

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

**Seventy-ninth Session
May 8, 2017**

The Senate Committee on Commerce, Labor and Energy was called to order by Chair Kelvin Atkinson at 8:04 a.m. on Monday, May 8, 2017, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Kelvin Atkinson, Chair
Senator Pat Spearman, Vice Chair
Senator Nicole J. Cannizzaro
Senator Yvanna D. Cancela
Senator Joseph P. Hardy
Senator James A. Settelmeyer
Senator Heidi S. Gansert

GUEST LEGISLATORS PRESENT:

Assemblyman Chris Brooks, Assembly District No. 10
Assemblyman William McCurdy II, Assembly District No. 6
Assemblywoman Daniele Monroe-Moreno, Assembly District No. 1
Assemblyman Justin Watkins, Assembly District No. 35

STAFF MEMBERS PRESENT:

Marji Paslov Thomas, Policy Analyst
Bryan Fernley, Counsel
Lynn Hendricks, Committee Secretary

OTHERS PRESENT:

George E. Burns, Commissioner, Division of Financial Institutions, Department of
Business and Industry
Alfredo Alonso, Nevada Trust Companies Association

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Brian Cook, President, Charles Schwab Trust Company
Robert J. Halstead, Executive Director, Agency for Nuclear Projects, Office of
the Governor
Kyle Davis, Nevada Conservation League
Wendy Stolyarov, Libertarian Party of Nevada
Anne Macquarie, Sierra Club, Toiyabe Chapter
Carolyn Turner, Las Vegas Metro Chamber of Commerce
Tom Polikalas, Southwest Energy Efficiency Project
Gary Fisher, Center for the Application of Substance Abuse Technologies,
College of Health Sciences, University of Nevada, Reno
Kevin Schiller, Assistant County Manager, Washoe County
Ruth Jagodzinski, Peer Counselors
Heidi Gustafson, Foundation for Recovery
Jim Jobin, CEO, Vogue Recovery Center
Regan Comis, Nevada Judges of Limited Jurisdiction
Cedric A. Kerns, Chief Municipal Court Judge, Las Vegas Municipal Court,
Department 5; Nevada Judges of Limited Jurisdiction
Sarah Adler, President, Board of Directors, National Alliance on Mental Health
Western Nevada
Trey Delap, Director, Group Six Partners; Foundation for Recovery; Central
Recovery, LLC
Chari Phillips, Licensed Marriage and Family Therapist, Licensed Alcohol and
Drug Counselor
David Kenney
Stuart Smith, CEO, Central Recovery
Nyla Christian, Executive Director, The LivingWell Project
Wendy Madson, Director, Healthy Communities Coalition of Lyon and Storey
Counties
Kathy Bartosz, Executive Director, Partnership Carson City
Joseph Engel, There Is No Hero in Heroin
Jerry O'Neal, Recovery Youth; There Is No Hero in Heroin
Justin Fisse, Vice President, Business Operations and Admissions, Las Vegas
Recovery Center
Denis Winslow, Foundation For Recovery
John Newell
Rhonda Dahl-Rios, Director, We Care Foundation
Brienne Dow
Linda Lang, Nevada Behavioral Health Association
Natalie Powell, Administrator, Nevada Behavioral Health Association

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Jack McGinley, NV Energy
Larry Fosgate, Nevada Clean Energy Project
Leonard Jackson, Reverend, Associate Minister, First African Methodist
Episcopal Church; Director, Faith Organizing Alliance
Demi Falcon, Nevada Conservation League
Iridane Sanchez
Katherine Lorenzo, Chispa Nevada
Dan Musgrove, CSAA Insurance Group

CHAIR ATKINSON:

I will open the hearing on Assembly Bill (A.B.) 61.

ASSEMBLY BILL 61 (1st Reprint): Revises provisions governing trust companies.
(BDR 55-162)

GEORGE E. BURNS (Commissioner, Division of Financial Institutions, Department of
Business and Industry):

I have written testimony ([Exhibit C](#)) and an explanation table ([Exhibit D](#))
describing the actions of A.B. 61.

In 2009, the Legislature authorized the modernization of *Nevada Revised Statutes* (NRS) 669, which covers trust companies. This had two fundamental purposes. The first purpose was to create a specialized statute for retail trust companies that hold themselves out to the general public. This included creating a specialized statute for family trust companies that serve the members of a single, multigenerational family. The second purpose of the modernization was to improve the safety and soundness provisions of the trust laws in general.

This bill proposes to authorize certain foreign independent trust companies, defined as trust companies that are not Nevada state-chartered and not associated with a federally regulated financial institution, as well as foreign trust companies, which are defined in this provision as those that are.

The Financial Institutions Division (FID) supports this worthwhile initiative to expand the ability for Nevada trust companies to conduct their business outside of Nevada on a reciprocal basis. That is, in order for those states that allow our trust companies to operate in their states, we will allow trust companies from those states to operate in Nevada. This will all be done under a national agreement amongst members of the Conference of State Bank Supervisors that

details how that interaction will happen. The bill places all the rights and responsibilities for regulation on the home state where the trust company is chartered. It also gives authority for the host state to oversee any activities permitted in that state.

Nevada's trust statutes are considered among the best in the Nation. Many legal and financial experts recommend establishing or administering trusts in Nevada in order to secure the benefits of Nevada law. Moving trusts to Nevada from other states, sometimes referred to as "resitusing" trusts, may require that a Nevada trust company engage in acts outside of Nevada. In the absence of the viable reciprocity rule, this may require the Nevada trust companies to qualify to do business in that state and meet that state's regulatory requirements for trust companies. In other words, the trust company must seek a trust charter in each state it operates in. These additional regulatory burdens increase costs, reduce efficiency and inhibit the ability of Nevada trust companies to expand their businesses into other states.

Assembly Bill 61 will allow Nevada trust companies to operate in multiple states by establishing reciprocity laws. We are proposing a statutory arrangement in which out-of-state trust companies can solicit business in Nevada and may even establish an office here. These conditions will allow our trust companies to do the same in other states they wish to expand into. Removing these burdens and boundaries will allow for this interchange for trust business between all of the states.

Our trust industry has stabilized itself since the financial crisis to become a safe and sound operation. One of the main provisions in A.B. 61 allows the FID Commissioner to pursue complaints by Nevada citizens and take enforcement action against out-of-state trust companies, and to insist that the home state take action against erring companies. It also allows me to revoke the company's ability to operate in Nevada. Conversely, if one of our trust companies operating in another state gets into trouble there, the bill allows me to revoke their ability to operate outside of Nevada. These safety and soundness provisions are the most important part of the bill.

ALFREDO ALONSO (Nevada Trust Companies Association):

We believe A.B. 61 will bring economic development to Nevada. It will allow our trust companies to solicit work and bring back large trusts to be managed in Nevada. For this benefit, allowing out-of-state companies to solicit Nevadans is

a small price to pay. The safety mechanisms described by Mr. Burns are very strong, and this change will ultimately benefit Nevada.

BRIAN COOK (President, Charles Schwab Trust Company):

We are in support of this bill. The Charles Schwab Trust Company was established in Henderson in 2015 for the purpose of providing personal trust services to all of Schwab's clients in all 50 states while operating out of Nevada. This is in large part due to the good work of the Legislature, Mr. Burns and Bruce Breslow, Director of the Department of Business and Industry, in making a favorable trust environment. We believe this law will continue that and allow us to solicit business in other states, to resitus those trusts here in Nevada and to help grow the Nevada economy.

There is a nationwide cooperative agreement for supervision and examination of multistate trust companies. This bill will help us take further advantage of that.

CHAIR ATKINSON:

I will close the hearing on A.B. 61 and open the hearing on Assembly Joint Resolution (A.J.R.) 10.

ASSEMBLY JOINT RESOLUTION 10: Expresses opposition to the development of a repository for spent nuclear fuel and high-level radioactive waste at Yucca Mountain in the State of Nevada. (BDR R-1012)

ASSEMBLYMAN CHRIS BROOKS (Assembly District No. 10):

For years, State and federal elected officials, conservationists and Native American tribes have opposed any nuclear waste being stored at Yucca Mountain. Storing nuclear waste 100 miles from Las Vegas in an unstable, unsuitable environment is incredibly dangerous, not to mention that it will threaten tourism, which is the lifeblood of our economy.

As a fourth generation Nevadan, I find it disturbing that the President would ignore years of bipartisan work to end any kind of licensing at Yucca Mountain. This resolution is now more important than ever. Congress needs to understand the severity of the situation. Reviving the licensing process to store nuclear waste at Yucca Mountain is not only dangerous for Nevada's health and safety, but it will be catastrophic for Nevada's tourism economy.

