

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

**Seventy-ninth Session  
May 15, 2017**

The Senate Committee on Commerce, Labor and Energy was called to order by Chair Kelvin Atkinson at 8:42 a.m. on Monday, May 15, 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 John Hambrick, Assembly District No. 2  
Assemblywoman Ellen B. Spiegel, Assembly District No. 20

**STAFF MEMBERS PRESENT:**

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

**OTHERS PRESENT:**

Paul J. Moradkhan, Las Vegas Metro Chamber of Commerce  
Leah Tauchen, Retail Association of Nevada  
Joanna Jacob, Dignity Health-St. Rose Dominican  
Marlene Lockard, Nevada Women's Lobby; Service Employees International  
Union Local 1107 Nevada

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Ryan Beaman, Clark County Firefighters Local 1908  
Natha C. Anderson, President, Washoe Education Association  
Ed Gonzales, Clark County Education Association  
Jared Busker, Children's Advocacy Alliance  
Chris Daly, Nevada State Education Association  
Jon Sasser, Washoe Legal Services; Legal Aid Center of Southern Nevada  
Stephanie McDonald, Directing Attorney, Family Law Self-Help Center  
Kristy Oriol, Nevada Coalition to End Domestic and Sexual Violence  
Margaret McConnell, Chair, Board of Examiners for Long-Term Care  
Administrators  
Erv Nelson, Payroll Funding Company, LLC  
Irma Fernandez, Legislative Aide for Assemblywoman Irene Bustamante Adams,  
Assembly District No. 42  
Gary Landry, Executive Director, Nevada State Board of Cosmetology

CHAIR ATKINSON:

I will open the hearing on Assembly Bill (A.B.) 113.

**ASSEMBLY BILL 113 (1st Reprint)**: Requires certain employers to make certain accommodations for a nursing mother. (BDR 23-7)

ASSEMBLYWOMAN ELLEN B. SPIEGEL (Assembly District No. 20):

This bill requires that public and private employers in Nevada, other than the Department of Corrections, small businesses and certain licensed contractors, provide female employees who are nursing mothers reasonable break times and a clean place to use a breast pump. I served for several years on the Advisory Board for Maternal and Child Health. In that capacity, I attended a number of conferences, in one of which I learned that mother's milk provides babies with their first immunization. Not only is giving nursing mothers breaks and a clean place to use a pump good for mothers in the workplace, it is also really good for babies.

PAUL J. MORADKHAN (Las Vegas Metro Chamber of Commerce):

We are in support of A.B. 113. We believe this is a great bill that meets the needs of nursing mothers in the workplace. It also provides some flexibility for small businesses regarding providing for the needs of their employees. This bill has a good balance between those needs, and section 5 lays out a good process to address concerns between employers and employees.

LEAH TAUCHEN (Retail Association of Nevada):

We are in support of A.B. 113. From the retail industry perspective, our members with 50 employees or more have been in compliance with the federal break time for nursing mothers provision of the Affordable Care Act. Retailers strive to provide a positive work environment and recognize the benefits of breastfeeding for employees, employers, families and society. We appreciate the sponsor's willingness to work with us on this bill.

JOANNA JACOB (Dignity Health-St. Rose Dominican):

We are in support of this bill. I have a letter of support ([Exhibit C](#)) from Holly Lyman, director of WomensCare, and Suzie Owens, our lead lactation consultant, explaining the benefits of breastfeeding to mothers and babies. We have also found that this kind of policy is good for employee retention and morale.

MARLENE LOCKARD (Nevada Women's Lobby; Service Employees International Union Local 1107 Nevada):

We strongly support this bill.

RYAN BEAMAN (Clark County Firefighters Local 1908):

We appreciate the sponsor bringing this bill forward and working with us to address our concern in section 3.3 regarding *Nevada Revised Statutes* (NRS) 288, to speed up the hearing process if issues arise.

NATHA C. ANDERSON (President, Washoe Education Association):

We support the bill and agree with the statements of the previous speakers. Seventy percent of our membership is female, and when you are trying to juggle being a mother and an educator, any sort of help like this is greatly appreciated.

ED GONZALES (Clark County Education Association):

We are in support of A.B. 113. We had some minor concerns that were solved by the addition of section 3.3. We felt, and Assemblywoman Spiegel agreed, that to have a complaint go five, six or seven months without being resolved was unacceptable, considering the topic.

JARED BUSKER (Children's Advocacy Alliance):

We are in full support of this bill. I have written testimony ([Exhibit D](#)) that goes into the health benefits for children and potential savings for families afforded by this bill.

