

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

**Seventy-ninth Session  
March 3, 2017**

The Senate Committee on Commerce, Labor and Energy was called to order by Chair Kelvin Atkinson at 8:03 a.m. on Friday, March 3, 2017, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E 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

**STAFF MEMBERS PRESENT:**

Marji Paslov Thomas, Policy Analyst  
Bryan Fernley, Counsel  
Daniel Putney, Committee Secretary

**OTHERS PRESENT:**

Alexia M. Emmermann, Insurance Counsel, Division of Insurance, Department of Business and Industry  
Jodi Stephens, American Bail Coalition  
Tom Clark, AALLIES and AB Bail Bonds; Justin Brothers Bail Bonds  
Sara Chalhagian, Aladdin Bail NV, Inc.  
John F. Boes, Nevada Bail Agents Association  
Barbara D. Richardson, Commissioner of Insurance, Division of Insurance, Department of Business and Industry  
Shelly Capurro, AFLAC; American Council of Life Insurers  
K. Neena Laxalt, Board of Psychological Examiners

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Michelle G. Paul, Ph.D., Board of Psychological Examiners; Department of Psychology, University of Nevada, Las Vegas

William O'Donohue, Ph.D., Department of Psychology, University of Nevada, Reno

Anthony Papa, Ph.D., Department of Psychology, University of Nevada, Reno

Lorraine T. Benuto, Ph.D., Department of Psychology, University of Nevada, Reno

Charles Duarte, CEO, Community Health Alliance

Bryan Gresh, Nevada Psychological Association

Laura Hale, Manager, Primary Care Office, Division of Public and Behavioral Health, Department of Health and Human Services

CHAIR ATKINSON:

I will open the hearing on Senate Bill (S.B.) 18.

**SENATE BILL 18**: Makes various changes relating to bail bonds. (BDR 57-464)

ALEXIA M. EMMERMANN (Insurance Counsel, Division of Insurance, Department of Business and Industry):

I will read from my prepared testimony ([Exhibit C](#)).

Through the Division of Insurance's dealings in bail, the Division has discovered many bail licensees abuse and defraud consumers and escape liability by claiming their otherwise criminal practices are incidental to their powers as licensees. These unfair business practices undermine the entire bail system, cost defendants more to obtain bail and increase safety risks to consumers and the public.

The Division's position is to provide the Committee with information regarding bail and offer suggestions to address issues. Senate Bill 18 is about consumer protection, market protection and public safety. This bill addresses the most urgent problems, clarifies ambiguities and eliminates contradictions in existing laws.

The Division proposes amendments necessary to accomplish the goals of this bill ([Exhibit D](#)).

SENATOR CANCELA:

At one point in the bill, consumers of bail are described as vulnerable persons. Is this a legal term of art that provides added protection, or is this simply a matter of word choice?

MS. EMMERMANN:

The Division thought it helpful to provide the lens through which issues and laws need to be interpreted. These defendants are fighting for their rights to be free, so in a sense, they are vulnerable because the only way they can get out is through bail. These defendants can easily be taken advantage of.

JODI STEPHENS (American Bail Coalition):

The American Bail Coalition opposes S.B. 18 as written. We have been working with the Division on an amendment. We hope to get to a point where we can support this bill.

TOM CLARK (AALLIES and AB Bail Bonds; Justin Brothers Bail Bonds):

Justin Brothers Bail Bonds and AALLIES and AB Bail Bonds will continue working with industry leaders and the Division to clarify the language in S.B. 18. As noted in Ms. Emmermann's testimony, there are bail licensees who break the law, but there are criminal ramifications for such actions. These ramifications demonstrate how existing bail laws work. We hope to come back with an amendment satisfying all of our concerns.

SARA CHOLHAGIAN (Aladdin Bail NV, Inc.):

Aladdin Bail NV, Inc., opposes S.B. 18 as written. We are working with both the Division and the Coalition to address our concerns.

CHAIR ATKINSON:

Which coalition are you talking about?

MS. STEPHENS:

We work with the American Bail Coalition. We have been helping the bail industry work with the Division.