This measure has widespread support in Nevada. We have letters of support from U.S. Representatives Ruben J. Kihuen ([Exhibit E](#)), Dina Titus ([Exhibit F](#)) and Jacky Rosen ([Exhibit G](#)). In addition, U.S. Senator Catherine Cortez Masto has released a statement of support, as have Governor Brian Sandoval and Attorney General Adam Laxalt. This measure passed out of the Assembly with a vote of 32 for and 6 against.

I have a presentation ([Exhibit H](#)) that goes into all of the science, history and data behind Nevada's rejection of the Yucca Mountain repository.

ROBERT J. HALSTEAD (Executive Director, Agency for Nuclear Projects, Office of the Governor):

My office provides staff to the State Commission on Nuclear Projects. This resolution is needed, and we support it.

I will touch on some of the highlights of [Exhibit H](#).

We support A.J.R. 10 primarily because of the recent developments that have occurred with the efforts by the nuclear industry and by the supporters of Yucca Mountain primarily in the U.S. House of Representatives and President Trump to resurrect a program we had hoped was history. You can see these developments on page 3 of [Exhibit H](#). The proposal for Yucca Mountain goes back 30 years when the U.S. Congress used political science rather than earth science to select Yucca Mountain as the only site to be considered for a nuclear waste repository for the U.S.

The Yucca Mountain Project has gone through various twists and turns, which you can see listed on page 5 of [Exhibit H](#). In 2002, the proposal for formal recommendation of the site and the beginning of the work on the license application occurred. That is when Governor Kenny Guinn, under the federal law, was able to file a Notice of Disapproval, in effect a veto, but it was overridden by the U.S. Congress. That then resulted in a period of time to develop a license application with the U.S. Department of Energy side. Nevada did a careful review of all the earth science, the safety issues that would affect the surface facilities and the transportation issues. The repository must operate successfully for 1 million years under the current standard, but the greatest concern in the first 100 years is transportation impacts, particularly in southern Nevada.

We had hoped all these issues were behind us. However, a court decision in 2013 directed the U.S. Nuclear Regulatory Commission (NRC) to resume consideration of the case, even though there was not enough funding appropriated by the Congress. That has led to the current situation, where the Nuclear Waste Policy Amendments Act designating Yucca Mountain as a repository is still on the books. The new administration has said they intend to, in effect, restart the project by requesting a \$120 million appropriation. Rick Perry, the new Secretary of Energy, visited the site in March 2017.

This is the situation we find ourselves in, with efforts in Washington, D. C., to restart Yucca Mountain. It is critically important that Nevada send a message to the rest of the U.S., to the administration, and to the U.S. Congress that Nevada's opposition to Yucca Mountain remains as firm as it ever was, and we intend to defeat them in licensing if the license proceeding resumes.

SENATOR HARDY:

Did political science stop being political science? I recognize that the physical science is real, but the political issue is also real.

MR. HALSTEAD:

On the physical science side, we are prepared to pursue all of the issues on a scientific basis, and they fall into three areas. The most important one is the postclosure operation of the Repository. Can it actually protect groundwater resources for a million years as it is required to do? Second, can it handle preclosure operations for 100 to 200 years and require large buildings to handle highly radioactive material in an area with military overflights and earthquake hazards? Third, there are the transportation issues. All of those will be addressed in a licensing hearing before the NRC, where technical experts and lawyers would argue out all of these scientific issues.

On the political science side, the current administration has chosen to restart the Yucca Mountain project instead of following the recommendations of the bipartisan Blue Ribbon Commission on America's Nuclear Future. The Commission suggested going in a different direction: moving to consent-based siting only, focusing on interim storage facilities for the next few decades and resolving the transportation issues. The Commission recommended getting away from trying to force a geologic repository on an unwilling state.

I do not mean to say that this is totally a political science decision, but it is a political science decision to proceed with the evaluation of a site that we think is scientifically unsound.

KYLE DAVIS (Nevada Conservation League):

We are in support of A.J.R. 10. We think the potential environmental issues that would come from designating Yucca Mountain as a site for nuclear waste are well documented, and it would be a bad thing for Nevada. We urge your support for this resolution.

WENDY STOLYAROV (Libertarian Party of Nevada):

The Libertarian Party of Nevada believes that as Nevadans, we have the right not to be forced by the federal government to store hazardous radioactive materials in our State. We therefore support A.J.R. 10 and thank its sponsors for protecting Nevadans from unwanted federal overreach.

However, given that nuclear waste reprocessing is currently illegal in the U.S., Yucca Mountain or equivalent storage of hazardous nuclear material in another location is the unfortunate but inevitable outcome. The rest of the world practices reprocessing and is consequently able to avoid Yucca Mountain situations. We should follow their example.

Our ideal solution would be the legalization of nuclear waste reprocessing for peaceful purposes. Another acceptable solution would be for Nevada to accept the waste and reprocess the fuel for the benefit of Nevadans, exercising its Tenth Amendment right to do so, as the State has done successfully with marijuana. Short of this solution, however, the Libertarian Party of Nevada believes that the State should protect its citizens and serve their interests. Nevadans do not want the country's untouchable hazardous waste buried here. We therefore support A.J.R. 10.

ANNE MACQUARIE (Sierra Club, Toiyabe Chapter):

We support this measure and thank Assemblyman Brooks for bringing it forward. Yucca Mountain is not a scientifically sound solution for the disposal of spent nuclear fuel. The decision to site Yucca Mountain as a waste repository was based on politics, not science. Over the years, we have made several points over and over that had been used by us and others, and I did submit these points in my written testimony ([Exhibit I](#)), so I will not repeat them. We urge you to support A.J.R. 10.

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CAROLYN TURNER (Las Vegas Metro Chamber of Commerce):
We are in support of this measure.

TOM POLIKALAS:

I support this measure as a citizen. A number of decades ago, I worked against the Yucca Mountain proposal and the efforts of the nuclear industry to increase the number of subsidies going to that industry.

Proponents of the Yucca Mountain repository fail to realize that the fee attached to nuclear utilities and nuclear energy consumers does not pay for the full cost of the repository. Studies available from the National Taxpayers Union and others show that when you look at the total expected cost of the repository, you find a lack of funding from the fee assessed the nuclear utilities. In other words, we are looking at another multi-billion-dollar subsidy to the nuclear industry. This is a cost disadvantage to Nevada's indigenous energy resources: geothermal, solar, wind and others.

When we encourage the nuclear waste repository, we are working against Nevada's own economic interests and those energy resources and companies that are available here in Nevada. We are also supporting the nuclear industry, giving another multi-billion-dollar subsidy to an industry that is currently failing. Reactors are failing across the Country. There are proposals at a number of public utility commissions to bail them out. Westinghouse Electric Company has now filed for bankruptcy protection, and the Vogtle Reactor, which is the new reactor proposed for Georgia, is also in financial trouble. Utilizing market forces in Nevada's competitive advantage, it is imperative that we resist the Yucca Mountain proposal on an economic basis. It is in the best interests not only of Nevada, but also of U.S. consumers as a whole.

CHAIR ATKINSON:

I have received a letter of support ([Exhibit J](#)) for this measure from Janette Dean and a letter in opposition ([Exhibit K](#)) from Dan Schinhofen, Board of County Commissioners from Nye County.

I will close the hearing on A.J.R. 10 and open the work session on A.B. 12.

ASSEMBLY BILL 12 (1st Reprint): Makes various changes relating to insurance adjusters. (BDR 57-465)

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MARJI PASLOV THOMAS (Policy Analyst):

I have a work session document ([Exhibit L](#)) summarizing the bill. There were no proposed amendments.

SENATOR SETTELMAYER MOVED TO DO PASS A.B. 12.

SENATOR HARDY SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR ATKINSON:

I will open the work session on A.B. 244.

ASSEMBLY BILL 244 (1st Reprint): Revises provisions relating to certain insurance gratuities. (BDR 57-95)

MS. PASLOV THOMAS:

I have a work session document ([Exhibit M](#)) summarizing the bill. There were no proposed amendments.

SENATOR HARDY MOVED TO DO PASS A.B. 244.

SENATOR SPEARMAN SECONDED THE MOTION.

SENATOR GANSERT:

I will vote no on this bill.

SENATOR SETTELMAYER:

During the Committee hearing on this bill, we discussed trying to solve the problem that private money should not be counted in any way, shape or form with these costs. I do not know how you would want to try to deal with that. Would you be amendable to a Floor amendment?

CHAIR ATKINSON:

We can certainly look at it and make sure the language is clear before we vote on it on the Floor.

THE MOTION PASSED. (SENATOR GANSERT VOTED NO.)

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CHAIR ATKINSON:

I will open the work session on A.B. 247.

