

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

**Seventy-Seventh Session  
April 8, 2013**

The Senate Committee on Commerce, Labor and Energy was called to order by Chair Kelvin Atkinson at 1:59 p.m. on Monday, April 8, 2013, in Room 2134 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator Kelvin Atkinson, Chair  
Senator Moises (Mo) Denis, Vice Chair  
Senator Justin C. Jones  
Senator Joyce Woodhouse  
Senator Joseph P. Hardy  
Senator James A. Settlemeyer  
Senator Mark Hutchison

**GUEST LEGISLATORS PRESENT:**

Senator Greg Brower, Senatorial District No. 15  
Senator Aaron D. Ford, Senatorial District No. 11  
Senator Ruben J. Kihuen, Senatorial District No. 10  
Senator David R. Parks, Senatorial District No. 7

**STAFF MEMBERS PRESENT:**

Marji Paslov Thomas, Policy Analyst  
Dan Yu, Counsel  
Caitlin Brady, Committee Secretary

**OTHERS PRESENT:**

Missey Smith, Member, Board of Directors, Kelsey Smith Foundation  
Senator Greg Smith, Kansas State Senate; Executive Director/President, Kelsey Smith Foundation

Kristin Erickson, Nevada District Attorneys Association  
Chuck Callaway, Police Director, Office of Intergovernmental Services,  
Las Vegas Metropolitan Police Department  
E. "Gino" Basilotta, Detective, Las Vegas Metropolitan Police Department  
Bill Bainter, Lieutenant, Nevada Highway Patrol, Department of Public Safety  
Robert Roshak, Executive Director, Nevada Sheriffs' and Chiefs' Association  
Randy J. Brown, CPA, Director of Regulatory and Legislative Affairs, AT&T  
Daniel Jacobsen, Technical Staff Manager, Bureau of Consumer Protection,  
Office of the Attorney General  
Lydia Ball, Executive Director, Clean Energy Project  
Robert Nellis, Office of Energy, Office of the Governor  
Judy Stokey, NV Energy  
Joe Johnson, Sierra Club, Toiyabe Chapter  
Kyle Davis, Nevada Conservation League  
Tom Clark, Southwest Energy Efficiency Project  
Debra Gallo, Director, Government and State Regulatory Affairs, Southwest Gas  
Corporation  
Paul McKenzie, Executive Secretary-Treasurer, Building and Construction Trades  
Council of Northern Nevada, AFL-CIO  
Denee Evans, Executive Director, HomeFree Nevada; EnergyFit Nevada Program  
Jim Wadhams, Nevada Association of Health Underwriters; Nevada Association  
of Insurance and Financial Advisors; Nevada Independent Insurance  
Agents Association; Anthem Insurance Company  
Fred Hillerby, Nevada Association of Health Plans  
Tray Abney, The Chamber  
Erin McMullen, Las Vegas Metropolitan Chamber of Commerce; Chamber  
Insurance and Benefits  
Dan Heffley  
Larry Harrison, National Association of Health Underwriters  
Elisa P. Cafferata, President & CEO, Nevada Advocates for Planned Parenthood  
Affiliates  
Josh Griffin, Health Services Coalition  
Adam Plain, Insurance Regulation Liaison, Division of Insurance, Department of  
Business and Industry  
Jon M. Hager, Executive Director, Silver State Health Insurance Exchange  
Chelsea Capurro, National Association of Vision Care Plans; Vision Service Plan  
Michael Hillerby, Nevada Optometric Association  
Terry Graves, Scrap Metal Processing Group

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A.J. Delap, Government Liaison, Office of Intergovernmental Services,  
Las Vegas Metropolitan Police Department

**Chair Atkinson:**

I will open the hearing on Senate Bill (S.B.) 268.

**SENATE BILL 268**: Requires a provider of wireless telecommunications to provide call location information to a law enforcement agency in emergency situations. (BDR 58-623)

**Senator Aaron D. Ford (Senatorial District No. 11):**

I will read from my written testimony (Exhibit C) introducing S.B. 268.

**Missey Smith (Member, Board of Directors, Kelsey Smith Foundation):**

I have provided written testimony (Exhibit D). I am the mother of Kelsey Smith. She is the reason this legislation began in Kansas 4 years ago. It has passed in nine states and is being considered in five other states besides Nevada. Kelsey was 18 years old and had just graduated high school when she was kidnapped in broad daylight, raped and murdered. We could not find Kelsey for 4 days. It took us that long to get her cell phone provider to release her cell phone location information. We could not get the cell phone provider to release the location information, even with a subpoena. Federal law states that providers may release location information. Senate Bill 268 would require cell phone providers to release the information. We spend a lot of time, money and resources training law enforcement personnel. They should be the ones to decide what is an emergency situation, not a customer service representative. Sergeant Charles Tippie of the Overland Park Police Department had experience requesting location information from cell phone providers. Just 2 weeks before Kelsey was kidnapped, there was a carjacking in Overland Park. Sergeant Tippie knew exactly what to ask for. There is a 7-minute tape of Sergeant Tippie speaking with our cell phone provider asking, in every possible way, for them to release the location information of Kelsey's phone.

What about privacy issues? What if someone wants to go missing? A person has the right to go missing. I am not asking cell phone providers to release a person's calls or the content of text messages. This bill only requires cell phone providers to release location information. If someone wants to go missing, law enforcement can still find them. In December 2011, a young woman went missing in Kansas. She did not want her parents knowing where

she was. Law enforcement tracked her cell phone location, took a picture of her, assured her family she was safe and did not release her location information. What about stalking issues? There are protocols in place within the cell phone providers and law enforcement to protect victims of stalking. Under this bill, the cell phone providers are only required to release location information to law enforcement, not parents or spouses.

The Kelsey Smith Act does work. In Kansas, a young woman left a suicide note for her parents. Law enforcement used the Kelsey Smith Act to find her in time. In Tennessee, shortly after the law was enacted there, a perpetrator kidnapped a child. The perpetrator had ten charges against him with ten different children. Law enforcement was able to locate the child safely. In another case, an elderly stroke victim could only remember his wife's phone number. She called law enforcement and they were able to find him in time to get him medical treatment. One of the first cases in which the Kelsey Smith Act was used was when a young woman was taken and murdered in Kansas. Law enforcement was able to locate her body. Her parents are no longer wondering where their child is.

I have learned that much legislation is about numbers, so I will give you some. It cost \$15,000 to bury an 18-year-old in 2007. There were 125 detectives involved in Kelsey's case. There were 18 different agencies, multiple municipalities, two states and the federal government involved for 4 days. How much did that cost? All the while, one cell phone provider was able to tell us where Kelsey was. Once they did, it took only 45 minutes to locate her body. There were 4,176 people at the age of 17-24 murdered in the United States in 2007. I personally knew one. It will cost \$0 to implement the Kelsey Smith Act. The value of the lives saved using this law is priceless. C.S. Lewis said "Experience: that most brutal of teachers. But you learn, my God do you learn." Please learn from our experience and pass this important legislation.