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CHRIS DALY (Nevada State Education Association):

We understand that supporting educators in the workplace is a critical part of meeting the vision of this bill, including supporting new mothers returning to work while still breastfeeding. We support A.B. 113 and were happy to help work through some of the negotiations, including the definition of the word "clean."

SENATOR SETTELMAYER MOVED TO DO PASS A.B. 113.

SENATOR SPEARMAN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR ATKINSON:

I will open the hearing on A.B. 128.

**ASSEMBLY BILL 128 (1st Reprint)**: Exempts certain unpaid individuals from the requirement to obtain licensure as a process server. (BDR 54-700)

ASSEMBLYWOMAN ELLEN B. SPIEGEL (Assembly District No. 20):

This bill is related to process servers. Many people trying to get out of abusive relationships make use of do-it-yourself divorces. However, there is a stumbling block when it comes to serving notice with a process server. The law currently allows them to use a volunteer to serve process, but there are some judges who have not been interpreting the law in this way. This bill strengthens the provision that allows process servers to be volunteers.

JON SASSER (Washoe Legal Services; Legal Aid Center of Southern Nevada):

As you may recall, a few years ago there was a problem in Las Vegas with some professional process servers who, on behalf of payday lenders, did not serve papers but said they did. As a result, many people got default judgments against them without having any notice of the proceedings. To correct this, the Legislature passed a law requiring the licensure of process servers. There has always been a provision in the Rules of Civil Procedure to allow for service of papers by any adult over 18 years of age; you can get a friend or a relative to serve papers for you. However, a few judges in Las Vegas have interpreted the

new law on professional process servers to forbid this amateur service that has always been part of our process. This bill was brought forward to fix that.

When the bill was heard in the Assembly Committee on Commerce and Labor, it was amended at the request of Justice of the Peace Melissa Saragosa to limit amateur process servers to three services per year. They are also allowed to serve only on behalf of natural individuals, not on behalf of businesses. When those amendments were adopted, the bill passed unanimously in the Assembly.

STEPHANIE McDONALD (Directing Attorney, Family Law Self-Help Center):  
I have written testimony ([Exhibit E](#)) giving further background and information about A.B. 128.

KRISTY ORIOL (Nevada Coalition to End Domestic and Sexual Violence):  
We are in support of this bill. Service for protection orders in particular is a continuing challenge for survivors of domestic violence, especially when the adverse party is making an effort to dodge service, which is a common practice. We support any legislation that makes service easier and helps victims get the protection they deserve.

SENATOR HARDY MOVED TO DO PASS A.B. 128.

SENATOR SPEARMAN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR ATKINSON:  
I will open the hearing on A.B. 165.

**ASSEMBLY BILL 165 (1st Reprint)**: Provides for the licensure of health services executives. (BDR 54-566)

ASSEMBLYMAN JOHN HAMBRICK (Assembly District No. 2):  
I brought this bill forward after I had a discussion with a friend from Reno who was concerned about health care practitioners who were not licensed but who were working in the long-term health care business. The purpose of A.B. 165 is

to license all health care providers to help protect our elderly and other long-term care recipients.

MARGARET McCONNELL (Chair, Board of Examiners for Long-Term Care Administrators):

I have written testimony ([Exhibit F](#)) explaining the function of the bill to create a new licensure category, the Health Services Executive (HSE), that was developed by the National Association of Long Term Care Administrator Boards (NAB).

SENATOR GANSERT:

As I understand it, the HSE is not a medical provider, but rather the administrator in a long-term care facility. Is that right?

Ms. McCONNELL:

That is correct. It would be only for the administrator of the individual facility/community. It is nonmedical.

SENATOR GANSERT:

What are the requirements for the license? It looks like there is an exam. Is there continuing education? Are there classes or conferences?

Ms. McCONNELL:

There is an extensive preparation process. Applicants must have at least a bachelor's degree in a health care-related field and 1,000 hours of practicum in the field directly in a nursing home. They have to pass a national exam comprised of at least 150 questions. In addition, they have to pass an FBI background check, and they have to have 30 continuing education units (CEU) every two years.

Separate from that is the assisted living administrator, who must be at least 21 years of age with 80 hours of training, 80 hours of administrator-in-training experience and 16 hours of CEUs every 2 years. They must also pass the FBI background check.

For the HSE license, two licenses would be combined into one so a practitioner could serve along that continuum of care and serve in both a nursing home and an assisted living environment.