ASSEMBLY BILL 247 (1st Reprint): Provides for the early termination of certain rental agreements by victims of harassment, sexual assault or stalking. (BDR 10-655)

MS. PASLOV THOMAS:

I have a work session document (Exhibit N) summarizing the bill. There were no amendments.

SENATOR SPEARMAN MOVED TO DO PASS A.B. 247.

SENATOR CANNIZZARO SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR ATKINSON:

I will open the work session on A.B. 279.

ASSEMBLY BILL 279 (1st Reprint): Revises provisions governing banks and other financial institutions regulated by the Commissioner of Financial Institutions. (BDR 52-1085)

MS. PASLOV THOMAS:

I have a work session document (Exhibit O) summarizing the bill. There were no amendments.

SENATOR HARDY MOVED TO DO PASS A.B. 279.

SENATOR CANCELA SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR ATKINSON:

I will open the hearing on A.B. 194.

ASSEMBLY BILL 194 (1st Reprint): Provides for the certification of behavioral healthcare peer recovery support specialists. (BDR 54-712)

ASSEMBLYWOMAN DANIELE MONROE-MORENO (Assembly District No. 1):

I have a presentation ([Exhibit P](#)) explaining the need for the program described in A.B. 194. I have also prepared a one-page summary ([Exhibit Q](#)) of the bill that includes the amendments offered in the Assembly and further proposed amendments. I also have distributed a mock-up ([Exhibit R](#)) with those amendments in place.

Assembly Bill 194 provides for the certification of peer recovery support specialists providing behavioral health care. This certification would be administered by the Board of Examiners for Alcohol, Drug and Gambling Counselors (BEADGC). Existing law authorizes the BEADGC to license or certify any person engaged in the practice of counseling those suffering from addiction and, for some licenses, from mental disorders.

This bill would authorize the BEADGC to issue certificates to persons who provide nonprofessional and nonclinical assistance for long-term recovery from substance abuse and other mental disorders. These persons would be known as behavioral healthcare peer recovery support specialists.

I started working on this legislation in November 2016. I reached out to representatives of various disciplines in the behavioral health care field. Much of the language you see before you in A.B. 194 and [Exhibit R](#) came directly from the input of those various stakeholders. However, in the last two weeks, I have received many emails voicing opposition to this bill, none of which came out when the bill was heard in the Assembly Committee on Commerce and Labor. I would like to address some of those concerns, but first, let me tell you why this bill is important to me.

As a former corrections officer, I have seen the value of peers as a critical component of the recovery from substance abuse and other mental disorders. The process of recovery is a highly personal journey and occurs via many pathways, often including clinical treatment, medication, faith-based approaches and peer support.

Peer recovery support specialists are individuals who have gone through their own recovery experiences. They will be trained to help their peers gain hope and move forward in their own recoveries in many ways. These methods can include cultivating their peers' ability to make informed independent choices, helping them identify and build on their own strengths, and helping them gather information and support from their communities to make their goals a reality. In addition, training for peer recovery support specialists will include developing a working knowledge of the recovery process and stages of change, describing how peer support is shifting recovery from an illness model to a recovery model, comparing the concept of recovery as it is used across behavioral and physical health environments, and explaining how 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 services.

GARY FISHER (Center for the Application of Substance Abuse Technologies, University of Nevada, Reno):

I am a person in long-term recovery. This legislation is needed because peer recovery support services are a relatively new aspect of managing chronic conditions like substance abuse and mental illness. These services are provided by individuals with lived experience with these conditions. A recovering alcoholic or drug addict would work with those who are in early recovery from alcoholism or drug addiction. Lived experience is a necessary condition for any of the positions in A.B. 194. You have to be in recovery from a mental disorder, including substance use disorders, to work as a peer recovery support specialist.

The number of peer recovery support specialists employed in treatment and recovery, recovery foundations and public entities has increased dramatically since Medicaid added these services as reimbursable services. For example, WestCare is currently searching for 17 peer recovery support specialists. Incidentally, they require that these people be certified.

As with any vocation that has close intimate relationships with clients, the public must be protected from intentional or unintentional exploitation and

abuse. Therefore, in the behavioral, health care and medical areas, these workers are certified or licensed. Lived experience is necessary, but it is not sufficient for these people to do a competent job.

Let me give you one example. Peer recovery support specialists are bound by federal law, Title 42 CFR part 2, which is confidentiality law for those seeking alcohol and other drug treatment. There are very stringent requirements for confidentiality. They are bound by it, but nothing requires that they be trained in that confidentiality law. There are ethics and confidentiality matters that have to be taught; they do not learn them from lived experience.

Every behavioral health care professional group has incidents of exploitation and abuse. It makes no sense to wait until incidents are made public to protect the public.

One thing that comes up is the length of the name; behavioral healthcare peer recovery support specialist is not easy to say. The "behavioral healthcare" distinction was requested during the 2015 Legislative Session by organizations that provide peer-to-peer support services. They wanted to be differentiated from those who focus on the certification language of the bill.

The standards for the position as laid out in A.B. 194 were established according to national standards from the International Certification and Reciprocity Consortium (IC&RC), which is a group of organizations that set standards for certification. All the states in the IC&RC have identical standards.

There has been some talk that this bill lays an undue burden on people who want to provide peer support services. Foundations for Recovery, which is opposed to this bill, has a robust training program for people who want to volunteer as peer recovery support specialists. They require these volunteers to undergo 48 hours of training and volunteer for 60 hours. That is not much different from the requirements in A.B. 194, which does not have any effect on volunteers. In fact, this bill explicitly exempts volunteers who are working for public entities or nonprofit agencies and organizations. The exemptions can be found in sections 1, 2 and 10.5 of the bill.

Another concern we have heard has to do with supervision of peer recovery support specialists. Some of the other behavioral health care disciplines did not want to be named as supervisors, so we modified that. I have reached out to

Central Recovery and Foundation For Recovery a number of times to try to resolve this, but without success.

In response to concern with the specialty courts in Clark County who thought A.B. 194 would have an impact on them, we added the language of "public entity" to the exemptions for volunteers.

ASSEMBLYWOMAN MONROE-MORENO:

Another change we made as a result of talking to the Clark County Specialty Court judges, [Exhibit R](#) returns section 8 to its original language and adds a section 8.2 that refers to the behavioral healthcare peer recovery support specialist as a lived experience, not a learned profession.

There was also a concern from some of the agencies that they did not have an opportunity to be grandfathered in. That was brought up in conversation early on with stakeholders, and for whatever reason, it was not something the stakeholders wanted. However, it is something the judges have expressed an interest in, so we will be adding a section, section 6, subsection 13, with a grandfathering clause. This change is also included in [Exhibit R](#).

CHAIR ATKINSON:

I am curious that this bill was approved by the Assembly by a vote of 37 to 5, and yet there is so much new opposition to it today.

SENATOR HARDY:

I suspect some facilities are hiring credentialed people because they can get paid, whereas volunteers cannot.

Section 23, subsection 2 of the bill seems to put volunteer peer programs in jeopardy, and I would hate to see that happen. It states:

If the Board believes that any person has violated or is about to violate any provision of this chapter or a regulation adopted pursuant thereto, it may bring an action in a court of competent jurisdiction to enjoin the person from engaging in or continuing the violation. An injunction: (a) May be issued without proof of actual damage sustained by any person. (b) Does not prevent the criminal prosecution and punishment of a person who violates a provision of this chapter or a regulation adopted pursuant thereto.

There is also a possibility that a volunteer peer support person who becomes credentialed might no longer be seen as a peer by the people they are trying to help. You used to be a peer, but now you are part of the institution, and I no longer trust you.

ASSEMBLYWOMAN MONROE-MORENO:

The issue of volunteer peer support is an important one. We understand the importance of peer-to-peer volunteers, and this bill is not intended to address volunteers. For that reason, the amendment in [Exhibit R](#) removes volunteers from sections 1, 2, 7 and 10.5. This bill was meant to address those who receive a salary and were hired to conduct this service, neither individual volunteers nor volunteer organizations like Alcoholics Anonymous, veterans' groups and faith-based organizations. That is a vital and needed option for those going through recovery. This bill simply addresses those who are employed as peer recovery support specialists.

I hope putting in the specific volunteer exemptions was enough to do that. If you feel there should be added language to section 23 in addition to the exemptions in the sections I listed, I would be more than happy to do that.

SENATOR HARDY:

I appreciate your willingness. Thank you.

KEVIN SCHILLER (Assistant County Manager, Washoe County):

I am the assistant county manager over the Human Services Department in Washoe County. We want to voice our support for [A.B. 194](#).

In listening to the remarks, I can appreciate the blend between volunteers, paraprofessionals and licensing. We are happy to help work on any language that would support that.

