

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

**Seventy-Ninth Session
April 3, 2017**

The Committee on Commerce and Labor was called to order by Chair Irene Bustamante Adams at 1:03 p.m. on Monday, April 3, 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:

Assemblyman Richard Carrillo, Assembly District No. 18
Assemblyman Tyrone Thompson, Assembly District No. 17
Assemblywoman Daniele Monroe-Moreno, Assembly District No. 1
Assemblyman Jim Wheeler, Assembly District No. 39



STAFF MEMBERS PRESENT:

Kelly Richard, Committee Policy Analyst
Wil Keane, Committee Counsel
Kathryn Kever, Committee Secretary
Olivia Lloyd, Committee Assistant

OTHERS PRESENT:

Lea Tauchen, Senior Director of Government Affairs, Grocery and General Merchandise, Retail Association of Nevada
CJ Manthe, Administrator, Housing Division, Department of Business and Industry
Angela Dykema, Director, Governor's Office of Energy
Ron Lynn, Director of Operations, State Contractors' Board
Gary Fisher, Professor, University of Nevada, Reno, Center for the Application of Substance Abuse Technologies
Kevin Schiller, Assistant County Manager, Washoe County
Nancy Roget, Executive Director, University of Nevada, Reno, Center for the Application of Substance Abuse Technologies
Stuart P. Smith, Chief Executive Officer, Central Recovery, Las Vegas, Nevada
Barry W. Lovgren, Private Citizen, Gardnerville, Nevada
Trey DeLap, representing Group Six Partners, LLC
Heidi Gustafson, Independent Contractor, Foundation for Recovery, Las Vegas, Nevada
Joanna Jacob, representing AxisPoint Health; and Beacon Health Options
Ari Scharg, Board Member, Digital Privacy Alliance, Chicago, Illinois
David Carroll, Associate Professor, Parsons School of Design, The New School
Holly Welborn, Policy Director, American Civil Liberties Union of Nevada
Janine Hansen, State President, Nevada Families for Freedom
Kimberly Mull, Policy Specialist, Nevada Coalition to End Domestic and Sexual Violence
John Griffin, representing Amazon.com
Bryan Wachter, Senior Vice President, Public and Government Affairs, Retail Association of Nevada
Les Lee Shell, Director of the Office of Risk Management, Department of Finance, Clark County
Scott Scherer, representing American Wagering, Inc.

Chair Bustamante Adams:

[The roll was taken.] We have five bills today. We are going to open the hearing on Assembly Bill 361.

Assembly Bill 361: Revises provisions governing business practices. (BDR 52-320)

Assemblyman Richard Carrillo, Assembly District No. 18:

To me, Assembly Bill 361 is a consumer protection bill. Section 1, subsection 13 has a provision that says that a company cannot charge a consumer for changing or updating their personal information or for calling and speaking to a representative instead of using the company's automated systems. This section came about because of a personal experience. I was trying to update billing information for an account. I was unable to utilize the company's website, so I called their customer service department. The automated phone system was difficult to navigate, and after spending some time fruitlessly trying to update my information, I selected the option to talk to a live representative. During the course of my conversation with the representative, I was told that I would be charged a fee of \$5 since I did not use the website or their automated system.

These fees can be a serious issue for someone who is elderly or has a limited income. It is unfair and unreasonable. It is also unreasonable, because at times, it is necessary to speak to a live representative, and no one should be penalized for speaking to a live person in order to ensure that their business is completed to their satisfaction.

I am offering a conceptual amendment to section 2 of the bill (Exhibit C). Section 2, subsection 1, paragraph (a) will add the term, "gift certificate offer". It will require documentation of the offer, including the expiration date of the gift certificate of the offer in at least 12-point bold font, which can be easily seen and read by the consumer.

A personal experience inspired this change. I was offered a \$200 gift certificate if I changed to another service provider. I was not aware that that offer had an expiration date. Unfortunately, I did not send the required information prior to that expiration date.

This section of the bill will enable consumers to take advantage of these kinds of offers without needing a magnifying glass in order to read the fine print. Assembly Bill 361 is about protecting consumers and enabling them to do business in a way that works for them without being penalized.

Chair Bustamante Adams:

Are there any questions from the Committee? This bill is about deceptive trade practices as well as gift certificates.

Assemblywoman Carlton:

I am trying to make sure that I have the right place. The deceptive trade practice portion of the bill is covered in the gift certificate section. We have had discussions in other committee meetings about deceptive trade practices. The Attorney General typically enforces these statutes. Are you thinking that a consumer who is harmed will file a complaint with the Office of the Attorney General and the Attorney General will investigate it? Will there be any private right of action? Are you thinking that the individual will just report this and ask the appropriate consumer protection agency or the Attorney General's Office to investigate?

Assemblyman Richard Carrillo:

Yes, that is correct.

Assemblyman Kramer:

I have read that if a gift card expires, then the value of the card goes to the state's unclaimed property fund. Now, you are saying that the consumer needs to be aware of when it expires, and it is up to them to claim it before the deadline. If the gift card were unclaimed, does the value of the card now go back to the company that issued it?

Assemblyman Richard Carrillo:

In my example, the gift card was an offer good for a 90-day period. On the ninety-first day, the offer expired. It is not a gift card that was purchased; it was an offer of a gift card. With that offer, individuals had 90 days to respond, but the terms and conditions were in tiny, hard-to-read print. With this bill, the consumers would be aware of the terms and conditions because they would be in bold print that is at least a 12-point font.

Chair Bustamante Adams:

I know that financial institutions allow a certain number of calls without charge if you do not use their website. After a certain number of calls, they charge you. Are you saying that in the situation you spoke about there were no free calls; you were automatically charged for the call because you did not use the website?

Assemblyman Richard Carrillo:

That is exactly what happened. They did not offer a certain number of free phone calls in a certain period. I was not able to utilize either their website or automated phone system. I had to call to update my card information. My card had expired.

Assemblywoman Tolles:

Just to clarify, is this any charge? It is regardless of whether or not they disclosed to the customer that there is a charge? Is it the actual practice of charging for all calls that is the deceptive trade practice?

Assemblyman Richard Carrillo:

The deceptive trade practice applies to the gift offer, not for charging for phone calls.

Chair Bustamante Adams:

Are there any other questions? [There were none.] Is there anyone in opposition to A.B. 361? [There was no one.] Is there anyone in support of A.B. 361? [There was no one.] Is there anyone in neutral?

Lea Tauchen, Senior Director of Government Affairs, Grocery and General Merchandise, Retail Association of Nevada:

I am testifying in neutral. We have offered a simple amendment ([Exhibit D](#)). We believe this is a friendly amendment. This amendment would extend the date that this bill would become effective. The new date that this bill would take effect is January 1, 2018.

This would allow a sell-through provision for a business that may have gift cards already printed. This would allow them enough time to get through their existing inventory and have new gift cards printed.

Chair Bustamante Adams:

Is there anyone else in neutral? [There was no one.] Assemblyman Carrillo, do you accept that amendment? [Mr. Carrillo indicated yes.] With that, we are going to close the hearing on A.B. 361. We will open the hearing on Assembly Bill 359.

Assembly Bill 359: Exempts certain persons who enter into contracts or agreements with the State of Nevada or a political corporation or subdivision of the State from certain provisions relating to contractors. (BDR 54-643)

Assemblyman Tyrone Thompson, Assembly District No. 17:

This bill exempts certain persons or entities that enter into contracts or agreements with the state of Nevada or a political corporation or subdivision of the state from certain provisions relating to contractors ([Exhibit E](#)).

Currently state agencies, cities, counties, and other political subdivisions rely upon nonprofit organizations and other parties to help them fulfill their programming mission of providing central services to Nevadans. These services include facilitating weatherization improvements, addressing health and safety issues, supporting upgrades to make homes accessible for those with disabilities, and other improvements to make homes livable, safe, and sanitary.

Assembly Bill 359 will allow these types of programs to continue to serve those in need by using the existing, successful service delivery systems. To make providing statewide coverage easier, governmental bodies enter into agreements with nonprofits or others to carry out mission-related activities.

It is efficient for government to work with entities based in diverse geographic regions to serve local communities more efficiently. In turn, these entities engage local, licensed contractors to complete repairs or improvements to residential properties.

The changes to *Nevada Revised Statutes* (NRS) 624.031 that this bill proposes will clarify an exemption from holding a contractor's license specifically for the nonprofit or party who enters into an agreement with the government unit to facilitate work such as energy efficiency services on a residential property by a licensed contractor. For example, the state may execute a funding agreement with a nonprofit agency to undertake repairs or weatherization on a single-family residence. This work improves the energy efficiency and livability of the properties for needy families in our communities.

That nonprofit entity markets the program, completes the client eligibility and intake, and develops a scope of work—a list of the necessary repairs and contracts with contractors licensed by Nevada. If the State Contractors' Board interprets NRS Chapter 624 to require nonprofits to possess a Nevada contractor's license, even though a licensed contractor does the actual repair work, it will create unnecessary costs and an administrative burden for nonprofits. This requirement would increase staffing costs for nonprofit agencies and reduce cost-effective, cross-training opportunities since a state contractor's license would be required. It would also increase staff turnover resulting in gaps in service.

Nonprofit agencies currently have legally binding contracts with licensed contractors. Requiring a nonprofit to obtain a contractor's license does not add value to the administration or delivery of services. Families with the greatest needs and the fewest resources will feel the negative impact of this decision the most.

CJ Manthe, Administrator, Housing Division, Department of Business and Industry:

Assemblyman Thompson, the Nevada Chapter of the Associated General Contractors of America, the Governor's Office of Energy, and the Housing Division worked together to develop a friendly amendment to the original language ([Exhibit F](#)). The amendment replaces the word, "person" with "nonprofit agencies." This is a simple modification, and all parties believe it appropriately defines to whom the exemption applies.

The Weatherization Assistance Program is one of the Housing Division's programs impacted by this bill. This program has been in operation since 1977. It provides energy efficiency improvements to low-income households and has improved the quality of life for over 20,000 Nevadans.

The Housing Division enters into agreements with subgrantees to fulfill the requirements of the grants. Subgrantees are licensed energy auditors pursuant to NRS Chapter 645D. These subgrantees conduct energy audits, and they employ licensed contractors to install approved energy-efficient improvements. The Housing Division currently has five subgrantees. Two of them are located in Clark County, one is located in Washoe County, and two cover the rural areas of the state.

In fiscal year 2016, using this network of subgrantees, we were able to assist 1,341 low-income households. Of the people we served, 467 were seniors, 342 were individuals with disabilities, and 48 were children under the age of six. The Housing Division collaborates with the Governor's Office of Energy and offers two related energy-efficiency programs.

Angela Dykema, Director, Governor's Office of Energy:

Two of the two energy-efficiency programs in the Governor's Office of Energy will be impacted by this legislation. The clarification contained in [A.B. 359](#) will be helpful to these programs. These are our H.E.R.O.S. program—Home Energy Retrofit Opportunities for Seniors ([Exhibit G](#)) and the Direct Energy Assistance Loan Program (D.E.A.L.) (NRS 701A.450) ([Exhibit H](#)).

The H.E.R.O.S. program assists with reducing energy costs for Nevada seniors. It does this by the energy efficiency of their homes. This is an income-based program provided at no cost to qualifying seniors who own their own home. It is implemented in conjunction with the Housing Division's Weatherization Assistance Program. Since the inception of the program in 2014, we have served over 549 eligible Nevada senior citizen homeowners. We have weatherized over 350 homes for them. The average investment per home is \$2,870 for energy efficiency improvements. These improvements save 5,124 kilowatt-hours annually. Annually, this amounts to an average savings per home of \$911. This is a significant savings for low-income seniors.

The D.E.A.L program is another program created by the Governor's Office of Energy. It is designed to help state of Nevada employees fund energy efficiency measures in their homes. It provides interest-free loans for energy efficiency upgrades. These loans are repaid through monthly payroll deductions. Since its inception just over a year ago, we have had 192 applicants. We have completed 88 energy audits with improvements. The average investment per home is \$4,645. This is an annual savings of 3,973 kilowatt-hours of energy.

This legislation will help preserve the ongoing administration of these programs. Without this legislation, there could be a temporary shutdown of both of these programs while subgrantees pursue licenses. Some subgrantees may withdraw from the program.

If our subgrantees are required to have a contractor's license, the financial impact could be 20 percent or more. We contract with third-party administrators in order to keep our overhead costs lower. Without this bill, our costs would be much higher.

If we have to discontinue the H.E.R.O.S. program, hundreds of seniors would not receive services. Some of these seniors require immediate energy efficiency improvements; the improvements they need include health and safety issues, which must be done on an emergency basis. Without assistance, they face severe hardships.

CJ Manthe:

This amendment replaces only one word ([Exhibit F](#)). It takes the word, "person" and replaces it with the words, "nonprofit entity." This more appropriately reflects and defines to whom the exemption applies.

Assemblywoman Carlton:

These programs have been in existence for a while, and I am not aware of any problems. Did the State Contractors' Board say you need to be general contractors? Why did this become an issue?

