

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

**Seventy-Eighth Session
April 10, 2015**

The Senate Committee on Commerce, Labor and Energy was called to order by Chair James A. Settelmeyer at 9:33 a.m. on Friday, April 10, 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

GUEST LEGISLATORS PRESENT:

Senator David R. Parks, Senatorial District No. 7
Senator Tick Segerblom, Senatorial District No. 3

STAFF MEMBERS PRESENT:

Marji Paslov Thomas, Policy Analyst
Dan Yu, Counsel
Christine Miner, Committee Secretary

OTHERS PRESENT:

J.P. Kemp, Nevada Justice Association
Danny Thompson, Nevada State AFL-CIO
Tray Abney, The Chamber
Paul Moradkhan, Las Vegas Metro Chamber of Commerce

Chair Settlemeyer:

I will open the work session. There are three bills that will be rereferred without recommendation to the Senate Committee on Finance. The first bill is Senate Bill (S.B.) 122.

SENATE BILL 122: Revises provisions relating to recycling. (BDR 54-893)

SENATOR HARDY MOVED WITHOUT RECOMMENDATION TO REREFER
S.B. 122 TO THE SENATE COMMITTEE ON FINANCE.

SENATOR FARLEY SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Settlemeyer:

We will now go to S.B. 357.

SENATE BILL 357: Revises provisions relating to pharmacists. (BDR 54-869)

SENATOR HARDY MOVED WITHOUT RECOMMENDATION TO REREFER
S.B. 357 TO THE SENATE COMMITTEE ON FINANCE.

SENATOR FARLEY SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Settlemeyer:

The next bill is S.B. 416.

SENATE BILL 416: Makes various changes regarding the use of
decommissioned power plant sites. (BDR 58-236)

SENATOR HARRIS MOVED WITHOUT RECOMMENDATION TO REREFER S.B. 416 TO THE SENATE COMMITTEE ON FINANCE.

SENATOR FARLEY SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Settlemeyer:

We will continue the work session on S.B. 440.

SENATE BILL 440: Revises provisions relating to insurance. (BDR 57-983)

Marji Paslov Thomas (Policy Analyst):

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

Chair Settlemeyer:

The insurance coverage levels were in question. The average for repairable vehicles damage is about \$5,000 per injury, and \$8,000 to \$10,000 for personal injury. This information satisfied the parties.

SENATOR FARLEY MOVED TO AMEND AND DO PASS AS AMENDED S.B. 440.

SENATOR HARDY SECONDED THE MOTION.

Senator Spearman:

The other conversation on S.B. 439 is continuing. I will vote no because this is premature.

SENATE BILL 439: Provides for the permitting and regulation of transportation network companies. (BDR 58-633)

THE MOTION PASSED. (SENATORS ATKINSON, MANENDO AND SPEARMAN VOTED NO.)

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Chair Settlemeyer:

We will now go to S.B. 146.

SENATE BILL 146: Revises provisions relating to the payment of wages to certain employees. (BDR 53-629)

Ms. Paslov Thomas:

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

Chair Settlemeyer:

The mock-up Proposed Amendment 9823 provided by Senator Parks has been added and sections 3 through 5 have been deleted from S.B. 146.

SENATOR FARLEY MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 146.

SENATOR HARDY SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Settlemeyer:

Senate Bill 219 has been pulled by the sponsor.

SENATE BILL 219: Revises provisions relating to policies of health insurance.
(BDR 57-688)

Chair Settlemeyer:

We will go to S.B. 341.

SENATE BILL 341: Revises provisions relating to plans for dental care.
(BDR 57-261)

Ms. Paslov Thomas:

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

Senator Harris:

I would like to disclose and advise the Committee that my husband is a dentist and legal counsel has determined there is no conflict of interest under Senate Standing Rule No. 23 because S.B. 341 does not affect my husband any differently than any other dentist in Nevada. I will be participating in the vote.

Chair Settlemeyer:

The amendments to S.B. 341 resolve most of the conflicts.

SENATOR FARLEY MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 341.

SENATOR SPEARMAN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Settlemeyer:

We will go to S.B. 349.

SENATE BILL 349: Revises provisions governing mortgages. (BDR 54-99)

Ms. Paslov Thomas:

I will read the summary of the bill from the work session document ([Exhibit F](#)).

SENATOR MANENDO MOVED TO DO PASS S.B. 349.

SENATOR HARDY SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Settlemeyer:

The next bill is S.B. 370.

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

Ms. Paslov Thomas:

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

SENATOR HARDY MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 370.

SENATOR FARLEY SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Settlemeyer:

The next bill is S.B. 371.

SENATE BILL 371: Revises provisions governing the use of apprentices on public works. (BDR 53-671)

Ms. Paslov Thomas:

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

SENATOR HARDY MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 371.

SENATOR SPEARMAN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Settlemeyer:

Next is S.B. 374.

SENATE BILL 374: Revises provisions relating to energy. (BDR 58-800)

Ms. Paslov Thomas:

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

Senator Farley:

I would like to withdraw the section on NV Energy. There is another way to accomplish the issue in this section.

Chair Settlemeyer:

I will seek an amend-and-do-pass-as-amended vote removing sections pertaining to NV Energy and energy breaks for children on medical devices. There is a better solution.

SENATOR HARDY MOVED TO AMEND WITH THE PROPOSED AMENDMENTS REMOVING THE SECTIONS IDENTIFIED BY SENATOR FARLEY AND DO PASS AS AMENDED S.B. 374.

SENATOR HARRIS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Settlemeyer:

That ends our work session. We will hear S.B. 180.