SENATOR GANSERT:

What happens to individuals serving in this type of capacity right now? I am not reading in this bill whether they are grandfathered in.

Ms. McCONNELL:

The NAB is leaning toward grandfathering anyone who is currently licensed as both an assisted living residential care facility administrator for groups and a nursing home administrator. Those individuals would not have to take additional examinations and would not have to meet any new requirements. We are looking at a two-year window where anyone who is currently qualified could automatically obtain this new licensure category. After that, anyone who aspires to this voluntary license would need to meet the new qualifications.

SENATOR GANSERT:

Does this license affect reimbursement from Medicare, Medicaid, or any types of organizations for these types of facilities? Or is this just about qualifications, setting standards for qualifications for someone who is a business administrator?

Ms. McCONNELL:

It will have no fiscal impact on anything statewide, either within the organization, the nursing home or assisted living, or otherwise. All nursing homes are required to have a licensed administrator, so there would be no change in terms of any fiscal impact, even in group care. If one is licensed for group care, they have to meet minimum qualifications, and all our administrators in Nevada meet those qualifications. For that reason, there will be no change.

SENATOR GANSERT:

If I understand you, right now, the administrators in Nevada meet certain qualifications to be licensed here, but not necessarily by this board. Is that correct?

Ms. McCONNELL:

No. The Board of Examiners for Long-Term Care Administrators licenses everyone. Nevada was one of the first two states in the U.S. to license assisted living residential care facility administrators, and we are one of the only states that continues to license these people. Nevada has a high standard for people who care for our seniors. We are one of the leaders in the Nation in terms of protecting our seniors, not just in nursing homes, which are well-regulated

federally, but statewide in Nevada. Small and large group homes are very carefully monitored.

SENATOR GANSERT:

You are saying that they are already licensed, and this bill just creates another standard.

Ms. McCONNELL:

That is correct. There are no new requirements. It is a higher standard that allows people to practice throughout the continuum, not just in one field. They would not be just in group care or just in nursing homes; they could serve across the board, providing care for seniors.

SENATOR SPEARMAN:

Assemblyman Hambrick, the Assembly voted 41 to 1 to pass this bill. Do you know what objection that one person had?

ASSEMBLYMAN HAMBRICK:

The person who voted against the bill is part of the medical community and had other ideas about how this should happen. It was a personal opinion that nonmedical people should not have too much authority in this area.

SENATOR SETTELMAYER:

Another issue might be that this person signed the no-tax pledge, and A.B. 165 requires a two-thirds majority. I disagree with the concept of such a pledge and did not sign it.

SENATOR SETTELMAYER MOVED TO DO PASS A.B. 165.

SENATOR SPEARMAN SECONDED THE MOTION.

SENATOR GANSERT:

I will vote no on this bill at this time because I have not figured out why we are doing this. It seems like we are already licensing folks. This is not a medical position; this is someone who is a business administrator, and A.B. 165 adds a required credential from a board. If someone were to opt in because they wanted to be part of the NAB, that would be fine, but requiring it is something different. I am going to vote no at this time.



SENATOR SPEARMAN:

I did not hear it as a new license; I heard it as a bill that is designed to give fluidity to this profession. Currently, people who are licensed in one area have to take a test and get licensed in another area to move through this discipline. It will be more cost-effective to combine the two, and it would enhance the credentials of the people who are working in both areas. It is difficult to get trained professionals in this field, and this would help us get and retain more professionals.

Ms. McCONNELL:

I probably failed to make it clear that it is a huge challenge to employers of nursing homes for nursing home administrators to be able to move fluidly from state to state.

This is especially true in the small communities like Elko, Ely and Pahrump. Sometimes we have situations where a nursing home administrator, for whatever reason, leaves with very little notice. Nevada law says that there must be a licensed administrator on staff at all times in all facilities. That causes a huge problem. What do we do with the 100-plus people in a nursing home when we do not have an administrator? We do not have extra people sitting around in Ely, Elko or Pahrump. There is a huge pressure on the provider of that nursing home to find someone quickly. Right now, persons with licenses from other states must be relicensed by us before they can step into these vacancies. Assembly Bill 165 would allow this because all other states accept the HSE license. We could license a highly qualified person quickly and get them into a small facility.

This bill would address the issue of fluidity, of portability, so that licensed people can easily move from one state to another. An HSE would meet all of our qualifications and could quickly move in, serve our seniors and provide a safe environment.

The HSE is not a new license. There is no onus on anyone. It simply allows people to combine two licenses and serve people across the board very quickly.