CJ Manthe:

Right now, we have five subgrantees. Four are nonprofit agencies, and one is a local government. Current statutes already grant the local government an exemption. We believed that the nonprofits also had an exemption, but last summer, we had discussions with the State Contractors' Board. The State Contractors' Board feels this is a gray area, and it would be better to grant a separate waiver and exemption for the nonprofits with which we do business.

Assemblywoman Carlton:

I am always looking for that loophole that someone will try to use. There is no way that a general contractor could call himself a nonprofit to get around this in the future?

CJ Manthe:

When we conduct our weatherization program we have requirements, case management if you will, as to who performs the work. The entities that we use are defined as a public body, a local government, or a nonprofit. These are nonprofits that have 501(c)(3) status.

Assemblyman Daly:

You are trying to clarify this before it becomes an issue. Have there been any issues where someone was performing work and the State Contractors' Board told them to stop? You receive grants from the federal government to provide various types of assistance. You then turn to subgrantees, and they complete the work. These subgrantees must be nonprofits, but they are not actually performing the work—they hire a subcontractor.

Wording in the amendment that may be of concern is where it says that they perform work. I would be more comfortable if it said, "oversee," or "provide consulting services," or "acting as a subgrantee." This would help to make it clearer that the nonprofit is acting as a subgrantee and overseeing someone else who performs the work. This would narrow the exemption down and accomplish what you are seeking to accomplish.

CJ Manthe:

Your comments are accurate as far as the roles that everyone has is concerned. The subgrantees do not do the actual hands-on work. They always hire a licensed contractor. We can consult with our legal counsel to determine if we can use other verbiage in place of "work performed."

Assemblyman Daly:

I appreciate that. We need to eliminate the gray area, but we do not want to create another gray area. We do not want unintended consequences. I think changing the wording would narrow this down so it accomplishes what you want without creating new problems.

Assemblyman Brooks:

Even without this amendment, the law says that any nonprofit can perform work to repair or maintain property. It goes on to talk about energy efficiency and weatherization programs. This is very open-ended.

I know of a situation where someone started working as a nonprofit years ago. Later, they became a contractor. That person has done millions of dollars of work in the state of Nevada, including working for public works agencies. This caused problems at the time because they used this loophole. I have a concern about the word "perform."

I understand what you are trying to accomplish through your programs. This bill generally allows any nonprofit to become a contractor when it says, "perform"—"perform work to repair or maintain property." This is so open-ended. I have the same concerns as Assemblyman Daly has expressed about the word "perform."

Assemblyman Hansen:

Little towns like Lovelock and the smaller areas in my district have a difficult time getting licensed contractors to perform work in these areas.

I am a licensed contractor, and I am not very sympathetic to allowing unlicensed people to perform work. When you need work performed in places without contractors, it makes sense to find a resolution so people are not breaking the law. Does your bill have provisions to cover this sort of situation, or does it strictly concern contracts for governmental things?

CJ Manthe:

Our program has travel costs built in for work in the rural areas. It is common to have to drive long distances in the rural areas. We compensate licensed contractors when they have to do this. We do not have specific language in the bill that addresses any alternative way of getting the work done.

Assemblywoman Neal:

Section 1, subsection 2 says, ". . . perform work to repair or maintain property" We have touched on the issue of the broadness of the language. How will you handle the liability issue if one of your contractors completes work and it is substandard? What recourse is there, and who will be responsible?

CJ Manthe:

Our agreement includes requirements for insurance coverage. The subgrantees we work with actually vet the licensed contractors to ensure they are indeed licensed, and they have the prerequisite type and amount of insurance.

These costs are built in to the grants. Our service delivery model is set up to provide additional consumer protections. One of the things we do, as a state agency, is to audit 10 percent of the work that is undertaken. This is to ensure that the work is up to grant standards set by state and local funding agencies.

Chair Bustamante Adams:

We are going to move to those in opposition to A.B. 359. Assemblyman Thompson and the state agencies here today have said that they accept the word change from "person" to "nonprofit entity." Is there anyone in opposition to the bill with this amendment?

Ron Lynn, Director of Operations, State Contractors' Board:

We are in opposition to this bill as it stands. Our primary concerns are that it will permit unlicensed, and potentially unregulated, construction on nearly any project performed in Nevada with recognized political subdivisions of the state. As introduced, section 1, subsection 2 would allow any political subdivision of the state to contract with an unlicensed contractor for all construction work to repair or maintain property without limitation.

The State Contractors' Board opposed the language, as drafted, due to the unintended consequences it will have on the public's health, safety, and welfare. As written, the language will allow for projects of any size, including public works projects, to be exempt from having the oversight of a licensed general contractor, which existing law requires.

Nevada Revised Statutes 624.031 currently provides for exemptions for licensure, and the applicability of NRS Chapter 624 requirements for any work performed exclusively for an authorized representative of the United States government or the state of Nevada or its political subdivisions.

We believe to get where they want to go, the solution may lie in the existing language contained in NRS 624.031, subsection 1. This provides an exemption from licensure for an authorized representative of the state or the political subdivision thereof. If nonprofits are identified as representatives or agents of the state in the state's contract, then current language provides for such exemptions.

Of concern to the State Contractors' Board is the lack of identifying the selected unlicensed entities as agents of the state in agreements for construction to be performed.

We had an issue where the protection of homeowners was involved. This is likely the reason we are here today discussing this. A homeowner making use of one of these programs had a problem. He called the State Contractors' Board to make a complaint. We investigated the complaint and found problems with the work. Unfortunately, in dealing with the general contractor, which was one of these entities, we had no authority.

In addition, because the homeowner did not directly contract with a licensed contractor, they were not afforded any protection under our Residential Recovery Fund. They were not able to receive money to compensate them for harm. In situations like this, homeowners of a single-family residence are not protected under the board's Residential Recovery Fund.

Neither the terms "weatherization service" nor "energy efficiency service" are defined. These services could range from complete HVAC systems to new wall, ceiling, or roof construction. The activities can require experience in multiple trades and a general contractor to oversee the work.

The State Contractors' Board is concerned about the inherent risk posed to the public if there is no oversight by a licensed general contractor or a construction manager. Under this bill, a county or any entity can engage in a development of, for example, a recreational center without employing a licensed general contractor. This situation creates a potential risk for children, families, and visitors to the community.

We believe tools currently exist to help these agencies get where they need to go. The State Contractors' Board has worked effectively with other nonprofit groups through the licensure process. An example of this is Habitat for Humanity. They have been a licensed B2 residential and small commercial contractor since December of 2007.

Licensure of such entities is vital for the protection of the public. Groups such as Habitat for Humanity recognize the value of licensure. They renew their license every two years. There is a nominal cost for the license. It runs about \$300 a year.

This proposed bill removes a valuable tool for the state. It eliminates the ability to compare contractors for suitability to perform the required work. It diminishes the effectiveness of existing laws to investigate and resolve issues when conflicts or irregularities arise.

We ask the sponsor, Assemblyman Thompson, and members of this Committee to consider the unintended consequences of this bill and the negative impacts it will have on public safety.

Assemblywoman Carlton:

If I understand you correctly, these entities have been doing this for a while. One homeowner had an issue, and the State Contractors' Board was unable to help them. Is your solution to this problem to have these nonprofits become licensed contractors?

Ron Lynn:

Yes, we would help expedite this process. We can help hold hands, shorten the time required to obtain a license, and help in any way possible.

Assemblywoman Carlton:

How much would this cost these entities?

Ron Lynn:

It is about \$300 a year.

Assemblywoman Carlton:

Would the entity have to raise \$300 a year to help seniors? I am trying to figure out what brought this issue to the forefront. This is a gray area, but this program has operated without any issues for years. The State Contractors' Board did not catch this problem when the programs began, and that was years ago. Why should we place a burden on a nonprofit that is not actually doing the work? They are coordinating the work.

Ron Lynn:

If they are functioning solely as a pass-through type of operation without any technical oversight, then it is not an issue. When I worked for Clark County, we had programs like this. With these programs, licensed contractors did all the work. This included those administering for a nonprofit. There are nonprofit agencies that do quite a bit of work as licensed contractors. Some private developers have even set up an organization to do this.

You are correct. There is not a problem until there is a problem.

Assemblywoman Carlton:

Would the State Contractors' Board consider a special license for a 501(c)(3) at a nominal fee to process the applications?

Ron Lynn:

Yes, I believe we would do that. We will assist in the licensing process.

Assemblywoman Carlton:

I mean a very small amount when I say nominal.

Ron Lynn:

I understand what you mean when you say nominal.

Assemblyman Brooks:

The case that brought all this up occurred when an energy efficiency/weatherization expert received a grant from the state and hired subcontractors to do the work recommended by the energy audit. The homeowner would have had protection if they had gone directly to a subcontractor and had the subcontractor make the changes recommended in the energy audit. Is this correct?

Ron Lynn:

That is correct.

Assemblyman Brooks:

Is that work-around available with the current law?

Ron Lynn:

That is correct.

Assemblyman Kramer:

I was a director of a nonprofit for 14 years. One of our members was a licensed contractor. That filled the gap for us. It meant that we were able to hire people and put them to work under the direction of the contractor. We finished our jobs, and it was less expensive for us.

Assemblyman Daly:

I wanted to follow up on some things you have said. You thought that there might be existing avenues for exemptions when an entity says they are a subdivision of a public body. That opens this up and may subject any agency in this state to abuse.

Is it possible or desirable to make this exemption more specific? Can we say the exemption applies to a specific agency's subgrantee who is overseeing weatherization work? If I recall correctly, subgrantees have to be a nonprofit under the weatherization program created during the Obama Administration. If that continues, you still need to be a nonprofit, and I understand that a certain amount of expertise is required. I understand the work-around that Assemblyman Brooks mentioned, but I think we need to be very specific about naming the agency and the subgrantee rather than opening it to anybody that says they are a subdivision or an extension of the public body. Can you comment on this?

Ron Lynn:

If this has to go forward, and if we can make the definition as narrow as possible, it will limit the amount of unintended consequences. We have concerns about things that have not been anticipated. If this goes forward with this language, we will need to ask our legal counsel and the Attorney General to look at this and determine if this meets the intent. I am not prepared to do that today.

Chair Bustamante Adams:

I want to note that timing is critical; we have a deadline very soon. I would appreciate information for the bill's sponsor by this week so we can resolve this.

Is there anyone in opposition? [There was no one.]

Assemblywoman Carlton:

Mr. Lynn, have you discussed this with Assemblyman Thompson before today?

Ron Lynn:

I do not want to be disingenuous. No, I have not spoken to him before today. Today we had a brief conversation.

Chair Bustamante Adams:

Is there anyone in support of A.B. 359? [There was no one.] Is there anyone in neutral? [There was no one.]

Assemblyman Thompson:

I am excited that we have had a conversation about this. This has been a problem for the Housing Division and the Governor's Office of Energy. I look forward to working with the State Contractors' Board. We will get something to you within the week.

Chair Bustamante Adams:

The Committee has offered some great solutions, and I feel confident that this can be worked out. I will close the hearing on A.B. 359 and open the hearing on Assembly Bill 194.

[([Exhibit I](#)) and ([Exhibit J](#)) were submitted but not discussed and are included as exhibits for the meeting.]

Assembly Bill 194: Provides for the certification of behavioral healthcare peer recovery support specialists. (BDR 54-712)

Assemblywoman Daniele Monroe-Moreno, Assembly District No. 1:

Assembly Bill 194 provides for the certification of behavioral health care peer recovery support specialists. My presentation is on the Nevada Electronic Legislative Information System ([Exhibit K](#)). It is quite lengthy, so I will only cover the key points. I have included lots of information. This document can be used as a reference. I want to be sure you understand the reasons why I feel peer support is important, and you have some background on behavioral health care in Nevada.

Assembly Bill 194 provides for the certification of peer recovery support specialists who provide behavioral health care. The Board of Examiners for Alcohol, Drug and Gambling Counselors will administer this certification. Existing law establishes the Board of Examiners for Alcohol, Drug and Gambling Counselors and authorizes the board to license or certify any persons engaged in counseling those suffering from addiction and some other mental disorders.

Assembly Bill 194 will require the Board of Examiners for Alcohol, Drug and Gambling Counselors to issue a certificate and authorize a person to give nonprofessional, nonclinical assistance for long-term recovery from substance use and other mental disorders. This person will be known as a peer recovery support specialist. By providing this certification, A.B. 194 represents nonclinical assistance to aid in the long-term recovery from substance use and other mental disorders.

As a former corrections officer, I have personally seen the value of peers as a critical component in recovery from substance use and other mental disorders. The process of recovery is a highly personal journey, and it occurs through many pathways. Often it includes clinical treatment, medications, faith-based approaches, and with A.B. 194, it will include behavioral health peer support.

