

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

**Seventy-Eighth Session  
February 4, 2015**

The Committee on Commerce and Labor was called to order by Chairman Randy Kirner at 1:31 p.m. on Wednesday, February 4, 2015, in Room 4100 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at [www.leg.state.nv.us/App/NELIS/REL/78th2015](http://www.leg.state.nv.us/App/NELIS/REL/78th2015). In addition, copies of the audio or video of the meeting may be purchased, for personal use only, through the Legislative Counsel Bureau's Publications Office (email: [publications@lcb.state.nv.us](mailto:publications@lcb.state.nv.us); telephone: 775-684-6835).

**COMMITTEE MEMBERS PRESENT:**

Assemblyman Randy Kirner, Chairman  
Assemblywoman Victoria Seaman, Vice Chairwoman  
Assemblyman Paul Anderson  
Assemblywoman Irene Bustamante Adams  
Assemblywoman Maggie Carlton  
Assemblywoman Olivia Diaz  
Assemblyman John Ellison  
Assemblywoman Michele Fiore  
Assemblyman Ira Hansen  
Assemblywoman Marilyn K. Kirkpatrick  
Assemblywoman Dina Neal  
Assemblyman Erven T. Nelson  
Assemblyman James Ohrenschall  
Assemblyman P.K. O'Neill  
Assemblyman Stephen H. Silberkraus

**COMMITTEE MEMBERS ABSENT:**

None



**GUEST LEGISLATORS PRESENT:**

None

**STAFF MEMBERS PRESENT:**

Kelly Richard, Committee Policy Analyst  
Matt Mundy, Committee Counsel  
Leslie Danihel, Committee Manager  
Earlene Miller, Committee Secretary  
Jennifer Russell, Committee Secretary  
Connie Jo Smith, Committee Secretary  
Olivia Lloyd, Committee Assistant

**OTHERS PRESENT:**

Caleb Cage, Director of Military and Veterans Policy, Office of the Governor  
Michael Hillerby, representing Board of Dental Examiners of Nevada  
Debra Shaffer, Executive Director, Board of Dental Examiners of Nevada  
John A. Hunt, Esq., Board Legal Counsel, Board of Dental Examiners of Nevada  
Keith Lee, representing Board of Medical Examiners  
Paul Enos, Chief Executive Officer, Nevada Trucking Association  
Lea Tauchen, representing Retail Association of Nevada  
Nancy Wojcik, Administrator, Division of Field Services, Department of Motor Vehicles  
Kim Frakes, L.C.S.W., Executive Director, Board of Examiners for Social Workers  
Renée Olson, Administrator, Employment Security Division, Department of Employment, Training and Rehabilitation  
Douglas T. Geinzer, Chief Executive Officer, Las Vegas HEALS  
Victoria Carreón, Director of Research and Policy, Guinn Center for Policy Priorities, Las Vegas, Nevada  
Bryan Gresh, representing State Board of Osteopathic Medicine  
Robert Ostrovsky, representing Nevada Resort Association  
Barbara Longo, Executive Director, State Board of Osteopathic Medicine

**Chairman Kirner:**

[The roll was called. A quorum was present.] I represent Assembly District No. 26, which is south Washoe County. I am honored to be designated the Chairman of this Committee. This is my first time on the Committee, and I am happy to have some experienced Committee members. I would like to introduce

the Committee Vice Chair, Victoria Seaman, who is in her first year in the Assembly.

**Assemblywoman Seaman:**

I am honored and excited to serve as the first Latina Republican in the Nevada State Assembly.

**Assemblywoman Kirkpatrick:**

I am looking forward to serving on this Committee and am excited about having a lot of spirited dialogue.

**Assemblyman Ohrenschall:**

I represent Assembly District No. 12 in Clark County. This is an important committee which deals with major issues that affect our constituents. I am looking forward to working with the Chairman. I worked closely with him on a bill affecting breast cancer issues and learned how dedicated he can be.

**Assemblyman Ellison:**

This is my third term on the Committee. It is one of the busiest and most important committees for the people and the counties.

**Assemblywoman Carlton:**

I look forward to working with the Committee. This is my ninth session on the Commerce and Labor Committees in both houses of the Legislature. I cut my teeth on issues such as electrical deregulation, the privatization of workers' compensation, and boards and commissions. I would be happy to answer questions and help any of the members.

**Chairman Kirner:**

I would like to welcome the new members of the Committee, Majority Leader Paul Anderson, Assemblywoman Fiore, Assemblywoman Neal, Assemblyman Nelson, and Assemblyman O'Neill.

**Assemblyman Paul Anderson:**

I am happy to be here and look forward to an exciting committee.

