

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

**Seventy-Eighth Session
March 23, 2015**

The Senate Committee on Commerce, Labor and Energy was called to order by Chair James A. Settelmeyer at 8:34 a.m. on Monday, March 23, 2015, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 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 James A. Settelmeyer, Chair
Senator Patricia Farley, Vice Chair
Senator Joe P. Hardy
Senator Becky Harris
Senator Mark A. Manendo
Senator Kelvin Atkinson
Senator Pat Spearman

STAFF MEMBERS PRESENT:

Marji Paslov Thomas, Policy Analyst
Renee Fletcher, Committee Secretary

OTHERS PRESENT:

John Fielding, United States Travel Insurance Association
Jeanette Belz, United States Travel Insurance Association
Jennifer Kandt, Executive Director, Nevada State Funeral and Cemetery Services Board
Bart Burton, Palm Mortuary; Nevada State Funeral and Cemetery Services Board
Warren Hardy, La Paloma Funeral Services
Sue Meuschke, Executive Director, Nevada Network Against Domestic Violence
Gwen Braimoh, Owner, Director of Instruction, Expertise Cosmetology Institute
John Davis, Assistant Director, Expertise Cosmetology Institute
Nancy Hathaway, Examiner, State Barbers' Health and Sanitation Board

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Shawn Conder, Examiner Trainer, Training Coordinator, National-Interstate
Council of State Boards of Cosmetology

Marcus Allen

Eloy Maestas, Secretary/Treasurer, State Barbers' Health and Sanitation Board

Nathaniel LaShore, President, State Barbers' Health and Sanitation Board

Raymon Green

Gene Collins

Beatrice Turner

Chair Settlemeyer:

I will begin the hearing with Senate Bill (S.B.) 373.

SENATE BILL 373: Makes various changes relating to insurance. (BDR 57-689)

Senator Joe P. Hardy (Senatorial District No. 12):

The National Conference of Insurance Legislators (NCOIL) has adopted model language to refine, reform and offer consumer protection to the purchase of travel protection insurance.

John Fielding (United States Travel Insurance Association):

The United States Travel Insurance Association is a national association of insurance carriers, travel protective associations (TPA), insurance agencies and related businesses involved in travel insurance. Our Association supports S.B. 373 and the adoption of the legislation that enacts the NCOIL model. There are licensing difficulties and inconsistencies across the State with respect to travel insurance.

Most problems with travel protection insurance are caused by the growth of the industry over the last couple of decades. Travel insurance is sold within a parent state as well as to any other state, making it difficult for every agency to be in compliance when each state may have different regulations. The NCOIL model language within S.B. 373 addresses the laws and regulations for providing travel protection insurance.

There are 133 travel agencies in Nevada, 30 of which employ less than 20 individuals, and 94 agencies have fewer than 5 employees. Legislation within S.B. 373 will allow these small businesses to comply with rules and regulations for licensing in the travel insurance industry. Senate Bill 373 is very good for regulators, Legislators, consumers and the industry that needs to

comply. There are new training and disclosure requirements not currently required that are important for protecting consumers. Regulators will have all necessary information relating to enforcement authority and contact information for travel retailers. This bill brings important compliance for the industry as a whole.

The NCOIL model language will permit insurance providers to be the licensees for products provided through noninsurance travel retailers, such as travel agencies, as long as all training, disclosure and registration requirements are met and provided. The most essential feature is the registration process, which allows the travel retailer to operate under the license of a TPA. The American Society of Travel Agents (ASTA) is in support of S.B. 373. The ASTA represents travel agencies across America.

Jeanette Belz (United States Travel Insurance Association):

We have provided several exhibits for you today. The first is a map of the United States showing the 33 states that have implemented laws or regulations on travel insurance license reform ([Exhibit C](#)). We are working on having uniform consistency across the Country, making it easier for the industry as a whole. I have provided a fact sheet on travel insurance producer licensing reform and why S.B. 373 would be helpful ([Exhibit D](#)). I have also provided a sample of a travel insurance plan ([Exhibit E](#)) and a sample of travel protection plan options ([Exhibit F](#)).

Senator Hardy:

The two-thirds majority vote fiscal note implications will most likely be removed by the insurance commissioner.

Chair Settlemeyer:

I will now close the hearing on S.B. 373 and open the hearing on S.B. 286.