Behavioral healthcare peer support specialists are individuals who have gone through their own recovery experiences, and who have been trained and certified to help their peers gain hope and move forward. This aids their own recoveries as they assist their peers in learning how to make informed and independent choices. Behavioral healthcare peer support specialists help their peers to identify and build on their strengths. They also assist their peers to gather information and support from their community. This allows the individual to make their goals a reality.

The Substance Abuse and Mental Health Services Administration (SAMHSA) is a branch of the U.S. Department of Health and Human Services. Page 9 ([Exhibit K](#)) shows the SAMHSA working definition of recovery from mental disorders and/or substance use disorders. This definition reads, "A process of change through which individuals improve their health and wellness, live a self-directed life, and strive to reach their full potential."

Peer support is shifting recovery from an illness model to a recovery model [page 10, ([Exhibit K](#))]. Peer support services can help individuals address barriers to recovery including stigma, social isolation, and the ability to navigate complex health care and other human service systems.

Peer recovery support specialists are a rapidly growing trend. We would not be the first state to certify behavioral healthcare peer recovery support specialists. The map on page 25 ([Exhibit K](#)) shows that most states have adopted the peer recovery support specialists model. Nevada is in the process of creating its own program. This map indicates that California does not have a behavioral healthcare peer recovery support specialist training and certification program. However, my research indicates that they are working on developing this program as well. Medicaid reimburses these programs.

It is important to me to bring this issue forward. I was in law enforcement for almost 28 years. Many times, I worked with inmates. I tried to help them change their lives and stop abusing drugs. Frequently they would ask me if I had ever abused drugs. They would tell me that I could help them navigate through the legal system, but they felt that since I did not have first-hand experience in battling an addiction, my advice was suspect.

They wanted to talk to someone who had gotten clean and could share their experiences. They not only wanted advice from someone who shared the same experience, but they wanted help rebuilding their lives—getting their families back, getting a job, and finding a place to live. The inmates felt very strongly that someone who has gone through these experiences and was now in recovery would be more helpful to them.

Behavioral healthcare peer recovery support specialists are different from Alcoholics Anonymous, individuals in law enforcement, or community and church organizations. They are people in recovery. They work directly under the supervision of licensed clinical professionals to help people struggling with addiction and mental health issues. They help them get their lives back.

For people who may have been in the criminal justice system and are successfully battling addictions and mental health issues on a daily basis, this program provides a pathway to employment. Oftentimes the people I worked with were left out of opportunities for employment. Working as behavioral healthcare peer recovery support specialists gives them a chance to give back to their communities; it provides them with an opportunity for employment and a chance to rebuild their families. This is why this bill is important to me.

A similar bill was presented in 2015. During that time, we had meetings for stakeholders. The number of stakeholders increased as the session progressed, and even though the bill did not pass at that time, interest and support for this has remained strong.

[[\(Exhibit L\)](#), [\(Exhibit M\)](#) and [\(Exhibit N\)](#) were submitted but not discussed and are included as exhibits for the meeting.]

Chair Bustamante Adams:

Can you go through the mock-up of the proposed amendment ([Exhibit O](#))?

Gary Fisher, Professor, University of Nevada, Reno, Center for the Application of Substance Abuse Technologies:

Sections 1 and 2 ensure that other types of behavioral health care professionals are not covered under this law. Section 3 amends NRS Chapter 641C, which concerns alcohol, drug and gambling counselors. Sections 4 and 5 define the activities of behavioral healthcare peer recovery support specialists. Section 6 establishes the requirements for this certification. They include being in recovery from a substance abuse or other mental disorder, passing an examination, and 46 hours of training. Most of the training involves ethics and confidentiality. It is not specific to a discipline. It is specific to peer recovery support services—mentoring, coaching, and things like that. This is to ensure that behavioral healthcare peer recovery support specialists have a clear understanding of what their scope of practice entails. Section 7 designates the certificate as a behavioral healthcare peer recovery specialist is valid for two years and may be renewed. Section 8 states that the practice of being a healthcare peer recovery support specialist is a learned profession affecting public health.

The rest of the bill is concerned with other areas of the *Nevada Revised Statutes* that may be affected by this bill. It is to correct language. It includes behavioral healthcare support specialists as mandatory reporters of the abuse of elders and other vulnerable populations. Sections 4 through 8 contain the core of this bill.

I want to point out to the Committee that I am not just a professor, I am a peer. I am a recovering addict. This is a personal issue for me. In the 30-plus years that I have been at the University of Nevada, Reno, I have devoted my career to trying to improve and professionalize the field of addiction and other mental disorders.

Chair Bustamante Adams:

Are there questions from the Committee?

Assemblywoman Carlton:

I have been involved with the Board of Examiners for Alcohol, Drug and Gambling Counselors since I first became a legislator. I think it came into existence in 1999. I helped with the creation of the board. It originally concerned itself with alcohol and drug addiction.

Gambling was added in 2003, and the clinical portion was added in 2007. This board has evolved over time. This is a good thing—the more health care providers we have to help people, the better off we are.

I have questions about section 18. It concerns the certificate. Will this be a national certificate—do you get this through a national organization?

Gary Fisher:

No, it is not a national certificate, but it meets national standards. The International Certification & Reciprocity Consortium (IC&RC) is a national board that provides certification for alcohol and drug counselors, prevention specialists, and behavioral healthcare peer recovery support specialists.

Assemblywoman Carlton:

Do you obtain the behavioral healthcare peer recovery support specialists certificate from this organization?

Gary Fisher:

No. The certificate will be Nevada-specific, but the national certification requirements of IC&RC are the same as the requirements contained in this bill. It allows for reciprocity. Most states are IC&RC states. Anyone in these states needs to meet their requirements. It will be easy to certify people from other IC&RC states.

Assemblywoman Carlton:

I am always wary of the word "reciprocity" because you do not have the opportunity to tell someone no if you do not want them in your state. I prefer credentialing. That way, if there is an issue in another state and they try to move to Nevada, we have the opportunity to say we do not think they fit Nevada standards. I want you to be wary of that.

I am looking at section 18. It covers certificates and their cost. I am not sure that the costs of the certificate for behavioral healthcare peer recovery support specialists is in the correct placement. It is under the lines listing the costs of a license renewal. It is not shown on the lines listing the costs for an initial license. It seems to me that this particular profession might fit better into the intern or peer status. Is the \$300 cost per year or every two years? If I remember correctly, this board is on a yearly cycle.

Gary Fisher:

The \$300 is the renewal cost. The initial certification fee is \$150. This is the same as for other applicants. I totally understand the problem of low-paid people in the substance abuse field. Certified drug and alcohol counselors do not make a lot of money. That \$150 fee is also a burden to them. What happens in most agencies, especially now that they are getting Medicaid reimbursements, is that the agency is willing to pick up the fees for the license.

Assemblywoman Carlton:

I want to clarify that under the initial application. I do not see that language. I want to make sure that you cannot get a renewal if you do not have an original application. We want to make sure that this is cleaned up. Our legal staff will need to take care of this. I still have some concerns about the renewal fee. It bothers me when the renewal fee is more than the fee for the initial license. When the board comes up, we can ask them to delve deeper into this. I just wanted to point out that this certificate is not listed in the part of this that deals with initial licensure. This may need clarification.

Assemblywoman Monroe-Moreno:

Thank you. I would happily entertain bringing those fees down. They are quite high, and the people who currently work as behavioral healthcare peer recovery support specialists are either volunteers or people who do not make a lot of money. I would entertain the inclusion of a different fee structure or adding what you called an intern type of fee structure.

Assemblywoman Carlton:

With this particular step into the profession, we need to be aware of the actual income generated versus the cost of licensing and the cost to agencies, many of whom are nonprofit or state agencies. I believe there are some things that we can look at to make this situation better.

Gary Fisher:

The fee for initial certification is \$150; it is \$300 for the renewal. The renewal is for a two-year period. The cost per year for renewal is not more, but it can be a burden.

Assemblyman Paul Anderson:

I want to go back to sections 4 and 5. I want to have a better understanding of the definitions contained in these sections. People currently working as behavioral healthcare peer recovery support specialists in Nevada are not licensed. Are there categories that I might slide into to become a peer support specialist where I would then need this new license?

There is an ongoing industry, and it does not require a license. Someone mentioned Alcoholics Anonymous. What is the difference between what they do and what peer support specialists do? I want to understand this definition better. How will I know, if I am a peer support person, when I cross the line and need to be licensed?

Gary Fisher:

A sponsor in Alcoholics Anonymous or in Narcotics Anonymous or another 12-step program is a person in longer-term recovery that helps a new person with the 12 steps of recovery. That is their role. They are helping a person work through the 12 steps. They are not there to help the individual with their vocational and educational problems, their financial problems, their legal problems, their social problems, or their relationship problems. That is not what a sponsor does. People may cross boundaries sometimes. I have been involved in 12-step recovery for a long time.

This field has evolved. Thirty years ago, Nevada and most other states required only a high school diploma or a general education development test (G.E.D.) to become a counselor. Most counselors were people in recovery. As the field has professionalized, we have recognized that the clientele we now serve are not only white, middle-aged alcoholics. They are very diverse. They are almost all poly-drug users, and a high percentage of our clients have co-occurring mental health disorders. We have had to professionalize this field. We had to make it so that people know what evidence-based practices are and are qualified to implement them.

The same thing has happened today. Behavioral healthcare peer recovery support specialists are recovering people. They may not be able to get back to school to get a bachelor's degree, but they want to give back. They have expertise.

Assemblywoman Monroe-Moreno spoke about working with inmates who had trouble relating to her because she has never been an alcoholic or addict. This happens a lot in the criminal justice system. Someone has had addiction problems. They are no longer incarcerated, and they are trying to get their life back together. The best person to help them is another person in recovery who has also been incarcerated. They can help them with some of the issues Assemblywoman Monroe-Moreno spoke about—how do you obtain housing; what do you do with a job application when everyone is asking you if you are a convicted felon; what do you do in an interview when that issue comes up?

These are the nuts-and-bolts, very practical things that research has found are critical components to recovery. When somebody gets out of treatment and goes to a group once a week, it is not sufficient help. These people have lots and lots of issues to work through and behavioral healthcare peer recovery support specialists have helped dramatically with that. They play an integral role in helping people in the recovery process.

Assemblyman Paul Anderson:

A lot of what you talked about are life skills that people need. Sometimes they have never learned these skills, and sometimes they need to update their life skills. These may be job search and interview skills, for example. These are things where it can be helpful to understand someone's perspective because you have experienced these issues versus having a general understanding.

Is there a concern that we are limiting the pool of people available to be peers because we are requiring them to go through the process to become certified? If they were doing it to help a friend or because they are involved in a volunteer organization, they may not want to take the training and pay the fees. Are there classes that someone can take to become certified and avoid having to pay these fees yet be able to continue their peer counseling?

Gary Fisher:

Yes, that is a concern. This is a balancing act. It was a balancing act when we required the alcohol and drug counselors to obtain certification. We have a great concern about the protection of the public.

When somebody is not required to be certified or licensed, they can do whatever they want to. There is no recourse when they cross a boundary or when they behave unethically. Without certification, we have no recourse. We do not want to limit the pool.

Currently, there is voluntary certification. There has been great participation with this. The requirements are not onerous. The person who wants the current certificate just needs to have a high school diploma or a G.E.D. They need to be in recovery, and they need to complete 46 hours of training. The training covers activities, confidentiality, and ethics.

We have discussed the fees that will be charged to obtain certification as a behavioral healthcare peer recovery support specialist. We all recognize that what really happens is, regardless of the credential, the board incurs staff time to process applications and follow up on complaints. It does not matter what the certification is, the costs are the same. Trying to balance the low salary of these individuals with the cost to the board is something that has to be done.

We also need to balance the number of uncertified individuals with certified individuals. We do not want to eliminate people. We do not want to discourage people from working in this field; we want to encourage them. I think it helps to professionalize the field when there is a requirement to obtain a certificate. It helps to protect the public from possible exploitation.

Assemblywoman Neal:

Section 30, subsection 6 says, "The Administrator of the Division of Public and Behavioral Health may exempt a behavioral healthcare peer recovery support organization" I would like more information, because in subsection 7 it talks about the filing of a surety bond. I am not clear on what the exemption is from. It says, "If the requirement will result in an undue hardship" Does that mean they may or may not have to post a surety bond?

Assemblywoman Monroe-Moreno:

I believe that you are looking at the original bill. That section has been taken out of the mock-up. The reason it was taken out is that it affected a different NRS code that does not apply to this.

Assemblywoman Neal:

Is section 35 still there?

Assemblywoman Monroe-Moreno:

No, it has been taken out.

Assemblywoman Neal:

Is section 32, subsection 2 still there?

Assemblywoman Monroe-Moreno:

No, it has been taken out.

Assemblywoman Neal:

Since this is behavioral health, does this fall under Medicaid reimbursement? Is this how the counselors will be paid?

Chair Bustamante Adams:

Assemblywoman Monroe-Moreno has indicated that the answer is yes.

Assemblywoman Tolles:

Do you have an estimate of how many people you anticipate will become certified under this new system?

Assemblywoman Monroe-Moreno:

The estimate is 150 people. These are people who have voluntarily applied to go through the program.