SENATOR GANSERT:

Maybe I am just not seeing that in this bill because I do not see the regulations behind it. It looks to me that if you wanted to hire someone from out of state, they would have to get licensed no matter what. This is creating an additional

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standard for that licensure. It also did not sound like there was a plan for grandfathering folks who already have experience and have been working in the industry.

THE MOTION PASSED. (SENATOR GANSERT VOTED NO.)

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CHAIR ATKINSON:

I will open the work session on Senate Bill (S.B.) 106.

**SENATE BILL 106**: Requires certain increases in the minimum wage paid to employees in private employment in this State. (BDR 53-865)

MARJI PASLOV THOMAS (Policy Analyst):

I have a work session document ([Exhibit G](#)) with a summary of the bill. There were no proposed amendments.

SENATOR SPEARMAN MOVED TO DO PASS S.B. 106.

SENATOR CANNIZZARO SECONDED THE MOTION.

THE MOTION PASSED. (SENATORS HARDY, SETTELMAYER AND GANSERT VOTED NO.)

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CHAIR ATKINSON:

I will open the hearing on A.B. 255.

**ASSEMBLY BILL 255 (1st Reprint)**: Provides that provisions governing certain short-term loans and installment loans do not apply to certain extensions of credit. (BDR 52-921)

ASSEMBLYMAN HAMBRICK:

This bill is to clarify that Nevada's consumer protection laws do not apply to commercial loans made to businesses located outside Nevada.

ERV NELSON (Payroll Funding Company, LLC):

We have a small amendment ([Exhibit H](#)) that adds Senator Nicole Cannizzaro as a primary co-sponsor to this bill. When A.B. 255 was heard in the Assembly Committee on Commerce and Labor, we worked out a few kinks in the bill and were able to satisfy all concerns. The bill was passed unanimously by the Assembly.

Under NRS 99.050, the state of the law in Nevada for years has been that a borrower and a lender could agree to any terms they wanted as long as those terms were in writing. Then consumer protection legislation came in and changed that rule for consumer loans, meaning loans to individual natural persons, at both the State and federal levels. On the State level, in NRS 604A, there are various loans called deferred deposit loans, high-interest loans, check-cashing services and car title loans. Under NRS 675, there are installment loans. All of those loans have protections for consumers and additional hoops the lenders must jump through dealing with licenses, posted notices at their places of business, disclosures, toll-free phone numbers for the commissioner, limitations on the terms of the loans, and other provisions complying with the federal Fair Debt Collections Practices Act.

My understanding is that those provisions were never meant to apply to loans to businesses. My client has been sued with the claim that the commercial loans my client makes, which are to businesses for payroll, violate NRS 604A and NRS 675, which are the consumer protection laws. Although there is a federal case that supports our position that the consumer protection laws do not apply to commercial loans, there is still some uncertainty in the law. That is why we brought this bill: to codify what has been existing practice for decades.

Logistically, NRS 604A and NRS 675 include exemptions to those laws, and this bill adds one more exemption. Section 3.3, subsection 16, and section 3.7, subsection 11 of the bill have the same wording: "A person who exclusively extends credit to any person who is not a resident of this State for any business, commercial or agricultural purpose that is located outside of this State." "Person" in this context also means a corporation or business entity.

To sum up, this bill just codifies what has been the law for a number of decades: that consumer protection legislation does not apply to commercial loans.

SENATOR SETTELMAYER MOVED TO AMEND AND DO PASS A.B. 255.

SENATOR HARDY SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR ATKINSON:

I will open the hearing on A.B. 195.

**ASSEMBLY BILL 195 (1st Reprint)**: Revises provisions governing cosmetology.  
(BDR 54-119)

IRMA FERNANDEZ (Legislative Aide for Assemblywoman Irene Bustamante Adams,  
Assembly District No. 42):

I am here to present A.B. 195 on behalf of Assemblywoman Irene Bustamante Adams, Assembly District No. 42, who could not be here today. I have written testimony ([Exhibit I](#)) explaining the history and goal of the bill.

GARY LANDRY (Executive Director, Nevada State Board of Cosmetology):

I have written testimony ([Exhibit J](#)) giving a brief breakdown of each section of the bill.

Section 1 of the bill provides for the temporary suspension of a license or certificate in the event of a charge or citation for prostitution. It also allows for a post-suspension review and requires a hearing not later than 15 days after the review. This change was made to be consistent with the State Board of Massage Therapists.

Section 1.5 allows the Governor to replace a Board member for negligence, malfeasance or misfeasance. He has done this in the past, and this grants the Governor the authority to do so.