SENATE BILL 286: Revises provisions relating to the Nevada Funeral and Cemetery Services Board. (BDR 54-905)

Jennifer Kandt (Executive Director, Nevada State Funeral and Cemetery Services Board):

The Nevada State Funeral and Cemetery Services Board, after review by the Sunset Subcommittee of the Legislative Commission, had necessary revisions made to ensure adequate funding. The Funeral Board hired an inspector to visit

the various facilities throughout Nevada. There is an entirely new team of Board members. I took over the Funeral Board as executive director in June 2014. The new Board recognized a need for legislative changes, thus a subcommittee was appointed. Over a 6-month period, the subcommittee held eight public meetings. As a result of those meetings, we see the changes set forth in S.B. 286. We recognize that additional changes are needed beyond this legislation, which will be developed and submitted later.

Senate Bill 286 revises chapters 451, 452 and 642 of *Nevada Revised Statutes* (NRS), which pertain to the funeral industry. Some changes represent a general cleanup of outdated and unused language. Sections 4 and 5 create a required permit for a direct cremation facility. A direct cremation has no formal viewing of the deceased or actual funeral service. These locations are operating under permits termed as "limited funeral establishments," which does not exist as terminology under NRS, making enforcement problematic.

The Neptune Society is an example of a direct cremation facility that sells cremation services only. *Nevada Revised Statutes* refer to a license to conduct direct cremation and immediate burial, which the Board used to issue a limited establishment license. The problem is the language for the license refers to an individual as opposed to a permit for a location. This type of license can be removed from NRS, as a direct cremation is a facility, and therefore needs a facility license. We are removing the burial portion from a service of a direct cremation facility. A funeral establishment should oversee any burial preparation of a body.

A direct cremation facility would not require a preparation room or embalming equipment, as the facility does not offer those services. This is why a direct cremation facility does not fit into the definition of a funeral establishment. Any marketing, advertising and signage must disclose that a direct cremation facility is limited and is not a funeral home.

Sections 6 and 7 of S.B. 286 create a death care consultant license. A death care consultant is essentially a funeral arranger license; however, the terminology is being opposed. We have no issue with changing the terminology. This license would be provided to an individual who provides consultation to families on funeral services, options, pricing and merchandise. Presently, no license is available and these individuals must be supervised by a funeral director. It would be in the best interest of the public if these consultants were

held accountable through licensure. Requirements would include passing tests in funeral law and in the care and handling of bodies.

Section 8 gives the Board authority to conduct fingerprint-based background checks. Current, computer-based checks, driven by applicant-provided information are not reliable. These individuals are responsible for the care and disposition of dead bodies and collecting large sums of money from families who are in vulnerable states of mind; therefore, those individuals should have no criminal records. Section 9 would require funeral directors and embalmers to obtain 10 hours of continuing education (CE) annually. Nevada is one of 13 states not requiring CE for the funeral industry. Section 14 adds the requirement for licensees to comply with federal Occupational Safety and Health Administration regulations.

Section 20 modifies the responsibility of the Attorney General (AG) to recommend actions, as opposed to deciding such matters. Section 32 requires funeral director applicants to complete a 1-year internship. A licensed funeral director is required to complete and sign death certificates, ensure all permits are approved prior to disposition of a body, oversee preparation and care of bodies and the proper management of a funeral establishment. Applicants must be properly trained under a practicing, licensed funeral director. Section 46 adds unethical practices contrary to public interest to the list of acts constituting unprofessional conduct.

Section 47 makes changes to the content of the permit and advertising for facilities; a facility must operate under the name on the permit. Sections 54 and 57 consolidate the authority to order burial with the authority to order cremation, as well as clarifying the relinquishing of authority for persons arrested or charged with the death of the decedent. If an individual is charged with the death of a spouse, the remaining family members must seek a court order to be given the ability to make decisions for the decedent. Since a spouse maintains authority to make funeral arrangements, but is incarcerated, it is unfair to make other family members potentially wait an indefinite amount of time to cremate or bury their loved one. This change would pass authority to the next person of authority if the original authoritative person were unavailable, unable or unwilling to make the needed decisions. Section 55 requires crematorium operators to complete a certification program approved by the Board.

Senator Hardy:

Does a direct crematorium provide urns to the family of the decedent?

Bart Burton (Palm Mortuary; Nevada State Funeral and Cemetery Services Board):

Urn are given to the family from the facility performing the cremation.

Senator Hardy:

Are there air quality concerns? Are there local regulations regarding locale for a crematorium?