**Senator Greg Smith (Kansas State Senate; Executive Director/President, Kelsey Smith Foundation):**

I have submitted written testimony ([Exhibit E](#)). Technology has advanced and it is necessary for us to advance with it. This bill is an extension of what law enforcement already does. In an exigent circumstance, the courts recognize law enforcement has the duty to act to protect life. This is no different from an officer on patrol who hears someone yell for help inside a house. The officer is not required to wait for a warrant; he or she goes inside to see what is going

on. The people who require help under the Kelsey Smith Act cannot use their cell phones. If it were possible for them to use their cell phones, the E-911 system could find them. This bill only applies to emergency situations, which is why we wanted the cooperation of the cell phone providers. Cell phone providers have been very cooperative in forming language. In many places law enforcement has a hand-shake agreement with cell phone providers to provide location information in emergency situations. It works some of the time. In Kelsey's case, our cell phone provider did not cooperate. The cell phone provider did not comply with the subpoena because of the language used. The subpoena asked for "ping information" from Kelsey's cell phone. Our cell phone provider did not use that terminology. There is industry standard terminology now. Their term is "locate," which is why those terms are used in the bill. The bill also protects the cell phone providers from litigation. It allows the cell phone providers to give information in good faith to law enforcement without fear of litigation. Lastly, the bill provides codification for the judicial branch. The judicial branch understands the exigent circumstances, and once the procedure is in place there have not been any problems. You can implement this law without increasing taxes or impacting the State budget.

**Senator Ford:**

I will continue reading my written testimony, [Exhibit C](#). There are two friendly amendments to the bill. The first amendment ([Exhibit F](#)) is presented by Randy Brown from AT&T and inserts the word "readily" on page 2, line 23. I worked with the ACLU on the second amendment ([Exhibit G](#)) to insert the word "immediate" before "risk of death or serious physical harm." Additionally, the Department of Public Safety (DPS) has indicated there will be no fiscal impact to implement this bill.

**Senator Hutchison:**

I cannot imagine you have had any states reject this idea. Have you had any objections in any other state?

**Mrs. Smith:**

We have had a few objections in Washington. There were concerns about privacy. I have reworked my testimony to address those issues.

**Senator Hutchison:**

The ACLU's privacy concerns were addressed with the second amendment in [Exhibit G](#).

**Kristin Erickson (Nevada District Attorneys Association):**

This is a very important bill with important life-saving capabilities. We are in full support.

**Chuck Callaway (Police Director, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department):**

We support S.B. 268. When someone has been abducted, time is of the essence. Studies have shown, the longer it takes to find someone the likelihood of them being murdered is greater.

**E. "Gino" Basilotta, Detective (Las Vegas Metropolitan Police Department):**

I would like to share two scenarios with you where we have been able to utilize the technology available under the Pen Registers and Trap and Trace Devices outlined in 18 USC chapter 206. In the first scenario, police responded to a residential dispute involving parents and their teenage son. The teen decided to leave the home with a firearm. The parents could not reach the teen by phone, and did not know where he went. The officers used the Emergency Pen Register Act to find out where the teen's phone was located. Officers followed the location information to a park where they saw two teens on a swing set, one of them with a firearm. The officers were able to bring the situation to a safe resolve.

The second scenario involved a third party calling the police claiming someone she knew was suicidal. The third party did not know where the person was. The police declared exigency and worked with the cell phone provider. The suicidal woman's cell phone was located near Boulder Highway in a desert area with a large transient population. Detectives were able to work through the camp to find her. She was unconscious and unresponsive, but police were able to get her medical help and her life was saved. The time frame is extremely important. Once you narrow down the time frame, the ability to save a life increases tenfold.

**Bill Bainter, Lieutenant (Nevada Highway Patrol, Department of Public Safety):**

The Nevada Highway Patrol is in support of S.B. 268. The bill requires DPS to maintain the emergency phone numbers for the cell phone providers in the State. We already maintain these phone numbers with our dispatch centers. There would be minor training and outreach efforts to allied agencies to inform them that we would be maintaining these records.

**Robert Roshak (Executive Director, Nevada Sheriffs' and Chiefs' Association):**  
We support S.B. 268. It is a very important bill.

**Randy J. Brown, CPA (Director of Regulatory and Legislative Affairs, AT&T):**  
AT&T has a national compliance center that provides real time location information to law enforcement. We are in support of S.B. 268. Our national compliance center receives about 100 emergency situation requests per day from law enforcement around the country. Our goal is to provide law enforcement with the information they need, especially during emergency situations, while protecting the privacy rights of our customers. We did provide the one word amendment, Exhibit F, because we want to be able to provide the information as quickly as possible to law enforcement. Adding the word "readily" will allow carriers to provide the best data available without being mired in the process of scouring and analyzing every single piece of data before making the decision of what to send. We believe it will speed up the process.

**Daniel Jacobsen (Technical Staff Manager, Bureau of Consumer Protection, Office of the Attorney General):**

I was living in Kansas and working at the legislature when the Kelsey Smith Act passed there. One of the most significant aspects of the bill is that it emphasizes to large and small cell phone providers the need to provide current contact information to law enforcement. That is the first hurdle for law enforcement to overcome in these situations. There were also questions about privacy in Kansas. Many wanted to know if there was any way to have privacy with a cell phone. It is as simple as turning your phone off. This does not work when your phone is turned off. Hopefully, when someone is injured the phone will remain turned on.

**Senator Hardy:**

I was very impressed with Mrs. Smith's testimony. On page 3 of her written testimony, Exhibit D, she says,

I told now Senator Rob Olson, the first sponsor of this legislation, that maybe the reason my baby laid in the woods for 4 days was because my God knew this law needed to change. He also knew this mama had the mouth to do it.

**Chair Atkinson:**

Are both amendments considered friendly? Did you work with both parties on the amendments?

**Senator Ford:**

Yes, I worked with the parties on both amendments, and they are friendly.

**Senator Settlemeyer:**

I have a concern with the amendment proposed by the ACLU in [Exhibit G](#). Who determines if a situation poses an immediate risk? If the sponsor of the bill considers it a friendly amendment, then I am okay with the amendment, but I am concerned that there might be problems.

**Senator Ford:**

I checked with Senator and Mrs. Smith about the language we used to see if they had heard any concerns about similar language used in other states. They had not heard any concerns about it. The person who determines an emergency situation will also determine if there is an immediate risk. It is an issue of interpretation that will be left to law enforcement.

**Senator Hutchison:**

Did the use of the word "immediate" pose any concerns from law enforcement?

**Senator Ford:**

No, I did not hear of any concerns.

**Mr. Callaway:**

My only concern would be what Senator Settlemeyer expressed. A law enforcement officer may feel a situation is an emergency, but would the cellular provider be able to say there is not an immediate risk and refuse to give the information? I do not think that is the way the bill is drafted, but that would be our only concern.

**Senator Hutchison:**

Mr. Chairman, if I might, just for purposes of the record, I don't think that a carrier could do that. I think that a carrier doesn't make the call on immediacy and Senator Jones, just so our record is clear, I mean you can chime in. What'd I say, Jones again?