Section 2 of the bill makes the office of Secretary-Treasurer one person. It has always been one person, but the law said it could be two. We want to make it one person.

Section 3 removes the consideration of applicants from Board meetings. This has not happened in the last 20 years, so we want to remove it from the law.

Sections 11, 12 and 13 reduce the training requirements for student instructors from 1,000 hours to 700 hours. That reduction was requested by the schools. They felt the extra hours were not necessary for certification.

Section 15 reduces the hours required to complete the cosmetologist apprentice program. Last Session, we reduced the hours for the cosmetologist but overlooked the hours for the apprentice program.

Sections 17 and 18 of A.B. 195 remove the requirement of a material affidavit of completing the tenth grade for hair braiders. They will still be required to complete the tenth grade, and we will check, but we no longer require a certified copy of the affidavit.

Sections 19, 27, 28, and 29 take out the notarization of applications. We are taking out the notary process to reduce the paperwork involved.

Section 21 requires that all cosmetology license applicants be able to take the examination in either English or Spanish. Since there could be a fee involved, A.B. 195 requires two-thirds approval. We currently offer the test in nine languages. If an applicant requests the test in another language, we provide it at no extra charge.

Section 26 simplifies the request for a duplicate license. Currently, the licensee must prove that the license had been defaced or lost. This has been simplified to say that we will provide duplicates when requested. If a licensee requests duplicates more than three times, we will note it in the file and monitor the situation to make sure licenses are not being sold.

Section 30 requires that licensees practice on the public after completing 10 percent of the total hours of training. Existing statute lists the number of hours required for each discipline. The change to a percentage will keep us from having to change the statute every time the hours of training change. All the schools have agreed to this.

Section 32 adds an administrative penalty for practicing prostitution or pandering in a cosmetology salon to the existing criminal penalty.

Section 33 allows a cosmetology establishment to represent itself to the public as primarily offering hair services for men. The provision makes it clear that we will not represent ourselves as barbers. However, there are salons like Sports Clips and others that cater their services to male clientele, and this makes it clear that this is allowed.

Section 34 allows a cosmetology license to be copied for lawful reasons.

Section 36 adds the Board to the list of entities that can request criminal history records. This is consistent with the Nevada State Board of Massage Therapists and the other agencies that can request these records. We want to be able to get these records directly rather than having to go through the Office of the Attorney General (AG). Going through the AG's Office adds an additional step and time and also adds to the workload of the AG's Office.

Section 38 repeals provisions of the NRS regarding the revolving fund and qualifications to take the exam to become an instructor of cosmetology. The revolving fund was established in the 1960s to allow the Board to ask for \$1,000 from the State. This money has never been requested, and I do not know why this fund was set up. The qualifications for the instructor exam are handled in other sections of the law.

SENATOR SETTELMAYER

I need to disclose that my wife is a cosmetologist, but A.B. 195 does not affect me any differently than it does anyone else.

SENATOR SETTELMAYER MOVED TO DO PASS A.B. 195.

SENATOR HARDY SECONDED THE MOTION.

SENATOR SPEARMAN:

I need to disclose that my nephew is a cosmetologist. However, this bill does not give him any undue preference over anyone else.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR ATKINSON:

Is there any public comment? Hearing none, I will adjourn the meeting at 9:43 a.m.

RESPECTFULLY SUBMITTED:

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Lynn Hendricks,  
Committee Secretary

APPROVED BY:

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Senator Kelvin Atkinson, Chair

DATE: \_\_\_\_\_

<b>EXHIBIT SUMMARY</b>				
<b>Bill</b>	<b>Exhibit / # of pages</b>		<b>Witness / Entity</b>	<b>Description</b>
	A	2		Agenda
	B	4		Attendance Roster
A.B. 113	C	2	Holly Lyman and Suzie Owens	Letter of Support
A.B. 113	D	2	Jared Busker / Children's Advocacy Alliance	Written Testimony
A.B. 128	E	2	Stephanie McDonald / Family Law Self-Help Center	Written Testimony
A.B. 165	F	1	Margaret McConnell / Board of Examiners for Long Term Care Administrators	Written Testimony
S.B. 106	G	1	Marji Paslov Thomas	Work Session Document
A.B. 255	H	1	Assemblyman John Hambrick	Proposed Amendment
A.B. 195	I	1	Irma Fernandez / Assemblywoman Irene Bustamante Adams	Written Testimony
A.B. 195	J	2	Gary Landry / Nevada State Board of Cosmetology	Written Testimony