SENATE BILL 180: Requires a court to award certain relief to an employee injured by certain unlawful employment practices under certain circumstances. (BDR 53-863)

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

Senate Bill 180 amends chapters in *Nevada Revised Statute* 613 to provide additional relief for employees who file complaints over unlawful employment discrimination. It would provide relief available in federal court to all cases of employment discrimination filed in State court. Under federal law, plaintiffs alleging injury as a result of unlawful employment practices may be awarded damages for lost wages and benefits, attorneys' fees, punitive damages and emotional distress. A like bill, S.B. No. 180 of the 77th Session, was sponsored 2 years ago by Senator Tick Segerblom.

Senator Tick Segerblom (Senatorial District No. 3):

Senate Bill 180 brings the remedies that are currently available under federal discrimination law to Nevada's discrimination law. Federal law does not cover some of the things that State law would, like sexual orientation and gender discrimination. Someone from Douglas County would have to file in federal district court in Reno. This bill allows an individual to file in the county in which that person lives. It is beneficial and allows local judges and juries to hear the cases in district court.

J.P. Kemp (Nevada Justice Association):

The Nevada Justice Association supports S.B. 180. This bill brings fairness to the justice system for persons who are covered under State law and not federal law. This applies to individuals discriminated against for their sexual orientation or gender identity. I practice employment law in Las Vegas. A transgender client who had been harassed and discriminated against by coworkers in the workplace recently consulted with my firm. This person brought a charge to the Nevada Equal Rights Commission. The charge was substantiated after an investigation. The remedy allowed was limited to equitable relief, which was additional training. The employer did not pay a monetary relief for the emotional distress suffered by the employee and there was no deterrent to the employer. The accused individual received training, in accordance with the agreement; however, the employee was then fired. This offended individual would be allowed a hearing in Nevada in the State court and be allowed remedies, including monetary relief if S.B. 180 were law. Harassed employees should be able get help under federal law. The remedies include punitive damages and compensatory damages for lost wages under Title VII of the Civil Rights Act of 1964 and should be available for all Nevadans for violations of State law in State court.

Danny Thompson (Nevada State AFL-CIO):

The Nevada State AFL-CIO supports S.B. 180 in fairness to individuals who must travel great distances to go to the court in these discrimination cases.

Tray Abney (The Chamber):

The Chamber of Reno-Sparks in northern Nevada opposes S.B. 180. We do not support legislation that opens employers up to potential lawsuits, especially for emotional distress issues. The potential to fill up State district courts would increase costs for Nevada taxpayers.

Paul Moradkhan (Las Vegas Metro Chamber of Commerce):

The Las Vegas Metro Chamber of Commerce opposes S.B. 180. The impact the bill may have on employers and our State's legal climate concerns the Chamber. Nevada ranks thirty-seventh for lawsuit fairness in America by the U.S. Chamber Institute for Legal Reform. Labor law impacts our ability to attract new businesses and affects job growth.

Senator Spearman:

Is there empirical evidence that suggests passing an equal rights legislation exacerbates the courts' workload?

Mr. Abney:

The bill proposes cases be filed in State and district courts instead of federal courts. More cases would be filed to avoid federal court.

Senator Spearman:

Do you have any empirical evidence that it would increase?

Mr. Abney:

No, I do not.

Senator Spearman:

As long as harassment does not take place, or people are not abused in the workplace, there is no reason to file a court case.

Senator Hardy:

I will read from a letter to the Honorable Ross Miller, Secretary of State, from Governor Brian Sandoval dated May 30, 2013, regarding S.B. No. 180 of the 77th Session:

Senate Bill 180 revises existing state law related to unfair employment practices. The bill requires the state court to award remedies for employment discrimination that are consistent with those available in federal court under Title VII of Civil Rights Act 1964, including, without limitation, damages, lost wages and benefits, costs and attorney's fees. Currently, state law provides that individuals harmed by an unlawful employment practice are limited to a maximum of two years of lost wages and actual damages.

Senate Bill 180 has merit, particularly with respect to its application to forms of discrimination that are not protected under federal law, such as sexual orientation discrimination. However, the bill goes too far by exposing employers to a wide range of damages and fees. Although Senate Bill 180 seeks to offer remedies similar to those available in federal court under Title VII, in practice, the bill adds compensatory and punitive damages to state claims that have no federal parallel. Additionally, the bill's application of Title VII remedies "without limitation" will arguably override state law that prohibits an award of punitive damages against a public entity. Furthermore, even if identical remedies were applied in both state and federal court, the application of those remedies may be inconsistent, as state and federal laws differ both procedurally and substantively. Lastly, most states that have chosen to expand remedies for state claims of employment discrimination have not included punitive damages, which are usually not covered by employment practice liability policies.

For these reasons, I veto this bill and return it to you without my signature and without my approval.

What has changed?

Senator Segerblom:

The Governor likes taxes.

Chair Settlemeyer:

I thank the Committee for all that we have accomplished by the deadline date. We have worked diligently and were able to hear every single bill requested. We accomplished this due to this great team.

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Chair Settlemeyer:

I will recess this meeting at 10:01 a.m. Hearing no further discussion, I will adjourn the meeting at 3:18 p.m.

RESPECTFULLY SUBMITTED:

Christine Miner,
Committee Secretary

APPROVED BY:

Senator James A. Settlemeyer, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit		Witness or Agency	Description
	A	2		Agenda
	B	5		Attendance Roster
S.B. 440	C	7	Marji Paslov Thomas	Work Session Document
S.B. 146	D	5	Marji Paslov Thomas	Work Session Document
S.B. 341	E	1	Marji Paslov Thomas	Work Session Document
S.B. 349	F	1	Marji Paslov Thomas	Work Session Document
S.B. 370	G	2	Marji Paslov Thomas	Work Session Document
S.B. 371	H	1	Marji Paslov Thomas	Work Session Document
S.B. 374	I	2	Marji Paslov Thomas	Work Session Document