Senator Ford, I don't know. I sit next to these guys in between them all day long. Senator Ford, I'm sorry. I got it right at the beginning. But Senator Ford, you chime in so we can have a good record here because I don't see in your bill here anywhere where these carriers can make a call like that. They've been given, basically, immunity if they act in good faith. So, if they get a call from law enforcement that says we've got an emergency situation here they must give the information up. They're protected under the act as long as they're acting in good faith. And I would say, for purposes of the record, if you're responding to law enforcement and they tell you there's an immediate problem, you give them that information and if I'm your lawyer, I'm going to be able to protect you very well under this act. Do you agree, Senator Ford?

**Senator Ford:**

I would agree with you.

**Chair Atkinson:**

I will now close the hearing on S.B. 268.

SENATOR DENIS MOVED TO AMEND AND DO PASS AS AMENDED S.B. 268 WITH THE AMENDMENTS PROPOSED BY AT&T AND THE ACLU.

SENATOR JONES SECONDED THE MOTION.

**Senator Hutchison:**

This will make Nevada the tenth state with the Kelsey Smith Act.

THE MOTION PASSED UNANIMOUSLY.

\* \* \* \* \*

**Chair Atkinson:**

I will open the hearing on S.B. 329.

**SENATE BILL 329**: Creates the Account for Clean Energy Loans. (BDR 58-861)

**Senator Ruben J. Kihuen (Senatorial District No. 10):**

I will read from my written testimony ([Exhibit H](#)). I also have a proposed amendment ([Exhibit I](#)) replacing the language of the bill.

**Lydia Ball (Executive Director, Clean Energy Project):**

We held a forum and determined that having access to small loans will allow people to install energy efficiency measures in their homes. This legislation is modeled after the existing fund for the Revolving Loans for Renewable Energy, Energy Efficiency, and Energy Conservation (RLF) funded through the American Recovery and Reinvestment Act of 2009 (ARRA). The program is run by the Office of Energy (NSOE), Office of the Governor. Sections 2 through 6 of the bill clarify definitions. We allowed local governments, non-profits and financial institutions to run this new program. They would apply through the NSOE. Section 7 directs NSOE to create regulations for creating this new account. The bill also directs NSOE to create the best resources for the account. The conversations about this bill stemmed around allocating a small portion of the existing RLF to a new account aimed at small-interest loans to residential homeowners for energy efficiency upgrades. We have put in statute that the interest rate cannot be below 3 percent. We want to ensure the expenses of the program are being recouped. We also do not want homeowners to think there is a catch with a 0 percent interest rate. The NSOE would develop regulations and submit them to the Interim Finance Committee for approval. The legislature would still have the ability to monitor the funds. The bill would allow third parties to use the seed money to attract other private investment. This has been done in other states. Through a similar loan program in Colorado, the state has been able to leverage an additional \$50 million to allow financing mechanisms to move forward. We need to clarify language regarding the requirements of the Davis-Bacon Act. If money is transferred from the RLF it will have the Davis-Bacon Act wage requirements attached to it.

**Senator Hardy:**

Can you give us some examples of what this would fund? Would this cover solar panels on homes, windmills in backyards or new windows?

**Ms. Ball:**

Section 4 of the bill defines construction as erecting, building, acquisition, alteration, remodeling and the improvement or extension of clean energy improvements. Section 3 also includes clean energy improvements. It does

cover either renewable energy systems or energy efficiency upgrades. It is targeted at residential construction, not businesses.

**Senator Hutchison:**

What will be the source of the funds beyond the RLF? What happens if someone does not repay the loan? Is there a plan to attract new investments from the private sector?

**Ms. Ball:**

We left the language vague to allow other sources of funding. Currently, we only have the RLF as a source of funding. If a grant opportunity were to arise, we did not want to limit this account to only being funded from the RLF. The NSOE would use the RLF first.

**Senator Hutchison:**

Would you contemplate funding this from the State General Fund?

**Ms. Ball:**

No. Mr. Nellis can explain the existing regulations on the RLF. This account is modeled after that.

**Robert Nellis (Office of Energy, Office of the Governor):**

I have been managing the RLF since 2009 when we received the money from the ARRA. Securing loans for smaller residential loans is difficult. We do our best to secure something.

**Senator Hutchison:**

Are these unsecured loans?

**Mr. Nellis:**

They would be unsecured. In some cases where we have funded a small wind turbine on a ranch, and we can see if there is a second mortgage to leverage against. It is hard to find equity in property. We see what equity there is and do our best to secure it in some manner.

**Senator Hutchison:**

What has been your experience with attracting private investment? It seems like there could be a good symbiotic relationship between the private sector and this fund.

**Ms. Ball:**

We modeled this after a program in Colorado. They were able to use seed money as the potential loss revenue. You can have a private entity provide the loans and the secured money would come from the RLF.

**Senator Denis:**

How much money is in the RLF?

**Mr. Nellis:**

Currently, there is \$12.8 million total remaining of the original \$34.7 million. Most of that is loaned out. Just over \$1 million is unencumbered. We have seven applications for larger projects trying to access those funds.

**Senator Denis:**

How much of the RLF would be put into the account this bill creates?

**Ms. Ball:**

The bill does not specify an amount. It asks the director to evaluate what would be the best amount to put in there. The seed money that has been discussed to put into the new account is about \$500,000.

**Senator Denis:**

The bill would create an account in the State General Fund. Was the ARRA allotment a one-time allocation?

**Mr. Nellis:**

The money was allocated through the ARRA. It is in a loan account now, so it is in perpetuity. The State can utilize those monies as long as they are paid back. The loans are required to maintain federal character, meaning we have to report to the federal government on the activities of the funds. The funds also have to be used for activities approved under the ARRA, which the programs in this bill would qualify for.

**Senator Denis:**

Why do we need to create this account? Why can we not fund these loans from the existing RLF?

**Ms. Ball:**

The RLF requires loans of \$100,000 or more. We want to create an account specifically for residential homeowners to apply for smaller loans with lower interest.

**Senator Denis:**

There are grants available for similar projects. Would this program work in conjunction with those grant programs? Could someone apply for a grant and a loan?

**Ms. Ball:**

We can use some of the rebate money from other utility programs as leverage in the loan program.

**Senator Denis:**

The account is limited. Will you be able to continue to loan funds as the loans are repaid?

**Ms. Ball:**

Yes.

**Senator Jones:**

If these are small loans, what terms are you anticipating?

**Ms. Ball:**

We would like the NSOE director to review that in the regulation of this process. Some of the terms used in other states have been 3 percent over a 3-year period.

**Senator Jones:**

With only \$500,000, how many loans are you anticipating? Is \$10,000 going to be the likely amount for these loans?

**Ms. Ball:**

One of the regulations in Colorado is a \$10,000 per loan cap. I think that is something we could recommend to NSOE.

**Senator Hardy:**

When will it take effect?

**Ms. Ball:**

We want to get this done as soon as the NSOE is able to create the regulations.