**Chairman Kirner:**

Our other staff includes senior deputy legal counsel Matt Mundy. This is his second session with this Committee. Kelly Richard is our committee policy analyst, and this is her second session on the Committee. Our staff includes Leslie Danihel, our experienced committee manager; Earlene Miller, lead committee secretary; Jennifer Russell and Connie Jo "CJ" Smith, committee secretaries; and Olivia Lloyd, committee assistant.

The Legislative Committee Policies have been provided ([Exhibit C](#)). We changed the time for submission of exhibits to noon the day before the meeting, and we need 20 hard copies of the exhibits. Special audiovisual equipment requests also need to be made at noon on the day prior to the meeting. Are there any questions about the policies? [There were none.] I will entertain a motion to adopt the Committee Policies.

ASSEMBLYWOMAN KIRKPATRICK MOVED TO ADOPT THE  
ASSEMBLY COMMITTEE ON COMMERCE AND LABOR 2015  
LEGISLATIVE COMMITTEE POLICIES.

ASSEMBLYWOMAN SEAMAN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

We meet Mondays, Wednesdays, and Fridays at 1:30 p.m. I ask the members to be here on time. Everyone needs to silence their cell phones. Members will be working on computers but will be listening to testimony. We want to deal with each other courteously. The Committee Brief ([Exhibit D](#)) will give you a sense of what happened last session. We expect to have in excess of 100 bills to consider during the session.

I will open the hearing on [Assembly Bill 89](#).

**[Assembly Bill 89](#): Makes various changes to provisions relating to certain professions. (BDR 53-295)**

**Caleb Cage, Director of Military and Veterans Policy, Office of the Governor:**

Throughout 2014, the Office of the Governor, the Nevada Department of Veterans Services, the Interagency Council on Veterans Affairs, and other subsequently created councils and committees worked together to develop policy recommendations. Those recommendations were compiled into the Nevada Veterans Comprehensive Legislative Reform Report that has been submitted to the Committee ([Exhibit E](#)). There are 90 recommendations. Not all of them are unique. Several recommendations are multiples, and not all are legislative recommendations. Approximately 45 are legislative recommendations that came out of the policy councils' reports. About 18 have been adopted in four bills and other budgetary measures supported by the Governor's Office. [Assembly Bill 89](#) is one of those bills.

This is an important bill to reduce barriers and increase opportunities for veterans, specifically with respect to employment. Employment is such a major focus within the veteran community that the Interagency Council on

Veterans Affairs, which provided this general report, focused its specific report on employment measures. This bill would help reintegrating, existing, and future veterans come back to the state they left or come to Nevada. This is a good bill, but it is not perfect yet. We will be back to present a better bill in the future.

Assembly Bill 89 does four things. [Read from memorandum ([Exhibit F](#)).] Throughout the policy development process, the six policy councils established by executive order in statute that focused on veterans, all focused their recommendations on data. Almost all of them recommended data reporting, gathering, and synthesis by the Interagency Council on Veterans Affairs and the Department of Veterans Services. This is based on the understanding that success cannot truly be measured if you are not measuring outcome. If we want to improve outcomes for employment, we need to know how many veterans are receiving unemployment insurance or unemployment compensation for ex-service members (UCX) on a monthly basis.

How we make recommendations, develop legislative fixes, and change the way we do business to reduce the number of veterans who are unemployed needs to be done in a data-driven manner. The recommendations are in the comments provided ([Exhibit F](#)). The concept is that next year, instead of pulling together various policy councils' reports as we did this year, the Interagency Council on Veterans Affairs will be able to work with partner agencies and make recommendations based on trends from the provided data.

The second part of the bill authorizes private sector employers to prefer veterans and their spouses in hiring. Employers question if it is a fair hiring practice. We found that states like Minnesota and Washington are starting to pass measures that say it is, in fact, acceptable for a private sector employer to have a preference to hire veterans. This would officially make it possible for private sector employers to have a preference to hire service members. It will reduce barriers.

The third part of the bill causes the most discussion and will result in amendments because of the 35 licensing boards in Nevada. Each board has industry and internal standards, which they should. We met with 25 of the 35 boards, told them our plans for this bill, and offered opportunities for feedback. We are now getting that feedback and embrace the needed changes. Nevada is currently one of five states that does not have licensure reciprocity, and it is one of the priorities I was given as the Governor's Director of Military and Veterans Policy.

We applied for a grant from the National Governors Association to go through a 13-month policy academy with five other states to help us develop bridge programs and reduce barriers to licensure for veterans in law enforcement, licensed practical nurses, and emergency medical technicians. The plan was to find out how to create licensure reciprocity in those three areas and then expand it to other areas in the state.

