

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

**Seventy-Ninth Session
March 10, 2017**

The Committee on Commerce and Labor was called to order by Chair Irene Bustamante Adams at 12:30 p.m. on Friday, March 10, 2017, in Room 4100 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 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/79th2017.

COMMITTEE MEMBERS PRESENT:

Assemblywoman Irene Bustamante Adams, Chair
Assemblywoman Maggie Carlton, Vice Chair
Assemblyman Paul Anderson
Assemblyman Nelson Araujo
Assemblyman Chris Brooks
Assemblyman Skip Daly
Assemblyman Jason Frierson
Assemblyman Ira Hansen
Assemblywoman Sandra Jauregui
Assemblyman Al Kramer
Assemblyman Jim Marchant
Assemblywoman Dina Neal
Assemblyman James Ohrenschall
Assemblywoman Jill Tolles

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Assemblywoman Olivia Diaz, Assembly District No. 11



STAFF MEMBERS PRESENT:

Kelly Richard, Committee Policy Analyst
William Keane, Committee Counsel
Earlene Miller, Committee Secretary
Olivia Lloyd, Committee Assistant

OTHERS PRESENT:

None

Chair Bustamante Adams:

[The roll was taken.] Some sponsors have asked for more time to work on their bills, so we are not going to hear Assembly Bill 105, Assembly Bill 129, or Assembly Bill 211.

Assembly Bill 105: Revises continuing education requirements relating to suicide prevention and awareness for certain providers of health care. (BDR 54-32)

[This bill was not heard.]

Assembly Bill 129: Revises provisions relating to the practice of optometry and the issuance of a prescription for an ophthalmic lens. (BDR 54-744)

[This bill was not heard.]

Assembly Bill 211: Revises provisions governing compensation and wages. (BDR 53-764)

[This bill was not heard.]

We have a Committee bill draft request (BDR) introduction. It is BDR 52-1085.

BDR 52-1085—Revises provisions governing banks and other financial institutions regulated by the Commissioner of Financial Institutions. (Later introduced as [Assembly Bill 279](#).)

Is there a motion to introduce BDR 52-1085?

ASSEMBLYWOMAN CARLTON MOVED TO INTRODUCE
BILL DRAFT REQUEST 52-1085.

ASSEMBLYMAN OHRENSCHALL SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYWOMAN TOLLES WAS ABSENT
FOR THE VOTE.)

Assembly Bill 270: Revises provisions governing net metering. (BDR 58-686)

I am going to refer Assembly Bill 270 to the Assembly Committee on Commerce and Labor Subcommittee on Energy. Are there any objections? Seeing none, it is so referred.

We will hear Assembly Bill 128 in work session.

Assembly Bill 128: Exempts certain unpaid individuals from the requirement to obtain licensure as a process server. (BDR 54-700)

Kelly Richard, Committee Policy Analyst:

Assembly Bill 128 was heard in Committee on March 1, 2017. This bill exempts a person who serves legal process without compensation from licensure as a process server ([Exhibit C](#)).

There is an amendment attached which was discussed during the hearing and was submitted by Jon Sasser on behalf of the Legal Aid Center of Southern Nevada. It limits the exemption from licensure to a person who serves legal process on behalf of individuals no more than three times per year.

Chair Bustamante Adams:

I will accept a motion.

ASSEMBLYWOMAN CARLTON MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 128.

ASSEMBLYWOMAN JAUREGUI SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

We will hear the work session for Assembly Bill 6.

Assembly Bill 6: Revises provisions governing exemptions from the requirement to obtain a state business registration. (BDR 7-247)

Kelly Richard, Committee Policy Analyst:

Assembly Bill 6 was heard in Committee on February 22, 2017 ([Exhibit D](#)). The bill is sponsored by the Office of Economic Development, of the Office of the Governor. It requires businesses whose primary purpose is to create or produce motion pictures to obtain a state business registration with the Office of the Secretary of State. Under current law, they are exempt.

