

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON COMMERCE AND LABOR**

**Seventy-Seventh Session
May 15, 2013**

The Committee on Commerce and Labor was called to order by Chairman David P. Bobzien at 1:36 p.m. on Wednesday, May 15, 2013, in Room 4100 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 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 nelis.leg.state.nv.us/77th2013. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblyman David P. Bobzien, Chairman
Assemblywoman Marilyn K. Kirkpatrick, Vice Chairwoman
Assemblywoman Irene Bustamante Adams
Assemblywoman Maggie Carlton
Assemblyman Skip Daly
Assemblywoman Olivia Diaz
Assemblyman John Ellison
Assemblyman Jason Frierson
Assemblyman Tom Grady
Assemblyman Ira Hansen
Assemblyman Crescent Hardy
Assemblyman James W. Healey
Assemblyman William C. Horne
Assemblyman James Ohrenschall

COMMITTEE MEMBERS ABSENT:

Assemblyman Pete Livermore (excused)



GUEST LEGISLATORS PRESENT:

None

STAFF MEMBERS PRESENT:

Kelly Richard, Committee Policy Analyst
Matt Mundy, Committee Counsel
Leslie Danihel, Committee Manager
Earlene Miller, Committee Secretary
Olivia Lloyd, Committee Assistant

OTHERS PRESENT:

Adam Plain, Insurance Regulation Liaison, Division of Insurance,
Department of Business and Industry

Chairman Bobzien:

[The roll was called; a quorum was present.] We are going to start our work session with Senate Bill 36 (1st Reprint).

Senate Bill 36 (1st Reprint): Makes various changes concerning unemployment compensation. (BDR 53-371)

Kelly Richard, Committee Policy Analyst:

This bill was heard in Committee on May 13, 2013, and presented on behalf of the Employment Security Division. The bill establishes provisions to collect money owed for the repayment of fraudulently obtained benefits or to recover amounts owed to the Employment Security Division of the Department of Employment, Training and Rehabilitation by persons who commit unemployment insurance fraud. [Read from work session document ([Exhibit C](#)).]

Chairman Bobzien:

We may have had some questions on this bill.

Assemblyman Grady:

If a person applies for unemployment benefits on a Monday, he waits one week, and with the amendment, he would have to wait for the second week and would not be paid for either week. When all of the benefit period is exhausted, he could collect the second week. If he does not wait to the end of the benefit period, he loses the second week. Is that what the amendment does?

Matt Mundy, Committee Counsel:

I believe the beneficiary loses the initial week and it extends the period up to 18 days. He could potentially make up the week at the end of the benefits. The amendment deletes that provision so that the additional waiting period of a week is gone.

Chairman Bobzien:

What is the pleasure of the Committee?

ASSEMBLYWOMAN CARLTON MOVED TO AMEND AND DO PASS
SENATE BILL 36 1ST REPRINT.

ASSEMBLYMAN FRIERSON SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN LIVERMORE WAS
ABSENT FOR THE VOTE.)

We will move to Senate Bill 47 (1st Reprint).

Senate Bill 47 (1st Reprint): Makes various changes to provisions governing the regulation of the mortgage industry. (BDR 54-361)

Kelly Richard, Committee Policy Analyst:

This bill was heard in Committee on May 3, 2013, and was submitted on behalf of the Division of Mortgage Lending. The bill makes various changes to provisions governing the regulation of the mortgage industry. [Read from work session document ([Exhibit D](#)).]

Chairman Bobzien:

What is the pleasure of the Committee?

ASSEMBLYMAN HARDY MOVED TO DO PASS
SENATE BILL 47 (1ST REPRINT).

ASSEMBLYWOMAN CARLTON SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN LIVERMORE WAS
ABSENT FOR THE VOTE.)

We will move to Senate Bill 114.

Senate Bill 114: Revises provisions relating to the filing of rates for insurance. (BDR 57-146)

Kelly Richard, Committee Policy Analyst:

Senate Bill 114 is sponsored by Senators Roberson and Atkinson and was heard in Committee on April 24, 2013. The bill provides that a rate filing made by an insurer or rate service organization must be filed with the Commissioner of Insurance not less than 30 days before the proposed effective date. [Read from work session document ([Exhibit E](#)).]