One thing that typically gets missed is that paraprofessional staff are often what makes a program successful. In Washoe County, we have a job classification called the Human Services Support Specialist. That basically is a paraprofessional staff person. They do not require licensure but work under a licensed social worker, very similar to how this bill would work. In our Crossroads Program, the majority of the staff are actually clients who have graduated. What this bill does is develop a paraprofessional goal for some of the staff.

We also believe A.B. 194 will help us in the billing process.

SENATOR GANSERT:

Could you expand on how this will help you on the billing issue?

MR. SCHILLER:

We have not used any type of billing process tied to this classification. This would allow us to provide some level of billing and cost allocation to offset some of our Washoe County General Fund Human Services costs.

SENATOR GANSERT:

You said cost allocation, so I take it you are not actually billing for services. Is it like administrative personnel who would count towards overhead for a program?

MR. SCHILLER:

It can be either paraprofessional or professional staff. The way I typically explain it is as if we had a Medicaid-eligible service tied to case management, there is some allowable billing tied to this, which allows us to offset direct contract services.

SENATOR HARDY:

We seem to be creating a new entity for the State. Are we still going to be using the paraprofessional who is not credentialed?

MR. SCHILLER:

Yes.

In terms of billing, there are different cost allocations. You have the federal level and the State level. This would primarily be at the State level. At the local level, if we had a subcontractor that was a private entity, this bill would allow us to offset some of our hiring costs. As you may know, the cost of positions with benefits, such as those offered by State, county or local government, is typically about 70 percent more than they would be if we were hiring through a subcontractor.

SENATOR HARDY:

Are others states who are doing this sort of thing able to protect the volunteers and volunteer organizations?

MR. SCHILLER:

Yes. I want to make sure I say that what I just said about paraprofessionals also applies to volunteers. That is a critical piece. We do not want to create a level of bureaucracy that is going to eliminate a resource. We do not want to rob Peter to pay Paul. We want to make sure we are using both ends of that system.

SENATOR HARDY:

Does any other state have this language that talks about, "violated or is about to violate," that has stood up in a case?

MR. SCHILLER:

I would have to research that.

SENATOR HARDY:

It sounds like we have some work to do on this bill.

SENATOR SPEARMAN:

This may sound like a rhetorical question, but it is not. We have issues in Nevada with respect to treating various diseases, some of them aligned on the mental health spectrum. Why do you do what you do? Is there any benefit to us? Why do you have a program? Why is it there?

MR. SCHILLER:

We look at it from a public service perspective. When you look at the indigent population and those costs, whether it is at the Medicaid and State level, the federal level or the local level, they are the same dollars. With our Crossroads Program, we started with the ten most costly individuals across Washoe County. The cost was upwards of \$300,000-plus a year for each client. This included incarceration costs and medical transport costs. Any success we can have in a Crossroads Program is a cost offset to all three levels of funding, State, federal and local.

RUTH JAGODZINSKI (Peer Counselors):

I am here in opposition to A.B. 194.

I have the unique position of having over 40 years' experience in both sides of this field. I was on the original certification board for Nevada's drug and alcohol counselors; I had certificate No. 4 and helped put together the process that

goes on now for professional counselors. Also being in recovery, I have been a peer counselor. I have seen the two fields work excellently together. I would hate to see them combined so that people who are not in funded programs get left out in the cold. There are some peer-run programs that get no State or federal funds, and they would probably not be caught in this, but it would be a shame if they were.

The two approaches can work side by side and have done in Nevada since the late 1970s. I have seen that through my own experience and through many years' experience on the board of a nonprofit that accepts no State or federal funds and is licensed by the Bureau of Health Care Quality and Compliance. We are able to keep our costs down because of that, and it is easier to find people because it has not cost them a lot of money to get their education.

My main opposition to this bill is combining these two fields. Even though Assemblywoman Monroe-Moreno says the bill does not affect volunteers, if you employ a director or night shift to cover your facility, you are going to include those people in this. We just feel it is totally unnecessary. I have seen it work without that since the late 1970s.

HEIDI GUSTAFSON (Foundation for Recovery):

I am opposed to this bill. I have written testimony ([Exhibit S](#)) explaining our opposition and concerns about A.B. 194.

I am a person in long-term recovery. What that means is that I have not used any drugs or alcohol in more than 14 years.

In response to Dr. Fisher's statement about certification, I would like to point out that certification is different from licensing. We already have a certification process happening through the Nevada Behavioral Health Association. We do not need to be licensed as well.

SENATOR SPEARMAN:

Congratulations on your success. Your written testimony says that A.B. 194 creates barriers and challenges. Can you tell me what they might be?

Ms. GUSTAFSON:

The first barrier is the requirement that someone has to be diagnosed by a doctor before they can receive services. Typically, people have to hit bottom

before they are ready to seek help with addiction. They then walk in to a facility where they can get help without a doctor's diagnosis in hand.

SENATOR SPEARMAN:

Can you show me in the bill where that language occurs?

Ms. GUSTAFSON:

Let me look.

SENATOR SPEARMAN:

While you are looking for it, your testimony asked if we would want caregivers for people with cancer or diabetes to be licensed. I certainly would, and I would probably want them to have background checks as well if they were working with vulnerable communities.

Ms. GUSTAFSON:

Section 5, subsection 1 of A.B. 194 refers to "a person with a substance use or other mental disorder that has been diagnosed by [a licensed physician]."

CHAIR ATKINSON:

We will ask Counsel to explore the legal meaning of that language and come back to it.

JIM JOBIN (CEO, Vogue Recovery Center):

I am a licensed psychotherapist and addictions counselor. I am opposed to A.B. 194. I have written testimony ([Exhibit T](#)) explaining why I am begging you to vote no on this bill.

SENATOR SPEARMAN:

It would be helpful if those of you who are testifying in opposition to this bill could cite the exact sections in the bill that you refer to. There are a lot of claims being made about what the bill will do that I do not see in the language. How does this bill specifically reduce the number of people who are able to help?

DR. JOBIN:

The context and principle and spirit of the bill that I see here is that anything that is regulated is ultimately going to be restricted.

SENATOR SPEARMAN:

I do not agree that anything regulated will ultimately be restricted. If you are going to make a statement like that, you must show us the language in the bill that will make that happen. We need specifics, not generalities.

CHAIR ATKINSON:

I do not necessarily agree that because a thing is regulated, that means it will be limited. I have had conversations with Assemblywoman Monroe-Moreno, and I know she is not trying to do harm or lessen the number of helpers. She is trying to make the process better.

SENATOR CANNIZZARO:

I think this might be helpful for those who are here to speak in opposition to A.B. 194. We are hearing a couple of things. First, we have heard that there are certification programs already in place. If that is the case, I do not understand why there is opposition to requiring something that already exists. I would like clarification from anyone who is going to testify on behalf of an organization as to what training you are giving to employees if they go through certification.

Second, there has been some testimony lumping employees with volunteers. Assemblywoman Monroe-Moreno made it clear that her intent was to exempt volunteers, and language has been added to several sections of this bill to make it so. It would be helpful if we could restrict testimony to employees only, rather than overbroad statements about everyone who could potentially ever offer some support to an individual who is in recovery.

That is my request moving forward. Talk about whether you have individuals who are employees who are being certified and limit this to those who would be covered by this bill. We are getting into areas where we are talking about people who would not be affected by this bill.

CHAIR ATKINSON:

I agree.

REGAN COMIS (Nevada Judges of Limited Jurisdiction):

I would like to begin by apologizing to Assemblywoman Monroe-Moreno. We were one of the groups that was not involved when A.B. 194 came to the Assembly Committee on Commerce and Labor. She has kindly been working with us, and we continue to have discussions about language to address our

concerns. We will continue to work with her to make sure those concerns are addressed.

CEDRIC A. KERNS (Chief Municipal Court Judge, Las Vegas Municipal Court, Department 5; Nevada Judges of Limited Jurisdiction):

I have written testimony ([Exhibit U](#)) explaining our opposition to A.B. 194.

I would also like to point out that the definition of "peer support services" is so broad that it could apply to almost every time someone in a specialty court receives help from someone else in recovery. Any provider to any participant in any of our drug courts will be subject to certification if they are in recovery. In Las Vegas Municipal Court alone, we use resources from organizations such as Nevada Partners, Hope For Prisoners, Foundation For Recovery, Beacon House, Reset Your Life Solutions, We Care, Freedom House, Nevada State Bank and many more. Depending on whether the person is in recovery determines whether there is a necessity of a certificate under A.B. 194. My question is whether these businesses are going to be grandfathered in, or only the individuals who are currently providing services.