Mr. Burton:

A direct cremation facility would use a crematorium facility for the actual cremation, which goes through processes of the funeral board and the area air quality department.

Senator Hardy:

Does the direct cremation process take place in a funeral home or a stand-alone crematory?

Mr. Burton:

Although the process could take place at a stand-alone crematory, the typical process takes place in a funeral home. A direct cremation facility arranges for the final disposition of cremation, while the funeral home takes custody of the remains and moves the body to the crematory.

Senator Hardy:

Do we have stand-alone crematories?

Mr. Burton:

We do not have stand-alone crematories in southern Nevada. I am unsure if there are any located in northern Nevada.

Ms. Kandt:

We have issued licenses to a few stand-alone crematories. It should be clear that a direct cremation facility is not a crematory. A direct cremation facility sells cremation packages; it is contracting out to stand-alone crematories or funeral establishments. Direct cremation facilities handle all paperwork such as permits and death certificates.

Senator Hardy:

Does a direct crematory need to worry about zoning?

Ms. Kandt:

Zoning is an important aspect of the direct crematory industry. They can be located in mall settings or retail locations because direct crematories do not have possession of any decedents. One concern is that the public is not always aware of where the actual body is going. You can purchase a cremation package through a direct crematory; however, you may have no idea where the body is housed or where the actual cremation will take place.

Senator Hardy:

How many direct cremation facilities and stand-alone crematories are in Nevada?

Ms. Kandt:

There are five direct cremation facilities currently licensed and operating. These facilities were licensed as limited funeral establishments, which do not exist in statute language.

Senator Hardy:

Will these establishments take away from local zoning jurisdictions, whether city or county?

Ms. Kandt:

Nothing will change as these establishments are currently operating, although it is problematic to enforce what is not clear in statute.

Senator Hardy:

In the case of a spouse killing a spouse, is not an individual presumed innocent until after trial?

Ms. Kandt:

Until a person is tried in court, all are unaware of his or her guilt. Meanwhile, that person is in jail and possibly unable to make decisions or unwilling to work with the spouse's family for final disposition of the body. Therefore, the family needs to deal with the process of acquiring a court order for the authority to make final decisions for the loved one.

Senator Hardy:

Is there a time limit for cremation? Will a body be held for a longer period if there is a need for autopsy or decisions on final disposition?

Mr. Burton:

Neither the crematory nor the funeral home rushes any decision or action. In any questionable case, processes can take longer than average.

Senator Hardy:

How many certified funeral director internships are active?

Ms. Kandt

An internship consists of serving 1 year under a licensed funeral director to learn the industry.

Senator Hardy:

Are there the same numbers of internships as funeral homes?

Ms. Kandt:

There can be as many internships as there are funeral directors. The Funeral Board regulation should clarify that each funeral director should have only one intern at any given time.

Senator Harris:

Is a direct crematory simply an office-type setting with the ability to elect cremation as a final disposition for yourself or a loved one? The language in S.B. 286 is somewhat unclear as it also makes a statement about direct cremations. Is it the Funeral Board's intent to clarify this language?

Ms. Kandt:

Yes, it is our intent to make the language clearer.

Senator Hardy:

Section 9, subsection 1 refers to annual CE, yet subsection 2 does not state the CE must be annual. Is the intent for the CE to be annual?

Ms. Kandt:

The intent is for the CE requirement to be 10 hours annually after licensure. It is common for one individual to be licensed as both a funeral director and an

embalmer. In that case, there is only a total of 10 hours required annually, not 10 hours per license.

Senator Hardy:

While a body is waiting for cremation, is it embalmed or in cold storage?

Ms. Kandt:

A body waiting for cremation is required to be refrigerated. The language states a body must be embalmed or in cold storage within 24 hours.

Senator Manendo:

Who pays for the 10 hours of CE?

Ms. Kandt:

Many funeral homes may be willing to subsidize the cost of the CE. Ultimately, CE is the responsibility of the license holder.

Senator Manendo:

Are there specific schools that need to be attended for the CE?

Ms. Kandt:

There are online courses or live courses that offer a variety of classes that pertain to the funeral industry, such as blood-borne pathogen topics.

Chair Settlemeyer:

Ten hours of CE seems almost excessive for the funeral industry. Is there a potential to run out of topic material to acquire 10 hours of CE per year?