Chairman Bobzien:

Is there a motion from the Committee?

ASSEMBLYMAN HARDY MOVED TO DO PASS SENATE BILL 114.

ASSEMBLYMAN OHRENSCHALL SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYWOMAN CARLTON VOTED NO. ASSEMBLYMAN LIVERMORE WAS ABSENT FOR THE VOTE.)

We will move to Senate Bill 127 (1st Reprint).

Senate Bill 127 (1st Reprint): Prohibits employers from conditioning employment on a consumer credit report or other credit information. (BDR 53-453)

Kelly Richard, Committee Policy Analyst:

This bill is sponsored by Senator Parks and was heard on May 10, 2013. Senate Bill 127 (R1) prohibits an employer from conditioning the employment of an employee or prospective employee on the person's consumer credit report or other credit information unless the information contained in the report or other credit information is reasonably related to the position of employment. [Read from work session document ([Exhibit F](#)).]

Chairman Bobzien:

What would the Committee like to do?

ASSEMBLYMAN DALY MOVED TO DO PASS
SENATE BILL 127 (1ST REPRINT).

ASSEMBLYWOMAN DIAZ SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN LIVERMORE WAS ABSENT FOR THE VOTE.)

We will move to Senate Bill 155 (1st Reprint).

Senate Bill 155 (1st Reprint): Revises provisions relating to the practice of clinical professional counseling. (BDR 54-714)

Kelly Richard, Committee Policy Analyst:

The bill was sponsored by Senator Gustavson and was heard in Committee on April 24, 2013. It expands a clinical professional counselor's scope of practice to include the assessment and treatment of couples or families if he or she has demonstrated competency as determined by the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors ([Exhibit G](#)).

Chairman Bobzien:

What is the pleasure of the Committee?

ASSEMBLYWOMAN CARLTON MOVED TO DO PASS
SENATE BILL 155 (1ST REPRINT).

ASSEMBLYMAN FRIERSON SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN LIVERMORE WAS
ABSENT FOR THE VOTE.)

We will go to Senate Bill 235 (1st Reprint).

Senate Bill 235 (1st Reprint): Authorizes a local law enforcement agency to establish or utilize an electronic reporting system to receive information relating to purchases of scrap metal. (BDR 54-869)

Kelly Richard, Committee Policy Analyst:

Senate Bill 235 (R1) is sponsored by Senator Parks and was heard in Committee on May 10, 2013. It authorizes a local law enforcement agency to establish or utilize an electronic reporting system to receive information relating to scrap metal purchases within its jurisdiction. [Read from work session document ([Exhibit H](#)).]

Chairman Bobzien:

The amendments are on the Nevada Electronic Legislative Information System (NELIS). I will take a motion to amend and do pass with both amendments.

ASSEMBLYMAN GRADY MOVED TO AMEND AND DO PASS
SENATE BILL 235 (1ST REPRINT).

ASSEMBLYMAN OHRENSCHALL SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN LIVERMORE WAS ABSENT FOR THE VOTE.)

We will move to Senate Bill 252 (1st Reprint).

Senate Bill 252 (1st Reprint): Revises provisions relating to the portfolio standard for providers of electric service. (BDR 58-775)

Kelly Richard, Committee Policy Analyst:

Senate Bill 252 (R1) was sponsored by the Senate Committee on Commerce, Labor, and Energy and was heard by this Committee on May 6, 2013. It revises provisions specifying the renewable energy systems that qualify as portfolio energy systems for purposes of the renewable portfolio standard. It deems a provider to have generated or acquired 2.4 kilowatt-hours of electricity from a solar photovoltaic system for each 1 kilowatt-hour actually generated or acquired for a system that is placed into operation before July 1, 2014. [Read from work session document ([Exhibit I](#)).]

Chairman Bobzien:

I know the bill sponsor has done a lot of work on this bill and there is agreement to the amendment. What is the pleasure of the Committee?

ASSEMBLYWOMAN DIAZ MOVED TO AMEND AND DO PASS
SENATE BILL 252 (1ST REPRINT).

ASSEMBLYMAN HORNE SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN ELLISON AND HANSEN VOTED NO. ASSEMBLYMAN LIVERMORE WAS ABSENT FOR THE VOTE.)