**Senator Hardy:**

How many people were trained in weatherization techniques? Will the projects in this bill be able to use those workers?

**Ms. Ball:**

I do not know the number, but that was one of the concerns Mr. McKenzie talked to me about. I will work with him to ensure we have a good process to get those people employed.

**Senator Hardy:**

Does anyone know how many people were trained?

**Senator Settlemeyer:**

Is it your intent to have the Davis-Bacon Act regulations apply to a small loan? It seems strange for it to apply if you are only installing windows.

**Ms. Ball:**

The Davis-Bacon Act regulations are applied to all existing RLF monies. It is one of the federal characteristics Mr. Nellis referenced. We are required to comply with the regulations from the federal government.

**Mr. Nellis:**

If we use the RLF money to seed this account, then the Davis-Bacon Act would transfer with the money and apply. If another funding source were found, then the Davis-Bacon Act would not apply to that money.

**Senator Settlemeyer:**

Do other states require the Davis-Bacon Act regulations on small loans like these?

**Ms. Ball:**

Through the ARRA, the loans given to the states for these RLF programs all had the Davis-Bacon Act regulations attached to them.

**Senator Jones:**

Would this preclude me from doing an installation myself? Could I not do that because I would have to hire a prevailing wage contractor?

**Mr. Nellis:**

If you were doing it yourself, you would not be required to hire a professional installer. You could get the loan to do your own installation. If you did hire a contractor, then the Davis-Bacon Act regulations would apply.

**Senator Settelmeyer:**

Would this require the use of a licensed contractor?

**Mr. Nellis:**

It does not require using a licensed contractor.

**Senator Hardy:**

There are local laws that require using licensed contractors. Are we ignoring local laws?

**Mr. Nellis:**

If there were local laws requiring you to utilize a licensed contractor, then, yes you would have to do that.

We are looking at other programs as models for implementing a small loan program. One is the Clinton Foundation's Home Energy Affordability Loan. That program allows employers to offer a paycheck loan through the company as an additional benefit.

**Judy Stokey (NV Energy):**

We support S.B. 329. We think this is a good program. We worked on the language.

**Joe Johnson (Sierra Club, Toiyabe Chapter):**

We support the bill. We appreciate the expansion of the eligibility to allow efficiency projects to qualify.

**Kyle Davis (Nevada Conservation League):**

We support the bill.

**Tom Clark (Southwest Energy Efficiency Project):**

We support the bill.

**Debra Gallo (Director, Government and State Regulatory Affairs, Southwest Gas Corporation):**

We support the bill. We appreciate the small change in section 3 to include the word "energy." This change will allow natural gas customers to be eligible for the clean improvement projects.

**Senator Hardy:**

Is natural gas a clean energy alternative to electricity?

**Ms. Gallo:**

Yes. The amendment changes the word "electricity" to "energy."

**Paul McKenzie (Executive Secretary-Treasurer, Building and Construction Trades Council of Northern Nevada, AFL-CIO):**

We have concerns with this bill. The RLF was created at the same time as the weatherization projects. Weatherization projects observed the Davis-Bacon Act regulations and the RLF program required State prevailing wages. The weatherization projects created training programs to train workers to be qualified to work on weatherization projects. Truckee Meadows Community College collaborated with the labor unions and trained six individuals. More than 200 individuals were trained in weatherization techniques in the Las Vegas area. None of these individuals were put to work on weatherization projects. We have concerns when non-profits get involved. The legislation does not include an enforcement mechanism. If the non-profits are not following through, there is no way to correct them. Including non-profits in the loan program is a concern. The RLF has given loans without the Davis-Bacon Act wage requirements attached to them. There were individuals who built wind turbines in Washoe Valley and they were never told they had to pay the Davis-Bacon Act wages on those projects. I am concerned that the NSOE is not actually following through. There is no enforcement mechanism, though.

**Denee Evans (Executive Director, HomeFree Nevada; EnergyFit Nevada Program):**

I am neutral on the bill. HomeFree Nevada's (HFN) vision is to see every Nevadan living in a healthy home that saves energy and money while contributing to the economic development and future prosperity of Nevada.



HFN was organized and incorporated to become the statewide non-profit sponsor of the U.S. Environmental Protection Agency's (EPA) Home Performance with ENERGY STAR (HPwES) in August 2009. This was done through a collaborative effort between the home performance industry, Southern Nevada municipalities, utilities and local advocacy groups through ARRA funding. These partners include the City of Las Vegas, Clark County, City of North Las Vegas, City of Henderson, NV Energy, Southwest Gas, Southern Nevada Water Authority and Nevada Conservation League.

We continue to collaborate with these entities and have grown the program to be statewide through a partnership with the NSOE and the U.S. Department of Energy's (DOE) Better Buildings Neighborhood Program (BBNP) with a \$5 million grant award to our State.

The HPwES/BBNP is a program under the DOE and the EPA that addresses residential energy efficiency through a whole house approach to improve comfort, improve indoor air quality and reduce energy bills. The program in this bill is aimed at residential energy efficiency, which is key.

Nationally, since inception in 2002, HPwES/BBNP has upgraded over 300,000 homes, has 75 local sponsors and 1,900 participating contractors. This is a new and growing industry. This bill has the opportunity to help build upon this new industry and ensure the workers that were trained have places to work. Typical measures installed through the HPwES/BBNP program include sealing air leaks and adding insulation, improving heating and cooling systems, sealing ductwork, replacing windows and upgrading lighting, appliances and water heaters. Typical benefits include fewer drafts and more comfortable rooms, specially trained contractors, third party quality assurance to make sure work was done to national standards and energy savings of 20 percent or more.

Since 2009, HFN and the EnergyFit Nevada (EFN) program have upgraded 550 homes, 50 percent of which have been completed in the last 12 months. The number of homes has been increasing as we gain momentum in the community. The EFN program has had an average energy savings of 23 percent, annual savings of \$340,000, or \$612 per household annually; 13,000 hours of direct job hours through our approved contractor network; \$1.9 million injected into the State's economy through approved contractor network; and over 2,000 cubic tons of carbon dioxide has been reduced as a result of the program.

A major barrier to homeowners for implementing energy efficient upgrades is the upfront cost. To help overcome this obstacle, EFN has rebates and financing available to homeowners. Our current rebates come from the EFN program with NSOE and the BBNP. In late 2011, we launched a pilot energy efficiency financing tool in collaboration with Green Chips, Nevada State Bank and a local non-profit. This pilot financing program provides low-interest loans with expanded qualifying criteria to homeowners that complete the EFN program. The funds for this pilot program are limited and will be exhausted by the end of 2013. The results of the pilot program to date include \$100,000 in loans to homeowners; comprehensive energy efficiency upgrades taking advantage of the interactive effect of measures; cash flow neutral and zero defaults or late payments. The national default rate for these types of programs is less than 1.5 percent and usually less than 1 percent. The terms of the loans in this pilot program were a \$7,500 loan for 5 years with a 2.3 percent interest rate.

