

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

**Seventy-Eighth Session
April 17, 2015**

The Senate Committee on Commerce, Labor and Energy was called to order by Chair James A. Settelmeyer at 8:45 a.m. on Friday, April 17, 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:

Assemblyman James Oscarson, Assembly District No. 36

STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Carolyn (Lina) Tanner, Commission General Counsel, Public Utilities Commission of Nevada
Anne-Marie Cuneo, Director of Regulatory Operations, Public Utilities Commission of Nevada
Erin McMullen, Nevada Resort Association
Louis Ling, Board Counsel, Chiropractic Physicians' Board of Nevada

Chair Settlemeyer:

I will begin the hearing with Assembly Bill (A.B.) 74.

ASSEMBLY BILL 74 (1st Reprint): Revises provisions relating to the resale of certain utility services. (BDR 58-348)

Carolyn (Lina) Tanner (Commission General Counsel, Public Utilities Commission of Nevada):

Assembly Bill 74 proposes to ease the burden on a certain segment of small businesses throughout Nevada and reduce bureaucracy at the Public Utilities Commission of Nevada (PUCN). The PUCN regulates mobile home parks in two ways: first, it regulates for the safety of the facilities; and second, the Commission has a consumer-protection aspect this bill seeks to address. There are some cleanup provisions in the bill to make terms consistent with the Manufactured Housing Division *Nevada Revised Statutes* (NRS) chapter 118B and chapter 461A. Section 11 of A.B. 74 contains the primary provisions.

The PUCN monitors mobile home parks that resell utility service to their tenants. Every mobile home park in Nevada is required to file a report with the Commission to advise if they master meter their utilities or keep tenant service accounts that assist in maintaining those facilities within the mobile home park boundaries. This has caused some confusion with a number of the small businesses who fail to file the report because they do not understand the obligation. After the annual reporting deadline, the Commission sends notices to the non-reporting businesses to come before the Board and explain why they should not be held in contempt and suffer a fine.

The bill seeks to limit the reporting requirements to only those mobile home parks that master meter their utilities to their tenants and/or keep associated tenant service accounts. This will reduce the number of small businesses reporting to the Commission by up to one-half.

Senator Harris:

I disclose that I sit on the board of a mobile home park, and the legislative counsel has determined that I do not have a conflict of interest with respect to A.B. 74 under Senate Standing Rule No. 23.

Senator Manendo:

How many of the manufactured home communities have master meters?

Ms. Tanner:

I do not have that number.

Anne-Marie Cuneo (Director of Regulatory Operations, Public Utilities Commission of Nevada):

There are approximately 40 manufactured home communities with master meters.

Senator Manendo:

Why did this bill come forward? Did a community owners association have an issue?

Ms. Tanner:

The issue has been problematic for everyone. The last time this issue arose, 280 mobile home parks were potentially affected. The PUCN brought this bill forward to avoid bringing mobile home parks into these large dockets, when the PUCN has no interest in regulating them. We have the full support of the Manufactured Housing Division and the Manufactured Home Community Owners.

Chair Settlemeyer:

Hearing no more discussion, we will pull back A.B. 74 and begin the hearing on A.B. 157.

ASSEMBLY BILL 157 (1st Reprint): Revises provisions governing service animals. (BDR 38-638)

Erin McMullen (Nevada Resort Association):

I would like to thank Assemblyman Oscarson for sponsoring A.B. 157. The purpose of the bill is to align Nevada's definition of service animal to the federal definition of service animal under the Americans with Disabilities Act (ADA). The ADA limits service animals to dogs, and under some circumstances, to miniature horses. Under the ADA, a service animal is defined as a dog, individually trained to do work or perform tasks for a person with a disability. Both the ADA and Nevada law define disability to include physical and mental. Some examples of work or tasks a service animal is trained for include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, and calming a person with post-traumatic

stress disorder during an anxiety attack or detecting the onset of psychiatric episodes to lessen their effects. The task the dog or miniature horse is trained to do must be directly related to the person's disability. Service animals are not pets, and dogs whose sole function is to provide comfort or emotional support, do not qualify as service animals according to the ADA.

Under the ADA, places of public accommodation, including hotels, casinos, restaurants and other businesses must allow service animals to accompany people with disabilities. Service animals must be harnessed, leashed or tethered unless doing so interferes with the animal's work or the person's disability prevents them from doing so. The service animal must be in control at all times.