Almost universally, we received positive feedback on this effort. The state licensing boards were very receptive to our efforts and have provided some amendments. The bill provides a general provision and tries not to get into the individual statutes for each board. It says licensing boards will provide licensure reciprocity in Nevada.

The National Governors Association has pushed us toward gathering employment data toward licensure. We are asking the boards that are providing licensure reciprocity to track and share the information with us so we can determine what the employment opportunities are for veterans in Nevada and how we might improve them.

We have received several requests for amendments. The Board of Medical Examiners would like to ensure that the veterans have received an honorable discharge. This bill calls for the definition of a veteran with a discharge other than dishonorable, in *Nevada Revised Statutes* (NRS) 417.005. We think we can come to terms in an amendment. Specific to their statute, they would also like to remove the requirement for licensure by endorsement because it is more restrictive than they like. They also recommended that this be called veterans licensure.

The State Board of Osteopathic Medicine recommends amending section 13 of the bill to add the American Osteopathic Association to the list to facilitate changes with the graduate medical education merger. They also recommend amending section 9 to go beyond the 15-day turnaround because they have to wait for a fingerprint report that often takes longer, and it will match other parts of their statutes.

**Chairman Kirner:**

In reviewing the board's proposed amendment regarding NRS Chapter 633, I noticed they changed the word "shall" to "may." Is that something you can resolve?

**Caleb Cage:**

I will be happy to resolve that. The copy I received most recently ([Exhibit G](#)) does say "shall."

The State Board of Podiatry also proposed a change that would remove section 33, subsection 1, paragraph (b), which would remove the reference to the American Board of Medical Specialties. The Board of Dental Examiners of Nevada has some language that they would add, and we have discussed that with them. We plan to strike section 37 and work with the Board of Examiners for Social Workers in order to find a solution to the rate increase, which has significant fiscal notes.

**Chairman Kirner:**

Are there any questions?

**Assemblywoman Kirkpatrick:**

I understand the reason to put veterans first for a lot of things. Is there a sunset date on this? Is there something for other constituents to have the same kind of opportunities? There was a job fair recently in my district for only veterans. People were upset because they wanted to know when there was going to be a job fair for nonveterans. Have we thought about unintended consequences? There are many people who need to work, and we want to make sure that when veterans come home, they are able to utilize their skills.

Why are we calling it reciprocity instead of credentialing? We do not want people coming from out of state who do not have the same kind of credentials and standards as we have in Nevada. How are we going to ensure we have the same standard of credentials when we make these changes? Who else can get these jobs? Especially in the medical field, I would hate for us not to build our own team because we take employees from elsewhere. If those employees leave, we will have a shortage again.

**Caleb Cage:**

Reciprocity is the term we have been using. I have met the boards and told them we want to create a general provision with NRS Chapter 622, not in each of the boards' statutes. The boards can interpret it in ways that make sense to them. We are not asking anyone to lower their standards for returning veterans. There are certain career fields where military personnel such as medics, nurses, and law enforcement professionals have extensive training. They often do not receive licensure or credentialing because they are working for the federal government. We are seeking to recognize the experience they have had in the military and apply that to the credentialing in Nevada. It is important that our professions know that we are not pushing for a reduction in standards. It would be appropriate for the boards to disagree to lowering their standards. That understanding is why we have had the direct engagement that we have had.

**Assemblywoman Kirkpatrick:**

I do not see where it is written in the proposed bill.

**Caleb Cage:**

We were looking at the unintended consequences from the other direction. If 300,000 service members per year transitioned into communities across the country for the next three years as anticipated, and we are not actively doing things to get them into our communities, we will probably be paying for them through safety nets and other issues. The idea is to determine what barriers currently exist. One of the biggest barriers is that their network and support system has dissipated while they were gone. A preference bill like this will recognize that the veteran has taken years out of his life to serve the country, and we want him to come back and successfully reintegrate into communities in Nevada. Those would be the unintended consequences—that if we do not address that issue, we will have to deal with it in the future.

**Assemblywoman Kirkpatrick:**

How do I explain that to the working mom who has been out of the workforce because she chose to raise her children? I have to answer those questions. People are supposed to get jobs in the private sector based on their qualifications and ability to do the job. In the government sector, we give an extra five points for veterans when they apply for jobs. We need that discussion because I represent military people and others who will ask those questions.

**Caleb Cage:**

This does not provide a mandate that private sector employers hire veterans. It allows them the opportunity to prefer to hire veterans. It removes a real or perceived barrier for employers.