If the intent is to grandfather in the businesses and employees both, I do not believe we will be in opposition to this bill. If that is not the intent, I am curious as to why we have this bill to begin with, and we will oppose it. It will lead to loss of services in an area that is very sparse of services already. At this point, we are using volunteers who may be working for, say, Hope For Prisoners. At some point, Hope For Prisoners may want to hire those individuals because they do such good work. They will not be able to do so under this bill because a certification will be required

CHAIR ATKINSON:

Have you had a chance to talk to Assemblywoman Monroe-Moreno about your concerns?

JUDGE KERNS:

I did not personally, but the president of Nevada Judges of Limited Jurisdiction and Ms. Comis spoke with her.

There are some exemptions in the bill that apply to court personnel, which is great for the individuals who work for me. However, we also employ a lot of

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volunteer organizations, and I am not sure whether the exemptions in [Exhibit R](#) apply to them.

CHAIR ATKINSON:

Am I hearing that you do not feel the amendments in [Exhibit R](#) go far enough, that it may help in one instance but not help everyone else?

JUDGE KERNS:

Without seeing it, I cannot give you an answer to that. If it does go far enough, however, the question of why we need this bill remains. We use services from everyone throughout the community.

CHAIR ATKINSON:

Did you hear Assemblywoman Monroe-Moreno's conceptual amendment?

JUDGE KERNS:

What I heard was that we are going to exempt the courts and everyone who is doing it now. But I am not sure what "everyone who is doing it now" means. Are we going to exempt all the businesses the court is using, or are we going to exempt anyone who is considered a certified peer coach?

SARAH ADLER (President, National Alliance on Mental Health Western Nevada):

We appreciate the intent of A.B. 194 but are opposed to the bill as it stands. I have written testimony ([Exhibit V](#)) summarizing the detriments of the bill as we see them.

TREY DELAP (Director, Group Six Partners; Foundation for Recovery; Central Recovery, LLC):

We are opposed to A.B. 194.

Assemblywoman Monroe-Moreno has said that her intent is to exclude volunteers from the provisions of this bill. This is included in the bill in several locations: section 1, subsection 9; section 2, subsection 12; and section 10.5, subsection 7. These provisions exclude volunteers from the entire bill. It is helpful to have the distinction between volunteer and paid peer support. Now we need to ask what happens to the paid peer support people?

One of the areas needing clarification is section 28, which amends NRS 449. There was testimony earlier that NRS 449 is the statute under which medical

facilities are licensed. It was amended by S.B. No. 489 of the 78th Session to include peer services and peer support recovery organizations. Section 28 of A.B. 194 would amend NRS 449 to remove the language from last Session and require the licensure described in this bill.

Another issue that needs to be clarified is that lived experience is an essential component of peer support. However, section 8 of the bill refers to this as a learned profession and declares that the threat of its unregulated practice is dangerous to the public.

I would like to cross-reference section 6, subsection 7 of the bill with section 13, subsection 1, paragraph (f), and section 21. This is a technical provision that would require the executive director of the BEADGC to maintain a list of all behavioral healthcare peer recovery support specialists. It is customary when professional boards issue licenses that those lists are made available to the public. Section 5 of the bill also makes it clear that lived experience is an absolute requirement for this license. Therefore, in order to qualify for this license, you must disclose protected health information of recovery from a mental health or substance abuse disorder.

The concern with requiring someone to disclose their health status is also evident in sections 13 and 21. In the event of disciplinary action against a licensee, NRS 641C.720 would require the publication of findings of fact, conclusions of law, and all of that. In essence, this bill will compel the BEADGC to potentially violate the Health Insurance Portability and Accountability Act by making private health matters public.

BRYAN FERNLEY (Counsel):

I have a response to Senator Spearman's question about whether section 5 of the bill would limit the provision of services. Section 5 of the bill defines the types of services that qualify as engaging in the practice of providing peer support services. That definition would include only services to a person who is diagnosed with a substance abuse or mental disorder. Under A.B. 194, if a person is providing assistance to a diagnosed person and is not otherwise exempt, the bill would apply to that person. However, nothing in the bill prohibits or even mentions the provision of services to persons who are not diagnosed. If someone is providing services to someone who is not diagnosed, they would not be subject to the bill unless they started providing services to someone who is diagnosed.

SENATOR HARDY:

How would information about a person's diagnosis be shared? For example, a diagnosed person being treated in place A might go to place B for treatment. If there is no communication between A and B, how is B to know about the diagnosis?

MR. FERNLEY:

I do not know the answer to that question. Section 5 states that providing assistance to someone diagnosed with a substance abuse or other medical disorder falls under the practice of providing these services. So persons providing assistance to people who have been diagnosed would have to get the certificate, under the bill. How someone is going to know whether someone has been diagnosed, I am not sure.

SENATOR GANSERT:

The diagnosis itself is personal health information, so I am not sure how that works either.

SENATOR SPEARMAN:

If diagnosed people go somewhere new for treatment, passing on the information about the diagnoses would probably be their responsibility. If someone with allergies goes to a new doctor, or even to someone who is not a physician, the patient has the right to pass on such information.

I want to introduce a study completed in January 2016 titled, "Peer-Delivered Recovery Support Services for Addictions in the United States: A Systematic Review." The authors are Ellen L. Bassuk, M.D.; Justine Hanson, Ph.D.; R. Neil Greene, M.A.; Molly Richard, B.A.; and Alexandre Laudet, Ph.D. This study was sponsored by the Center for Social Innovation, Harvard Medical School, and the National Development and Research Institutes. It says in part:

This systematic review suggests the positive impact of peer-delivered recovery support services. As indicated by our findings, this is a promising area for development and innovative program models involving peers as well as for future investigation.

I will probably still leave here confused, so do not worry about answering. In addition, I have not yet heard anything to say this bill impacts anyone except employees.

CHARI PHILLIPS (Licensed Marriage and Family Therapist; Licensed Alcohol and Drug Counselor):

I oppose A.B. 194. I am a friend of the We Care Foundation, which is a 12-step-based treatment program for women. I am concerned about how this bill might affect their survival.

In the minutes of the BEADGC's last meeting, which was on March 10, 2017, they discussed A.B. 194. The minutes record a number of the BEADGC's concerns, including whether it is appropriate for the BEADGC to regulate behavioral healthcare peer recovery support specialists because it is outside its scope. Board members also cited liability issues, the difficulty of separating mental health issues from substance abuse issues, supervision of peer recovery support specialists, public safety issues and multiple other concerns.

DAVID KENNEY:

I am opposed to this bill. I have written testimony ([Exhibit W](#)) explaining my concerns. I would also point out that it has stated that the BEADGC cannot handle the additional workload and a nonprofit organization will assist. Is there a specific nonprofit that is contemplated?

STUART SMITH (CEO, Central Recovery):

I am here in opposition to A.B. 194. I have written testimony ([Exhibit X](#)) expressing my concerns.

I have been active in the organized recovery movement in Nevada and nationally for many years. I have not seen the public harm envisioned by A.B. 194. This bill declares in statute that people in recovery must be supervised or the public will be at risk. The bill is akin to a warped version of *To Kill a Mockingbird*. We need more community solutions and more people in recovery advocating. We need more policymakers seeking solutions from those in recovery. I am wondering why we would have these behavioral health peer recovery support specialists licensed by the BEADGC. Every other profession regulated by that BEADGC has representation on that BEADGC.

This is the exact same language as A.B. No. 85 of the 78th Session. This Committee chose S.B. No. 489 of the 78th Session in place of that bill. [Exhibit X](#) includes portions of the minutes from that Session in which the Substance Abuse Prevention and Treatment Agency chief suggests the

Legislature reject A.B. No. 85 of the 78th Session in favor of S.B. No. 489 of the 78th Session.

There is currently a process in place for those agencies that want to bill Medicaid through this agency model. Volunteers who want to voluntarily certify as peer recovery support specialists are also able to do that through the IC&RC. Creating a State registry for recovering addicts seems discriminatory.

I would like to address Senator Spearman's question. I believe those who are teaching practical life skills classes, delivering prevention services, providing coaching, role modeling or being a house manager at a halfway house are okay, but only if they are not in recovery from addiction. If they are in recovery from addiction, all those people who do the exact same services now need to be registered as behavioral healthcare peer recovery support specialists. Why is it only people who identify as being in recovery who are being discriminated against? Why is it only addiction and mental health? I say there is a system in place. Why break what is already working?

This bill had a fiscal note of \$60,000 for the first year and \$40,000 for additional years. That was before the fees were halved and the exemptions were carved out. Whatever the cost is, it does not seem responsible. We have a system that is working right now without costing the State a dime. If the State wants to spend money on addiction and mental health issues, we have some great statewide programs. Those are all better uses for this money.

SENATOR SPEARMAN:

My question came from the title of the bill, so let me be clear. The summary of A.B. 194 says, "Provides for the certification of behavioral healthcare peer recovery support specialists." The important word there is "peer." That is all.