Mr. Burton:

There are quite a few national organizations that have conventions with current information which would satisfy the 10-hour CE requirement.

Senator Manendo:

Is there a test requirement after the CE?

Mr. Burton:

The online classes administer a test at the completion of the class.

Ms. Kandt:

Continuing education requirements in the funeral industry in other states range from 4 to 16 hours per year.

Warren Hardy (La Paloma Funeral Services):

We are in support of S.B. 286. Direct cremation licensure is a top issue being addressed in this bill to meet the needs of the public and the funeral industry. Direct cremation has become a very popular option for grieving families, particularly during hard economic times. A funeral can be quite expensive. Direct cremation is a viable option that provides dignity at a reasonable cost. A direct cremation facility does for a grieving family what they are unable to do for themselves at a difficult time.

We do have a couple of small concerns that may require a few minor amendments. We agree with CE; however, the specifics are not clear, such as with availability of classes. There are questions about the language regarding interns that are resolvable. We are in agreement with the goals of the Funeral Board and are very close to finalizing S.B. 286.

Sue Meuschke (Executive Director, Nevada Network Against Domestic Violence):

We support S.B. 286, specifically section 54, subsection 3, regarding an individual charged with homicide or manslaughter of another person in need of funeral services. We are grateful to see the Board address this difficult issue. Imagine allowing a person possibly responsible for the death of another individual, now responsible for final arrangements of the body. It is not fair to family members of the decedent to add additional stress and time going to court and waiting for a court order so the family has the ability to make the final arrangements.

Senator Manendo:

Once a body is cremated, and unintentional circumstances do not permit the cremated remains (cremains) to be picked up, how long will the cremains be kept at the crematory?

Senator Atkinson:

A body does not usually end up at a funeral home unless arrangements have been made beforehand. If circumstances do prohibit someone from collecting the cremains, the county has a crypt, which recently had its capacity increased,

where the cremains will be placed until someone can claim them, otherwise, the cremains will stay in the crypt.

Chair Settlemeyer:

What happens in a case where arrangements were made, yet due to circumstances of emotions, the cremains are not picked up? How long will remains be held at the facility?

Mr. Hardy:

The only exception to cremains being sent to the crypt, is that funeral homes are on rotation with the county, which could keep cremains at a funeral home for quite some time while matters are resolved. We hope the cremains would be retrieved during this time, prior to being sent to the crypt.

Ms. Kandt:

Funeral establishments do have cremains that stay at the facility for a long time. *Nevada Revised Statute* 451.695 provides that an operator may dispose of cremated remains in any manner, if not claimed after 1 year of cremation. However, most establishments hold cremated remains far longer than 1 year.

Senator Manendo:

If an individual has no remaining family, who would be able to make final arrangements or pick up any cremains? Is there a time limit for decisions on final arrangements before a body becomes property of a county?

Mr. Hardy:

The scenario of no family to make arrangements or claim a body is an ongoing dilemma that needs to be resolved, especially with the county rotation issue. The Funeral Board is very proactive and I am confident for resolutions.

Senator Harris:

What is an appropriate number of hours for CE for funeral directors and embalmers?

Mr. Hardy:

I am in agreement with the Board that 10 hours is a reasonable number for the CE. Our question is whether the CE should be required annually. Factors would be dependent on the number of available classes or instructors, as well as what

regulations demand. Possibly the CE could be tied to the licensure renewal biannually as opposed to annually.

Chair Settlemeyer:

I will now close the hearing on S.B. 286, and we have a request for Committee introduction of Bill Draft Request (BDR) 57-983.

BILL DRAFT REQUEST 57-983: Revises provisions relating to insurance. (Later introduced as [Senate Bill 440](#).)

SENATOR HARDY MOVED TO INTRODUCE BDR 57-983.

SENATOR HARRIS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Settlemeyer:

We have a request for Committee introduction of BDR 58-633.

BILL DRAFT REQUEST 58-633: Revises provisions relating to certain businesses. (Later introduced as [Senate Bill 439](#).)

SENATOR HARDY MOVED TO INTRODUCE BDR 58-633.

SENATOR HARRIS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Settlemeyer:

We have a request for Committee introduction of BDR 40-992.

BILL DRAFT REQUEST 40-992: Makes various changes relating to business. (Later introduced as [Senate Bill 438](#).)

SENATOR HARRIS MOVED TO INTRODUCE BDR 40-992.