Assemblywoman Tolles:

Are there penalties if someone does not become certified?

Gary Fisher:

Yes, there are penalties. Like any of the other behavioral health care boards, it is a misdemeanor.

Chair Bustamante Adams:

We are going to go to those in support of A.B. 194.

Kevin Schiller, Assistant County Manager, Washoe County:

On behalf of Washoe County, I want to offer our support for A.B. 194. This bill specifically connects to an area where we are trying to utilize our indigent dollars. In Washoe County, we expend about \$25 to \$30 million dollars per year on indigent services.

One of our programs that has been particularly successful is our Serial Inebriant Program, which serves the most frequent users of our system. We provide transitional housing through the Crossroads Housing Program. One of the most significant aspects of that program is the three-pronged relationship between social services, law enforcement, and the clients themselves.

One of the key successes we have seen is that about 50 percent of those that participate in the program ultimately become employed and/or participate either on a voluntary basis or with paid employment with our nonprofit. We have seen this continue to increase. It continues to be one of the critical factors in helping individuals maintain their sobriety. It assists them with their mental health and provides supporting paraprofessional services.

Our Crossroads Housing Program houses about 160 clients. Last year, we did about 77,000 drug tests. Participants can leave the campus; they come and go as they please. Out of all of our participants, we had only 34 failures. A key component of this program is the peer-to-peer support.

Professionally recognizing behavioral healthcare peer recovery support specialists is critical and will provide vocational experience to individuals. Earlier it was mentioned that 150 people are currently doing this on a voluntary basis. I would say that in Washoe County I have seen a significant increase in the number of people interested in helping this way. I am basing this on our clients that have graduated and have been successful because of this programming.

Nancy Roget, Executive Director, University of Nevada, Reno, Center for the Application of Substance Abuse Technologies:

We are in favor of this bill. We are the entity right now that is doing the voluntary certification for behavioral healthcare peer recovery support specialists.

We currently have a certificate program at the university where individuals can get training on how to be a peer support specialist. We are also working with the Nevadaworks program. We have received an unemployment grant to help people get back to work. One of the choices is for them to be involved in our educational program.

One of the trends we are seeing nationwide is that people with a variety of medical conditions are becoming peer support specialists. People with diabetes, cancer, or heart problems are having formal peer support specialists come in and work with others who have a similar condition. Recovery is the same as any medical condition. Peer support specialists are teaching people how to be supportive of others who have a similar condition. Some of these people are certified as health educators, or navigators. What we are doing is slightly different because it is a peer support specialist for people with substance use and mental health disorders.

The University of Nevada, Reno, supports A.B. 194. We have a 12-credit certificate program.

Chair Bustamante Adams:

We are going to go to those in opposition to A.B. 194.

Stuart P. Smith, Chief Executive Officer, Central Recovery, Las Vegas, Nevada:

I am a person in long-term recovery. I have been very involved in the peer recovery movement. I have served on the board of the national organization, Faces & Voices of Recovery.

Frankly, I do not see a problem that needs to be solved. Two years ago, peer support specialists were done through Senate Bill 489 of the 78th Session, and while there has been some difficulty developing consensus on a regulatory scheme, particularly between those with substance abuse disorders, other addictive disorders and mental health, I believe there is a consensus to be had.

This bill looks like a regulatory solution turned into legislation to force the acceptance of one scheme to try to solve all those problems. Section 5 says, "'The practice of providing behavioral healthcare peer recovery support specialists services' means the practice of providing nonprofessional, nonclinical assistance to a person with a substance use or other mental disorder, including without limitation, mentoring, coaching, educating or role modeling, with the intent of achieving long-term recovery from a substance use or other mental disorder" These activities, mentoring, coaching educating, and role modeling—go way beyond what Dr. Fisher described as what a peer specialist does.

Educating and mentoring are things that Dr. Fisher said an Alcoholics Anonymous sponsor does. This sounds like peer-to-peer services. It sounds a lot like things that are happening in the faith-based community. I would suggest that the voluntary certification process that is being done now by the Nevada Behavioral Health Care Association solves the problems that the issue of certification presents and allows for more peers to be developed.

I would suggest that this legislation would reduce the amount of peer support services, particularly in community-based organizations. The only ones that would be doing this are the ones in treatment and doing these types of things. I would say that this would reduce the amount of services in particular in minority communities and our rural communities which already have a disproportionate lack of access to services. I would suggest that either this bill be withdrawn or greatly modified to take the regulatory components out of it.

Chair Bustamante Adams:

We have a question for you.

Assemblywoman Carlton:

Are you with the Las Vegas Recovery Center?

Stuart Smith:

Yes.

Assemblywoman Carlton:

I am very familiar with your recovery center. Are you working from the bill or the mock-up?

Stuart Smith:

I have seen the mock-up, but the language still applies in terms of the definition, I believe.

Assemblywoman Carlton:

I am looking at the part that you indicate says "including without limitation" has been lined out. We need to clarify this. I know it is tough to work remotely and go through these bills. I want to make sure everybody is on the same page.

Stuart Smith:

Yes. I also did not have the benefit of seeing the PowerPoint here in Las Vegas.

Assemblywoman Carlton:

Had you reached out to the sponsor of the bill before today to share your concerns?

Stuart Smith:

Yes, a representative of my organization has done that.

Assemblywoman Carlton:

Within your organization, you have inpatient and outpatient treatment. Does this apply to both treatments, or does this only apply to inpatient treatment?

Stuart Smith:

At the Las Vegas Recovery Center, we have a couple of things that would apply. We have an alumni association, and we do very robust family programming. We encourage a lot of mentoring and these types of services. These are not done on a paid basis, nor are they done on a certified basis. We are providing contract services for mental health for Southern Nevada Adult Mental Health Services (SNAMHS). These clients are chronically homeless and they have mental health and substance abuse issues. We provide housing, case management, and contract recovery-coaching services.

Assemblywoman Carlton:

My concern is that this is an option for people. I am not sure how this would apply to your staff as far as the peer support. I know you have people who run groups. I am not sure how you categorize them. Are they employees or volunteers? I do not know what level of certification they have. The sponsor of this bill has indicated that this is more of a stepping-stone to recognize and bring people into the field.

Stuart Smith:

If you look at SNAMHS, discussion about what recovery support services are and what they should be and the places that they happen is before treatment, during, and after treatment. This describes a broad array of services beyond just peer coaching, but this bill unfortunately is pulling a lot of things into its wake.

Assemblywoman Carlton:

How many of your employees would this affect, including both the inpatient services at the Las Vegas Recovery Center and the outpatient services at Central Recovery?

Stuart Smith:

Las Vegas Recovery Center operates both outpatient and inpatient services. This would affect what we call techs, clinical associates. It would affect seven or eight of them who happen to be coaches. However, this is not their scope of service. We have trained them as coaches as an additive service. Some of the services that our alumni association is doing are peer-on-peer types of services. These people are not employees; they are doing this on a voluntary basis.

Assemblywoman Carlton:

The bill's sponsor is here and listening to your concerns. I hope you understand what we are trying to accomplish.

Stuart Smith:

I understand, and I am not just testifying for my economic interest in the Las Vegas Recovery Center. As a person in long-term recovery, and as someone who is committed to providing more recovery support services in the community, particularly as we start getting into the rurals and communities that do not have professional treatment services, and as many of these services are available, when you look at a lot of the support services that happen in faith-based environments and when you look at community-type centers, these are the ones that are making the barrier to entry to doing this.

Assemblywoman Carlton:

Thank you, we appreciate that. My question was not to go to the economic impact on you. I want to find out how many of your employees would be impacted. We are trying to get a feel and one of the earlier questions was, "How many people do you think this could impact?" I was not looking at the economic side. I wanted to find out how many people in your organization would be impacted.

Barry W. Lovgren, Private Citizen, Gardnerville, Nevada:

I am testifying against A.B. 194. I have submitted written testimony ([Exhibit P](#)). This bill is nearly identical to a failed amendment to Assembly Bill 85 of the 78th Legislative Session. This bill needs to be stopped for the same reason that amendment was. The mock-up amendment addresses none of these problems. The bill requires a person in recovery to be certified by the Board of Examiners for Alcohol, Drug and Gambling Counselors in order to share their own experiences to help someone that is struggling with substance abuse or mental illness.

This may manifest as family, as a friend, as a 12-step sponsor, or as a member of a support group for the mentally ill. It will make it a crime to provide support to our peers without state certification. Section 5 of the bill defines the practice of behavioral healthcare peer recovery support specialist services as "nonprofessional" while section 8 paradoxically establishes that it is a "learned profession."

Under A.B. 194, the absurdity of regulating something nonprofessional as a learned profession becomes state law. Helping one another and helping our peers with their recovery is not a learned profession. It is our duty. We do not need the state's permission to do it.

Any necessary regulation of peer recovery support was addressed last session with the passage of S.B. 489 of the 78th Session. It included provisions for licensed peer support organizations. The Nevada Behavioral Health Association already certifies individuals as peer support specialists at far less cost. Assembly Bill 194 is completely unnecessary, and it impedes workforce development. Assembly Bill 194 absurdly makes nonprofessional help from one's peers a "learned profession." It criminalizes friends, family, and fellowship.

I urge you to ensure that this egregious example of overregulation never becomes law.

Trey DeLap, representing Group Six Partners, LLC:

I have submitted written testimony ([Exhibit Q](#)). We are concerned. This license should not be created under the Board of Examiners for Alcohol, Drug and Gambling Counselors. We are in an awkward position. We agree with everything that the sponsor spoke about in her introduction. The value of peer services is indisputable, especially with people who have interacted with veteran mentors who work with the courts, volunteer mentors, and peers that support public safety and law enforcement.

Our major concern is the overreaching definition of the services that are provided. If they include coaching, mentoring, education, and all the other things in section 7, that could include all of those services.

Earlier testimony noted that the fee for this license would be onerous. Certainly, it would be expensive for volunteers. The fees will probably be passed onto the institution or program that these volunteers are affiliated with. The educational requirements for licensure are underrepresented. In section 6, in addition to the 46 hours of training, 25 hours of supervised work in each domain is required—this totals 100 hours. There are an additional 500 hours, paid or volunteer, in each of the domains, and there are four domains—this is 2,000 hours. That section might align, and probably does, with voluntary certification. However, the way that this bill is written, it does not look like there is a way to obtain that kind of training while actually working in this field.

This is a big concern. One of the amazing things about peer recovery support is that it is well known to be effective. It is being done in community-driven ways, responding to the specific needs of the community. It is not being done because there is a state license available. It is also being done in areas that never see a licensee of the Board of Examiners for Alcohol, Drug and Gambling Counselors. They might be working for a psychiatrist or maybe other people who are qualified to provide a diagnosis as required in section 5. If these peers are working for these professionals, why would the Board of Examiners license them for Alcohol, Drug and Gambling Counselors? Another entity would be more appropriate.

That is where the definition of peer services currently is under *Nevada Revised Statutes* Chapter 449. This chapter includes the Department of Health and Human Services and Division of Public and Behavioral Health.

The state received a large grant to integrate community-centered behavioral health clinics. These will go online July 1. This model will integrate behavioral and medical health. Our concern is that this could capture the peer services. As a condition of providing the services of the Certified Community Behavioral Health Clinics (CCBHC), they must provide peer and family services. If this regulation goes into effect, this may scuttle some of the licensure of the people providing those services.

Assemblywoman Carlton:

If there was a provision for people who do this voluntarily, would you be okay with that? Is it the payment that you have the issue with?

Mr. DeLap, who do you represent?

Trey DeLap:

Group Six Partners. We are a consultancy.

Assemblywoman Carlton:

Who is your client?

Trey DeLap:

Group Six Partners.

Assemblywoman Carlton:

Group Six Partners is the actual client.

Trey DeLap:

Correct.

Assemblywoman Carlton:

I am confused. You are a consulting firm.

Trey DeLap:

Correct.

Assemblywoman Carlton:

Consulting firms usually represent someone.

Trey DeLap:

Right, but in this case I represent Group Six Partners.

Assemblywoman Carlton:

How does this bill affect Group Six Partners as a consulting firm?

Trey DeLap:

I do a lot of work with a variety of different organizations. I have worked in behavioral health and have worked in health care for over 20 years in this state. I have done a lot of work with policy. In consulting, there is a lot of information that I gather from things dealing with the opioid epidemic and the utilization of the peer navigation programs.

Personally, I am a youth mental health first-aid instructor. I teach a community health worker class. These are people who break down barriers and promote access to care. That is their sole mission.

As a consultancy, I am interested in this process because it affects my research and my ability to do strategic planning and consulting.

Assemblywoman Carlton:

Thank you, I appreciate the clarification. When we have a new partner in the room, it is nice to know the viewpoint of that new partner and understand who the client is.

If they were volunteers, this would not be a problem. It is people who are being paid and requiring them to be certified that is the issue. So if it is a volunteer at church who said, "I am going to help with this church group and do this," or a volunteer at an alumni association such as Mr. Smith mentioned, or a volunteer at another professional group that wants to lead a group to help, you would be okay with this bill? So you are not worried about volunteers, your concern is with requiring people to be certified?