NYLA CHRISTIAN (Executive Director, The LivingWell Project):

I want to address why we do what we do, and thank you, Senator Spearman, for asking that question.

I am both a community stakeholder and a personal stakeholder in this bill. I am a woman in long-term recovery, and that means that for more than nine years, with the help and support of the women in my community, I have been drug and alcohol free. I have engaged in a process of change that I now share with women who are trapped in negative life cycles. I am a community recovery

advocate. I am an addiction recovery consultant and am motivated to build life bridges necessary to reach, teach and lead women to their own self-directed journeys.

I do not want to repeat what Mr. Delap said, but he mentioned my primary reason for opposing A.B. 194: section 8's definition of peer recovery support specialists as a learned profession instead of an experiential tool. Peer support should be trained, monitored and supervised in a community-based paradigm. As a nationally certified life empowerment and recovery coach, I am also trained in peer support services, and I have lived what I teach. My support in the recovery-oriented system of care is truly organic. I have actually walked the path I lead others through without licensing or certification.

I follow the guiding principles of recovery outlined by the Substance Abuse and Mental Health Services Association. Those principles are that we recover better together through identification, by giving each other hope and sharing the map to a better life. I coach, lead, teach and support others on their paths of discovery as was done for me because the therapeutic value of one woman helping another open the door to her future is unparalleled.

I am opposed to A.B. 194 in its present state, as it would diminish the potential of a sorely underused resource, which is the local community. We are a piece of a much larger picture of 23 million people in recovery using their experience to help others in recovery.

WENDY MADSON (Director, Healthy Communities Coalition):

We are opposed to this bill. I have written testimony ([Exhibit Y](#)) explaining our concerns.

We work within the model of client to volunteer to employee. We are a direct result of this peer-to-peer-as-employee model. We have had great success with this model. This is a great beautiful example of what our peers are able to do. In the rural counties with resources so sparse, they are a huge safety net in getting these services complete where most clinicians would not have the time.

The obstacle for us as a small nonprofit is the cost behind this bill, as well as the multiple hours of training required. It would be a real barrier for our peers who are coming out of recovery and serving as the peer.

KATHY BARTOSZ (Executive Director, Partnership Carson City):

We agree with the comments made so far. I have serious concerns about this bill. We have been pretty successful reaching into our Latino and Native American populations. We are concerned that the process put in place in A.B. 194 will prevent us from being able to actively recruit and retain peers who speak only Spanish and Native American peers. We are trying to recruit in both those populations so we can keep up with the need for peers.

My second concern is with regard to the most recent health care bill passing through the U.S. Congress. The future of mental health insurance is tenuous. This is not the time to limit flexibility and innovation in addressing the needs of our mentally ill population as they are going through recovery. It makes sense to me that we wait and see what happens with our federal health care law, so we can be sure whatever we codify supports the federal law.

JOSEPH ENGEL (There Is No Hero in Heroin):

I am opposed to this bill. I have written testimony ([Exhibit Z](#)) describing my experiences with addiction and expressing my concerns.

My opposition to A.B. 194 is based on the time required to qualify for this license. It was brought up earlier that there was confusion about whether it was 60 hours, 100 hours or 2,100 hours of volunteer hours required. That seems cumbersome. More barriers will make it more difficult for us to solve the opioid epidemic we are currently fighting. This money could be better spent on on-demand treatment facilities. Let us shore up the existing system. There are not enough treatment beds. My organization tries to help kids find treatment beds, and they hit barriers everywhere they go.

JERRY O'NEAL (Recovery Youth; There Is No Hero In Heroin):

I am opposed to this bill. Pull this bill. It is a complete train wreck. Do your jobs, and we will see you at the polls.

JUSTIN FISSE (Vice President, Business Operations and Admissions, Las Vegas Recovery Center):

I am here in opposition to A.B. 194. Section 6, subsection 1 of the bill requires peer recovery support specialists to be 21 years or older. I have an issue with that.

DENIS WINSLOW (Foundation For Recovery):

I am opposed to this bill. I am the landlord of the oldest Oxford House in Nevada; there are now only two. How is this bill going to affect a peer support house? I am confused about this. Where do we fall under this bill?

CHAIR ATKINSON:

We will try to get that information for you.

JOHN NEWELL:

I am a person in long-term recovery. I come to oppose this bill because without the supports that are in place right now in this community, I would not have been able to get help when I needed it. I did not have any insurance, and I had nowhere to turn. I am a coach. I have heard a lot of things this morning, and I agree with those who have asked why reinvent the wheel?

RHONDA DAHL-RIOS (Director, We Care Foundation)

I am opposing A.B. 194.

I have two degrees, and the only way I could learn to be the director of the We Care House in Las Vegas is to walk through that door. If I had had to go to a physician or somebody that says, "You're an alcoholic," I could not have done it. We are nonprofit and do not receive funds from the State or the federal government. We have been here for 57 years, and we are licensed by the State, but none of us have certificates that prove we are alcoholics.

BRIANNE DOW:

I am opposed to this bill.

I am a woman in long-term recovery. That means I have not had alcohol or drugs in two and a half years. I am also a product of We Care, as well as many other hospitals and institutions. I am the chapter lead of Las Vegas in Young People in Recovery. Currently, we are seeking to do a peer-mentorship program, and A.B. 194 would put a monkey wrench in the whole thing.

Regarding the requirement to be over 21 to be a peer mentor, with the young people we see in recovery, this would seriously affect our ability to mentor effectively for these young kids.

I ask you to reconsider this bill. If I had to get sober by listening to a psychologist or a clinical director or somebody with a few letters after their name, which I had tried over and over, I do not believe I would be standing here alive today. I am thankful for those who shared their life experiences with me. I believe that is what we need. There are so many people in the community who are willing and able to give their time to do this, and I do not see why we would want to change that when we do not need to.

LINDA LANG (Nevada Behavioral Health Association):

We are neutral on A.B. 194. I have written testimony ([Exhibit AA](#)) giving background about the Nevada Behavioral Health Association and its use of peer support.

I have heard a lot today referencing our peer certification process, which is currently in place in Nevada. We have been working on this in Nevada since 2013, and we follow the IC&RC model of peer certification. We received this certification in October 2016, and we are piloting the project as we speak. On June 1, 2017, we will open it up to our grandfathering period.

I say this because there is a process in place that pretty much mirrors the bill. We have worked long and hard. We have a board of directors. During our entire process, the peers were involved. They were on the board; they were involved in the entire process. That is something we need to consider.

Regardless of what happens with this bill, we will work to ensure peers have a role in this process. This is very important to us. This is not just a volunteer profession. It has been said before, but I want to stress: this is a career pathway for many in Nevada.

SENATOR SPEARMAN:

Can you elaborate on that pilot program career path? What else might they do as a result of being certified?

MS. LANG:

Many people start out in a volunteer capacity. They then move up the ladder and become trained. When they finish the training and get the certification we offer, they are hired by various organizations. It is a tiered approach.

SENATOR HARDY:

I am under the impression that we are not against certification as much as we want to protect those who are not certified. Are the other states with this system making the volunteers nervous?

MS. LANG:

Could you clarify the question, please?

SENATOR HARDY:

Are other states doing all of the certification at the expense of those who are volunteering? Are they casting aside volunteers unless they get certified?

MS. LANG:

The IC&RC process is being used for both volunteers and paid peers. Nevada was the 23rd state to adopt the IC&RC model. Other states are finding this to be a very successful model for both volunteers and paid staff. It provides for ethics training and a minimum set of standards that then people are feeling comfortable with either hiring on volunteers or paid staff across the State. Every state has the system set up differently. In Nevada, we have the same system for volunteers and paid staff; they receive the same type of limited standards for certification.

SENATOR HARDY:

Is there a chance for a peaceful coexistence for We Care and others who are still volunteers and have their own ability to move up if they want and still have all the other voluntary people working in collaboration?

MS. LANG:

I believe Nevada has a process in place now through the Nevada Behavioral Health Association to protect our citizens. This international model allows for accountability and consumer safety. For that reason, this bill may not be necessary at this point in time.

NATALIE POWELL (Administrator, Nevada Behavioral Health Association):

In answer to Senator Spearman's question, many peers in other states go on to become licensed alcohol and drug counselors as part of their career trajectory.

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ASSEMBLYWOMAN MONROE-MORENO:

I apologize for the extent of the opposition here today. We did not have this much opposition to A.B. 194 when it was heard in the Assembly Commerce and Labor Committee. This bill was formed in December 2016, so it was not something that just appeared last week.

On page 25 of [Exhibit P](#), there is a map showing which states have a behavioral health care training and certification process in place.