When it is not obvious that an animal is a service animal or what service the animal provides, a place of public accommodation is only permitted to ask two questions: 1) is the animal a service animal required because of a disability, and 2) if so, what work or task is the animal trained to do? Staff or personnel cannot inquire about the person's disability, require medical documentation or ask to see an identification card or training certification from the person. Doing so opens them up to liability for discrimination.

Under current Nevada law, the definition of a service animal allows any animal to be a service animal. This language clears the way for inappropriate use of service animals. Resorts in the Nevada Resort Association have experienced situations where various animals are claimed as service animals, like "service pythons" or a stroller full of "service cats," but those animals are not able to be properly trained for certain tasks and would not qualify as service animals. Aligning the definitions would eliminate some of the inappropriate use and allow the individuals who truly need service animals to be able to use them properly.

Assemblyman James Oscarson (Assembly District No. 36):

I thank Ms. McMullen for the excellent explanation.

Chair Settlemeyer:

Hearing no further testimony, we will pull back on A.B. 157 and move to A.B. 231.

ASSEMBLY BILL 231 (1st Reprint): Revises provisions governing the practice of chiropractic. (BDR 54-701)

Louis Ling (Board Counsel, Chiropractic Physicians' Board of Nevada):

Assembly Bill 231 seeks to update some provisions in statute. I will summarize these from the submitted document ([Exhibit C](#)). Section 1 is seeking authority similar to that given to other health care boards to address allegations of an impaired practitioner. It gives the Chiropractic Physicians' Board of Nevada a tool to find out if a practitioner is impaired and to begin the process of addressing the impairment. Section 2 of A.B. 231 makes three changes to the definition of "unprofessional conduct": it updates advertising restrictions to modern standards adding Internet and social media; removes the word "repeated" malpractice to allow discipline after one occurrence; and it adds an allowance so the Board can discipline for practices below the standard of care.

Section 3 of A.B. 231 allows the Board to accept applications and grant licenses to graduates from foreign schools. The schools must meet the same standards as American schools. Section 4 allows the Board to waive fees for temporary licensure for a practitioner who wishes to donate chiropractic services in Nevada.

Section 5 clarifies the record on when a renewal application must be postmarked. Section 6 allows the Board to require a background check for failure to renew a license within the 2-year grace period. Section 7 harmonizes the "unprofessional conduct" changes made in section 2.

Senator Hardy:

What are two advertising examples that are not allowed?

Mr. Ling:

The Board routinely looks at claims of cures that chiropractic cannot accomplish.

Senator Harris:

Section 1, subsection 3, paragraph (b) of A.B. 231 states, "the testimony or examination reports of the examining medical provider are not privileged communication." I understand the need for the Board to have access to these reports in order to determine the fitness of a chiropractor. Are there policies in place to protect the individual from inappropriate disclosure of the findings to a third party?

Mr. Ling:

Information gathered in the course of an investigation as noted in NRS 634.214 must be held confidential unless and until the Board decides to file disciplinary charges. It would not be publically available unless it was needed as evidence in a disciplinary case. The intent is to get the practitioner into treatment.

Senator Harris:

As an attorney, we have a case disposition of actions taken against practitioners. Do chiropractors have similar reporting of practitioners that have been disciplined? If so, are the contents of that mental or physical examination disclosed in it?

Mr. Ling:

We have a newsletter published two times per year that reports the disciplinary actions the Board has taken, but the names of the practitioners are not published. The information received from the testing lab or psychologist is not published or a part of public disclosures. If there is a hearing and it is necessary for the person to testify, then the testimony becomes public record. In my experience, such a report has only been used once, and that occurred in a full-blown public hearing when the Board needed the information in order to make a preliminary determination.

Senator Spearman:

Licenses are renewed biannually. Why have 2 years, not 1 year for the background check?

Mr. Ling:

That is the way our statute is written. Licensure renewal is every 2 years. If a renewal is missed, it goes into a lapsed status and reinstatement is necessary for a chiropractor to practice. If the practitioner has not been practicing, the Board wants another background check before reinstatement.

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Chair Settlemeyer:

We will pull back A.B. 231. Hearing no further discussion, I adjourn this meeting at 9:05 a.m.

RESPECTFULLY SUBMITTED:

Christine Miner,
Committee Secretary

APPROVED BY:

Senator James A. Settlemeyer, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit		Witness or Agency	Description
	A	1		Agenda
	B	2		Attendance Roster
A.B. 231	C	2	Louis Ling/ Physicians' Board of Nevada	Document of Summary