**Assemblywoman Carlton:**

We need to have your definition of reciprocity. When you say reciprocity, I am hearing a definition of credentialing. There is a distinct difference between the two. Reciprocity means a person comes to the state with a license from out of state. He takes the license to a licensing board and they give him a Nevada license without question. I hear you saying that you do not want any standards lowered, and you want people to have the correct background checks, education, and all the standards we worked to establish in this state. That is more credentialing.

Is there a statute that prohibits businesses from having a preference? It is my understanding that gaming can already prefer veterans if they choose. If there is no prohibition, what are we trying to fix?



**Caleb Cage:**

I will be happy to work with you on the distinction between reciprocity and credentialing to figure out a middle ground or the proper way to address that. The issue I am trying to fix is that private sector employers perceive that they are breaking labor law in Nevada if they prefer to hire veterans. This would clearly state that it is not a problem. This follows the models of Washington, Minnesota, and several other states.

**Assemblywoman Carlton:**

Would you agree that there is no statute that prohibits this and there is only confusion in the business community? Do we need our legal counsel to look at this? I want to be sure that we are actually fixing what we are trying to fix and do not fix it in one place and leave a problem in another.

**Chairman Kirner:**

I encourage you to work on that with legal staff, but there are sections in our code that address reciprocity versus other types of licensure.

**Assemblywoman Carlton:**

I want to make sure there is a clear definition associated with the legislation. There are sections of the bill that are not pertaining only to veterans. This would be open to any professional coming to the state. Section 12 of the bill makes it look like it is opening up reciprocity for any professional in the country, not just for veterans and spouses. We need to clarify that so we are not creating more problems.

**Assemblywoman Bustamante Adams:**

Mr. Cage, as a military spouse, I am extremely proud of the work that you and your team have done to support the veterans and their families in Nevada. The Legislature has worked hard over the past couple of years to make sure that Nevada is a military-friendly state. Last session we passed in-state tuition, which was a big help and eliminated a barrier to attracting returning veterans to our state. We also have a property tax exemption and several other things to honor those who have served and to eliminate barriers. As a state, considering what I know from the Department of Defense and what I have read, Nevada is doing a great job.

On page 7 in section 5 of the bill regarding commercial drivers, you reference some citations of the *Code of Federal Regulations* (CFR). When I researched the CFR, I found some areas that are missing from the bill language. I am not sure if you intended to copy that CFR language verbatim. For instance, 49 CFR part 383 says, "Has not had more than one license" in more than one jurisdiction at the same time "except for a military license." You struck "except for a military

license" in section 5, subsection 2(a)(1), and I am not sure if you had a purpose in eliminating that. On page 8, there is a section in the CFR that says, "Is regularly employed or was regularly employed within the last 90 days in a military position requiring the operation of a CMV [commercial motor vehicle]." However, in section 5, subsection 2(b)(1), the bill omits "regularly employed within the last 90 days." I am not sure if you meant to omit those or why they were omitted.

**Caleb Cage:**

There is no reason for that, and I am happy to make the adjustments. I guess my question would be the intent. It appears the first omission would make it less restrictive and the second omission would make it more restrictive. Do you want to make it more or less restrictive or just match the federal code?

**Assemblywoman Bustamante Adams:**

I think we need to apply the federal standards when it comes to commercial driving.

**Chairman Kirner:**

In section 12, subsection 3, under the current law, those reporting requirements would sunset after five years. Mr. Cage, I do not know what your intent is.

**Caleb Cage:**

Unless there is a good argument why the statutes should exist in perpetuity, the five-year sunset period is the default and we are comfortable with that.

**Assemblyman Ohrenschall:**

Section 13, subsection 2, paragraph (a), subparagraphs (3) and (4) contain repetitive language that I see in sections 28 and 33. Can you give me background about the standard and where it comes from in terms of whether the doctor has been disciplined or the subject of multiple investigations by the corresponding regulatory authority? Is it one count of discipline or multiple that might exclude a doctor from this route to licensure? Subparagraph (4) states, "Has not been held civilly or criminally liable . . . more than once." Where does that come from and does it lower the bar from prior standards?

**Caleb Cage:**

I will get you an answer to your question.

**Assemblyman Hansen:**

In section 37 of the bill, why are all of the existing fees tripled?

**Caleb Cage:**

We are amending the bill to strike that section.

**Assemblyman Hansen:**

Are you removing any fee increases or are you leaving the fees as they are?

**Caleb Cage:**

We have not had a discussion beyond striking section 37.

**Chairman Kirner:**

Are there any other questions?

**Assemblywoman Neal:**

Is the intent of this bill that after you reach parity with veterans, the preference will be taken out of the law? Are you trying to solve the issue of parity? You cited several instances in which veterans are being denied entry in established programs such as Silver State Works. These programs have not worked because the incentive that was set up in the state did not focus on unemployed veterans. What is the goal once you reach parity?

