

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

**Seventy-ninth Session
April 7, 2017**

The Senate Committee on Commerce, Labor and Energy was called to order by Chair Kelvin Atkinson at 8:13 a.m. on Friday, April 7, 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

GUEST LEGISLATORS PRESENT:

Senator David R. Parks, Senatorial District No. 7

STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Andy Eisen, M.D., Gender Justice Nevada
Hann Lindahl, interACT: Youth
Jane Heenan, Gender Justice Nevada
Catherine M. O'Mara, Executive Director, Nevada State Medical Association
Andrew Clinger, Senior Advisor to the Governor, Office of the Governor
Manny Lamarre, Executive Director, Office of Workforce Innovation

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Steve Canavero, Ph.D., Superintendent of Public Instruction, Department of Education
Todd Koch, President, Building and Construction Trades Council of Northern Nevada, AFL-CIO
William Stanley, Southern Nevada Building and Construction Trades Council, AFL-CIO
Frank R. Woodbeck, Vice Chancellor for Workforce Development, Nevada System of Higher Education
Steve Hill, Executive Director, Governor's Office of Economic Development
Greg Esposito, Plumbers, Pipefitters and Service Technicians, Local 525
Jesse Wadhams, Las Vegas Metro Chamber of Commerce
Brian Reeder, Nevada Contractors Association
Don Soderberg, Director, Department of Employment, Training and Rehabilitation
René Cantu, Jr., Executive Director, JAG Nevada
Danny Thompson, Laborers Local 87; Operating Engineers Local 3
John Wiles, Director, Unified Construction Industry Council
Ken Evans, President, Urban Chamber of Commerce
Michael Flores, College of Southern Nevada
Ray Bacon, Nevada Manufacturers Association

CHAIR ATKINSON:
I will open the hearing on Senate Bill (S.B.) 408.

SENATE BILL 408: Establishes conditions for the performance of certain surgical procedures. (BDR 54-615)

SENATOR DAVID R. PARKS (Senatorial District No. 7):
This bill establishes conditions for surgical procedures to assign anatomical sex in children. I am not an expert on this subject, so I will ask someone who is to present the bill.

ANDY EISEN, M.D. (Gender Justice Nevada):
I will give you a quick walk-through of the bill. Section 1 prohibits the performance of procedures that assign anatomical sex in children under 18 years of age unless they have been assessed to ensure they can assent to the surgery, that they understand the nature and risks of the procedure, and that they agree to continue with the procedure. This does not apply if delay of the procedure would endanger the child's health. It should also be noted that

this does not obviate the need for parental consent. This is not a replacement for the parents' consent; it is an additional requirement for this kind of procedure.

Approximately 1 in 2,000 infants are born intersex. That is, they are born with a genital structure that is neither typically male nor typically female. For the past 50-plus years, routine practice in the U.S. has been to surgically alter the genitals of intersex children as quickly as possible to make them either typically male or typically female. The basis for this is not rooted in any actual medical research. It is founded in the prejudices and perceptions around gender and sexual identity from the 1950s and long before.

Such procedures were done with the best intentions, motivated by a concern about how intersex children might be treated. The concept was that if an anatomical sex could be assigned quickly and the child raised as a particular gender, that would determine gender. We have come to a much better understanding in modern days and know that this is simply not the case. Anatomical sex does not itself determine gender. We have developed a much more complex understanding of what it means to raise a child as one gender or the other. We have drifted away from the concept of, "This is what boys do, and this is what girls do."

This bill springs from a desire to give intersex children an opportunity to grow and understand themselves and have a say in the anatomy they will live with for the rest of their lives. These procedures are not typically highly successful in terms of creating functional genitalia, and they are virtually irreversible. If the anatomical sex the child is given is divergent from the sex that person eventually identifies with, the opportunity to have the correct procedures will have been greatly decreased.

I want to address two of the major concerns I have heard in discussions surrounding this bill. These are well-meaning concerns, but I believe they are misguided. One of the concerns is that there is a risk to the child if they are not assigned typically male or typically female genitalia quickly. What will happen to that child if they are raised with intersex genitalia? It is important to recognize that this concern is not about the child; it is about us. It is about whether that child meets our expectations of how their bodies should look. I would note as well that if we are talking about the genitals of an 8-year-old child, who should know? The children, their parents and their health care providers will know, but

it is not anyone else's business. For us to impose a surgical procedure that is virtually irreversible on a child to satisfy our concerns, to satisfy our level of comfort, takes the child's interests out of the equation. This bill works to preserve the child's interests.

The other issue that has been raised is that S.B. 408 legislates medical practice and interferes with the physician-patient-family decision-making process. I have a solid history of advocating against efforts to legislate medical practice. I do not think this is one of those efforts. This bill does not require any specific action on the part of health care providers or families. It simply imposes a delay, when possible, to give the patient an opportunity to participate. It does not interfere with the physician-patient-family decision-making process; it supports it. The physician is still required not only to present the opportunities, risks, benefits and alternatives to the family, but is also required to present them to the patient. The physician is also required to do the assessment and to ensure the patient understands the situation and the options and assents to the procedure. The parents are not taken out of the equation. If the child is not an emancipated minor, consent is still required. This cannot be done without the parents' agreement. The primary point of this bill is that these decisions are not made without the input of the patients.

HANN LINDAHL (interACT: Youth):

I am here in support of S.B. 408. I have written testimony ([Exhibit C](#)) explaining why this is such an important bill and why it deserves your support.