Trey DeLap:

If there was significant exemption for organizations, these could potentially be volunteers, nonprofits, or government entities, then that would alleviate some of my concerns.

Assemblywoman Carlton:

I believe the volunteer is a person, not the entity. The title "volunteer" usually applies to a person.

Trey DeLap:

Thank you for that clarification. In other states that have this type of regulation, usually the organization is the one that is accredited or certified. This would be an agreeable compromise versus the requiring an individual license for the person.

Assemblywoman Carlton:

I appreciate that. I heard that in your original statement. If they were volunteers, would you still have the same issue? If someone is not doing this as a profession, and they are just a volunteer to help someone, you feel that they should not be required to be certified, is that correct?

We heard the concerns expressed about volunteers earlier, and these are valid concerns. People try to help each other all the time. A recovering person can wrap their arm around someone who is having difficulties. They can relate to each other much more than someone who has never experienced the problem. If we exempt volunteers in this bill, would that address your concerns?

Trey DeLap:

It would as long as it covered the organization where the volunteer is engaged.

Assemblywoman Carlton:

Volunteers do not get engaged because they are volunteers; they are not being paid.

Trey DeLap:

Whatever would achieve this and provide an opportunity for veteran mentors or others who are providing these services for free because it is part of their recovery service, and they are connected. We do not want this bill to overreach and capture all of the members of any 12-step program. As long as there is the establishment of a nonpaid credential, we would support this bill.

Assemblywoman Carlton:

In his remarks, Dr. Fisher said this was never meant to apply to sponsors in Alcoholics Anonymous, or Al-Anon, or any of the other 12-step programs. Peer support volunteers will be outside of this bill. If we need to make this more explicit in the legislative intent, we can address that. No one wants to affect a volunteer—volunteers are very special. They are willing to give of their time to help someone. This bill targets a workforce component and an actual billing component. We will look carefully at this and make sure that we address the volunteer issue.

Heidi Gustafson, Independent Contractor, Foundation for Recovery, Las Vegas, Nevada:

I am a person in long-term recovery. This means that I have not used alcohol or other drugs for more than 14 years. I am also a person in long-term recovery from mental health challenges. I am properly diagnosed and medicated, and because of this, I have not had any symptoms for more than six years. I am very grateful.

I am employed by the Foundation for Recovery, a 501(c)(3); therefore, I cannot be in support or opposition to this bill. I would like to clear up some things in earlier testimony.

First, some of Assemblywoman Monroe-Moreno's testimony was not factual. We are not Medicaid state covered. Medicaid does not cover our peer recovery support services. The organization that I work for is the only community recovery organization in this state recognized by the federal government, and we are eligible for federal grants.

One of the things that no one has talked about today is the desire of Southern Nevada Adult Mental Health Services (SNAMHS) and our federal government to have recovery community organizations such as ours—we have that model. The desire of the federal government is for these types of organizations to grow and multiply. In fact, we have submitted a proposal for a statewide grant which will bring millions of dollars into the state and will allow us to provide services statewide and create a network for recovery community organizations.

The 150 people that they are talking about bringing into these services are people who have been trained by the Foundation for Recovery. We are the people that provide statewide trainings for peer recovery coaches. We supply a 45-hour training. They do not work unsupervised. They all have lived the experience, and we have evidence-based programming. According to SNAMHS, evidence-based programming means that this stuff works.

We adhere to all of the requirements of the federal government. We see 30 to 50 people per week at no cost to these individuals. We are supported by and have people that are referred to us by the Legal Aid Center of Southern Nevada; the court systems; Nevada State Behavioral Health Services; Child Protective Services; faith-based and veterans organizations; HOPE for Prisoners, Inc., and many more.

We have not harmed anyone using our services. What we are doing works. We have the numbers to show that they work. The federal government continues to fund our programs. The federal government, through the Substance Abuse and Mental Health Services Administration, wants these lived-experience services to use the same model that we do.

This bill will create substantial barriers to federal funding and will limit available funding through nonadherence. This creates a punishment system. I am surprised the Board of Examiners for Alcohol, Drug and Gambling Counselors would have any interest in enforcing this bill given their current workload and their internal efforts to restructure their organization. This bill will price out volunteers through the enormous fees.

We are a volunteer, peer-led and run nonprofit organization. We provide services to people who say they need help. We do not wait until we have a doctor's referral. I do not know if anyone here has ever suffered through trying to find someone a detox bed in southern Nevada. Given the disease of addiction and how fatal it is for people, we need to get to these people quickly.

Many places say that they cannot talk to you today; you will have to wait because you do not have a doctor's prescription. This is ludicrous. It makes no sense at all. In my opinion, community-based organizations run by peers who share a lived experience in southern Nevada include Celebrate Recovery, the Boy Scouts, the veterans, the Salvation Army, and Boys and Girls Clubs. I know that there has been some talk about how we could write all of this out, but that is how far-reaching this bill is—you are saying that we cannot provide any peer recovery services.

Chair Bustamante Adams:

Have you spoken to the sponsor of the bill?

Heidi Gustafson:

No, not personally. I find some of this so intrusive and repulsive that it would be difficult for me to have that conversation. I feel very strongly about this. I do not know what to say.

Chair Bustamante Adams:

In order for us to come up with some kind of solution, we need the diplomatic, respectful, and professional interaction. I would encourage you to reach out to the bill's sponsor and express your concerns.

We are going to go to those in neutral.

Joanna Jacob, representing AxisPoint Health; and Beacon Health Options:

We are contractors with the state Medicaid program. We are currently delivering a care management organization program for some of Nevada's sickest, most chronically ill Medicaid fee-for-service population in Nevada statewide.

The reason is that we have five peers on our statewide care management team. They work with community health workers, clinical social workers, and nurses. They are valued members of our team.

We participated in the stakeholder team for this bill and worked with the sponsor. I want to go on record—over 75 percent of the people involved in our program are struggling with substance abuse and mental health issues. These often occur along with physical issues. Over 80 percent of our enrollees need additional assistance—it may be housing, social support, or other things. The team on the ground tells me that the peer specialists are often most helpful when we are trying to engage with someone who is very wary about someone from the government knocking on their door. That is why we have the peer specialists. They also model successful recoveries and provide support and encouragement to our clients. We find that this has been very effective.

We are in neutral on the bill and will be ready to comply with the certification.

Assemblywoman Monroe-Moreno:

We have room to identify issues. I started working on this bill in November 2016. I was working with Dr. Fisher. At that time, we reached out to Mr. Smith and Ms. Gustafson. Dr. Fisher was able to sit down with Mr. Smith in February 2017. We sent them a mock-up of the bill. I am surprised by Mr. Smith's remarks today—he never reached out to me or to Dr. Fisher to notify us of any of his objections.

Mr. DeLap of Group Six was a part of the working group. The last time I spoke to him was last Thursday. At that time, he expressed a few concerns. I am surprised by the six-page document that he sent at 11:00 o'clock last night ([Exhibit Q](#)). What Mr. Delap has failed to mention is that he is the registered lobbyist for the Central Recovery Holdings, LLC in Las Vegas.

If we were to have a "catch-all" board, it would require us to create an entirely new board. In my discussions with Mr. DeLap, when he mentioned his discomfort with where the certification was placed in the bill, I asked him if there was an existing board where he felt the certification would be better placed. On Thursday, he told me that he did not know of another existing board where the certification could be placed.

People have raised the issue of serving the rural communities. One of the reasons for this bill is that we know that in Nevada we have a difficult time providing mental health, behavioral health, and medical professionals in our urban communities. In our rural communities, the need is even greater. There is a desperate need for peer support recovery specialists in the rural health care field. They will work under the direct supervision of a clinician.

Mr. Smith has testified that this bill will hurt rural areas and minority communities. I disagree with him. This bill has not been drafted to hurt anyone. It provides a level of protection for people who need it. We have behavioral health care specialists who are volunteering. This bill is not intended to affect these volunteers if they are volunteering with community groups. It affects only those who are working under the direct supervision of a clinical professional.

Thank you for allowing me to present this bill. It is near and dear to my heart, and I believe that this is a start to addressing the mental health issues in this state.

Chair Bustamante Adams:

I want you to check back with me by the end of this week and let me know where you are with your discussions. I am going to close the hearing on A.B. 194. We will open the hearing on Assembly Bill 313.

Assembly Bill 313: Enacts provisions governing geolocation information. (BDR 52-886)

Assemblyman Jim Wheeler, Assembly District No. 39:

The onus behind this bill came about when I was approached by a person who told me how her children were being tracked when they were using cell phone apps. I looked into this and found that these children—and most of us—are being tracked through our cell phones. There are even apps that can turn on the phone's camera and someone can watch you. This seems ominous to me. It is overreaching.

When I looked into it, I found that there are applications to help people stalk their former partners, applications that are used for human trafficking, and even applications that can be used to track state legislators—they reveal their current location and what they are thinking. To me this is a Fourth Amendment issue. This is a nonpartisan bill requiring transparency on the part of the companies developing and accessing these apps.

We have spoken to many stakeholders and have come up with a conceptual amendment ([Exhibit R](#)). We have tried to meet everyone in the middle. Some people think that this bill does not go far enough to protect our digital privacy, and others think it goes too far. The conceptual amendment strikes section 6, subsection 1 of the bill. The other proposed changes will mean that this bill will apply to those 18 years of age and under. It would change the way an app is delivered to a cell phone. Currently, when an app is downloaded, the default is to automatically allow geolocation of the cell phone user at any time.

What we have asked for is that for any child under 18, when the app is downloaded to the cell phone, the cell phone user would actually have to push a button to allow geolocation. The default would allow geolocation only when the app is in use, and when it is in the forefront; it cannot be in the background. This should prevent children from being tracked without the parent's knowledge. We have not reached a consensus on this, but I believe that the big companies will agree to this.

Ari Scharg, Board Member, Digital Privacy Alliance, Chicago, Illinois:

The Digital Privacy Alliance is a coalition of technology companies, technologists, researchers, economists, and lawyers that advocate for privacy and data security. People constantly generate enormous amounts of geolocation data through our smart phones, tablets, and other mobile devices that connect to the Internet.

Geolocation data can provide an enormous benefit. I, for one, would not be able to get anywhere without the maps app on my phone. The breadth and invasiveness of geolocation data generated by our devices is largely unknown to consumers and lawmakers alike. A recent *Wall Street Journal* study found that nearly 50 percent of the top cell phone apps, including apps for children, collect, shares, and sells location data without the cell phone users' consent.

What is geolocation data? Instead of telling you, let me show you. If you have an iPhone, pull it out. Go to the settings icon, then go to privacy. It is about halfway down the list. After you click that, something will appear at the top of the page that says location services. Click on that. Go down the list until you get to system services. Click on that. Scroll down almost to the bottom of the list to frequent locations. Here is where your phone records every place that you visit and records the exact dates and times you are at those locations. It also does something else—it analyzes those locations, dates, and times and identifies where your house is located. For many of you it will say home. If you click on home, there will be a dot on a map. If you click on this dot, it will tell the specific dates and times that you have come and gone. It will show you data for however long your phone has been on. For most people, this time period goes back to when they purchased the phone.

This intensely high specificity and level of geolocation data is collected from everybody, every day, every minute. This data is collected on our children and us. The fundamental questions posed by A.B. 313 are, who has the right to control that data? Who is allowed to weigh in on whether that data is collected in the first place and how it is used by the entity collecting it? Do we have the right to know that the entity collecting it is going to sell or trade it on the open market? Do we have the right to know if they want to sell it to the police or to our competitors or to thieves? In other words, do we have a choice in the matter?

Right now, the answer is no. The Fourth Amendment generally prohibits the government from installing tracking devices on our cell phones or recording our movements without a warrant. Private companies are a very different story. There is nothing making it illegal for apps or websites to collect geolocation from our phones. Right now, this data is collected and sold behind our backs by companies that do not tell us what they are doing nor do they ask for our consent. Assembly Bill 313 simply requires companies that collect this type of data to make consumers aware of what they are doing. These companies would need to obtain the consumer's permission before collecting any data. This can be done through a simple screen tap. This screen tap would only need to be done one time.

This simple measure that does nothing more than require transparency is desperately needed. This digital age is referred to as the age of "big data." The demonstration I did using my phone shows that even raw geolocation data provides an outsider with an intimate and inside look into our private lives. They know who we are, where we go, how often, and for how long. This is huge for the "big data" economy because knowing where a person is means knowing what they are doing. This may be attending a religious service, or a support meeting, visiting a doctor's office or not visiting a doctor's office, going to the gym or not going to the gym. This data is used by a myriad of companies as a weapon against us. This includes banks and insurers who use this data to determine whether they want to insure us or loan money to us and on what terms.

Last year, the "big data" industry generated \$200 billion in revenue. Often they did this by selling our personal data, including geolocation information, behind our backs. Failing to protect this type of information not only threatens our privacy, but also our freedoms of speech, expression, and association. The threat is real.