A recent study by the University of North Carolina Center for the Community Capital titled *Home Energy Efficiency and Mortgage Risk* cites that homes completing energy efficient upgrades have lower default risks. The national effort to build a secondary financial market for energy efficiency financing is gaining momentum to help homeowners reduce their energy costs and create healthier homes. This study is significant towards that end and applicable to this proposed bill.

Prior to joining HFN, I was in consumer banking and finance for over 15 years and my degree is in finance. Based on this experience and the research I have conducted on residential energy efficiency programs across the country, I am very pleased with S.B. 329 and the framework it would provide to the State. It will allow Nevada to build off the infrastructure and collaboration that has occurred over the last 3 years through the initial ARRA investment and State Energy Program from the federal level. We will not be starting from scratch but instead building off best practices and partnerships already developed. This bill addresses the residential sector.

In looking at other energy efficiency programs across the country, all of the most successful and robust have a financing tool available similar to EFN. One of the most successful examples is the Keystone Home Energy Loan Program (HELP) Energy Efficiency Program in Pennsylvania, which is a collaboration of the state sponsor of HPwES, the Pennsylvania Treasury, local municipalities, the housing authority and a financial institution. The HELP

financing program started in 2006 and recently hit 10,000 loans totaling over \$30 million. If we take the numbers stated earlier about the economic impact EFN has had thus far and apply the benefits of reaching 10,000 loans here in Nevada, this bill has huge potential for positive economic impact to our State.

**Senator Kihuen:**

We will work with the opposition to come to a compromise.

**Chair Atkinson:**

I will close the hearing on S.B. 329 and open the hearing on S.B. 352.

**SENATE BILL 352**: Revises provisions relating to the Silver State Health Insurance Exchange. (BDR 57-1057)

**Senator Mark Hutchison (Senatorial District No. 6):**

I will read from my written testimony ([Exhibit J](#)). The purpose of the bill is to add two members to the Board of Directors of the Silver State Health Insurance Exchange. The bill is intended to include experienced insurance professionals from both the large employer insurance market and the general insurance industry.

**Jim Wadhams (Nevada Association of Health Underwriters; Nevada Association of Insurance and Financial Advisors; Nevada Independent Insurance Agents Association; Anthem Insurance Company):**

When the Exchange was created, the intent was to have someone with insurance experience on the Board. Section 1, subsection 6 is a conflict of interest provision that has been interpreted to preclude anyone from the insurance industry from participating on the Board. There are conflict of interest provisions in *Nevada Revised Statutes* (NRS) 281A.420 that preclude people from being involved financially in decisions they make. As the Exchange opens itself up as a public marketplace, we think it is critical to add expertise to the Board. We do not want to subtract from any other expertise already on the Board. We want the public to have confidence in the Exchange. We support the bill.

**Senator Jones:**

There are many people who could be eligible for these two positions. There are only a few large employer health insurance companies in the State. I am concerned that if you have someone from one of the two or three large

employer health insurance companies join the Board that they will exert influence on the Board to their company's benefit.

**Mr. Wadhams:**

That is an important point. I would reference NRS 281A.420 and NRS 281A.430 which address conflict of interest situations. Should someone from one of the major insurance companies be on the Board, that member could not vote on something in which the member has a financial interest. The intent of the bill is to add expertise, so as the Exchange matures it can gain public confidence. The conflict of interest statutes should preclude what you described from happening.

**Senator Jones:**

The bill requires the two new members be appointed by Governor Brian Sandoval. Would you consider an amendment to have them appointed by the Senate Majority Leader instead?

**Senator Hutchison:**

I am open to suggestions, and think the Senate Majority Leader is competent and able to make those appointments.

**Mr. Wadhams:**

The issue in the bill is not the appointing authority but bringing expertise to the Board. If the Senate Majority Leader wanted the appointment honor, then I am sure that could be worked out.

**Senator Hardy:**

The opinion from the Nevada Commission on Ethics concerning Janet Kubichek's role during her time as a Humboldt County Commissioner discussed the ability for someone with a conflict of interest and expertise to be able to share the expert knowledge while disclosing the conflict and abstaining from voting on the issue. Would that apply in this case as well?

**Mr. Wadhams:**

I do not have the opinion in front of me, but I believe that is correct. Statute requires a declaration of conflict and abstention of voting, but you can still participate and provide information.

**Fred Hillerby (Nevada Association of Health Plans):**

We support S.B. 352. Many of the potential conflicts of interest will be moot because the plan member that will be sitting on the Board will be the one helping with day-to-day operations. The decisions about who can participate in the Exchange, what a qualifying health plan is and what the benefit package is have already been made. There would be the opportunity to influence other members of the Board in those areas. The Board members have done an excellent job with the Exchange.

**Tray Abney (The Chamber):**

We support S.B. 352. It makes sense to add experience requirements to the Board. Health care is one of the most important issues employers face. It needs to be done right.

**Erin McMullen (Las Vegas Metropolitan Chamber of Commerce; Chamber Insurance and Benefits):**

The Board has done an excellent job setting up the Exchange and allowing Nevada to be a leader. We are in strong support of the bill. The addition of two members will allow expertise and experience to be brought in that could help install some safeguards and consumer protections. It could also help manage the relationship between agents and brokers, and allow the Exchange to grow more rapidly.

**Dan Heffley:**

I support S.B. 352. I have continuously held a producers license since 1990, and I have served my clients consisting of small employers and individuals since that time. Since the Exchange is designed to facilitate the public accessing of insurance, it would stand to reason that the Board has at least one person with expertise in the area. To ensure the Exchange's success, it is imperative the Board have at least one person familiar with the terminology and insurance culture. Under current law, that is prohibited. As we move away from the initial set up of the Exchange to maintenance and growth, the Board needs someone who understands the needs and wants of the Exchanges' clients, namely small businesses, the self-employed and individuals. Members with this expertise will be able to successfully communicate needs and wants to the Board, and ultimately determine the long-term success and viability of the Exchange. This bill provides for small and large businesses' and individuals' health insurance interests to be heard.

**Larry Harrison (National Association of Health Underwriters):**

I am a small business owner, health insurance broker and member of the National Association of Health Underwriters. We need experience on the Board. The Board has done an excellent job establishing Nevada as a leader with the Exchange. With open enrollment coming in October, we need as much experience as we can get on the Board. Having experience on the Board will save time and money because there will not be much of a learning curve to become educated on the implementation of the Exchange's policies. I support the bill on behalf of the employers I represent who could not be here today.

**Senator Hardy:**

Has there been any discussion about having an alternate for these new Board members if they cannot attend the Board meetings?

**Mr. Harrison:**

The employers I represent could not be here today because they are busy running their businesses. I am not talking about people who have insurance experience, so they would not be on the Board.