Chair Bustamante Adams:

I will entertain a motion.

ASSEMBLYWOMAN CARLTON MOVED TO DO PASS
ASSEMBLY BILL 6.

ASSEMBLYMAN PAUL ANDERSON SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

We will move to Assembly Bill 54.

Assembly Bill 54: Revises provisions relating to reports of certain accidents or motor vehicle crashes by employers. (BDR 53-160)

Kelly Richard, Committee Policy Analyst:

Assembly Bill 54 was heard in Committee on February 17, 2017 ([Exhibit E](#)). This bill was requested by the Division of Industrial Relations of the Department of Business and Industry. It revises the circumstances under which an employer is required to report certain accidents or motor vehicle crashes to the Division. It also eliminates a requirement for industrial insurers to provide a monthly report to the Division on all industrial injury and occupational disease claims filed by employees. There is a proposed amendment to the bill from Chair Bustamante Adams to restore the original language in subsection 2 of *Nevada Revised Statutes* 618.378, which would retain the monthly reporting requirement.

Chair Bustamante Adams:

I will entertain a motion.

ASSEMBLYMAN FRIERSON MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 54.

ASSEMBLYMAN DALY SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

We will move to Assembly Bill 162.

Assembly Bill 162: Requires a business that accepts a driver's license as proof of identity to also accept a permanent resident card for that purpose. (BDR 52-734)

Kelly Richard, Committee Policy Analyst:

Assembly Bill 162 was heard in Committee on March 6, 2017 ([Exhibit F](#)). The sponsor is Assemblyman Flores. It authorizes state and local government entities to accept a permanent resident card issued by the United States Citizenship and Immigration Services of the Department of Homeland Security for the purpose of identifying a person. The bill also prohibits a business that accepts a driver's license or identification card issued by Nevada's Department of Motor Vehicles from refusing to accept a permanent resident card for the same purpose.

Chair Bustamante Adams:

I will entertain a motion to do pass.

ASSEMBLYMAN DALY MOVED TO DO PASS ASSEMBLY BILL 162.

ASSEMBLYWOMAN CARLTON SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

We will move to the work session on Assembly Bill 244.

Assembly Bill 244: Revises provisions relating to certain insurance gratuities. (BDR 57-95)

Kelly Richard, Committee Policy Analyst:

Assembly Bill 244 was heard in Committee on March 6, 2017, and is sponsored by the Committee and requested by Lisa Foster on behalf of Allstate Corporation ([Exhibit G](#)). It allows certain insurance companies and their employees and agents to provide goods, prizes, gifts, and other items not to exceed \$100 in value to customers and prospective customers. During the hearing, they discussed an amendment which is attached. The amendment makes clear the exception allowing gifts only applies to annuities and life, health, property, casualty, and surety insurers, not title insurers.

Chair Bustamante Adams:

I will entertain a motion.

ASSEMBLYWOMAN CARLTON MOVED TO AMEND AND DO PASS ASSEMBLY BILL 244.

ASSEMBLYWOMAN TOLLES SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

We will move to Assembly Bill 190.

Assembly Bill 190: Requires certain health and safety training for entertainment industry workers and supervisors. (BDR 53-151)

Kelly Richard, Committee Policy Analyst:

Assembly Bill 190 was heard in Committee on March 1, 2017 ([Exhibit H](#)). The sponsor is Assemblywoman Diaz. It expands certain statutory requirements related to the completion of safety and health hazard recognition and prevention training, known as Occupational Safety and Health Administration (OSHA) 10 and 30 training. It requires workers and supervisory employees, not later than 15 days after they are hired, to obtain a card stating that he or she has completed an approved training course, and the completion card must be presented to the employer. If a worker or supervisory employee fails to do so, the employer must suspend or terminate the employment of the individual. The bill provides that an employer who fails to suspend or terminate an employee, as required, is subject to an administrative fine.