Just this past October, the American Civil Liberties Union (ACLU) revealed that various social media companies were sharing geolocation data with a company called Geofeedia, who in turn, sold that information to police departments around the country so the police departments could track individuals and protestors, including a number of Black Lives Matter activists (Exhibit S). Geofeedia literally allowed police departments to track protestors in real time. These police departments were able to do this without any oversight.

A data aggregation company called Palantir was recently awarded a contract by the United States Department of Homeland Security, Citizenship and Immigration Services. This contract is to compile and build a database of data that includes geolocation information. It will be used to help U.S. Immigration and Customs Enforcement target

immigrants and refugees. The absence of regulation makes it possible for private companies to collect geolocation information from society's most vulnerable populations. They do not know data is being collected from their phones and sold to the government. People have a right to know if the companies they do business with are selling information on their movements and their geolocation data to companies like Geofeedia and Palantir. This loophole must be closed.

The dangers of geolocation information go far beyond private companies. They affect public safety. A study conducted by the National Network to End Domestic Violence found that 72 percent of victims' service programs across the country had seen victims who were tracked through a tracking app installed on a mobile device.

In testimony before the Senate Judiciary Subcommittee on Privacy, Technology and the Law, United States Senator Al Franken shared a story about an abuse victim. She fled 700 miles away from her abuser and went to Elgin, Illinois. Unfortunately, the victim did not know that her abuser was tracking her through her cell phone. He drove the 700 miles to Elgin. He tracked her to a shelter, and then to the home of a friend. There he assaulted her and tried to strangle her. Sadly, there are countless stories just like this.

This is not just about gaining information about someone's location; it is about where people are not. There is a website called, PleaseRobMe.com. This website aggregated data from location-based services like social media sites to identify homes that were empty—when the adults were at work and the children were at school which made the homes easy pickings for thieves. These are real-life examples, and they happen every day. They happen because the geolocation data is taken from our phones.

I understand that there is an amendment ([Exhibit R](#)) to the bill. I do not think the bill goes far enough because it limits the reach and scope of the bill. It now applies only to those 18 years and under. Many times companies will tell you that they are collecting geolocation data; for example, to run the maps app on your phone. But it is the other things that they are doing with the information they collect. You may know that they are using this data to run the maps app, but you probably do not know that they are selling this data to hundreds, if not thousands, of other companies.

David Carroll, Associate Professor, Parsons School of Design, The New School:

Mr. Sharp summarized some of the concerns. I want to add that the Federal Trade Commission had a conference in January. Both national and international researchers reported on some very concerning practices by the industry. These practices demonstrate that the leaking of our data is pervasive across all the different kinds of apps, including apps that do not appear to track locations. Examples were shown of children's game apps that are secretly sending location and identifiable information to unknown services. This practice has been proven, and it is pervasive. Seventy-one percent of apps do not have a privacy policy. There is no effective way to enforce the most basic practices that websites are held to. There is a huge gap in the enforcement and regulation of mobile devices.

I am also concerned about how this affects lawmakers in particular. Lawmakers themselves are especially prone to this surveillance because they have a very predictable travel pattern. It would be very disturbing if software were written that allowed lawmakers' personal data to be collected in the form of a dossier. This can be done by combining data sources. In the aftermath of the Federal Trade Commission repealing broadband privacy, there are efforts to crowdsource this very thing. I have seen evidence of software experts working on this type of software that would allow assembling data on lawmakers to use against them. I think this is an important time in the discussion of privacy in the United States to draw a line.

We need something similar to what was done with the Health Insurance Portability and Accountability Act (HIPAA). This created auditable standards so data could be shared and used for valuable business purposes, but it also created statistical and auditable measures to prevent abuse. This demonstrates that a sensible line creates the appropriate transparency in the industry to keep it honest. It does not inhibit innovation. Certainly the field of epidemiology has not been adversely affected by HIPAA. Researchers that I have spoken to appreciate the law—it gives them specific guidelines to conduct research and share it while protecting medical privacy. We need to consider how what we have done for medical privacy can be done for other sectors across the business sectors.

I do support the bill in its concept because it does make it more apparent to consumers that even applications that do not appear to track geolocations may be doing it for advertising purposes. There is a risk of reidentifying your data when your data points are recombined. My written testimony ([Exhibit T](#)) details this more clearly.

Chair Bustamante Adams:

Assemblyman Wheeler, I have the conceptual amendment written by you ([Exhibit R](#)). It makes changes to sections 5 and 6. Is that correct?

Assemblyman Wheeler:

Yes, this is my conceptual amendment. I drafted it after talking to all the stakeholders.

Chair Bustamante Adams:

I know that you had mentioned working with the Legislative Counsel Bureau (LCB) to have an amendment drafted. Is this it?

Assemblyman Wheeler:

I had been working with the LCB, but I did not receive their version in time, so I wrote this one myself.

Chair Bustamante Adams:

There is another amendment proposed by American Wagering ([Exhibit U](#)). Is this a friendly amendment? Have you seen it?

Assemblyman Wheeler:

I have seen it, and I actually included it in the conceptual amendment under section 5, subsection 1.

Chair Bustamante Adams:

I just wanted to make sure that everyone on the Committee understood about the amendments. We will take questions from the Committee.

Assemblywoman Carlton:

Once you are elected and your birthdate becomes part of the public record, everything else is just gone. I followed Mr. Scharg's directions, and when I checked my privacy settings, I found that there was a button to turn them all off. If I want to turn them off, I can. It is very simple.

I understand where you are trying to go with this bill. I have real issues with some of the companies out there. Uber is one of them. They are using a tool called "Greyball" to deceive authorities ([Exhibit V](#)). I understand wanting to address that sort of thing, and I think that involves consumer protection.

When you first started talking, Assemblyman Wheeler, you were talking about children. I want to understand what you are talking about here. If I had someone under the age of 18, I would want to know where they are. You are saying that you do not want people to know where they are. When I set up my children's phones, I used a "find my phone" app, and I knew where my children were.

Assemblyman Wheeler:

If you take a look at section 6, subsection 2, you will see that allowing a parent or guardian to locate his or her child—if the child is under 18 years of age and is not emancipated—is allowed. This is in subsection 2(a); section 6, subsection 2(b) is for a guardian; section 6, subsection 2(c) is for emergency services such as fire and police. These are specific exclusions; they were in the original bill and are still included in the amendment. A parent will be allowed to track their child or find their child.

If you want to allow any other app or program to collect data on your child's geolocation, you may. The conceptual amendment says that when an app is downloaded, it will only be able to track the child's geolocation when that app is in use if you give permission.

When you download an app, you have to agree to the terms and conditions. You do this by clicking on the "I agree" button. Currently, this is the default, and you are giving permission for the app to track you at any time. This bill will not allow applications to track children under the age of 18.

Assemblywoman Carlton:

I know that when you download an app, the developer is allowed to track you. If you are willing to do that or allow a website to track you when you are using the Internet, then people will be tracking you. People know when they use an app on their phone or the Internet that they will be tracked. I am concerned that you are making changes and people have already downloaded apps, how will this affect that? How will this be handled?

Ari Scharg:

Yes, people know that their web browsing is being recorded. However, when you are using a maps app or something that requires global positioning system (GPS) location to be used, you know that someone is using that system. What we are talking about with this bill are situations where the app tells you that the extent of data collection will be limited to times they deliver the service, but in reality, they are collecting, recording, and selling your GPS coordinates. These coordinates provide information about every single thing that you do on a daily basis. They are fully tracking you in a way that the government would never be allowed to do. In situations where they sell that information to the government, it is a major circumvention of the Fourth Amendment.

You asked specifically if people would have to start over with all the apps on their phones and would this create a problem? The answer is no.

You mentioned Uber earlier. A couple of months ago, Uber was using the "Greyball" app to circumvent law enforcement. That is a situation where a company is using GPS information for nefarious purposes. Uber made a change to their terms of service; they told users that they were going to track everyone for five minutes after they left their Uber ride when their trip was completed. The way that they were able to change their terms of service was that when you opened the app, a dialogue box appeared. It told people what they were doing. They said it was a safety feature and would help them enhance their services. You had to press a button in the dialogue box to indicate that you were okay with this change. You had to do this if you wanted to continue using this service.

In my opinion, this is the perfect way to handle this when you change your terms of service. Privacy advocates around the country said that is outrageous. Uber is now going to be collecting data they do not need from that point forward. All you can ask for from a company is transparency. When Uber changed their terms of service, people were able to make an informed choice. They had the information and knowledge to decide whether they wanted to continue to do business with Uber—they could have gone over to Lyft if they did not like the change in Uber's terms of service. At this point, the consumer has as much information as they need to decide if they want to continue to do business with that company.

Assemblywoman Carlton:

We have people in this building who follow legislators with cameras; they are called "trackers." We have to live with this because this is a public building. Whether I am being tracked electronically or being followed around by someone with a camera who is filming

every move I make, I cannot do anything about the "tracker," and I am not going to be able to do much about this. It is not as though this is something new. People are actually paid to follow us around and film us.

Ari Scharg:

With respect to politicians, yes, that does happen. They are public figures. As far as everyone else is concerned, especially children, there is an expectation of privacy.

Assemblyman Araujo:

I want to understand on whom this bill places the burden if it is passed. Who is now responsible for enforcing this, and who is liable if there are violations?

Assemblyman Wheeler:

The way I envisioned this, it would be incumbent upon the companies selling or delivering the app to be responsible for how the app is actually downloaded.

Assemblyman Araujo:

Do other states have similar legislation? What has this bill been modeled after?

Assemblyman Wheeler:

We modeled the original language after a bill in Illinois. California has a similar law. I believe that there are seven or eight states with similar legislation.

Ari Scharg:

In Illinois, a geolocation bill that is almost identical to this has been introduced. It has passed out of committee. It was cosigned by 25 Democrats there. A number of legislators in Alaska are introducing similar legislation. California, New York, and Oregon are all considering similar measures at this time.

Assemblyman Paul Anderson:

If I am an app developer and it is incumbent upon me to figure out what the various state laws are when it comes to geotracking, geodata, and other information that I am tracking, what is the enforcement mechanism if I do not adhere to the state requirements? If I am crossing state lines, going from state to state, does my app need to know where my geolocation is in order to turn off the geolocation in states where tracking is prohibited?

Ari Scharg:

In terms of compliance, it would be a short statement about what the company is collecting and what it is doing with the geolocation data. Many apps have this in their privacy policy. This data is very sensitive, and what this bill will require is that this information is provided separately.

You would have to click on a separate box once, and no further action would be required. At that point, people are aware that this information is being collected by the app, and they would know what the terms are.

Assemblyman Paul Anderson:

That is not what the bill says. I am looking at the conceptual amendment. It talks about the app for those under the age of 18. When the app is installed, the information about the settings would be provided. Now, an app developer would need to know the geographical location where the app is installed. Each state has different requirements. Is this correct?

Assemblyman Wheeler:

If the cell phone comes from another state without the same requirements, the first time an app is turned on in Nevada, the app developer would be able to geolocate you. A disclaimer could come up at that time. I think, as you well know being in the technology business, that it is simple to program something along those lines. I would just think about whom we are exempting here—the people with a nonrestricted gaming license. Obviously, they know exactly when you cross into Nevada because you cannot use that app unless you are in Nevada. I would think that this is easy to accomplish.

Assemblyman Paul Anderson:

I appreciate that. I would certainly grant the transparency piece. I would like to know if an app is on or off. The question remains about the enforcement piece and how it would work if the cell phone goes from state to state.

Assemblywoman Neal:

I want to ask about the app and how it is downloaded. On Facebook, if you are in a certain location and you take pictures, it automatically triggers an automatic download. It then lets you choose to allow or disallow the pictures to be uploaded to Facebook. How would this work? Are you asking app developers to reprogram their apps? Does this bill require them to reprogram their app so it does not collect geolocation data?

Ari Scharg:

All the bill does is require the app developers to provide some kind of notice as to what their geolocation data practices are.

Assemblywoman Neal:

Section 9 contains the contract provision. I do not see that deleted in the amendment. Can you speak to this? It says there is ". . . a contract that seeks to waive or modify a right, obligation or liability . . . is against public policy and is void and unenforceable." I would like more information about this section in the bill.

Ari Scharg:

This is a common provision in consumer protection bills around the country. The reason that this language is placed in consumer protection bills is that sometimes companies try to avoid important state protections by identifying a different state's law as the governing law. Later, they will argue that because another states' law applies, that means you do not get the protections you are entitled to in your state. This language is increasingly popular in consumer protection bills. It is to ensure that the people in Nevada, for example, cannot be stripped of their consumer rights through a boilerplate form contract.

Assemblywoman Neal:

The liability statement says, "or liabilities set forth." Are you saying no matter what, you will always be liable even if it was a mistake—you fail to turn it on or off? This section talks about civil provisions that allow liquidated or actual damages. Is a business now going to be liable no matter what if they do not provide notice?