We will go to Senate Bill 266 (2nd Reprint).

Senate Bill 266 (2nd Reprint): Revises provisions governing coverage for chemotherapy in a policy of health insurance or health care plan. (BDR 57-879)

Kelly Richard, Committee Policy Analyst:

Senate Bill 266 (2nd Reprint) was sponsored by Senator Denis and heard in Committee on May 10, 2013. It requires certain health care plans and insurance policies that provide coverage for chemotherapy administered both orally and intravenously, or by injection, to make the monetary limits of

coverage to the insured for orally administered chemotherapy the same as other types of chemotherapy. [Read from work session document ([Exhibit J](#)).]

Chairman Bobzien:

We have a motion.

ASSEMBLYMAN FRIERSON MOVED TO AMEND AND DO PASS
SENATE BILL 266 (2ND REPRINT).

ASSEMBLYMAN HORNE SECONDED THE MOTION.

We will hear an explanation of the amendment from the Division of Insurance.

Adam Plain, Insurance Regulation Liaison, Division of Insurance, Department of Business and Industry:

The amendment before you seeks to make sure that the effective dates are uniform. We had some discussions with the bill sponsor. The original effective date was January 1, 2014. There was some concern about the effective date from interested parties, and the bill sponsor amended it to be effective on January 1, 2015, for health insurance policies sold on the Silver State Health Insurance Exchange and January 1, 2014, for all other policies. The Division had concerns about this and submitted written testimony when the bill was introduced in this Committee.

There are a few ways the effective dates cause concern. The federal government in the Affordable Care Act has a provision for guaranteed availability which states that any health benefit plans sold in the state must be available to every person who wishes to purchase that health benefit plan. The interpretation that the federal government gave us was that every health benefit plan sold on the exchange must be available off the exchange. Since immigrants who are not lawfully present will not be allowed to access policies on the exchange, they still need access to them off the exchange. That leads us to the problem where a health benefit plan sold on the exchange, with the effective date listed in the bill, would not have this oral anti-cancer medication coverage, but it would have to be offered outside of the exchange. The plan would have to be off the exchange, and the coverage would have to be in the plan off the exchange, but the federal government requires that plans be identical both in terms of price and covered benefits on and off the exchange. So, we would find ourselves in a situation where the health benefit plans could not be in compliance with both state and federal law simultaneously.

That was our major concern. There were some minor concerns about approval times and the fact that risk pooling between policies on and off the exchange

has to be the same. Because the original effective date was January 1, 2014, and it was changed to a split date, our analysis was since the date has to be the same for all practical purposes, it did not make sense to go back to that date. That is why we proposed the January 1, 2015, date in the amendment.

Chairman Bobzien:

Is there further discussion?

Assemblywoman Carlton:

It pains me that people will have to wait a whole year to get this benefit covered. I wish there was another way we could do it.

Assemblyman Healey:

I would like to say the same thing for the record. I support this bill fully and I am concerned that we are going to make patients who need it now wait until it is too late.

THE MOTION PASSED. (ASSEMBLYMAN LIVERMORE WAS
ABSENT FOR THE VOTE.)

We will move to Senate Bill 94 (1st Reprint).

Senate Bill 94 (1st Reprint): Revises provisions governing certain loans.
(BDR 52-581)

Kelly Richard, Committee Policy Analyst:

Senate Bill 94 (R1) was sponsored by the Senate Committee on Commerce, Labor, and Energy. It revises provisions governing certain loans and was heard in Committee on May 13, 2013. It authorizes a high-interest loan service to charge a late fee of not more than \$25, payable on a one-time basis, on any loan that remains unpaid ten days or more after the date of default. [Read from work session document ([Exhibit K](#)).]

Chairman Bobzien:

What does the Committee want to do?

ASSEMBLYMAN OHRENSCHALL MOVED TO AMEND AND DO
PASS SENATE BILL 94 (1ST REPRINT).

ASSEMBLYMAN HORNE SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYWOMAN CARLTON VOTED
NO. ASSEMBLYMAN LIVERMORE WAS ABSENT FOR THE VOTE.)

We will move to Senate Bill 288.