**Caleb Cage:**

I do not believe that we ever said in the report that Silver State did not work.

**Assemblywoman Neal:**

It said in your report ([Exhibit E](#)) that Silver State Works provided a \$2,000 incentive reimbursement or training allowance for new employees, but not necessarily for unemployed veterans.

**Caleb Cage:**

I do not believe that is a judgment statement on the effectiveness of Silver State Works, and you will notice that we did not move forward on that recommendation. The Interagency Council on Veterans Affairs developed 15 to 20 recommendations, and only a handful of them are presented in the bill. If we can gather the data through the Department of Employment, Training and Rehabilitation reports and show a decrease in the need for unemployment insurance for veterans, then we can say we reached parity and we do not need it anymore. Currently, when it comes to service veterans in Nevada, we think this will work and we will do our best. We do not have a data-driven approach. The data report required in [Assembly Bill 62](#), [Assembly Bill 89](#) and other aspects will tie all of these together and make a comprehensive case to state that these are the data points for veterans in the state of Nevada, and therefore these are the things that we need to address. We have no problem recommending getting

rid of this in the future if there is no need for it. We will have the information to make that case.

**Assemblyman O'Neill:**

Are we trying to attract qualified professionals to the state?

**Caleb Cage:**

I think there is sufficient data on needs in many of our professional licensure fields.

**Assemblyman O'Neill:**

Is it correct that several of these positions are difficult to fill and we are not mandating any employer, but it is his choice to do it?

**Caleb Cage:**

That is correct.

**Assemblyman O'Neill:**

Now we are saying to veterans Thank you for your service; please come here and let us show you our appreciation. We will expedite you getting a job that you became proficient at while you sacrificed. Is that a fair summation?

**Caleb Cage:**

I think so.

**Chairman Kirner:**

I invite the proponents of the bill to speak.

**Michael Hillerby, representing Board of Dental Examiners of Nevada:**

We have proposed an amendment ([Exhibit H](#)) to change the language in NRS 631.220, which would be included between sections 22 and 23 in the bill. The current process is that the secretary/treasurer, who is an officer of the Board, will review an application for a license under NRS Chapter 631. If that application is complete and sufficient, the report is given to the Board. The Board then votes to accept the report of the secretary/treasurer. We are requesting to remove the language that says the report has to go to the Board. This will speed up a qualified person getting a license by allowing the secretary/treasurer to approve it and direct the Board's executive director to issue the license. Currently, applicants have to wait until there is a Board meeting to have the license officially approved.

**Debra Shaffer, Executive Director, Board of Dental Examiners of Nevada:**

This would expedite the application process. Currently, the secretary/treasurer would approve the application to ensure it is compliant with the regulation, and the application would sit until the next Board meeting. This would allow the licensee to start practicing immediately.

**John A. Hunt, Esq., Board Legal Counsel, Board of Dental Examiners of Nevada:**

The Board is in support of this bill. There are other parts of the bill where we have added information that would affect NRS Chapter 631. In section 20 of the bill, it states that "'Minimal sedation' means a minimally depressed level of consciousness, produced by a pharmacological method." That should also include "or nonpharmacological method." People who indicated that they could extract teeth and perform dental procedures with hypnosis, and could prove that they could, would have to get a conscious sedation or general anesthesia permit without the language. That is why the language should remain in statute.

**Chairman Kirner:**

Are there others to testify in support of the bill?

**Keith Lee, representing Board of Medical Examiners:**

Executive Director Edward Cuzino, Deputy Executive Director Todd Rich, and Chief of Licensing Lynette Daniels are available to answer any technical questions. We are pleased to support this legislation and would appreciate working with Mr. Cage on some of our issues. We want to make sure that we do whatever we can to give veterans and their spouses the opportunity to seek licensure under NRS Chapter 630, which includes physicians, physician assistants, respiratory therapists, and profusionists. It includes not only allopathic positions but also the other subgroups that we also license. We look forward to reaching out to those people and providing them the opportunity to come to Nevada to practice. All of the medical professions under Title 54 of NRS are in dire need of more people to meet the needs of our citizens. I have spoken to Mr. Cage about our amendments ([Exhibit I](#)) and I can talk about them now or when they are worked into a mock-up of the bill.

**Chairman Kirner:**

We can wait until we see the mock-up.

**Keith Lee:**

I appreciated the discussion about reciprocity. There has always been an issue about what we mean by it, and I think we need to have some discussion as to its definition. In the concealed carry issue, the standard in the other state from

which we accept reciprocity is either the same as or stricter than ours. I do not know if that is the direction we want to go.