**Elisa P. Cafferata (President & CEO, Nevada Advocates for Planned Parenthood Affiliates):**

We are opposed to S.B. 352. We have five health centers in Nevada, and the vast majority of our clients do not have health insurance. I participated in as many of the Exchange meetings and subcommittee meetings as possible. The Exchange has done an excellent job. While making many of the policy decisions, the Exchange acted in an advisory capacity to the Division of Insurance of the Department of Business and Industry, who had the final decision on qualified health plans and essential health benefits. The Division has veto power on the Board's policy recommendations. One of the reasons Nevada is being lauded as a leader in this area is because we do have a conflict of interest policy governing the Exchange Board. The federal government is requiring everyone in Nevada without insurance to buy this private product on the marketplace. It would be a conflict of interest to have one insurance company setting up the central portal that people will use to purchase insurance. The Exchange's interests are to ensure Nevadans can get health insurance and to reduce costs. All the products people are buying are private company insurance products. The private insurance companies in Nevada will be the ones enrolling people in insurance products. The Exchange is an excellent system that provides

a balance of policy interests. We want to maintain the existing structure of the Exchange Board.

**Josh Griffin (Health Services Coalition):**

We are opposed to the bill. A lot of time and effort went into creating the Board. Vendors and insurance companies were not included in its creation intentionally. The Exchange is a place where insurance companies compete to find the consumers who need their products and services. It is a marketplace. We are concerned about having insurance company representation on the Board. There are many subcommittees that have adequate dialogue between the industry experts and the Board.

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

We are neutral on S.B. 352. On page 3, lines 18-21, the bill uses the term "large employer." The Affordable Care Act and NRS use the term "large group." Large group covers up to 50 people, but as of January 1, 2016, it will automatically cover up to 100 people. If we adopt the language as written, it will suffice for a few years. Then it will have to be amended to "large group."

**Jon Hager (Executive Director, Silver State Health Insurance Exchange):**

The Board has discussed the bill, and has not taken a position on it.

**Chair Atkinson:**

Do they plan to?

**Mr. Hager:**

No. We will work with the Legislature and the Governor to make the Exchange work.

**Senator Jones:**

There has been much well-deserved praise for yourself and the Board. I understand there has been a Division advisory board that has been very active in the process. From your experience, has there been a lack of input from the insurance industry?

**Mr. Hager:**

In January 2012, the Board set up five advisory committees to make recommendations to the Board. The Board approved 35 of the recommendations

made by the committees. The committees were comprised of 29 or 31 members of the public and one Board member. Approximately 12 of the public members on each committee represented insurance carriers. We also had insurance brokers on the committees. The insurance industry was a vocal part of the process. There were also off-the-record conversations I had with insurance carriers about specific issues. The carriers are concerned about competition and do not want to violate any anti-competition laws, so they were hesitant to comment on the record.

**Senator Jones:**

Do you think that would apply if they were on the Board?

**Mr. Hager:**

Theoretically, yes. The individuals on the advisory committees were much more vocal than those providing public comment.

**Senator Jones:**

Is there any reason the advisory committees would not have the same level of involvement as we move towards the October 1 deadline and future deadlines?

**Mr. Hager:**

We are about to complete the advisory committee process. There is one more meeting later this month. If there is an item that requires lots of discussion in the future, we might reinstate some of those advisory committees. It was difficult to maintain the 42 publically noticed meetings we held last year. I am not sure if the advisory committees will continue, but we will have plenty of dialogue outside of the Board. We always have public comment at our meetings.

**Senator Denis:**

The Board adopted 35 advisory committee recommendations. How many were proposed?

**Mr. Hager:**

I think there was only one recommendation that was not approved by the Board. I do not remember what it was regarding. There were a few recommendations that were not initially approved. After being reworked by the advisory committees, they were returned and approved by the Board. The majority of recommendations dealt with certification and training requirements for the Navigator program.



**Senator Denis:**

Was there public comment during the advisory committee meetings?

**Mr. Hager:**

We have public comment available at every meeting. For items that were more contentious or confusing, we held public comment during the particular item. We did have public comment available at the beginning and end of each meeting. One of the most contentious items we dealt with was whether the Exchange would conduct individual billing. Many state health insurance exchanges are not doing individual billing; they just enroll the individual and the carrier conducts the billing. Nevada is one of several states where the Exchange does process individual billing. It was a very contentious discussion. The carriers were very vocal on the issue. In that case, we brought the report to the carriers prior to the meeting so they could provide comments. We included the comments in the Board report and had public comment during the discussion.

**Senator Denis:**

Were there comments from the insurance industry indicating that they felt they were not being heard?

**Mr. Hager:**

I am not aware of any comments like that. We have had meetings with the insurance carriers, the Exchange and the Division every 2 weeks since last March. We have also had meetings with the carriers every week for 9 weeks in a row, which will end in mid-May. These meetings have helped the Board understand the technical requirements and implications.

I have not done a very good job reaching out to the brokers until recently. We were focused on the technical implementation of aspects. We did not reach out to the brokers as a whole. There was input from brokers who served on the advisory committees. When a broker comes to the Board with a concern, we are usually able to spend 10 to 15 minutes with the individual and explain the direction the Exchange is going. The broker is usually comfortable with how the Board is handling issues after these meetings.

**Senator Hutchison:**

Let us keep in mind, the Exchange has been created and the structural features are there. Now, we need to get people to come into the Exchange. We need to implement and market it. The Board needs people who are in the industry to

market the Exchange. We want the perspective of the providers, not just the consumer side.

**Senator Denis:**

Why do you want to add two members instead of replacing two of the current members?

**Senator Hutchison:**

We did not want to interfere with anyone's term or appointment or cause any disruptions. The idea is to have the representation there, so I would be open to suggestions.

**Chair Atkinson:**

I will close the hearing on S.B. 352 and open the hearing on S.B. 454.

**SENATE BILL 454:** Makes various changes relating to the Silver State Health Insurance Exchange. (BDR 57-1167)

**Mr. Hager:**

Senate Bill 454 was submitted by the Silver State Health Insurance Exchange to do six things. First, we would like to be able to retain interest earned on Exchange reserves. Second, we want to exempt fees charged by the Exchange from the premium tax. Third, it authorizes the Exchange to offer supplemental products. Fourth, it ensures the Governor appoints one consumer representative to the Board. Fifth, the bill allows the Board of Directors to delegate authority to submit federal reports. Sixth, it repeals certain unused definitions. I have provided a letter ([Exhibit K](#)) going into more detail on those items. Also included in the letter are two amendments that reflect drafting issues. The language in section 4 explicitly allows the Exchange to offer stand-alone pediatric dental and vision plans. The Board would like to delete the word "pediatric." The intent was to offer dental and vision plans. The Exchange cannot offer pediatric vision plans because those benefits are required to be included in the qualified health plan benefits. We can offer adult vision plans. The federal government has recently issued a guidance statement that does not allow states to offer supplemental products or vision plans. Included in the guidance is information that allows states to offer supplemental benefits. We are trying to understand what the federal guidance is saying, but it will take some time. We would like permissive language to offer supplement products if we determine we are allowed to under federal regulations. We would also like to be able to offer

health savings accounts and health reimbursement arrangements. Finally, the Board asks to delete section 6 entirely. Section 5 requires the Governor to appoint at least one member that explicitly represents the consumer. I think the drafter assumed there is not a consumer representative on the Board. From the testimony you heard on S.B. 352, there is certainly consumer representation on the Board. There is no need to remove a member of the Board.