SENATOR FARLEY SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Settlemeyer:

We have a request for Committee introduction of BDR 40-988.

BILL DRAFT REQUEST 40-988: Revises provisions relating to cottage-food industries. (Later introduced as [Senate Bill 441](#).)

SENATOR HARDY MOVED TO INTRODUCE BDR 40-988.

SENATOR FARLEY SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Settlemeyer:

I will now open the hearing on S.B. 370.

SENATE BILL 370: Revises provisions relating to barbering. (BDR 54-673)

Senator Kelvin Atkinson (Senatorial District No. 4):

I would like to present S.B. 370, which relates to barbering. This bill revises provisions relating to licensing examinations, the number of instructors required, as well as the number of barber chairs required in a barber school. This bill has created controversy; however, this is our legislative process in action. Hearsay suggests this bill will combine the cosmetology board and the barber board. This is not the case. Each board remains separate. This bill pertains to the barbering industry only.

Senator Pat Spearman (Senatorial District No. 1):

I was contacted by constituents regarding the same barbering issues. I learned of Senator Atkinson's BDR and I stand with him in support of S.B. 370.

Gwen Braimoh (Owner, Director of Instruction, Expertise Cosmetology Institute):
I am proposing minor changes to chapter 643 of NRS due to multiple barriers keeping barber schools from opening in Nevada. There is only one barber college in the State. I want to make it clear that we are not trying to combine the barbering board with the cosmetology board. We feel the State Barbers' Health and Sanitation Board should not be administering the actual licensing tests; therefore, we are proposing this change in section 1 of S.B. 370.

The barber instructor exam is prepared by the National-Interstate Council of State Boards of Cosmetology (NIC), the same council for cosmetologists. There is a national written test that should be given by licensed individuals trained by proctors, not the State Barbers' Health and Sanitation Board, which is a conflict of interest. In section 1, subsection 3, paragraph (b), we are just requesting that any testing organization provide exam results within 10 working days. We would also like to know what area the applicant may have failed or have been the weakest.

Per NRS 643.110, if an individual fails the barber instructor exam, he or she is required to take up to an additional 250 hours of instruction before retaking the exam. We have not located any other state that has this additional school requirement to retake a barber instructor exam. This adds the burden of time and money to the student. If an exam is failed, there should be ample opportunity to retake the exam with a retake fee. If an exam were failed consecutively three times, I would agree with the requirement of additional school training. The language in the statute says "up to 250 hours." It is unclear if the required school time to retake an exam is 2 days or 2 weeks, 2 hours or 250 hours.

In section 4, we are changing the required number of instructors at a barber school from one to two required on the premises for up to 20 students, and two additional instructors for schools in excess of 20 enrolled students. Also section 4, subsection 1, paragraph (b), subparagraph (4) requires one barber's chair for each student enrolled in the barber school. Every individual student needs a station with a chair, not only for training purposes, but also for servicing clients that come into the school. Section 5 refers to qualifications for licensure, and subsection 8 again clarifies that exams be given by the NIC or the Barbers' Board-approved outside agencies.

John Davis (Assistant Director, Expertise Cosmetology Institute):

I have been a barber instructor for 20 years in Indiana, a licensed cosmetology instructor in Nevada and a master barber in Nevada. I am in agreement with Ms. Braimoh and support S.B. 370. We are not trying to merge the barber and cosmetology boards. Of the states we have researched, the barber instructor exam can be taken twice before additional school is required. Many times people can be nervous taking any exam. The cost for school is about \$10 per hour; therefore, it would be approximately \$2,500 for an additional 250 hours just to retake the exam, which can be a huge burden. The statute is not clear on the total number of hours required or where the hours must be completed.

Of the states researched, the requirement is one licensed instructor per 15-20 students. We are asking for at least one instructor and a student instructor in training to teach up to 20 students. Regarding the NIC testing and the wait time for results, I took an NIC exam for a barber instructor's license, of which, I passed the written portion but failed the practical. Practical exams are typically administered at a school by a proctor who tests for acquired skills.

Because I was interested where my weakness might be, I requested my test results. I was instructed to send a certified letter directly to the Barbers' Board, with a money order for \$10, requesting my test scores ([Exhibit G](#)). I sent this letter on September 22, 2014, and as of today, I do not have any test results.

Senator Atkinson:

How long would it take an individual to complete the additional 250 hours of school, if necessary?