The measure also provides that, for the first year after the effective date of the bill, employees may satisfy the safety training requirements by completing an alternative course provided by an employer. It requires the Division of Industrial Relations of the Department of Business and Industry to approve courses for fulfilling the requirements of the bill and establish a registry of providers of approved courses.

Assemblywoman Diaz proposes to amend the bill by clarifying that the term “worker” applies only to persons whose primary occupation is to perform work at a site as described in the bill.

Assemblywoman Olivia Diaz, Assembly District No. 11:

We considered all the comments from the Committee during the hearing on A.B. 190. One of the major concerns that was brought up was to make sure that we were not capturing volunteers. We added language to ensure that we are capturing only people whose sole employment is in this industry. Committee counsel will put to rest the feelings of uneasiness that perhaps we are going to capture someone who is volunteering in this capacity.

Wil Keane, Committee Counsel:

In A.B. 190, volunteers are not covered by the bill under the current language. We are going to be adding language which also says the person's primary occupation has to be in one of these fields. In that way, someone who is not being paid would not be covered. With the additional language, we would also be saying that if someone's primary occupation was something else and they happened to come on a weekend, do some work, and get paid for that occasional work, they would also not be covered by A.B. 190. We will also make clear in the Legislative Counsel's digest that this bill does not apply to volunteers.

Chair Bustamante Adams:

I will entertain a motion.

ASSEMBLYWOMAN CARLTON MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 190.

ASSEMBLYMAN OHRENSCHALL SECONDED THE MOTION.

Is there any discussion?

Assemblyman Kramer:

We talked about how the OSHA training is fairly standard, but that there are probably programs that are more than equivalent to the OSHA trainings. My concern is the movie industry in California and when they come to Nevada, they will bring their own people with them. If those people have to stop and take the training here, because they have an equivalent but different certification they went through in California, I think it might make those businesses less likely to come to Nevada and spend money making movies in Nevada. I want to be sure that we have a reciprocal acceptance of their training.

Assemblywoman Diaz:

California would not accept someone who is trained in Nevada to operate in their state. No one who is trained in Nevada can go into New Mexico. There is no reciprocity from other states for our state, so we need to provide the first line of employees from our own state. If they are coming to do productions in Nevada, I feel that Nevadans should be the ones to get those jobs because we do have a trained workforce to accommodate.

Assemblyman Hansen:

I have an OSHA 30 card and I have watched this whole process in the construction industry since it was pushed in 2009. Since then, it has tapered off. I have never been asked if I have an OSHA card. While I am a big believer in worker safety and trying to minimize damages, I see this becoming an impediment for people to come here and be able to be employed. I have not seen a need demonstrated to add an additional layer of protection through OSHA.

Assemblywoman Carlton:

I do not think you can do too much when it comes to safety. Some of these sites are dangerous, and we have lost somebody in Las Vegas. Just having the awareness of safety and having people think about it is not an impediment. This is just to make sure people go home at the end of their shift.

Chair Bustamante Adams:

Seeing no further discussion, I will call for the vote.

THE MOTION PASSED. (ASSEMBLYMEN HANSEN, KRAMER, AND
MARCHANT VOTED NO.)

The meeting is adjourned [at 12:48 p.m.].

RESPECTFULLY SUBMITTED:

Earlene Miller
Committee Secretary

APPROVED BY:

Assemblywoman Irene Bustamante Adams, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is the Work Session Document for [Assembly Bill 128](#), presented by Kelly Richard, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit D](#) is the Work Session Document for [Assembly Bill 6](#), presented by Kelly Richard, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit E](#) is the Work Session Document for [Assembly Bill 54](#), presented by Kelly Richard, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit F](#) is the Work Session Document for [Assembly Bill 162](#), presented by Kelly Richard, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit G](#) is the Work Session Document for [Assembly Bill 244](#), presented by Kelly Richard, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit H](#) is the Work Session Document for [Assembly Bill 190](#), presented by Kelly Richard, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.