**Senator Jones:**

Does this bill give you enough latitude to do what you need to do if the federal government issues new regulations after we are out of Session?

**Mr. Hager:**

Yes, depending on how much they change those regulations. I do not know what the federal government is going to do. The latest information states we must own all computers used to enroll people through the Navigator program. We are not sure if that will make it into the official regulations or not. It would hamper the efforts of the Exchange if it did. The bill gives us the flexibility to do what we need to do to comply with federal regulations regarding the supplemental product offerings. If the guidance we received a week ago is interpreted to say we cannot offer some of the supplemental products, then we will not offer them. However, if we are allowed to offer them, we will not have the authority to offer them without these changes. We would appreciate the flexibility to make this work.

**Senator Jones:**

Is there any other product you might be able to offer that is not in the bill if the federal government changes regulations?

**Mr. Hager:**

Not that I am aware of.

**Senator Settlemeyer:**

I understand points four through six, but not one through three. For example, the first point about retaining interest on reserves. What happens if, after Session, the federal regulations change and you do not have the right to retain interest on the reserves? Would it not be wiser to move all these to the *Nevada Administrative Code* so there is flexibility and you can change it when necessary to comply with federal regulations?

**Mr. Hager:**

If the federal regulations conflict with State statutes, we have to comply with the federal regulations. In terms of retaining interest, if the federal government was to change that piece, then that portion of statute would no longer work. We would be forced to not retain interest. I do not foresee the federal government not allowing states to retain interest because every state-based health insurance exchange has indicated their desire to retain reserves. If we do not have reserves, we cannot pay our bills. We pay our monthly expenses at the beginning of and throughout the month, but we do not get money in until the end of the month. At a meeting in January, we discussed reserves among all the state-based health insurance exchanges. Nearly every state-based health insurance exchange other than Nevada has a 6-month reserve expectation. Nevada has a long-term reserve of 30 days. We think that is sufficient because of the issues of individual billing discussed earlier. I do not foresee the reserve piece going away with new federal regulations. Depending on how the federal regulations are written, we could be in conflict with them. Based on the best information we have available today, this bill will give us the authority we need to make the Exchange successful.

**Chelsea Capurro (National Association of Vision Care Plans; Vision Service Plan):**

We support S.B. 454, especially section 4, subsection 2, paragraph (c), which would allow members to provide supplemental vision coverage on the Exchange. Vision Service Plan covers 26 percent of the population of Nevada. The other members of the National Association of Vision Care Plans cover an additional 10 percent. We hope to continue to provide coverage on the Exchange.

**Michael Hillerby (Nevada Optometric Association):**

I would echo Ms. Capurro's comments. We want to continue offering comprehensive vision benefits. We support the bill.

**Mr. Wadhams:**

I have concerns with language; it may just be a drafting error. Important questions were raised about conforming to federal regulations. We need to consider language that would authorize the Exchange to match the federal regulations. I would suggest that the Exchange not be allowed to exceed what the federal regulations state, however. Section 4 of the bill may be broader than what was intended regarding supplemental benefits. Related health benefits

would be appropriate there. The vision and dental benefits make sense, however there are a variety of benefits that can be added in employer sponsored plans. We would suggest that the latitude to conform to federal regulations be restricted to what the regulations specifically offer. Finally, there is a change in computation of taxes and fees in section 8 of the bill. However, the bill does not have a designation of needing a two-thirds majority vote to pass. I wanted to make the Committee and staff aware of that.

**Mr. Plain:**

The Division is neutral on the bill. On page 3, lines 12 and 27 mention an insurer receiving premiums that are deducted from the premium tax calculation. Premiums are calculated on an accrual basis, so they are counted as they are written not as they are received. If coverage is afforded but no money is ever received, the insurer still owes that money. We would like to correct that language to industry standards.

**Chair Atkinson:**

We will close the hearing on S.B. 454 and open the work session. We will start with S.B. 235.

**SENATE BILL 235**: 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)

**Marji Paslov Thomas (Policy Analyst):**

I will read the summary of the bill and proposed amendments from the work session document ([Exhibit L](#)).

**Chair Atkinson:**

Did Senator Parks agree to the proposed amendments submitted by Mr. Graves?

**Terry Graves (Scrap Metal Processing Group):**

Yes.

**Senator Settlemeyer:**

During the hearing on this bill, Senator Denis brought up a point about using a consular identification card as identification under this bill. I do not see that in the amendment. The State issues and accepts forms of identification other than a driver's license. I would like to add a consular identification card as described

under *Nevada Revised Statutes* (NRS) 237.200 to the type of identification allowed in this bill.

**Chair Atkinson:**

I think the sponsor of the bill said the driver's license is a more acceptable form of identification. If we allow a consular identification card then we could open it up to passports or any other form of identification.

**Senator Settlemeyer:**

I am concerned about people without driver's licenses who collect scrap metal.

**Chair Atkinson:**

I am agreeable to your amendment.

**Senator Hardy:**

I have concerns similar to those of Senator Settlemeyer. The Senate Committee on Transportation heard S.B. 303 proposing a driving privilege card.

**SENATE BILL 303**: Provides for the issuance of driving privilege cards. (BDR 43-596)

**Senator Hardy:**

If S.B. 235 passes, it will not allow a driving privilege card to be used as identification. In the past, the State has accepted a consular identification card. I think it would be reasonable to use whatever identification you have. We have narrowed the definition of identification too far in this bill. In reality, people have different forms of identification.

**Chair Atkinson:**

The individuals are driving around collecting scrap metal, so they should have a driver's license.

**Senator Settlemeyer:**

There are other forms of identification people use when driving. Senator Denis mentioned specifically the consular identification card provided for under NRS 237.200. Senator Parks, would you consider it a friendly amendment to allow individuals to use consular identification cards under your bill?

**Senator David R. Parks (Senatorial District No. 7):**

I think that would be an ideal inclusion.

**Senator Denis:**

We did a significant amount of research when drafting S.B. 303. I worked in the recycling industry. Some people drive and others do not. If we make it more difficult for individuals, they may pool their resources and pay someone a fee to do this for them. I think we would rather know who is bringing in the material rather than having them take it to an aggregator to bring in. I think it would be a good idea to accept the consular identification card.

**Senator Parks:**

The police organizations may have a concern with the addition of the consular identification card.

**A.J. Delap (Government Liaison, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department):**

The intent of the bill is to allow detectives to query the information brought in through leads or electronic systems. Although we support the consular identification card, State law has always indicated that State-issued identification or military identification is what is acceptable at the types of locations discussed in the bill. We hope this bill will allow detectives to query information that comes in and cross-reference it with State systems to conduct investigations in a timely manner. We do not have the ability to check a consular identification card through our State systems. It would cause a bit of a hindrance to our investigations to seek out that information. It has been the policy of the scrap metal yards in the State to accept State-issued identification. For investigative purposes, we would like to see that remain.

**Chair Atkinson:**

I will close the work session on S.B. 235.