Mr. Davis:

I would need to attend a school approved by the Barbers' Board. I was informed I could go back to Illinois to attend barber school there for the required hours. I attended the school in Illinois approximately 40 hours per week.

Senator Atkinson:

Is it up to the individual how quickly to accomplish the hours required?

Mr. Davis:

Yes, completing required school hours is up to the individual.

Senator Manendo:

Why are you required to pay for test results? What is the explanation as to why you have not received your scores?

Mr. Davis:

I failed one portion of my instructor exam. I called the Barbers' Board, and was advised that to get my test scores I was required to send a \$10 money order with the request for test scores in a certified letter. I was advised that when the Board received my NIC test information, the Board would send me my test scores.

Senator Spearman:

Who paid for your trip back to Illinois? Are scholarships or grants available?

Mr. Davis:

I have a home in Illinois; therefore, I did not have to pay for housing while I was there. Ms. Braimoh and I paid for the additional tuition. It is the responsibility of the student to pay the additional tuition.

Senator Spearman:

When did you send the request for test scores?

Mr. Davis:

The letter to the Barbers' Board is dated September 18, 2014.

Senator Spearman:

How long have you been a licensed barber instructor?

Mr. Davis:

I have been a barber instructor for 20 years.

Senator Hardy:

Is your practical exam scored with just a pass/fail notation, or is there an actual score in number or percent?

Mr. Davis:

In the state of Indiana, when applicants receive their test scores, they will see a number score indicating the grades received on the practical and written exams.

Senator Hardy:

Have you received any test score from Nevada?

Mr. Davis:

I received a pass/fail grade only.

Chair Settlemeyer:

Is one chair per student based on the concept that if there were ten chairs, could there be a daytime school shift of 10 students and a nighttime school shift of another 10 students, giving the school a total of 20 students?

Ms. Braimoh:

Yes, there can be ten students attending during the day and ten at night. Having one instructor for 10 students is fine; however, how are we going to get additional instructors for additional students when there are only two or three licensed barber instructors in the State?

Senator Atkinson:

Mr. Davis, why did you have to attend your additional school requirement in Illinois?

Mr. Davis:

I did not know anyone in Nevada that I could trust on a reference about the only barber school in the State. It may have been hearsay, but what I did hear was not good about the school. I have lived in Indiana and Illinois. Since I still have a home in Illinois, I had no problem going there to complete the additional school requirement.

Nancy Hathaway (Examiner, State Barbers' Health and Sanitation Board):

There are a few things within S.B. 370 that are workable; however, we are in opposition to this bill as a whole. Of most concern is the language regarding the Boards' ability to license barber instructors. The Board is NIC instructed; therefore, by regulation, we have the authority to conduct the exam and issue licenses.

Shawn Conder (Examiner Trainer, Training Coordinator, National-Interstate Council of State Boards of Cosmetology):

This organization, NIC, consists of state boards of barbers and cosmetologists. We develop examinations for these industries through the National Examination

Committee. The State Board of Cosmetology utilizes our series of exams. The Barbers' Board also uses our barber instructor exam. Our examinations are inspected by the State boards for approval as state exams. The Nevada Barbers' Board is trained and certified annually to administer the barber instructor exam. This same NIC structure and examination process is used by 39 states and 2 territories.

Senator Atkinson:

What sections of S.B. 370 are you opposing?

Ms. Hathaway:

We are opposed to the language regarding the necessity of two licensed instructors on the premises of a barber school in section 4. This requirement will add burden for start-up barber schools wanting to open in Nevada, as they will need to hire additional instructors. An additional concern to the Board is the financial burden of hiring a separate entity to administer exams and issue licenses. We are trained and certified annually, and are self-sufficient.

Senator Atkinson:

How many barber schools are in Nevada? How are we limiting barber schools?

Senator Spearman:

I see there is only one barber school in Nevada, yet California has 300 schools. How many people have attempted to get barber instructor licenses? How many of those individuals have passed or failed the exam? Where are your Board meetings held? Are the meetings publicly posted?

Ms. Hathaway:

There is an additional board member and the secretary in the Clark County meeting who have the information on barber schools, as well as exam information. Yes, our meetings are publicly posted and documented.

Senator Hardy:

What is the standard time limit to receive test results? Are the test results given as a graded score or just a pass/fail?

Mr. Conder:

The standard time limit to receive test scores is 10 days. The scores that Mr. Davis referenced he was waiting for were received by us on September 9, 2014.