It was the intention of this bill that it only impact peers who are being paid, not volunteers. It mirrors the current voluntary certification program that is going on now in Nevada. It is not asking anything more than that. However, it is requiring those who are in employment to be certified.

With regard to volunteer organizations, it is my understanding that the organizations already have to be certified. This simply certifies the employees who are working within those buildings. It does not impact the volunteers at all.

I have a copy of the requirements for Arizona's certified peer recovery specialist ([Exhibit BB](#)). They mirror ours, except that the requirements are more stringent.

MR. FISHER:

As I said earlier, this bill does not affect volunteers. Volunteers are exempt.

Regarding hours of supervision, I was talking about 60 hours that is required by Foundations For Recovery, and that is not in this bill. We clarified the number of supervision hours; it is 500 hours, not 2,100.

Lived experience is the way you determine if someone is a peer. That is the defining characteristic. People in jobs that require them to have lived experience are not hiding their status. They are volunteering or taking a job with that title.

It should be noted that Foundation For Recovery requires 48 hours of training for volunteers. They know they need to be trained. Lived experience is critical, essential. But there are other aspects people need to know to do the job competently.

CHAIR ATKINSON:

We will give the sponsor of the bill time to get with the newfound opposition and see what solutions can be found. We have received letters in opposition ([Exhibit CC](#)) from Seth A. Stromberg, Ernest W., Troy Collings, Joseph Richards, Ketori Collins, Raymon V., JoAnna Harmon, Tamra Comer and Shawn Wallize.

I will close the hearing on A.B. 194 and open the hearing on A.B. 223.

ASSEMBLY BILL 223 (1st Reprint): Revises provisions relating to energy efficiency programs. (BDR 58-660)

ASSEMBLYMAN WILLIAM MCCURDY II (Assembly District No. 6):

I have a presentation ([Exhibit DD](#)) explaining the history and purpose of A.B. 223. I also have Proposed Amendment No. 4479 ([Exhibit EE](#)) to offer.

Existing State law requires electric utilities to submit an energy efficiency plan to the Public Utilities Commission of Nevada (PUCN) that would either increase the supply of electricity or decrease the demands made on the system. Existing law also asks that the energy efficiency plan include certain components, including an energy efficiency program for residential customers.

This bill requires that no less than 5 percent of the demand-side management (DSM) spending go toward energy efficiency programs, which are already a part of the integrated resource plan (IRP).

I will walk you through the bill. Section 7 of the bill revises the requirement to require an electric utility to include in its plan an energy efficiency plan for residential customers. That, with [Exhibit EE](#), will go back to retail. It also reduces the consumption of electricity through energy efficiency and conservation programs, and it is designed to be cost-effective.

Section 8 of the bill authorizes the PUCN to accept any energy efficiency plan that consists of energy efficiency and conservation programs that are not cost-effective if the energy efficiency plan as a whole is cost-effective.

Sections 7 and 8 also modify existing law to require at least 5 percent of the total expenditures related to energy efficiency and conservation programs to be

directed toward the creation of cost-effective energy efficiency programs for low-income Nevadans.

With regard to the amendments, [Exhibit EE](#) adds Assemblywoman Jill Tolles as cosponsor of the bill. It also changes the word "residential" to "retail" in section 4, subsections 1 and 2. In section 7, subsection 3, paragraph (a), the statute is changed back to the original language. This leaves the existing energy efficiency plan for residential customers as it is. The change in section 8, subsection 4 updates the reference to the programs in NRS 704.741.

While researching what consumers pay for electricity for this bill, we found that the lower 20 percent of income earners pay nearly 4 times more of their disposable income for electricity. The top 20 percent of income earners pay roughly 1.38 percent. As you know, times are hard, and families are struggling to get by. If we are able to decrease electric bills just a couple hundred bucks a year, this is money that can be redirected into their homes, whether it be through buying extra food, an extra box of Pampers or good shoes for the children.

This bill would allow retail and residential customers to save roughly \$3.4 billion on their electricity bills over 10 years. It also has the capacity to create jobs through the programs that provide weatherization, low-emissive windows, light-emitting diode light bulbs and other recommended changes.

I urge your support for [A.B. 223](#).

CHAIR ATKINSON:

When the bill talks about retail, are we talking about large-scale commercial businesses too or just small businesses?

ASSEMBLYMAN MCCURDY:

In the IRP, there is already a carve-out within that plan for energy efficiency. Another carve-out is a low-income piece already in statute that says we have to allocate energy efficiency plans for low-income customers. But it does not say how much should go to this. This bill establishes that no less than 5 percent of that spending goes to low-income customers. The language change from residential back to retail in section 4 of the bill will open up the amount of energy efficiency program resources available for retail customers as well.

CHAIR ATKINSON:

Ratepayers currently pay a fee to maintain these programs, as we see on our power bills every month. Will this bill add a significant cost to the consumer or the ratepayer?

ASSEMBLYMAN MCCURDY:

On page 8 of [Exhibit DD](#), you will see a copy of a residential power bill from NV Energy. There are a number of line items on this bill on the lower left side of the page. The one that [A.B. 223](#) would establish would come from the energy efficiency charge, indicated by a red arrow on this page. It is not new funds; it is existing. We are just saying no less than 5 percent will be allocated for low-income customers.

MR. POLIKALAS (Southwest Energy Efficiency Project):

The line item Assemblyman McCurdy just alluded to is the one that pays for the programs on energy efficiency. The PUCN has determined that these programs are the lowest-cost energy resource available. They are less expensive for all of NV Energy's customers, and thereby they are in the best interest of all consumers, not just those who are receiving the energy efficiency program. That is one of the great things about this bill and [S.B. 150](#), which this Committee passed. They bring energy efficiency to a level playing field as we evaluate how to most economically meet the State's energy needs.

[SENATE BILL 150 \(1st Reprint\)](#): Revises provisions related to energy efficiency programs. (BDR 58-568)

As Assemblyman McCurdy described, we are looking to make sure no less than 5 percent of a fund that is now in the ballpark of \$50 million is allocated to the folks who do not currently have as many programs.

I would like to commend NV Energy for its hard work on this bill. It has excellent programs, and we think that by working together, together we will build on the excellent programs already in place.

CHAIR ATKINSON:

Just to clarify, you are saying there is no additional fee. The money is already there; this bill just moves it over to another program, basically.

MR. POLIKALAS:

Yes. As utility revenues grow, the fund will also grow. We expect that both will see growth over time, with electric vehicles and a number of data centers coming in, that there will be growth in electricity sales, there will likely be growth in the DSM program. The whole process is overseen by the PUCN.

SENATOR GANSERT:

The total amount available is \$50 million, and 5 percent of that, about \$2.5 million a year, would go toward this. Is that right?

ASSEMBLYMAN MCCURDY:

Yes.

MR. POLIKALAS:

That amount is a snapshot based on the DSM program currently in place. As we see growth in the State economy, those specific numbers will likely change. That will all be part of the IRP process in the future.

MR. DAVIS:

We are in support of A.B. 223. We especially appreciate the amendments in [Exhibit EE](#), which we think will maximize our opportunities to make sure we are getting as much as we can for that 5 percent carve-out. There is a lot of opportunity here to have more and better programs that reach all sectors of the economy so everyone has the opportunity to take advantage of energy efficiency programs.

MS. MCQUARIE:

We support this bill. I have written testimony ([Exhibit FF](#)) explaining our position.

JACK MCGINLEY (NV Energy):

We are in support of A.B. 223.

SENATOR GANSERT:

Could you explain how this money is spent and if it is provided to nonprofits or individual applicants? How is the money disbursed?

MR. MCGINLEY:

It is a detailed and collaborative process involving many stakeholders. We come up with a set of programs that meet a set of cost-effectiveness tests. The last time I checked, we have 17 different programs. It is more difficult for the low-income programs to pass the economic tests to be eligible for these programs. This bill forces that to occur. The money is disbursed to both individuals and organizations.

LARRY FOSGATE (Nevada Clean Energy Project):

I am here to ask your support for A.B. 223. I have written testimony ([Exhibit GG](#)) expressing the importance of this measure.

LEONARD JACKSON (Reverend, Associate Minister, First African Methodist Episcopal Church; Director, Faith Organizing Alliance):

We stand in support of A.B. 223. We want to thank you for levelling the playing field for our entire community. You set the perfect example of what we can accomplish in Nevada by working together to make a difference in our community.

DEMI FALCON (Nevada Conservation League):

I am a political science and public policy major at the University of Nevada, Las Vegas. I am here today in support of this bill. Extending energy efficiency programs for small businesses, seniors and low-income households will reduce energy bills for communities across Nevada. This bill will help Nevadans save money every month and has the potential to create jobs.