Ari Scharg:

This imposes a liability on businesses that are not transparent; they do not tell you that they are collecting geolocation data and selling it. This is a very easy notice to give. The bill does not apply to any information that has been collected in the past. It only applies to information going forward. It is not trying to catch anybody off guard.

Assemblyman Ohrenschall:

I have questions about sections 7 and 8. Section 7 allows liquidated damage of \$1,000 or actual damages, whichever is greater. Do you know what kinds of judgments citizens in jurisdictions that have passed acts like this have received? Have they sued companies that have violated geolocation provisions in the state law?

In section 8, subsection 2, it calls for treble damages if an action is brought by the Attorney General for deceptive trade practices. Would you be willing to include the same language in section 7 if someone was to bring a private action for the violation of this act?

Ari Scharg:

This type of legislation has not yet been through the legislative process and enacted. In Illinois, it passed out of committee last week. Versions of this bill have been introduced in Nevada, Alaska, Oregon, Michigan, and other states. No state has passed a bill like this, so I cannot speak to what the judgments and settlements have looked like.

With respect to section 8, I personally do not see an issue if sections 7 and 8 are combined.

Assemblyman Ohrenschall:

Would that be acceptable, Assemblyman Wheeler?

Assemblyman Wheeler:

I am open to this. I would like to meet with you and discuss this language.

Chair Bustamante Adams:

We are going to go to those in support of A.B. 313 with the amendments submitted by Assemblyman Wheeler.

Holly Welborn, Policy Director, American Civil Liberties Union of Nevada:

The ACLU is supporting this new legislation across the country. Assembly Bill 313 strikes a balance between two competing interests—a company's interest in knowing where a user is at any given time and the user's interest in keeping that information private. If this bill is

passed, it will very simply require the affirmative, express consent from the user before a private entity collects or uses geolocation information from a location-based smartphone application.

Those opposed to this bill have and will continue to suggest it goes too far and imposes restrictions that cripple key business operations or delivers a subpar product or service to the user. We urge the Committee to look past these arguments and understand that the bill simply requires affirmative consent. Assembly Bill 313 rests upon a simple privacy concept that is built into the foundation of the most significant privacy laws and regulations on the books. This is the concept of notice and consent.

Currently, companies can also monitor your physical whereabouts with little restriction. This bill makes clear that passive geolocation tracking is unacceptable by requiring companies to notify you that your geolocation data is being collected and obtain your express consent to allow such tracking.

Private actors in America have vast regulatory latitude to collect and monetize personal consumer information, but it is not only corporate action that concerns us. As you heard, our national organization revealed that Geofeedia sold information to law enforcement agencies, thereby circumventing the Fourth Amendment. This is unacceptable.

If passed, Nevada would be among the states leading the country in safeguarding privacy rights by adopting sound, sensible, and well-balanced privacy legislation like A.B. 313.

I want to quickly address some statements that were made. When we are looking at issues of privacy, we are looking at government action and private individuals. When a person runs for political office or purposely avails themselves of the public spotlight, of course they are subjecting themselves to a certain amount of openness and there are public records laws and open meeting laws that provide for that. A private person using a mapping application and they are going to have a private medical procedure, or taking their children to a doctor's appointment and engaging in very private activity, those individuals are not engaged in the same behavior.

Janine Hansen, State President, Nevada Families for Freedom:

I have served as the national privacy issues chairman for the National Eagle Forum since 1999. We continue to be concerned about privacy issues. One of the most alarming things we heard today is that some of the information that has been collected by commercial interests has been sold to the government.

We need to protect the right of individuals to be engaged in publicly opposing the government for whatever reason. This information should not be used to track and geolocate individuals. It is a violation of the Fourth Amendment. It is also a violation of the *Nevada Constitution*.

Geolocation puts our privacy at risk. One of the things that concerns me the most is the information that is available to stalkers. This should be of concern to everyone. Everyone should be safe, and being followed by people we wish to avoid can be a major problem for many victims of bad relationships. Recently, my daughter hired a new person in her business. That person was a victim of domestic violence who had fled from Illinois. Prior to fleeing, she was beaten so severely that she had to be hospitalized. She is an example of someone who is in a very vulnerable situation. This information can be used against someone like her.

We do not want people to track all of our movements. This is a huge concern, especially for children. I have grandchildren who love to use the computer, and it is important that we have an affirmative answer. We do not want them tracked. This is very critical for parents. So much can happen online. We support this bill. We support privacy, and we feel that our individual right to privacy should be protected. That is one of the main things that government ought to do.

Kimberly Mull, Policy Specialist, Nevada Coalition to End Domestic and Sexual Violence:

My organization represents the various domestic and sexual violence programs around the state. We support this bill. Technology increasingly affects safety, accessibility, and privacy rights of victims. Today, perpetrators of abuse, domestic violence, sexual assault, stalking, and trafficking use geolocation and geotracking information against their victims. This is happening across the country, and includes Nevada. One of the presenters provided an example of an incident of domestic violence where the perpetrator used geotracking to locate his victim.

Previous testifiers have spoken about how children's safety can be at risk. I can personally tell you the story of a 12-year-old girl that I know. She was trafficked by her parents; she became pregnant and had a baby. Her abuser used geotracking information from the girl's Instagram account to locate her. He went to her home when her parents were away. He beat her up and stole the baby.

I personally have had Facebook geolocation—a messaging service—used against me by a pimp when I was communicating with one of his girls. She was being trafficked and was asking me for help so she could get out of that situation. The pimp came across a message and was able to find where I was located. I was not aware that the Facebook messenger could reveal your location. He found me and confronted me.

We think this is a victim-centered bill. It is important for privacy, especially for victims of crime who can be impacted by this.

Chair Bustamante Adams:

Is there anyone in opposition to A.B. 313 with the amendments?

John Griffin, representing Amazon.com:

I will not comment on the substance of the bill because the amendment is new. I would say in general, even with this new amendment, I am happy to work with the sponsor to resolve our concerns.

Everyone who is on a device with free public Wi-Fi is able to use this because their device has used geolocation to access the service. I understand the amendment.

A week ago I received a text on my cell phone because my 11-year-old daughter had ordered light-emitting diode finger light gloves. All my children have access to my Amazon account and order things. I do not know what device she used to order these. I do not know if they used Alexa, or if they used my computer, my wife's computer, or an iPad. They might even have used a friend's computer.

Looking at this amendment, it requires some sort of disclosure when they use an app. I do not know what they used, and I do not know how Amazon would know that my 11-year-old daughter is using my computer. This can lead to a violation of the law if this bill is passed.

Bryan Wachter, Senior Vice President, Public and Government Affairs, Retail Association of Nevada:

We share the same concerns of the previous speaker. I think this goes a step further. You have been presented with many Black Hawk helicopter stories about how this data is used. I want to provide some examples of how it can be used for good purposes. It can be used to ensure that the E911 enhanced network—police and firefighters—know exactly where a call is coming from in order to respond. This bill excludes emergency services, but I think it is important to note that it is this type of technology that offers this level of service. It is the same type of technology that allows grandparents to have a necklace around their neck in case they are injured—the device allows them to be located.

The walk-through of the privacy settings was interesting. I followed along, but when I checked my cell phone, these settings are off. I read what is going on, and I turned the geolocation settings off. I think parents read and can do the same.

What we have to look at is this: Is the data being used in the method it is intended to be used for? I think that 99 percent of the time the answer is yes.

Les Lee Shell, Director of the Office of Risk Management, Department of Finance, Clark County:

We are neutral as to the policy of the bill; we have reached out to the sponsor. We have requested a small technical change. We were not sure what the amendment would look like so we were not sure if our concern would be addressed. It does not appear as if the amendment addresses our concern. On page 3, beginning on line 14, we would like to expand the definition of guardian to include the words, "or legal custodian as defined in NRS 432B.060." This allows us to have coverage for the child in child welfare.

Chair Bustamante Adams:

Is there anybody in neutral?

Scott Scherer, representing American Wagering, Inc.:

We submitted the second amendment to this bill ([Exhibit U](#)). Assemblyman Wheeler has incorporated it into his amendment ([Exhibit R](#)). The reason for our amendment is that we offer mobile sports wagering. The gaming regulations require us to know that the user is within the borders of the state of Nevada. We have to maintain that information and make it available to the Nevada Gaming Control Board. These regulations require us to keep this information confidential. This information is not used without our customers' consent; it is only the Nevada Gaming Control Board and authorized law enforcement agencies.

The amendment addresses our concerns, and that is why we are in the neutral position.

[[Exhibit W](#)] was submitted but not discussed.]

Chair Bustamante Adams:

We are going to close the hearing on A.B. 313. We are going to open the hearing on Assembly Bill 354.

Assembly Bill 354: Revises provisions relating to employment practices. (BDR 53-275)

Assemblywoman Dina Neal, Assembly District No. 7:

I hope that you have the new mock-up of the proposed amendment to Assembly Bill 354 ([Exhibit X](#)). I completed this mock-up today; it has some changes. Assembly Bill 354 is a simple bill. The reason I had this bill drafted is that I am concerned about how the subgroups are reported in unemployment information. Currently, they are reported, but the information is difficult to find. I want to make sure that this information is open and available—it should be easy to find. Section 5 is really the beginning of the bill. It deals with the manner in which the Department of Employment, Training and Rehabilitation (DETR) provides information related to demographic groups and subgroups, requires them to post this information on their website, and provide it to the Governor's Workforce Investment Board and all applicable agencies.

The idea is that the entities can begin to have conversations around unemployment in regards to their workforce strategy. I want this information to be easily accessible. Since 2011, I have been collecting demographic data by subgroup. The Department of Employment, Training and Rehabilitation produces a quarterly report, but it does not break out the unemployment rates by subgroup—this information has never been readily available.

Section 6 of the bill details the entities involved and the actions and activities for which they are responsible. I want them to work together to develop strategies in order to address the unemployment rate by subgroup.

If you go to section 6, subsection 5, it says, "The Board shall: (a) Receive reports from the Director pursuant to paragraph (e) of subsection 1 of NRS 232.290; (b) Require all applicable agencies which provide workforce development services to coordinate efforts and resources to reduce the rate of unemployment for a demographic group contained in the report provided pursuant to paragraph (e) of subsection 1 of NRS 232.920 if, for that demographic group, the unemployment rate for the group: (1) Is 200 percent or more of the unemployment rate for the applicable county as a whole; (2) Is 4 or more percentage points higher than the unemployment rate for the applicable county as a whole; or (3) Has been higher than the unemployment rate for the applicable county as a whole for 3 or more consecutive years; and (c) Provide a report each year to the Director of the Department and the Director of the Legislative Counsel Bureau describing the efforts made by the Board and all applicable agencies to comply with paragraph (b)."

The reason for this language in the bill is that although we may see a 5.9 or 4 percent unemployment statewide, it does not reflect the unemployment rate for the subgroups. The postrecession unemployment rate for some subgroups is still in the double digits.

The graph on page 4 ([Exhibit Y](#)) shows the unemployment rate from January 2006 to December 2016. I want an active coordination to reduce the unemployment rate for the subgroups with double-digit unemployment. This needs to be reduced to single digits. The criteria listed in section 5 are triggers for DETR to look at what is happening with unemployment.

If unemployment for the subgroups rises and/or remains above a certain level, the Department will provide a report describing their efforts coordinate with the various agencies to reduce the unemployment rate for subgroups. The goal is to create parity and make sure the disparity in unemployment rates for the subgroups is reduced, and state and federal money is used to ensure all groups enjoy a low unemployment rate. We want them to be participating in the workforce and economy of Nevada.

The purpose of Section 7, subsection 1, is to include the reporting of the data and to make it as practical as possible to provide this information to the Governor's Workforce Investment Board. The section also talks about the receipt of the information and the reporting.

If you go to section 9, this bill becomes effective upon passage and approval for administrative preparation on July 1, 2017, for all other purposes.

Over the past year, Assemblyman Tyrone Thompson, Assembly District No. 17, and approximately 49 others have been discussing this issue. Our group is called the African American Think Tank. We are actively seeking solutions for the high unemployment rate for the subgroups. We want to find solutions for the unemployment and underemployment of African Americans. One of our goals was to bring forth legislation that allows us to work toward solutions. We also want to engage stakeholders and come up with strategies.

This is important to me. I want to ensure the data is collected in a usable format; it is readily available; and the agencies are coordinating their efforts to reduce the unemployment rate. I want effective reporting mechanisms put in place.

Senate Bill 516 covers longitudinal data. It may or may not impact this bill.

Assemblyman Kramer:

You said that you have worked since 2011 to collect this data. So what you are saying is that this data exists, but not in the format that you would like to see?

Assemblywoman Neal:

Yes, I started to look for this data in 2011. It exists, but it has not been included in the reports. Each time the report came out, I would have to email and ask for it. I was able to compile this chart ([Exhibit Y](#)) because I specifically requested this data. I am a legislator, and I can request and receive this information. I am concerned that this information is not readily available for interested individuals.