Senator Harris:

Is there a Web site for information on meetings, testing and other information, such as persons licensed or to receive test scores?

Mr. Conder:

The NIC offers a candidate information bulletin listing the tasks that will be graded on a practical exam so applicants know the criteria. We do not offer a test portal for final scores. Such a portal needs to be set up by the State.

Senator Spearman:

What is your position on S.B. 370? Are you stating facts for Nevada, or for the Nation as a whole?

Mr. Conder:

My information is general for the Nation. I am neutral on S.B. 370.

Marcus Allen:

I have been a licensed barber in Nevada in excess of 20 years. I took the barber instructors test, the same as referenced by Mr. Davis, on March 2, 2015. I received my results, properly, within 10 days. I also attended barber school in a different state. After owning three barber shops and practicing over 20 years, it was my decision to return to school for knowledge on how to become an instructor. There is a difference between barbering and instructing how to barber.

Knowing the rules and regulations, I was prepared to return to school for additional training if I failed the first test. Any additional schooling is helpful to any individual to gain knowledge and skills. It is a personal decision requiring investments and sacrifices. For a barber instructor license test, an applicant has to have prior knowledge of the required criteria, and should study accordingly.

I am in the process of building a new barber school. Plans are approved and we will break ground within 1-2 weeks, and hope to be operational by July or August. If I am required to have two barber instructors on the premises at all

times, it will add an undue burden to scheduling and financing. If I need to take my children to a doctor appointment or want to take vacation, I would be in violation of this regulation since there would only be one instructor on the premises. In Clark County middle schools, there are at least 30 children being instructed by one teacher, and in the high schools, the ratio goes up to at least 40 students per one teacher. The one active barber school in southern Nevada has graduated more than 300 students with the one barber rule, therefore; it seems well qualified.

Regarding the necessity for one barber chair per student, I agree with Chair Settlemeyer that you can have day classes and night classes. In addition, you would have some students in the classroom learning the curriculum, with other students practicing the craft using the barber chairs. The language in S.B. 370 states there must be one chair for each enrolled student; however, not all enrolled students are in need of chairs at the same time.

Eloy Maestas (Secretary/Treasurer, State Barbers' Health and Sanitation Board):
I am in opposition of S.B. 370 and think it is unnecessary. There are statements made about needing to administer our exams through NIC, which I have been doing. We are certified annually by NIC as proctors to administer the exams. Our authority to administer these exams has been appointed to our Board by the Governor

If you graduated from barber school, practiced for 20 years in one state, attended additional school for an instructors license, practiced for another 5 years, then failed the practical exam for an instructors license in Nevada, there must be a problem for which you need to go back to school for the added 250 hours. You have access to the criteria for the exam, so there should be no reason to have failed the test. The Board should not be punished for the inadequacies of an individual.

Nathaniel LaShore (President, State Barbers' Health and Sanitation Board):
I am in agreement with the statements made by my fellow board members, and I am in opposition to S.B. 370. Regarding comments about the 250 hours of school if you fail the exam, please note the language says "up to 250 hours." Our records state the requirement is at least 250 hours. We do need to have this clarified.

Senator Atkinson:

Addressing Mr. Allen, if you failed your exam on one try, do you feel an additional 250 hours of school is fair and warranted?

Mr. Allen:

I was willing and prepared to complete the 250 hours of school if I failed the exam. Additional knowledge never hurt anyone. Even schoolteachers must complete CE.

Senator Atkinson:

There is a difference between CE and needing to re-do 250 hours for barely failing an exam on the first try.

Mr. Allen:

Yes, the additional schooling is fair.

Chair Settlemeyer:

I like the concept of facilitating a barber school in northern Nevada. There is validity to determining how best to get instructors and schools in Nevada.

Senator Spearman:

Mr. Allen, where did you attend barber instructor school?

Mr. Allen:

I attended barber instructor school in Phoenix, Arizona.

Senator Spearman:

Why did you choose to go to Phoenix instead of going to the available school in southern Nevada?

Mr. Allen:

I was in Phoenix to conduct other business. While I was in Phoenix, I made the decision to take the courses there.

Senator Spearman:

If Mr. Allen received his test results within the 10-day limit, why has Mr. Davis not received results in 6 months?

Mr. Maestas:

There was a glitch in the NIC system. The Board was waiting for the NIC results.

Senator Spearman:

How many individuals have taken the instructor exam? How many of those individuals have passed and failed?