Senate Bill 288: Revises provisions relating to debt-management services.
(BDR 56-976)

Kelly Richard, Committee Policy Analyst:

Senate Bill 288 revises provisions relating to debt-management services, was sponsored by Senator Brower, and heard in Committee on April 29, 2013. The bill revises the manner in which a provider of debt-management services may request and receive payment from an individual debtor. [Read from work session document ([Exhibit L](#)).]

Chairman Bobzien:

What is the pleasure of the Committee?

ASSEMBLYWOMAN KIRKPATRICK MOVED TO DO PASS
SENATE BILL 288.

ASSEMBLYMAN HARDY SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN LIVERMORE WAS
ABSENT FOR THE VOTE.)

We will move to Senate Bill 310.

Senate Bill 310: Revises provisions governing financial institutions.
(BDR 55-702)

Kelly Richard, Committee Policy Analyst:

Senate Bill 310 revises provisions governing financial institutions. It was sponsored by Senator Ford and heard in Committee on April 26, 2013. The bill deletes the requirement that a financial institution operating an electronic terminal must disclose certain fees on a sign posted on or in clear view of the electronic terminal. [Read from work session document ([Exhibit M](#)).]

Chairman Bobzien:

What is the pleasure of the Committee?

ASSEMBLYWOMAN CARLTON MOVED TO DO PASS
SENATE BILL 310.

ASSEMBLYMAN FRIERSON SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN LIVERMORE WAS
ABSENT FOR THE VOTE.)

We will move to Senate Bill 327 (2nd Reprint).

Senate Bill 327 (2nd Reprint): Revises provisions relating to health care
professions. (BDR 54-772)

Kelly Richard, Committee Policy Analyst:

Senate Bill 327 (R2) was sponsored by Senator Jones and was heard in
Committee on May 8, 2013. The bill revises provisions authorizing the practice
of medicine in Nevada by health care professionals regardless of whether the
professionals are physically located in this state. [Read from work session
document ([Exhibit N](#)).]

Chairman Bobzien:

Is there a motion?

ASSEMBLYWOMAN KIRKPATRICK MOVED TO AMEND AND DO
PASS SENATE BILL 327 (2ND REPRINT).

ASSEMBLYMAN ELLISON SECONDED THE MOTION.

Is there any discussion?

Assemblywoman Carlton:

I like the bill, but not the amendment.

THE MOTION PASSED. (ASSEMBLYMAN LIVERMORE WAS
ABSENT FOR THE VOTE.)

Chairman Bobzien:

We will move to Senate Bill 351.

Senate Bill 351: Prohibits certain activities relating to liens for health care
services. (BDR 54-847)

Kelly Richard, Committee Policy Analyst:

Senate Bill 351 is sponsored by Senator Hutchison and was heard in Committee
on April 24, 2013. It prohibits a health care provider or health facility that
treats a patient for a condition for which the patient has filed or intends to file
a civil claim to recover damages, or any business in which such a provider or

facility has financial interest, from acquiring a debt or lien for services that arise from the same claim and are provided to the patient by another facility.

A person who violates these provisions is guilty of a category E felony and may be further punished by a fine of not more than \$25,000 for each violation ([Exhibit O](#)).

Chairman Bobzien:

What is the pleasure of the Committee?

Assemblywoman Carlton:

Why are we making this a felony?

Chairman Bobzien:

We will hold this bill. We will move to Senate Bill 493 (1st Reprint).

Senate Bill 493 (1st Reprint): Revises provisions concerning real property transactions. (BDR 54-642)

Kelly Richard, Committee Policy Analyst:

Senate Bill 493 (R1) was sponsored by the Senate Committee on Commerce, Labor, and Energy and heard in this Committee on May 3, 2013. It revises provisions governing loans secured by a lien on real property in which investors hold the beneficial interest. [Read from work session document ([Exhibit P](#)).]

Chairman Bobzien:

Is there a motion to amend and do pass on both amendments?

ASSEMBLYMAN HARDY MOVED TO AMEND AND DO PASS
SENATE BILL 493 (1ST REPRINT).

ASSEMBLYWOMAN BUSTAMANTE ADAMS SECONDED THE
MOTION.