CHAIR ATKINSON:

Do all of you belong to the Coalition?

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MS. STEPHENS:  
Yes.

CHAIR ATKINSON:  
I have not heard any opposition to this bill until now.

MS. STEPHENS:  
We did not want to bring our concerns to the Committee because we had been addressing them directly with the Division. We hope to work out all of the issues.

CHAIR ATKINSON:  
The Legislature makes the final decision regarding S.B. 18. We need to know what issues there are and the extent to which the Committee can help.

SENATOR SETTELMAYER:  
Could you give one major issue you have?

MR. CLARK:  
There are multiple issues, such as the way licensees are licensed. I could provide a section-by-section breakdown and meet with you to discuss the issues. We hope to work with the Division, the Coalition and bail industry leaders to arrive at a consensus regarding this bill. Because we have so many concerns, we would rather meet with the Division, work out the issues and bring the solutions back to the Committee.

CHAIR ATKINSON:  
The opposition is broad and does not make sense.

SENATOR SPEARMAN:  
What is the general nature of the opposition? I have not heard from anyone. You have only provided generalities rather than specificity.

What specifically are the issues with respect to how the industry disciplines violators? Without this legislation, what happens to these individuals? How do you identify them? What disciplinary steps are taken? Who polices the disciplinary process?

MR. CLARK:

I do not have specific information about the disciplinary process within the industry. We can point to, however, the Division's disciplinary process, which eventually leads to the Office of the Attorney General. I will work with my clients and the Coalition to identify what types of industry disciplinary actions exist. I will bring that information to your attention before the next hearing.

CHAIR ATKINSON:

There will not be another hearing, but we may move to a work session. We need to resolve the issues before then.

JOHN F. BOES (Nevada Bail Agents Association):

I am a licensed bail agent working in Carson City. There are a lot of issues with this bill. Bail reform is necessary, but there is nothing positive for the bail industry in this bill. The Assembly, however, does have some positive aspects of its bail legislation. Of Nevada's land mass, 7/8 of it is not properly served by the bail industry. I have presented some of my ideas to the Assembly. The Nevada Bail Agents Association opposes S.B. 18 as written.

CHAIR ATKINSON:

We do not know what the Assembly bill is, so we are not going to entertain that here.

MR. BOES:

We question the quality of this bill. The suggestions provided do not bring about the reform necessary to give relief to the courts, police or citizens of this State.

CHAIR ATKINSON:

Do you prefer the proposed legislation in the Assembly?

MR. BOES:

Yes. I am working with Assembly members to share my ideas.

MS. EMMERMANN:

The Division is not looking to reform bail through this bill. The Division is only looking to clarify ambiguities and address abuses we have seen.

CHAIR ATKINSON:

Has the opposition been working with the Division?

MS. EMMERMANN:  
Yes.

CHAIR ATKINSON:  
The Committee does not plan to act on S.B. 18 until all of you have had the opportunity to resolve the issues.

I will close the hearing on S.B. 18 and open the hearing on S.B. 135.

**SENATE BILL 135**: Requires that an applicant for certain insurance-related licenses have the option to take an examination in Spanish. (BDR 57-684)

SENATOR JOSEPH P. HARDY (Senatorial District No. 12):  
A long-time neighbor of mine who speaks Spanish told me the Hispanic population is underinsured. Many Spanish-speaking individuals do not trust insurance agents who do not speak Spanish. I discussed this issue with the Division of Insurance, and when we realized money would be involved, we needed a bill.

The proposed amendment to S.B. 135 ([Exhibit E](#)) deletes sections 3 and 4. The bill is then sections 1, 2 and 5.

An insurance producer specializes in one or more authority, such as property, casualty, life or health. The insurance producer sells policies to protect people as well as life and health products that pay beneficiaries when the policyholder dies or there is a long-term care issue. The insurance producer also interviews potential clients and discusses their financial resources and existing coverage, analyzes these items, and customizes their insurance needs.