IRIDANE SANCHEZ:

I am here today to urge you to move forward on A.B. 223. As a Latina, it is very important to me that all people of all income levels, regardless of where they live, have access to affordable clean energy. Urban and low-income communities especially are in need of affordable clean energy. These communities could use relief in order to save money, while also helping the environment and reducing fossil fuel pollution.

KATHERINE LORENZO (Chispa Nevada):

We are in support of this bill because energy efficiency programs benefit low-income communities of color.

CHAIR ATKINSON:

I will close the hearing on A.B. 223 and open the hearing on A.B. 445.

ASSEMBLY BILL 445 (1st Reprint): Revises provisions governing transportation network companies. (BDR 57-1027)

ASSEMBLYMAN JUSTIN WATKINS (Assembly District No. 35):

This bill attempts to address three different areas that deal with transportation network companies (TNC) and coverages and to protect hardworking Nevadans.

Section 1, subsection 1 of the bill provides for the closing of a loophole that some insurance companies had used to deny coverage when TNC drivers were driving on personal business, meaning their private insurance policies were at issue. I had seen in practice as an attorney that if TNC drivers on their personal time got into accidents, there was an exclusion on the policy that could be used in some rare circumstances to deny coverage to the people who were hurt in the accident.

I want to pause here and thank all the different insurance companies that dealt with me to come up with the language you see in this provision. There was a consensus among us that these exclusions should not be in place or used in practice, but it has happened on a number of occasions. The insurance companies worked with me to make sure that loophole was closed in this language. This provision now provides that TNC drivers on their personal time cannot be denied coverage because they drive for a TNC at other times.

Section 1, subsection 2 of the bill is definitions.

I was asked to come up with a way to provide health care coverage or workers' compensation rights for TNC drivers. Because of the way TNC companies are set up, that is not possible. Independent contractors are not provided with workers' compensation benefits, nor can we ask their employers to provide them with health care coverage because there is no such employer.

What we came up with instead is medical payments coverage on the TNC's insurance policy. Medical payments coverage provide for no-fault medical payments coverage if a driver or any occupants of the vehicle are injured in an accident. So if a TNC driver gets into an accident and is at fault, under A.B. 445, up to \$10,000 of medical payments would be covered by the TNC's

insurance. That is with the TNC application turned on, whether or not there are passengers. In exchange for that added \$10,000 in medical payments coverage, the bill lowers the TNC's liability limits from \$1.5 million to \$1 million.

I did not want to change the deal that this body made with all the stakeholders in 2015 in providing for coverage. The existing law provides for \$1.5 million in liability coverage if a TNC driver has an accident with the application turned on and with occupants.

If I were not an attorney, I would say, "Hey, we're lowering liability limits by \$500,000 and only adding \$10,000 in medical payments coverage. That doesn't seem to be equal." In practice, that \$10,000 in medical payments coverage makes a difference to a lot of people. You will also see it utilized a lot. Medical payments coverage is expensive because it is used regardless of who is at fault. Conversely, in practice, the difference between \$1.5 million and \$1 million in liability coverage is miniscule and will come into play so rarely that it is almost not worthy of discussion. If you have a claim worth \$1.5 million and the liability limit is \$1 million, in practice you take the \$1 million. Liability limits for commercial vehicles range from \$250,000 for a taxicab driver to \$300,000 for an intrastate moving truck to \$750,000 for an 18-wheeler. We are used to making claims dealing with \$1 million policies.

This \$10,000 in medical payments coverage is so beneficial to drivers who cannot afford health insurance and to occupants who are from out of state that I think it is worthy of the exchange. I have an understanding among the stakeholders on the TNC side that it is fiscally neutral to rearrange these chairs at the table.

Section 5, subsection 4 attempts to address some complaints from the community that sometimes when TNC drivers learn where they want to go, the drivers refuse to take them to their destinations. Section 5, subsection 4 says if the driver accepts the fare by clicking "accept" on the application, the driver must complete the trip. If they do not, they can be fined.

SENATOR HARDY:

Section 2, subsection 1, paragraph (4), subparagraph (b) of the bill refers to "any one accident." Is this for only one accident, or could it be any number of accidents that happen over a period of a year or two or ten?

ASSEMBLYMAN WATKINS:

The coverage is \$10,000 per occupant, including the driver, per accident. If that driver got into another accident the next day, the coverage would be the same.

SENATOR HARDY:

I would like to ask Counsel if the language in the bill is portrayed that way.

MR. FERNLEY:

I read it the same way Assemblyman Watkins does.

CHAIR ATKINSON:

I appreciate your explanation of the effect of lowering liability from \$1.5 million to \$1 million. I do not want to go back into that whole subject, but could you clarify that one more time?

ASSEMBLYMAN WATKINS:

In my practice, I make claims to insurance companies regularly, and I also evaluate claims regularly. From my perspective, if you have a case that is worth \$1.5 million, which is very rare, if there is a commercial policy at issue, it is usually capped at \$1 million. There are bigger policies out there, but they are even more rare. If you have a \$1.5 million claim, the fact that you have \$1 million available for that big claim is something that you, as a practitioner, would be more than satisfied to have available to you. That would be an excellent outcome. If I were to guess the number of times that difference would come into play, it would be 1 in 10,000. Conversely, \$10,000 in medical pay is something you would see utilized every day.

DAN MUSGROVE (CSAA Insurance Group):

We are one of the groups that worked with Assemblyman Watkins on A.B. 445, and we are in support of the bill

CHAIR ATKINSON:

I will close the hearing on A.B. 445.

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CHAIR ATKINSON:

Is there any public comment? Hearing none, I will adjourn the meeting at 11:07 a.m.

RESPECTFULLY SUBMITTED:

Lynn Hendricks,
Committee Secretary

APPROVED BY:

Senator Kelvin Atkinson, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	2		Agenda
	B	12		Attendance Roster
A.B. 61	C	7	George Burns / Financial Institutions Division	Written Testimony
A.B. 61	D	5	George Burns / Financial Institutions Division	Explanation Table
A.J.R. 10	E	1	U.S. Representative Ruben Kihuen	Letter of Support
A.J.R. 10	F	2	U.S. Representative Dina Titus	Letter of Support
A.J.R. 10	G	1	U.S. Representative Jacky Rosen	Letter of Support
A.J.R. 10	H	30	Assemblyman Chris Brooks	Presentation
A.J.R. 10	I	1	Anne Macquarie / Sierra Club Toiyabe Chapter	Written Testimony
A.J.R. 10	J	3	Janette Dean	Letter of Support
A.J.R. 10	K	2	Dan Schinhofen / Board of County Commissioners, Nye County	Letter of Opposition
A.B. 12	L	1	Marji Paslov Thomas	Work Session Document
A.B. 244	M	1	Marji Paslov Thomas	Work Session Document
A.B. 247	N	1	Marji Paslov Thomas	Work Session Document
A.B. 279	O	1	Marji Paslov Thomas	Work Session Document
A.B. 194	P	38	Assemblywoman Danielle Monroe-Moreno	Presentation
A.B. 194	Q	1	Assemblywoman Danielle Monroe-Moreno	Summary
A.B. 194	R	22	Assemblywoman Danielle Monroe-Moreno	Mock-up of Proposed Amendments
A.B. 194	S	2	Heidi Gustafson / Foundation For Recover	Written Testimony

A.B. 194	T	1	Jim Jobin / Vogue Recovery Center	Written Testimony
A.B. 194	U	3	Cedric Kerns / Nevada Judges of Limited Jurisdiction	Written Testimony
A.B. 194	V	1	Sarah Adler / National Alliance on Mental Illness	Written Testimony
A.B. 194	W	4	David Kenney	Written Testimony
A.B. 194	X	15	Stuart Smith / Central Recovery	Written Testimony
A.B. 194	Y	1	Wendy Madson / Healthy Communities Coalition	Written Testimony
A.B. 194	Z	1	Joe Engle / There Is No Hero In Heroin	Written Testimony
A.B. 194	AA	3	Linda Lang / Nevada Behavioral Health Association	Written Testimony
A.B. 194	BB	2	Arizona Board for Certification of Addiction Counselors	Requirements for Certified Peer Recovery Specialist
A.B. 194	CC	11	Seth A. Stromberg, Ernest W., Troy Collings, Joseph Richards, Ketori Collins, Raymon V., JoAnna Harmon, Tamra Comer, Shawn Wallize	Letters in Opposition
A.B. 223	DD	10	Assemblyman William McCurdy II	Presentation
A.B. 223	EE	5	Assemblyman William McCurdy II	Proposed Amendment No. 4479
A.B. 223	FF	1	Anne Macquarie / Sierra Club Toiyabe Chapter	Written Testimony
A.B. 223	GG	1	Larry Fosgate / Nevada Clean Energy Project	Written Testimony