmacist can only refuse to fill a prescription if he suspects fraud, if it is illegal or if it is medically contraindicated. If he refuses to fill it based on his moral conscience, he would be in violation. You cannot force a professional, medical or otherwise, to violate his or her moral conscience.

SENATOR CARLTON:

The amendment includes language specifically stating that a pharmacist is not required to stock all drugs. If there is an objection to a particular drug, the pharmacist need not stock it.

SENATOR HECK:

That may work well for a small independent pharmacy, but it is not applicable to large chain pharmacies. The individual pharmacist working in a national chain has no control over what drugs are stocked.

SENATOR CARLTON:

I fully expected that this bill would go to conference committee, and I hope to participate in that.

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SENATOR HARDY MOVED TO NOT CONCUR WITH AMENDMENT NO. 972 TO S.B. 163.

SENATOR HECK SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR TOWNSEND:

I will close the work session on S.B. 163 and open the work session on S.B. 174.

[SENATE BILL 174 \(1st Reprint\)](#): Makes various changes relating to chiropractic.
(BDR 54-699)

CHAIR TOWNSEND:

Amendment No. 751 deletes the fee increases in the bill. The Chiropractic Physicians' Board of Nevada supports this amendment; they are walking a fine line financially, but they say they can continue as they are.

SENATOR CARLTON:

The Board has drawn up their budget without the fee increase and contend they can survive with some belt-tightening.

SENATOR CARLTON MOVED TO CONCUR WITH AMENDMENT NO. 751 TO S.B. 174.

SENATOR SCHNEIDER SECONDED THE MOTION.

SENATOR HECK:

There was a concern expressed in the Assembly about S.B. 174 putting the requirement for liability coverage in statute. It would set a precedent, in that it would be the first time malpractice liability insurance would be mandated in statute. None of the other licensed health-care providers have such a requirement. Because of that, I would like to not concur, take the bill to conference committee and fix that issue. This was part of the bill when we first considered it, but I was not aware of the policy issue until it was brought to my attention by a colleague.

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SENATOR CARLTON:

I will stand behind the preference of the Board on this bill.

THE MOTION FAILED. (SENATORS TIFFANY, HARDY, TOWNSEND,
HECK AND LEE VOTED NO.)

SENATOR HARDY MOVED TO NOT CONCUR WITH AMENDMENT
NO. 751 TO S.B. 174.

SENATOR HECK SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR CARLTON VOTED NO.)

CHAIR TOWNSEND:

I will close the work session on S.B. 174. The Committee will be in recess at
10:36 a.m.

I will reconvene the Committee at 2:57 p.m. and reopen the work session on
S.B. 174.

SUSAN FISHER (Chiropractic Physicians' Board of Nevada):

The Board agreed to the removal of the fee increase, which would have required
a two-thirds vote for passage, as a compromise to keep the bill alive in the
Assembly. The Office of the Governor was satisfied with the provision.

CHAIR TOWNSEND:

We may return to this matter tomorrow. I will close the work session on
S.B. 174 and open the work session on S.B. 238.

[SENATE BILL 238 \(2nd Reprint\)](#): Revises provisions governing regulation of
certain public utilities. (BDR 58-1156)

CHAIR TOWNSEND:

I am informed that all the interested parties are in support of Amendment
No. 915.

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SENATOR TIFFANY MOVED TO CONCUR WITH AMENDMENT NO. 915
TO S.B. 238.

SENATOR HECK SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS CARLTON AND HARDY WERE
ABSENT FOR THE VOTE.)

CHAIR TOWNSEND:

I will close the work session on S.B. 238 and open the work session on
S.B. 256.

SENATE BILL 256 (2nd Reprint): Revises certain provisions relating to regulation
of public utilities. (BDR 58-655)

CHAIR TOWNSEND:

Amendment No. 916 makes several substantive changes to the bill, the main
impact of which is to make it easier for the PUCN to manage their work flow.

SENATOR TIFFANY MOVED TO CONCUR WITH AMENDMENT NO. 916
TO S.B. 256.

SENATOR SCHNEIDER SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS CARLTON AND HARDY WERE
ABSENT FOR THE VOTE.)

CHAIR TOWNSEND:

I will close the work session on S.B. 256 and open the work session on
S.B. 300.

SENATE BILL 300 (2nd Reprint): Revises provisions governing regulation of
contractors. (BDR 54-1061)

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CHAIR TOWNSEND:

No concerns have been expressed by the interested parties regarding Amendment No. 1038.

SENATOR TIFFANY MOVED TO CONCUR WITH AMENDMENT NO. 1038 TO S.B. 300.

SENATOR HECK SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS CARLTON AND HARDY WERE ABSENT FOR THE VOTE.)

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CHAIR TOWNSEND:

I will close the work session on S.B. 300 and open the work session on S.B. 325.

[SENATE BILL 325 \(3rd Reprint\)](#): Makes various changes concerning common-interest communities. (BDR 10-20)

SENATOR SCHNEIDER:

There were two amendments to this bill. Amendment No. 1032 makes a minor change that causes me no concern. Amendment No. 884 allows board members and managers to receive fees up to \$100, a provision that was eliminated in statute in the 71st Legislative Session. There is also a provision allowing attorneys and their associates to give gratuities to board members and managers. I suggest we not concur and go to conference committee to find out the intention of the amendment.

SENATOR SCHNEIDER MOVED TO NOT CONCUR WITH AMENDMENT NO. 884 TO S.B. 325.

SENATOR LEE SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS CARLTON AND HARDY WERE ABSENT FOR THE VOTE.)

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CHAIR TOWNSEND:

I will close the work session on S.B. 325 and open the work session on S.B. 332.