Assemblyman Kramer:

The data is out there, but it is just a question of requiring it to be included in the reports?

Assemblywoman Neal:

Yes.

Assemblyman Paul Anderson:

The data is out there, but it has taken an effort on your part to compile it. Is there another way to require that this data be collected and distributed other than creating a statute? The reason that I am asking is that the data that we need may change quickly depending upon the economy, economic development, and the real estate market. Even the segment of the population that we are trying to garner information about may change. I just wonder if statute is the place to do this—the Legislature only meets every other year.

Assemblywoman Neal:

I think that the pathway is statutory. I have asked for this information on a quarterly basis. Each quarter DETR puts out their report. Each quarter I have to ask for that breakdown by demographics. Within 15 minutes they provide it, however, it is not clearly and explicitly contained in the quarterly report. Could the agency choose to do that? I thought that after I asked for six years in a row that they would just do that, and I would not have to request it each quarter. That has never happened.

I would love to have this information included in the report without having to make statutory changes, but at this point, I want DETR to cooperate and share that data. More often than not, I have posted this information and people have expressed surprise at the actual unemployment rate for the subgroups. They thought the unemployment rate for the subgroups was much lower.

Assemblyman Daly:

I have two suggestions. I would hope that you would make sure this is posted on a website. The new section 8 needs to be section 5 where you are exempting this report from a five-year review. The Legislature receives thousands of reports, which may not be read. That is the reason for the five-year review. It does not kill a report; it just ensures that if it is not being used or read that it can be eliminated. Conversely, if it has useful information it continues. The Legislative Commission looks at that.

I do not think that we should make an exception to the requirement that this be reviewed every five years. I am open to considering that and adding in that whatever report we get is posted on the website so that is readily available.

Assemblywoman Neal:

I appreciate that. One of the conversations I had with the Legislative Counsel Bureau (LCB) when they were drafting this bill was about making sure that the report did not go to LCB only. This may be what you are talking about, but I wanted it to go to the workforce development agencies as well, because I need this to be actionable and readily available. I know that although the LCB gets a lot of useful information, legislators are often the only people tracking it and looking for it. Sometimes, this information is useful, but people are unaware of its existence. I want to make sure that the LCB receives this information, but that it also goes to the workforce development and other applicable agencies. This allows them to access this data and begin to develop strategies to help the subgroups obtain employment. I do not want this information to be hidden.

I want the five thresholds set forth in this bill. For me, this is about transparency. It is about knowing how all groups are functioning in the state. I want to make sure that we are doing the things we need to do in order to help everyone find employment.

Assemblyman Daly:

I understand what you are trying to accomplish with this bill. I have no problem with that. I was just looking at the statute that you want to be exempt from. It already says that a report will be sent to the Director of the Legislative Counsel Bureau. There is no reason that it cannot be sent to everyone else. If the others do not have a five-year review, that is not my concern. However, the Legislative Commission has their review. If you also say this report will be posted on DETR's website along with other websites, people will be able to access this information.

Assemblywoman Tolles:

This session we have had many discussions about understanding the unemployment situation in Nevada and how to drive better decision making. I think this is what you are trying to accomplish. Can you expand on page 4, section 6, subsection 5(b)? It says, "Require all applicable agencies which provide workforce development services to coordinate efforts and resources to reduce the rate of unemployment for a demographic group" Besides collecting this data, how are you envisioning its long-term use? I am especially interested in how you see them coordinating their efforts and resources.

Assemblywoman Neal:

We already have what we have learned from in-depth conversations around local and state workforce development. They are already engaging in strategic efforts. I want these efforts to include a coordinated effort to lower the unemployment rate for subgroups.

I think that there should be concern when you have an area with high needs. This could fluctuate—we could have another recession. At that point, we are engaged in seeking solutions. My intent is that we work to eliminate the disparity in the unemployment rate for subgroups. The disparity in the unemployment rate for them is not dropping, and we need to have a concerted effort to implement and coordinate strategies and resources so we reduce that rate of unemployment.

I think the agencies that are best suited to do this are the workforce development agencies. I want to make sure that they are included. I want these efforts to be consistent, and I want this to be a priority for them. I want it to be a huge concern to them that the unemployment rate for Nevada as a whole is 5 percent while the unemployment rate for the subgroups is at 13 percent. This is a huge issue for me.

Parity and ensuring that dollars are used across the board so all groups have access to help is very important to me. If you look at the postrecession data, December 2013 through December 2016, and compare the unemployment rates, the rate for blacks has fluctuated between 16 to 13 percent. I never once saw this fact mentioned in a newspaper, nor did it show up in readily available data. This did not allow us to compare the unemployment rate for all groups and develop strategies to solve this problem.

These are the reasons I am sponsoring this bill. All groups matter.

Assemblywoman Tolles:

There have been many conversations about the connection between education and workforce development this session. Maybe there is a way to connect education to this in some way.

Assemblywoman Neal

I think the applicable agencies may be able to capture them and bring them in. I do not know of a way to connect these two with this bill. Other legislation is addressing this. The proposed legislation is trying to connect education and workforce development. I know that the Assembly Committee on Ways and Means is considering the funding for this. I am not sure what is happening on the policy side.

I am willing to consider combining them if you have an idea of how to insert that and strengthen the bill, and ensure that all entities, including those involved in workforce development, health care, and education, can be tied in to this bill. I do not think we have integrated all these efforts yet. It is my understanding that there has not been a coordinated effort to connect all these entities.

Assemblyman Ohrenschall:

I have served on the Governor's Workforce Investment Board. The statistics that were provided and what they did or did not include sometimes frustrated me. If this bill passes, do you envision breaking this down and looking at specific neighborhoods? In Clark County, there are Assembly Districts where the unemployment rates are much higher than those for the county as a whole. I would like detailed information by Assembly District. I have never been able to obtain that kind of information.

Assemblywoman Neal

Frequently local workforce agencies are located within specific neighborhoods. I think the provisions in this bill that tie them into developing and implementing strategies to reduce unemployment for the subgroups are very important to this bill. If these agencies have accurate data, they can start digging deeper and determine the unemployment rates for specific areas.

I asked Assemblyman Edgar Flores, Assembly District No. 28, what the unemployment rate is in his district and he told me that it is 12.4 percent. However, when we look at the data and go to the Hispanic category, this is not shown. The data that we have only shows statewide averages. There is a higher carve-out of people in his district who are unemployed.

If you are a workforce development entity and you have specific information on subgroups and neighborhoods, you can start to ask questions and get to the specifics—do the unemployed have training, can we train them, or what is going on? If we are going to train people so they can be healthy, viable members of a community, workforce development entities need to be asking specific questions that lead to solutions, especially if they are receiving state and federal funds.

Chair Bustamante Adams

We will move to those in support of A.B. 354 with the amendments. [There was no one.] Is there anyone in opposition? [There was no one.] Is there anyone in neutral? [There was no one.]

Assemblywoman Neal:

I worked with the Department of Employment, Training and Rehabilitation to ensure that this bill fit within the parameters of their duties. I presented them with a copy of the amendment when they came to testify at another, earlier hearing.

They had a concern with one word, but I do not know which word that is. I will be talking to them after this meeting. I do not know if it is because language from S.B. 516 is not included here. That concerns the longitudinal data. Ultimately, I think this is good public policy. Our end goal is worthy of the consideration of this Committee. If we do this and do it correctly, it will create parity. Everyone will be on an equal playing field, and everyone will have the opportunity to earn a paycheck and take care of his or her family.

Chair Bustamante Adams:

I am going to close the hearing on A.B. 354. Is there any public comment? [There was none.] The meeting is adjourned [at 4:14 p.m.].

RESPECTFULLY SUBMITTED:

Kathryn Keever
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 a proposed amendment to [Assembly Bill 361](#), submitted and presented by Assemblyman Richard Carrillo, Assembly District No. 18.

[Exhibit D](#) is a proposed amendment to [Assembly Bill 361](#), submitted and presented by Lea Tauchen, Senior Director of Government Affairs, Grocery and General Merchandise, Retail Association of Nevada.

[Exhibit E](#) is an explanation of [Assembly Bill 359](#), submitted and presented by Assemblyman Tyrone Thompson, Assembly District No. 17.

[Exhibit F](#) is a proposed amendment to [Assembly Bill 359](#) submitted by Craig Madole, Chief Executive Officer, Nevada Chapter of the Associated General Contractors, presented by CJ Manthe, Administrator, Housing Division, Department of Business and Industry.

[Exhibit G](#) is a fact sheet on the Governor's Office of Energy's Home Energy Retrofit Opportunities for Seniors (H.E.R.O.S.) program, submitted by Matthew Tuma, Deputy Director, Governor's Office of Energy, presented by Angela Dykema, Director, Governor's Office of Energy.

[Exhibit H](#) is a fact sheet on the Governor's Office of Energy Direct Energy Assistance Loan Program (NRS 701A.450) submitted by Matthew Tuma, Deputy Director, Governor's Office of Energy, presented by Angela Dykema, Director, Governor's Office of Energy.

[Exhibit I](#) is a letter dated March 31, 2017 in support of [Assembly Bill 359](#) to the Assembly Committee on Commerce and Labor, authored and submitted by Cloyd Phillips, Executive Director, Community Services Agency.

[Exhibit J](#) is a letter dated March 29, 2017 in opposition to [Assembly Bill 359](#) to the Assembly Committee on Commerce and Labor, authored and submitted by Aviva Gordon, Legislative Committee Chairwoman, Henderson Chamber of Commerce and Amber Stidham, Director of Government Affairs, Henderson Chamber of Commerce.

[Exhibit K](#) is a copy of a PowerPoint presentation titled, "[Assembly Bill 194](#), Behavioral Healthcare Peer Recovery Support Specialist," submitted and presented by Assemblywoman Daniele Monroe-Moreno, Assembly District No. 1.

[Exhibit L](#) is document titled, "Section By Section Explanation for Bill Draft Language Proposed by Assemblywoman Monroe-Moreno, 2017 Legislative Session, submitted by Assemblywoman Daniele Monroe-Moreno, Assembly District No. 1.

[Exhibit M](#) is a summary of [Assembly Bill 194](#), submitted by Assemblywoman Daniele Monroe-Moreno, Assembly District No. 1.

[Exhibit N](#) is document titled, "Education, Certification, and Roles of Peer Providers: Lesson from Four States" by the University of California, San Francisco Health Workforce Research Center on Long-Term Care, in regard to [Assembly Bill 194](#), submitted by Assemblywoman Daniele Monroe-Moreno, Assembly District No. 1.

[Exhibit O](#) is a mock-up of proposed amendment 3399 to [Assembly Bill 194](#), submitted by Assemblywoman Daniele Monroe-Moreno, Assembly District No. 1, presented by Gary Fisher, Professor, University of Nevada, Reno, Center for the Application of Substance Abuse Technologies.

[Exhibit P](#) is testimony in opposition to [Assembly Bill 194](#), dated March 31, 2017, submitted by Barry W. Lovgren, Private Citizen, Gardnerville, Nevada.

[Exhibit Q](#) is testimony in opposition to [Assembly Bill 194](#), dated March 31, 2017, submitted by Trey DeLap, representing Group Six Partners, LLC.

[Exhibit R](#) is a proposed amendment to [Assembly Bill 313](#), submitted and presented by Assemblyman Jim Wheeler, Assembly District No. 39.

[Exhibit S](#) is an article from *The Guardian* titled, "ACLU Finds Social Media Sites Gave Data to Company Tracking Black Protestors" by Sam Levin, dated October 11, 2016, available at <https://www.theguardian.com/technology/2016/oct/11/aclu-geofeedia-facebook-twitter-instagram-black-lives-matter>. This copy was submitted by Assemblyman Jim Wheeler, Assembly District No. 39, presented by Ari Scharg, Board Member, Digital Privacy Alliance, Chicago, Illinois.

[Exhibit T](#) is written testimony dated March 3, 2017 regarding [Assembly Bill 313](#), submitted by David Carroll, Associate Professor, Parsons School of Design, The New School.

[Exhibit U](#) is a proposed amendment to [Assembly Bill 313](#), submitted by Scott Scherer, representing American Wagering, Inc.

[Exhibit V](#) is an article from *The New York Times* titled, "How Uber Deceives Authorities Worldwide" by Mike Isaac, dated March 3, 2017, available at https://www.nytimes.com/2017/03/03/technology/uber-greyball-program-evade-authorities.html?_r=0. This copy was submitted by Assemblyman Jim Wheeler, Assembly District No. 39.

[Exhibit W](#) is a letter dated April 3, 2017, in support of Assembly Bill 313 to the members of the Assembly Committee on Commerce and Labor, authored and submitted by Wendy Stolyarov, Legislative Director, Libertarian Party of Nevada.

[Exhibit X](#) is a proposed amendment to Assembly Bill 354, submitted and presented by Assemblywoman Dina Neal, Assembly District No. 7.

[Exhibit Y](#) is a table showing the Nevada Labor Force by Race, submitted and presented by Assemblywoman Dina Neal, Assembly District No. 7.