THE MOTION PASSED. (ASSEMBLYWOMAN CARLTON VOTED
NO. ASSEMBLYMAN LIVERMORE WAS ABSENT FOR THE VOTE.)

We will move to Senate Bill 496 (1st Reprint).

Senate Bill 496 (1st Reprint): Revises certain provisions governing portable electronics insurance. (BDR 57-1095)

Kelly Richard, Committee Policy Analyst:

Senate Bill 496 (1st Reprint) was sponsored by the Senate Committee on Commerce, Labor and Energy and was heard in this Committee on May 3, 2013. It requires that an insurer file a portable electronics insurance policy form, including any certificate of coverage, with the Commissioner of Insurance before the insurer uses the form. [Read from work session document ([Exhibit Q](#)).]

Chairman Bobzien:

What would the Committee like to do?

ASSEMBLYMAN HARDY MOVED TO DO PASS
SENATE BILL 496 (1ST REPRINT).

ASSEMBLYMAN DALY SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN BUSTAMANTE ADAMS,
CARLTON, AND FRIERSON VOTED NO. ASSEMBLYMEN HORNE
AND LIVERMORE WERE ABSENT FOR THE VOTE.)

We will move to Senate Bill 497.

Senate Bill 497: Revises provisions relating to dental care. (BDR 57-1096)

Kelly Richard, Committee Policy Analyst:

Senate Bill 497 was sponsored by the Senate Committee on Commerce, Labor and Energy and was heard in Committee on May 1, 2013. It prohibits a dental care plan from requiring a dentist to accept a fee set by the plan for any services other than services covered in the plan. [Read from work session document ([Exhibit R](#)).]

Chairman Bobzien:

What is the pleasure of the Committee?

ASSEMBLYMAN ELLISON MOVED TO DO PASS
SENATE BILL 497.

ASSEMBLYMAN HORNE SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYWOMAN CARLTON VOTED
NO. ASSEMBLYMAN LIVERMORE WAS ABSENT FOR THE VOTE.)

Assemblywoman Diaz:

I reserve my right to change my vote on the floor.

Assemblywoman Carlton:

My questions have been answered on Senate Bill 351.

Chairman Bobzien:

We will move to Senate Bill 351.

ASSEMBLYWOMAN CARLTON MOVED TO DO PASS
SENATE BILL 351.

ASSEMBLYWOMAN DIAZ SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN LIVERMORE WAS
ABSENT FOR THE VOTE.)

That concludes our work session. Is there public comment? [There was none.]

**Senate Bill 319 (1st Reprint: Revises provisions governing certain professions.
(BDR 54-713)**

[This bill was not heard.]

**Senate Bill 287 (1st Reprint) Revises provisions governing cosmetology.
(BDR 54-830)**

[This bill was not heard.]

The meeting is adjourned [at 2:20 p.m.].

RESPECTFULLY SUBMITTED:

Earlene Miller
Committee Secretary

APPROVED BY:

Assemblyman David P. Bobzien, Chairman

DATE: _____

EXHIBITS

Committee Name: Committee on Commerce and Labor

Date: May 15, 2013

Time of Meeting: 1:36 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
S.B. 36 (R1)	C	Kelly Richard	Work Session Document
S.B. 47 (R1)	D	Kelly Richard	Work Session Document
S.B. 114	E	Kelly Richard	Work Session Document
S.B. 127 (R1)	F	Kelly Richard	Work Session Document
S.B. 155 (R1)	G	Kelly Richard	Work Session Document
S.B. 235 (R1)	H	Kelly Richard	Work Session Document
S.B. 252 (R1)	I	Kelly Richard	Work Session Document
S.B. 266 (R2)	J	Kelly Richard	Work Session Document
S.B. 94 (R1)	K	Kelly Richard	Work Session Document
S.B. 288	L	Kelly Richard	Work Session Document
S.B. 310	M	Kelly Richard	Work Session Document
S.B. 327 (R2)	N	Kelly Richard	Work Session Document
S.B. 351	O	Kelly Richard	Work Session Document
S.B. 493 (R1)	P	Kelly Richard	Work Session Document
S.B. 496 (R1)	Q	Kelly Richard	Work Session Document
S.B. 497	R	Kelly Richard	Work Session Document