Mr. Maestas:

Five individuals have taken the instructors exam. Three people passed the exam and two people failed the exam.

Senator Spearman:

Over what time period were the exams taken by the five individuals?

Mr. Maestas:

The five exams have been administered since March 13, 2009, which is when we started using the NIC.

Senator Spearman:

What are the differences between the regulations of Nevada and other states? Is there any level of reciprocity between states? Comparing the Cosmetology Board and Barbers' Board: there are 25,575 cosmetology licenses, 13,355 cosmetologists, 731 hair designers, 5,327 nail technologists, 3,565 estheticians, 24 cosmetic demonstrators and 19 schools. However, there is no such information listed on the Barbers' Board Web site. If we have the opportunity to add additional schools, especially in northern Nevada, why would you be against economic development?

Chair Settlemeyer:

A comment raised by several individuals is that S.B. 370 is only trying to fix something that is not broken. The legislative process serves to improve processes, rules and regulations for the good of the people. There have been no changes to the Barbers' Board since 2000. Do you believe there can be some improvement to your processes, whether gathering or updating email addresses or sanitation procedures. Are there no advancements in your field?

Mr. LaShore:

The National Barbers Association of America meets annually. We learn new procedures, such as in sanitation. We promote the exchange of ideas between states on how best to operate. We see S.B. 370 as a challenge to a board that has proven methods in place. Our procedures do work.

Raymon Green:

I have been a licensed barber in Nevada for 20 years and a licensed instructor since 2009. I am opposed to S.B. 370. I attended Nevada Barber College and successfully passed the required exams on my first try. We are able to receive the criteria for what will be on the exam; therefore, there is no reason the exam cannot be passed. I do not know of any other board test that allows you to see the criteria before the exam. A 250-hour refresher course should be welcome to help an individual get back on track to retake the exam.

Senator Harris:

If an exam is not passed, is there any communication to the individual as to what area was not passed, or their weaknesses?

Mr. Green:

There is a written exam and a practical exam. It is self-explanatory if you fail either part. You fail either written questions or the physical part of barbering, such as shaving or haircutting.

Chair Settlemeyer:

When you take a practical exam in cosmetology, the student must be able to cut hair; however, that student is also observed performing safety procedures, sanitary procedures and care of instruments. Is the practical exam the same for a barber student? Is a student told of doing well on a particular procedure but not passing another portion?

Mr. Green:

There are many differences between a cosmetologist and a barber. An apprentice exam, taken after barber school, is less technical since the Barbers' Board knows there has not been years of practice. The barber instructor exam is a professional exam, judged more critically since that student has practiced for some time and should be more knowledgeable.

Gene Collins:

I am opposed to S.B. 370. When Nevada Barber College opened, I recall having much of the same conversations regarding rules and regulations. Since that time, there have been many qualified graduates. I failed my first electrician's exam. I was required to retake an entire year of studies, and I only failed the math portion. I am not sure why so many people are opposed to an additional 250 hours when I had to redo an entire year. That extra year made me a better electrician.

Beatrice Turner:

I am opposed to S.B. 370. Many barbers in southern Nevada did not have the time to be better prepared to state their reasons for opposition. It is only two people who are trying to change the way barbers do business and take exams. The proponents should have taken the time to meet with all the barbers.

Senator Atkinson:

Ms. Turner, please remember there is a legislative process that must be followed. It is the same process we followed last Session when we introduced a bill for you. There is time for the Board, the barbers and anyone else to have a meeting to discuss and clarify the language of this bill.

Mr. Conder:

As a final clarification, the exams are scored as a pass/fail; there is no graded score. The \$10 fee sent in by Mr. Davis was for the strength/weakness report.

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Chair Settlemeyer:

As there is no further discussion, the hearing is adjourned at 10:51 a.m.

RESPECTFULLY SUBMITTED:

Renee Fletcher,
Committee Secretary

APPROVED BY:

Senator James A. Settlemeyer, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit		Witness or Agency	Description
	A	1		Agenda
	B	6		Attendance Roster
S.B. 373	C	1	Jeanette Belz	Map
S.B. 373	D	1	Jeanette Belz	Travel Insurance License Reform Fact Sheet
S.B. 373	E	2	Jeanette Belz	Travel Insurance Sample
S.B. 373	F	1	Jeanette Belz	Travel Protection Option Sample
S.B. 370	G	1	John Davis	Letter