To be an insurance producer in Nevada, a producer exam must be passed. There are seven required exam parts. These parts are life, health, property, casualty, personal lines, property and casualty combination, and life and health combination. It takes about 11 hours to pass these exam parts, and all 7 must be passed. The cost of translation from English to Spanish is estimated to be \$7,500 per exam part. To translate the total exam, it would cost \$52,500. Because the exam is updated periodically, it would cost about \$24,000 per year. The biennial cost would be about \$77,000 after the initial \$52,500. There may be a more refined fiscal note than the current one.

BARBARA D. RICHARDSON (Commissioner of Insurance, Division of Insurance, Department of Business and Industry):

We worked with Senator Hardy on S.B. 135 and provided him with the information in the upcoming presentation ([Exhibit F](#)). This sort of legislation has been implemented in other states: New York, Texas and Florida. It has been a couple of years, and these states have seen an increase in the use of Spanish-language tests to reach underserved markets. We have seen requests in our State for this type of translation for this particular type of test. Last year, we had requests from 66 candidates who were looking to take a test in Spanish. The only opportunity we could give them was to allow them extra time on the English test. Senate Bill 135 would allow Spanish-speaking individuals to take the insurance producer exams in their own language.

CHAIR ATKINSON:

Are we going to view the presentation?

MS. RICHARDSON:

The presentation addresses what I just stated. The presentation focuses on the cost issue and the fact that other states have embraced this type of test. The policy decision is ultimately yours.

SHELLY CAPURRO (AFLAC; American Council of Life Insurers):

The American Council of Life Insurers and AFLAC are in support of S.B. 135. There is a need for more service for the Hispanic community.

CHAIR ATKINSON:

I will close the hearing on S.B. 135 and open the hearing on S.B. 162.

**SENATE BILL 162**: Revises provisions relating to psychological assistants, psychological interns and psychological trainees. (BDR 54-614)

SENATOR HEIDI S. GANSERT (Senatorial District No. 15):

When I was doing research to determine the gaps in health care for Nevadans, especially in some of the clinics that treat Medicaid patients, two of the places I visited were the Community Health Alliance and Northern Nevada HOPES in the Reno area. These clinics provide a spectrum of care to individuals of all ages. They care for thousands of Medicaid enrollees and have a sliding payment scale for insured, uninsured and underinsured individuals. One of the gaps identified in both settings was the need for mental health and behavioral health services.

These services are critical in providing a holistic approach to care. Examples of patients who need these services are individuals addicted to drugs, patients with diabetes and families with a chronically ill member.

There are two main factors contributing to the service shortage: low Medicaid reimbursement for licensed psychologists and a shortage of providers. Senate Bill 162 would help with both of these issues by increasing access to mental health and behavioral health services using mid-level providers. Senate Bill 162 provides for the registration of psychological assistants, interns and trainees and allows Medicaid reimbursement for services. Psychological assistants are postdoctoral scholars working to gain supervised experience. Psychological interns are enrolled in an accredited doctoral training program. There are two of these programs in the State: one at the University of Nevada, Reno, and one at the University of Nevada, Las Vegas (UNLV). Psychological interns wish to engage in predoctoral internships pursuant to the requirements of the accredited program. Psychological trainees are also enrolled in an accredited doctoral training program and wish to perform professional services or activities under the supervision of licensed psychologists. It is important to note all three types of providers would be supervised by licensed psychologists while providing services.

Section 11 of S.B. 162 allows Medicaid reimbursement under the State plan to the supervising psychologist in the accredited program and to the Division of Welfare and Supportive Services under the Department of Health and Human Services.

The combination of allowing supervised mid-level mental health and behavioral health providers to provide care and making Medicaid reimbursement available is critical to help build a pipeline for more providers and to meet the ever-increasing demand for such services.

Senate Bill 162 requires a 2/3 majority because it creates a new registration. The registration fee will be determined by the Board of Psychological Examiners. There may be a friendly amendment about this fee to be offered later. Passage of this legislation would both increase access to care and help build a pipeline for providers in Nevada.