We have been working diligently for the past four years with the Federation of State Medical Boards, and we have come up with an interstate licensing compact. Senator Joe Hardy will be introducing it in a bill in the Senate. There are at least 20 states that have considered or are currently considering interstate compacts on licensure. That will help to reduce some of the barriers to licensure. We like to talk about license portability rather than license reciprocity. As we work through the issues in the interstate licensing compact in the Senate and later in the Assembly, I think you will see that we are making progress in reaching out to people and reducing barriers to licensing.

**Chairman Kirner:**

Are there others in support?

**Paul Enos, Chief Executive Officer, Nevada Trucking Association:**

We are here in support of the bill and in particular section 5. There is a barrier for our returning veterans who have a military commercial driver's license (CDL) to return home and get a CDL on a state level. That barrier could be not being able to find a truck. Often, a driver has to go to a truck-driving school in order to get a truck. The schools cost from \$3,000 to \$7,000. These individuals already have the skill because they were trained to drive in our military. Another barrier is being able to work for whom they want. If a person has a military CDL and does not have the money to pay for a driving school, they often go to a big nationwide carrier that will give them a job. The problem is that the employees are often away from their families for weeks at a time. It detracts from those local carriers being able to hire the veteran with the military CDL. Section 5 allows those people to take a written test and have the state of Nevada issue them a CDL.

Nationwide, there is a driver shortage of 35,000 people. We expect those numbers to rise because of people retiring, increased freight, and the fact that we do not have enough people to replace the drivers we are losing, which could be up to 240,000 drivers by 2020. We have tens of thousands of veterans returning home. To be able to have those people matriculate into a job in the trucking industry is something we support. We believe that section 5 of this bill gives them that ability.

**Chairman Kirner:**

I believe the Department of Motor Vehicles is already offering that testing, and we are codifying what is already in practice.

**Paul Enos:**

I believe so, and federal law 49 CFR §§ 383.3 requires that all states have an exemption to allow military personnel only to take a written test for a CDL.

**Chairman Kirner:**

That is 49 CFR §§ 383.77.

**Lea Tauchen, representing Retail Association of Nevada:**

We are in support of Assembly Bill 89. Our members believe that every company in America has benefitted from the service and sacrifice of men and women in uniform. When our veterans return home, there are businesses within the retail industry that are very interested in helping to put them back to work. This bill would allow the members of our association the opportunity to legally and voluntarily develop and implement a process where they could do that. We urge passage.

**Chairman Kirner:**

Are there any others to testify in support? [There were none.] Are there any questions from the Committee?

**Assemblywoman Carlton:**

I would like to go back to section 20 concerning the sedation issue. If a person is not going to be using a pharmacological sedation, do they still need to get the certificate saying they have knowledge about the drug?

**John Hunt:**

When the bill was originally written long ago, there were people who claimed that they could extract teeth under hypnosis. The Dental Board had included in the statute a pharmacological/nonpharmacological method. If a person uses a nonpharmacological method, he has to be able to demonstrate that. Therefore, he must have to get a permit under the conscious sedation or general anesthesia permit. That was taken out but should be left in to protect the public.

**Assemblywoman Carlton:**

Is there anyone using that provision?

**John Hunt:**

I cannot discuss cases that are currently before the Board. There are people who claim that they can do that.

**Chairman Kirner:**

Is there additional testimony from Las Vegas?

**Nancy Wojcik, Administrator, Division of Field Services, Department of Motor Vehicles:**

There is no fiscal note attached to Assembly Bill 89, and we are in full agreement with section 5. We have an affidavit that we have been applying according to the CFR that allows a military person to obtain a commercial driver's license.

**Chairman Kirner:**

Are there any other questions? [There were none.] Is there anyone else in support?

**Kim Frakes, L.C.S.W., Executive Director, Board of Examiners for Social Workers:**

We are in support of ASSEMBLY BILL 89. On page 6, line 28, we add the Board to a long list of other licensed professional boards which may be able to obtain criminal histories from criminal justice agencies. On page 31, it relates to provisional licenses being granted to military members and what would be addressed in the *Nevada Administrative Code* (NAC). We submitted our NACs and reviewed them several months ago. We submitted something for provisional licensure to address this and some other issues. We were informed that because the NRS specifically only offered provisional licenses to individuals who were waiting to take the exam, we needed to readdress it. It has been added here as a first step. In the future, we would like to have another section for provisional licenses including for the military and others.

In section 37, we tripled the fees because we have not had any fee increases for some time (Exhibit J). We have had additional demands placed on our Board since the fees were established in, I believe, 2005. This would be what we could charge. It would still need to go through the rule-making process. We do not want to risk the passage of Assembly Bill 89 solely for this issue, and we would be willing to work with the Office of the Governor and the Legislature to address any concerns in this section.