**Senator Settlemeyer:**

I want to adopt all the amendments listed in the work session document, [Exhibit L](#), and my verbal amendment adding the consular identification card as an acceptable form of identification.

SENATOR SETTELMAYER MOVED TO AMEND AND DO PASS AS AMENDED S.B. 235 WITH PROPOSED AMENDMENT 7935, THE LANGUAGE SUBMITTED BY THE SCRAP METAL PROCESSING GROUP AND THE VERBAL AMENDMENT ADDING THE CONSULAR IDENTIFICATION CARD AS AN ACCEPTABLE FORM OF IDENTIFICATION.

SENATOR DENIS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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**Chair Atkinson:**

I will open the work session on S.B. 261.

**SENATE BILL 261:** Revises provisions relating to door-to-door solicitation.  
(BDR 52-829)

**Ms. Paslov Thomas:**

I will read the summary of the bill and proposed amendments from the work session document ([Exhibit M](#)).

**Senator Hutchison:**

Is everything we discussed contained in the amendments?

**Senator Jones:**

Yes.

**Senator Settelmeyer:**

I appreciate the intent of the bill. I understand there are some issues in Clark County. We have to be very careful when dealing with issues regarding the First Amendment rights. We should not be more extensive than necessary in our regulations. I think this bill goes too far. I cannot support it.

**Chair Atkinson:**

I will close the work session on S.B. 261.



SENATOR HUTCHISON MOVED TO AMEND AND DO PASS AS AMENDED S.B. 261 WITH ALL THE AMENDMENTS SHOWN IN THE WORK SESSION DOCUMENT.

SENATOR HARDY SECONDED THE MOTION.

THE MOTION PASSED. (SENATOR SETTELMAYER VOTED NO.)

\* \* \* \* \*

**Chair Atkinson:**

I will open the work session on S.B. 288.

**SENATE BILL 288**: Revises provisions relating to debt-management services.  
(BDR 56-976)

**Ms. Paslov Thomas:**

I will read the summary of the bill and proposed amendments from the work session document ([Exhibit N](#)).

**Senator Greg Brower (Senatorial District No. 15):**

There were some questions during the hearing of this bill, and those questions have been answered sufficiently. There are no amendments to the bill. It is ready to move forward if the Committee sees fit.

**Chair Atkinson:**

I have not heard of any other issues from the opposition. We are ready to move forward with S.B. 288. I will close the work session on S.B. 288.

SENATOR HARDY MOVED TO DO PASS S.B. 288.

SENATOR HUTCHISON SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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**Chair Atkinson:**

I will open the work session on S.B. 310.

**SENATE BILL 310**: Revises provisions governing financial institutions. (BDR 55-702)

**Ms. Paslov Thomas:**

I will read the summary of the bill and proposed amendments from the work session document ([Exhibit O](#)).

**Chair Atkinson:**

Hearing no discussion, I will close the work session on S.B. 310.

SENATOR JONES MOVED TO DO PASS S.B. 310.

SENATOR HARDY SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

\* \* \* \* \*

**Chair Atkinson:**

I will open the work session on S.B. 327.

**SENATE BILL 327**: Revises provisions relating to health care professions. (BDR 54-772)

**Ms. Paslov Thomas:**

I will read the summary of the bill and proposed amendments from the work session document ([Exhibit P](#)).

**Chair Atkinson:**

Senator Jones worked with the interested parties to create the amendments.

**Senator Jones:**

We tried to get everything into one amendment, but there were some additional issues that came up later. We are agreeable to all the proposed amendments.

**Senator Hutchison:**

I remember discussion about ensuring the State can keep in contact with those professionals practicing out-of-state or even out of the Country. Does amendment number 4 address the issue in a similar manner to the mailbox rule? When you send someone a letter, it is deemed delivered when posted under the mailbox rule. Will notices be deemed delivered based on email addresses, so there will be no questions about whether it was received?

**Senator Jones:**

Yes, amendment number 4 addresses that issue in a similar manner to the mailbox rule. We also included language in the amendments to ensure there is jurisdiction over the practicing health care professionals.

**Senator Hutchison:**

If there are any claims against a doctor, the forum will be in Nevada. Correct?

**Senator Jones:**

Yes.

**Senator Hutchison:**

The State Board of Pharmacy raised the issue of issuing prescriptions outside the State. Does amendment number 2 address that issue?

**Senator Jones:**

Yes.

**Chair Atkinson:**

I will close the work session on S.B. 327.

SENATOR SETTELMAYER MOVED TO AMEND AND DO PASS AS AMENDED S.B. 327 WITH THE PROPOSED AMENDMENTS CONTAINED IN THE WORK SESSION DOCUMENT.

SENATOR HARDY SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

\* \* \* \* \*

**Chair Atkinson:**

I will open the work session on S.B. 497.

**SENATE BILL 497**: Revises provisions relating to dental care. (BDR 57-1096)

**Ms. Paslov Thomas:**

I will read the summary of the bill and proposed amendments from the work session document ([Exhibit Q](#)).

**Chair Atkinson:**

This bill states patients will receive the same discount they would get when their insurance allotment expires. For example, I have dental insurance. I receive about \$1,200 per year, so once that expires the insurance company can move me into the next higher bracket. This will allow the insurance company to keep me at the bracket they were giving to the dentist.

**Chair Atkinson:**

Hearing no discussion, I will close the work session on S.B. 497.

SENATOR HUTCHISON MOVED TO DO PASS S.B. 497.

SENATOR HARDY SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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**Chair Atkinson:**

The meeting is adjourned at 4:33 pm.

RESPECTFULLY SUBMITTED:

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Caitlin Brady,  
Committee Secretary

APPROVED BY:

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Senator Kelvin Atkinson, Chair

DATE: \_\_\_\_\_

<b><u>EXHIBITS</u></b>				
<b>Bill</b>	<b>Exhibit</b>		<b>Witness / Agency</b>	<b>Description</b>
	A	2		Agenda
	B	7		Attendance Roster
S.B. 268	C	3	Senator Aaron D. Ford	Written Testimony
S.B. 268	D	4	Missey Smith	Written Testimony
S.B. 268	E	2	Senator Greg Smith	Written Testimony
S.B. 268	F	1	Randy Brown	Proposed Amendment
S.B. 268	G	1	Senator Aaron D. Ford & ACLU	Proposed Amendment
S.B. 329	H	2	Senator Ruben J. Kihuen	Written testimony
S.B. 329	I	4	Senator Ruben J. Kihuen	Proposed Amendment
S.B. 352	J	2	Senator Mark Hutchison	Written testimony
S.B. 454	K	4	Jon Hager	Letter
S.B. 235	L	7	Marji Paslov Thomas	Work Session Document
S.B. 261	M	6	Marji Paslov Thomas	Work Session Document
S.B. 288	N	1	Marji Paslov Thomas	Work Session Document
S.B. 310	O	1	Marji Paslov Thomas	Work Session Document
S.B. 327	P	7	Marji Paslov Thomas	Work Session Document
S.B. 497	Q	1	Marji Paslov Thomas	Work Session Document