SENATE BILL 332 (2nd Reprint): Revises provisions relating to real estate.
(BDR 54-230)

JAMES F. NADEAU (Nevada Association of Realtors):

Amendment No. 681 removes a fee increase previously authorized for the Real Estate Division. The Division requested this change, feeling that this was not the right time for a fee increase.

SENATOR HECK MOVED TO CONCUR WITH AMENDMENT NO. 681 TO S.B. 332.

SENATOR TIFFANY SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS CARLTON AND HARDY WERE ABSENT FOR THE VOTE.)

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CHAIR TOWNSEND:

I will close the work session on S.B. 332 and open the work session on S.B. 333.

SENATE BILL 333 (2nd Reprint): Revises provisions governing practice of cosmetology and related professions. (BDR 54-764)

CHAIR TOWNSEND:

Is Amendment No. 1043 for S.B. 333 in conflict with A.B. 250?

ASSEMBLY BILL 250 (2nd Reprint): Provides for licensing and regulation of massage therapists. (BDR 54-733)

SCOTT YOUNG (Committee Policy Analyst):
Yes.

KEVIN POWERS (Committee Counsel):

Let me elaborate on that. ... A.B. 250 specifically provides that a massage therapist who wants a state license has to have successfully completed a program in massage therapy approved by the Board of Massage Therapists. The Board is required to approve massage therapy programs by the Commission on Postsecondary Education in any ... public college or school that offers a program in massage therapy. ... But the Board can also approve other programs in massage therapy. In theory, what S.B. 333 does is allow the ... Board of Cosmetology to approve a program in massage therapy at a school of cosmetology. That school of cosmetology would then have to go to the Board of Massage Therapy and ask to be recognized by the Board of Massage Therapy in order for the massage therapists to have approval for that program.

SENATOR HECK:

When we first discussed this issue, we were firm in our belief that the State Board of Cosmetology should have no jurisdiction over a course of massage therapy. Rather, the Commission on Postsecondary Education should have this authority. The other significant difference is the inclusion of a rather convoluted formula for the bonding amount. I recommend we do not concur.

SENATOR HECK MOVED TO NOT CONCUR WITH AMENDMENT NO. 1043 TO S.B. 333.

SENATOR TIFFANY SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS CARLTON AND HARDY WERE ABSENT FOR THE VOTE.)

CHAIR TOWNSEND:

I will close the work session on S.B. 333 and open the work session on S.B. 335.

[SENATE BILL 335 \(2nd Reprint\)](#): Revises provisions governing practice of barbering, cosmetology and related professions. (BDR 54-1356)

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SENATOR CARLTON:

Amendment No. 959 would allow persons licensed as barbers in other states to practice in Nevada temporarily while their applications are processed by the State Barbers' Health and Sanitation Board. The only portion of this amendment that gives me concern is the inclusion of apprentice barbers. In many states, apprentice barbers have only a few months of experience.

SENATOR CARLTON MOVED TO NOT CONCUR WITH AMENDMENT NO. 959 TO S.B. 335.

SENATOR SCHNEIDER SECONDED THE MOTION.

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

CHAIR TOWNSEND:

I will close the work session on S.B. 335 and open the work session on S.B. 431.

[SENATE BILL 431 \(2nd Reprint\)](#): Makes various changes to provisions governing financial institutions and related business entities. (BDR 55-361)

SENATOR TIFFANY:

I would ask that we hold this discussion for another day.

CHAIR TOWNSEND:

I will close the work session on S.B. 431 and open the work session on S.B. 434.

[SENATE BILL 434 \(2nd Reprint\)](#): Revises provisions governing regulation of contractors. (BDR 52-1103)

CHAIR TOWNSEND:

Since this is a bill of particular interest to Senator Hardy, we will hold this bill for tomorrow. I will close the work session on S.B. 434 and open the work session on A.B. 63.

ASSEMBLY BILL 63 (2nd Reprint): Makes various changes relating to practices by health insurers with regard to injuries sustained by insured while under influence of alcohol or prohibited substance. (BDR 57-207)

SENATOR HECK MOVED TO NOT RECEDE FROM AMENDMENT NO. 919 TO A.B. 63.

SENATOR TIFFANY SECONDED THE MOTION.

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

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CHAIR TOWNSEND:

I will close the work session on A.B. 63 and open the work session on A.B. 437.

ASSEMBLY BILL 437 (2nd Reprint): Revises provisions governing manufactured home parks. (BDR 10-1027)

SENATOR SCHNEIDER MOVED TO NOT RECEDE FROM AMENDMENT NO. 707 TO A.B. 437.

SENATOR TIFFANY SECONDED THE MOTION.

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

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CHAIR TOWNSEND:

I will close the work session on A.B. 437 and open the work session on A.B. 501.

ASSEMBLY BILL 501 (2nd Reprint): Revises certain provisions governing contractors. (BDR 54-636)

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KEITH LEE (Nevada State Contractor's Board):

My understanding is that there was no disagreement with Amendment No. 706. Rather, we discovered that section 12 of A.B. 501 contains the word "licensee" rather than "person" in two places. We would also like to add the provision that not only the administrative fine but also the interest would go to the State Treasurer.

CHAIR TOWNSEND:

I should point out that when the word "licensee" is used, it can be interpreted as meaning the statute has no authority over people illegally practicing without a license.

SENATOR TIFFANY MOVED TO NOT RECEDE FROM AMENDMENT NO. 706 TO A.B. 501.

SENATOR SCHNEIDER SECONDED THE MOTION.

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

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CHAIR TOWNSEND:

Is there any further business to come before this Committee? Hearing none,
I will adjourn this meeting at 3:32 p.m.

RESPECTFULLY SUBMITTED:

Lynn Hendricks,
Committee Secretary

APPROVED BY:

Senator Randolph J. Townsend, Chair

DATE: _____