**Chairman Kirner:**

Do you understand that Mr. Cage said he had stricken section 37?

**Kim Frakes:**

Yes.

**Renée Olson, Administrator, Employment Security Division, Department of Employment, Training and Rehabilitation:**

We are in support of this bill, specifically section 1, in which we would be providing information on the unemployment insurance benefits of veterans.



I would like to clarify that while Silver State Works does not have a specific program offered only to veterans, veterans do qualify under all three of its programs.

**Assemblywoman Carlton:**

Regarding the Board of Examiners for Social Workers under section 36, subsection 4, there is language that grants a provisional license to engage as an independent social worker or clinical social worker. Under paragraph (b), it states, "The Board deemed that the state in which the person holds a license to engage in the practice of social work did not have licensing requirements at the time the license was issued that are substantially equivalent to the requirements set forth in this chapter." It sounds as if we might let people in who may not have an equivalent license.

**Kim Frakes:**

Yes, it does. It would place those people under provisional licensure where they would remain under supervision but not have to be under stringent supervision like people coming out of graduate school, who participate in an internship program. It would also afford the provisional licensure to military members who could provide us with some key information and show they had not been disciplined. We could work with their board to determine substantial equivalency. If they do not meet substantial equivalence standards, we could set up something that would be fair and equitable that would afford them the ability to practice and remain under supervision.

**Assemblywoman Carlton:**

When I read this section, it applies to everyone, not just the military. We put that substantially equivalent language in there to be sure that the people who have gone to school in this state and have the education and qualifications are not being supplanted by professionals from another state who do not have the same qualifications. We need to make sure we are not allowing someone into the state who does not have the educational background to do the job and putting our citizens at risk.

**Kim Frakes:**

That is our intent as well. That is why we have the equivalent standards in place.

**Chairman Kirner:**

We will move to Las Vegas for additional testimony.

**Douglas T. Geinzer, Chief Executive Officer, Las Vegas HEALS:**

I have been recruiting medical professionals to the Las Vegas Valley for over 20 years ([Exhibit K](#)). We are a membership-based organization with the acronym standing for Health, Education, Advocacy, and Leadership of Southern Nevada. We currently represent organizations that employ over 24,000 health care professionals, including all the hospitals and medical educational institutions in the state. Over the last couple of years, we have spent a tremendous amount of time developing graduate medical education expansion that will be presented to the Legislature this session. Although this will produce a strong pipeline of grow-our-own physicians by 2022, we still have a dire need for physicians and surgeons in the state today.

One of the barriers with recruiting professionals is licensure. We feel reciprocity or endorsement will greatly break down that barrier and allow us to attract professionals. We will need to concentrate on attracting faculty physicians in the near future because we will have two new medical schools starting in Las Vegas. These physicians, when they relocate to Nevada, will teach our future physicians as well as serve patients through their own practices. We see this bill as a great benefit in attracting highly skilled physicians and surgeons to the state.

[Gary K. Landry of the State Board of Cosmetology submitted a letter in support ([Exhibit L](#)) of [Assembly Bill 89](#).]

**Chairman Kirner:**

Are there any people to speak in opposition to the bill? [There were none.] Are there any people to speak in a neutral position on the bill?

**Victoria Carreón, Director of Research and Policy, Guinn Center for Policy Priorities, Las Vegas, Nevada:**

We are a bipartisan think tank and have written a paper titled "Nevada's Mental Health Workforce: Shortages and Opportunities." Given that there is a large shortage of mental health workers in this state, this bill does not go quite far enough, and the limited provisions will have a limited impact. We have some other recommendations that we will share ([Exhibit M](#)). Section 9 provides expedited endorsement processes for people connected to the military. We think that since each profession already has an endorsement process, it is not necessary to have this provision, but each of those statutes can be amended individually. We think it would be more reasonable for the people who are trying to get endorsements to have a 30-day application turnaround period.

**Chairman Kirner:**

It sounds as if you are in opposition to the bill. I would like you to meet with Mr. Cage to discuss your concerns.

**Victoria Carreón:**

These expedited procedures could apply to all licensees and not only those connected to the military. Another issue is that the reciprocity agreements listed in section 12 would be very difficult for the different licensing agencies to implement. A more effective method would be interstate licensure compacts, which are negotiated between states. The individual agencies would not have to be contacting each state. There are compacts for nurses, which have been considered previously, and one for physicians, which is new and could be considered by the Legislature.

Sections 13, 28, and 33 create expedited procedures for medical doctors, osteopathic physicians, and podiatrists. Each of those professions already has an endorsement process that could be amended. We think that 30 days would be sufficient for a completed application. Those provisions could be expanded to other fields in the medical profession as well.