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K. NEENA LAXALT (Board of Psychological Examiners):

The Board of Psychological Examiners has proposed a friendly amendment to help S.B. 162 align with the Board's regulations.

MICHELLE G. PAUL, PH.D. (Board of Psychological Examiners; Department of Psychology, University of Nevada, Las Vegas):

I will read from my prepared testimony representing the Board ([Exhibit G](#)).

Senate Bill 162 would provide up-to-date equivalency language to the Board's administrative code for individuals coming from non-accredited programs.

SENATOR GANSERT:

Could you provide examples of which institutions would be deemed equivalent?

DR. PAUL:

Yes. We have spent the past year working with Walden University and Capella University when revising our equivalency standards. These institutions' psychological programs are considered hybrid, but they are not accredited by the American Psychological Association (APA). The APA is the only body approved by the U.S. Department of Education to accredit doctoral training programs in psychology. Walden University and Capella University are not accredited primarily because much of these institutions' training is online.

SENATOR GANSERT:

After the hearing, I would like to talk with you further about equivalency standards and the maximum registration fee.

SENATOR HARDY:

I am happy with this bill.

WILLIAM O'DONOHUE, PH.D. (Department of Psychology, University of Nevada, Reno):

I will read from my prepared testimony in support of S.B. 162 ([Exhibit H](#)).

ANTHONY PAPA, PH.D. (Department of Psychology, University of Nevada, Reno):

I will read from my prepared testimony in support of S.B. 162 ([Exhibit I](#)).

SENATOR HARDY:

Does the psychological intern or trainee get paid?

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DR. PAPA:

Yes. The externship stipend is roughly \$28,000 per year.

SENATOR HARDY:

Is this compensation for trainees and interns?

DR. PAPA:

Yes.

SENATOR HARDY:

Does this allow the trainee to have a job?

DR. PAPA:

Yes. This is practicum experience.

LORRAINE T. BENUTO, PH.D. (Department of Psychology, University of Nevada,  
Reno):

I will read from my prepared testimony in support of S.B. 162 ([Exhibit J](#)).

DR. PAUL:

I will read from my prepared testimony representing UNLV ([Exhibit K](#)).

SENATOR HARDY:

Would this bill allow us to afford jobs and opportunities to psychological interns and trainees? Would this bill, in turn, increase our State's ability to attract people to our psychological programs and increase the amount of psychologists who decide to continue practicing in Nevada?

DR. PAUL:

Yes. Our limited ability to fund the most qualified and most sought after students limits our recruiting ability. We receive graduate assistantship lines through State funding. These lines are distributed through the colleges to the departments and programs. Reimbursement for the services that trainees provide through our training clinics would allow us to enhance our funding offerings to students we would like to bring into our doctoral training programs. This increased funding would make us more competitive. In the summer, our students are not funded at all, so it is difficult for them to keep up their training and research. Our students are usually scrambling about this time of year to get scholarships, research grants or something that would allow them to focus on

their studies through the summer. I am able to afford supporting some students through the Partnership for Research, Assessment, Counseling, Therapy and Innovative Clinical Education, but I could do better if I had a more sustainable funding model.

SENATOR HARDY:

Is there another state we could use as a model?

DR. PAUL:

Yes.

SENATOR SPEARMAN:

Dr. Paul said Walden University and Capella University are not accredited by the Department of Education. Although these institutions are not accredited by the APA, they are accredited and recognized by the Department of Education, the Council for Higher Education Accreditation and the VA with respect to access to loans and grants.

DR. PAUL:

There is a difference between being an accredited institution and an accredited program. Walden University and Capella University are accredited institutions, but their doctoral training programs are not accredited by the APA.

SENATOR SPEARMAN:

They are accredited.

CHARLES DUARTE (CEO, Community Health Alliance):

I will read from my prepared testimony in support of S.B. 162 ([Exhibit L](#)).

BRYAN GRESH (Nevada Psychological Association):

The Nevada Psychological Association supports S.B. 162.

LAURA HALE (Manager, Primary Care Office, Division of Public and Behavioral Health, Department of Health and Human Services):

I wanted to provide the data map the Committee saw with S.B. 69 ([Exhibit M](#)).

**SENATE BILL 69**: Revises provisions governing state agencies, boards and commissions that regulate occupations and professions. (BDR 54-229)

The Department of Health and Human Services recognizes S.B. 162 would create parity for reimbursement for the different levels of psychology interns. Because there is a fiscal note on this bill and our Medicaid office would have to go through the State plan, we are neutral.

SENATOR GANSERT:

Nevada has to amend the State Plan periodically, and Nevada is going through that process for something else. Are there other opportunities to open up the State Plan because it is being amended for different purposes?

Ms. HALE:

I do not have an answer, but I will get back to you.

SENATOR GANSERT:

The State Plan is opened up periodically to change some language and add programs, so I hope opening up the State Plan for S.B. 162 would meet with one of those cycles.

SENATOR SETTELMAYER:

It would be a good amendment to the bill to make sure it removes the fiscal note.

CHAIR ATKINSON:

I will close the hearing on S.B. 162 and open the work session on S.B. 52.

**SENATE BILL 52**: Revises provisions relating to unemployment compensation.  
(BDR 53-226)

MARJI PASLOV THOMAS (Policy Analyst):

I will read the summary of the bill and proposed amendments from the work session document ([Exhibit N](#)).

CHAIR ATKINSON:

The Employment Security Division of the Department of Employment, Training and Rehabilitation asked for these amendments to clarify some things. There was no opposition to these amendments.

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SENATOR SETTELMAYER MOVED TO AMEND AND DO PASS AS  
AMENDED S.B. 52.

SENATOR HARDY SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

\* \* \* \* \*

CHAIR ATKINSON:

I will open the work session on S.B. 81.

**SENATE BILL 81**: Provides for the conversion of state-chartered savings and  
loan associations to savings banks. (BDR 56-163)

Ms. PASLOV THOMAS:

I will read the summary of the bill and proposed amendment from the work  
session document ([Exhibit O](#)).

SENATOR SETTELMAYER:

I learned that only employees of John Deere can bank with the company, but  
even with that information, I move to amend and do pass as amended S.B. 81.

SENATOR SETTELMAYER MOVED TO AMEND AND DO PASS AS  
AMENDED S.B. 81.

SENATOR CANCELA SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

\* \* \* \* \*

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CHAIR ATKINSON:  
I adjourn the meeting at 9:25 a.m.

RESPECTFULLY SUBMITTED:

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Daniel Putney,  
Committee Secretary

APPROVED BY:

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Senator Kelvin Atkinson, Chair

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

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	1		Agenda
	B	4		Attendance Roster
S.B. 18	C	18	Alexia M. Emmermann / Division of Insurance, Department of Business and Industry	Testimony
S.B. 18	D	22	Alexia M. Emmermann / Division of Insurance, Department of Business and Industry	Proposed Amendment
S.B. 135	E	2	Senator Joseph P. Hardy	Proposed Amendment
S.B. 135	F	8	Barbara D. Richardson / Division of Insurance, Department of Business and Industry	Presentation
S.B. 162	G	2	Michelle G. Paul / Board of Psychological Examiners	Testimony
S.B. 162	H	2	William O'Donohue / Department of Psychology, University of Nevada, Reno	Testimony
S.B. 162	I	2	Anthony Papa / Department of Psychology, University of Nevada, Reno	Testimony
S.B. 162	J	1	Lorraine T. Benuto / Department of Psychology, University of Nevada, Reno	Testimony
S.B. 162	K	2	Michelle G. Paul / Department of Psychology, University of Nevada, Las Vegas	Testimony
S.B. 162	L	1	Charles Duarte / Community Health Alliance	Testimony

S.B. 162	M	1	Laura Hale / Primary Care Office, Division of Public and Behavioral Health, Department of Health and Human Services	Map
S.B. 52	N	14	Marji Paslov Thomas	Work Session Document
S.B. 81	O	10	Marji Paslov Thomas	Work Session Document