We have some recommendations for you to consider for legislation. These include expediting licensure, looking at years of practice and training requirements, making fingerprinting requirements uniform across the different boards, allowing temporary licenses in the different professions, and looking at interstate compacts.

**Bryan Gresh, representing State Board of Osteopathic Medicine:**

We appreciate Mr. Cage's work on the bill and working with the Office of the Governor during the interim. We have presented an amendment ([Exhibit G](#)), but we are supportive of the bill. Our Board has been granting licenses by endorsement since 2007. We have a process in place, and our amendment seeks to avoid disruption of our existing process by acknowledging its existence and by adding one improvement. That improvement is that we will commit to timely finalization of an endorsement application once the fingerprint report is completed. Our executive director, Barbara Longo, is available to answer questions.

**Robert Ostrovsky, representing Nevada Resort Association:**

I would like to address Assemblywoman Carlton's question about how the proposed change would affect the labor code. There is nothing in the labor code that precludes an employer from having a preference. This will put that preference in the code. The risk is not in the labor code; it is in the equal rights statute. If I hire a veteran and not a woman and she files an equal rights complaint that I did not hire her because she is a female, I will use as an affirmative defense that there is a statute in Nevada that says I can give that preference. The Nevada Equal Rights Commission may accept that preference,

but I doubt it because they are a deferral agency and they have to adopt the federal standard. If you have a federal charge, the feds are not going to prefer the state. There is a risk in not hiring blindly. The employer should not look at anything but the applicants' qualifications, not their race, religion, or sex. Now we add this to the mix. I would suggest to the bill sponsor that when we meet to discuss this bill, we include a representative from the Nevada Equal Rights Commission. We need to ask how they would feel about an affirmative defense that said I hired a veteran over someone who may otherwise file a complaint against me.

I also question why section 4 is in this bill. It authorizes the corporate practice of medicine and has nothing to do with veterans. It has been discussed before the Legislature in more than one session. I do not know why it is in this bill. It is a substantial policy question for the state of Nevada if it wants to permit the corporate practice of medicine. This does permit the corporate practice of medicine without discussing veterans' preferences. I will discuss this in the outside meetings.

**Chairman Kirner:**

Is there any additional testimony from Las Vegas?

**Barbara Longo, Executive Director, State Board of Osteopathic Medicine:**

Mr. Gresh has clearly stated our position. We currently license approximately 25 percent of our applicants annually by license by endorsement.

**Caleb Cage:**

I appreciate the opportunity to speak here today. We will be meeting with the parties to come up with amendments. Ten states have introduced the veterans' preference laws. I will research the Equal Rights Act of 1964 to show the connection.

**Chairman Kirner:**

You will need to meet with the interested parties to work out any issues before we can advance this bill further. Is there any public comment? [There was none.] The meeting is adjourned [at 2:54 p.m.].

RESPECTFULLY SUBMITTED:

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Earlene Miller  
Committee Secretary

APPROVED BY:

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Assemblyman Randy Kirner, Chairman

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

**EXHIBITS**

**Committee Name:** Committee on Commerce and Labor

**Date:** February 4, 2015

**Time of Meeting:** 1:31 p.m.

<b>Bill</b>	<b>Exhibit</b>	<b>Witness / Agency</b>	<b>Description</b>
	A		Agenda
	B		Attendance Roster
	C	Kelly Richard, Research Division, Legislative Counsel Bureau	2015 Legislative Committee Policies
	D	Kelly Richard, Research Division, Legislative Counsel Bureau	Committee Brief
<u>Assembly Bill 89</u>	E	Caleb Cage/Office of the Governor	Nevada Veterans Comprehensive Legislative Reform Report
<u>Assembly Bill 89</u>	F	Caleb Cage	Memorandum
<u>Assembly Bill 89</u>	G	Bryan Gresh/State Board of Osteopathic Medicine	Proposed Amendment
<u>Assembly Bill 89</u>	H	Michael Hillerby/Board of Dental Examiners of Nevada	Proposed Amendment
<u>Assembly Bill 89</u>	I	Keith Lee/Board of Medical Examiners	Proposed Amendments
<u>Assembly Bill 89</u>	J	Kim Frakes/Board of Examiners for Social Workers	Justification of Increases
<u>Assembly Bill 89</u>	K	Douglas Geinzer/Las Vegas HEALS	Testimony
<u>Assembly Bill 89</u>	L	Gary K. Landry/State Board of Cosmetology	Letter of Support
<u>Assembly Bill 89</u>	M	Victoria Carreón/Kenny Guinn Center for Policy Priorities	Testimony