JANE HEENAN (Director, Gender Justice Nevada):

I am here in support of S.B. 408. My pronouns are they/them/their. I have been a licensed marriage and family therapist in Nevada since 2002. I am the founder and director of Gender Justice Nevada. This organization is a nonprofit agency offering advocacy and direct services to sex/gender-diverse persons and communities since 2011, when we were established following the inclusion of gender identity or expression in Nevada civil rights statutes.

Among the persons we are privileged to serve are intersex persons who are most directly affected by this bill. Intersex persons are broadly represented in our organization, regularly receiving services and serving as board members, volunteer staff and advisors to our activities. Intersex communities are integral to our queer communities and are kin to transgender communities in particular,

even though more mainstream understandings and language limit inclusion to lesbian, gay, bisexual and transgender communities.

Senate Bill 408 is essential because surgical interventions on infants and children before they are able to give assent harm these persons and their families throughout their lives, as others have already testified. This harm can include incorrect assignment as male or female, doubts about their sexual orientation and difficulties with sexual functioning. They commonly struggle with shame, betrayal and feeling devalued or not good enough. These experiences cause psychological harm, often expressed as symptoms of post-traumatic stress disorder such as depression, anxiety, isolation, suicidal thoughts and self-mutilation, flashbacks, substance abuse, work and school difficulties, and so on.

Further, because of family silence surrounding intersex births, it is not uncommon for medical professionals to counsel parents to remain silent. Healthy family dynamics are typically disrupted. As a result, young persons who are intersex often lack accurate information about their bodies, medical histories and the reasons surgical choices were made. These children are often angry and confused about why parents withheld information. Parents commonly experience guilt for harming their child or feel angry at the intersex child for "causing" such troubles. Parents have extremely limited opportunities for support because common systems of support, such as family, worship communities or counseling, are ill-equipped to discuss such situations. Common outcomes of early surgeries for intersex persons and their families are simply not healthy in our experience at Gender Justice Nevada.

I wish to share a small part of the story of Tiger Devore, an intersex Nevadan who is not able to be here today due to family responsibilities. I have written testimony ([Exhibit D](#)) from Tiger's father, Edward Devore. I met with Tiger earlier this week, and I asked if they could offer a brief history of their experience to me. Holding back what I perceived to be a combination of rage and deep hurt, Tiger told me:

I have been subjected to 25 surgeries beginning at 3 months old. Doctors pressured my parents, who were scared, into agreeing to these procedures. These have caused profound distress in our lives. Every day, I am reminded of these surgeries—when I have sex, when I dilate, when I go to the bathroom. What I wanted,

what I deserved, bodily integrity and self-determination, were taken away from me, and I never had any choice in these things.

From my understanding, S.B. 408 is clear and balanced and places power in the hands of families. It simply imposes a delay in the decision about surgeries until the persons themselves can understand the consequences, risks, benefits and alternatives, and only if both child and parents agree to the procedure. Decisions this personal, profound and permanent should not be taken lightly. Unless they are unavoidable, they should not be taken without the full understanding and consent of the persons themselves.

I have lived in Nevada since 1994. We in Nevada believe in empowering families. We believe in personal choice and freedom. These are foundational Nevada values, as I understand them. These are the values S.B. 408 honors. Please vote yes on S.B. 408.

SENATOR PARKS:

I have written testimony ([Exhibit E](#)) from Georgiann Davis, Ph.D., in support of this bill.

CATHERINE M. O'MARA (Executive Director, Nevada State Medical Association):
We are here in opposition to S.B. 408. As written, this bill will have a significant impact and unintended consequences. We have discussed some of our concerns with the proponents of the bill. I have written testimony ([Exhibit F](#)) from Clare E. Close, M.D. explaining some of this impact. She is a pediatric urologist in Las Vegas, and she regularly assesses cases like this and performs these types of surgeries.

This is a new area for me, and I do not mean to imply you understand it as little as I did, but I would like to offer some clarifications. Today, when a patient presents with ambiguous genitalia, there are tools for the physician to assess the person's chromosomal makeup, whether XX, female, or XY, male. There are also tools to determine gonadal makeup, meaning whether ovaries or testes or both are present. Those are two important indicators of a person's gender.

This bill goes too far. It starts with stopping forced reassignment surgery of someone who presents as a genetic male or female and has ambiguous genitalia and extends to preventing surgery in instances where a child is very clearly one gender but may have some malformation in the genitalia that can be fixed with

procedures. Many of those procedures are indicated at six months or in the first year of life. In [Exhibit F](#), Dr. Close talks about dealing with proximal hypospadias. That is a condition in which the urethra does not form at the tip of the penis but instead is located somewhere else on the penis. The standard of care indicates that this condition is best corrected at six months in order to maximize the child's development. In most cases, a child with proximal hypospadias is going to be an XY male with testes. This bill, by preventing surgery to relocate the urethral meatus, will prevent that type of surgery from occurring until the child is old enough to assent. That diminishes the child's ability to develop and may cause additional complications later on when the procedure actually occurs.

These cases affect other types of physicians besides urologists. When you have a difficult case where the person's gender may be very ambiguous, usually children's hospitals will put together a team that includes a pediatric urologist, an endocrinologist, a geneticist, a psychologist and an ethicist. You can see why all these specialties would be needed.

As we are having these discussions about the changing nature of our understanding of gender identity, we need to make sure that while we work towards that understanding, we are not passing legislation that needs further review and discussion between the bill's sponsors and the practitioners in the field who actually deal with these issues on a daily basis, the ones who counsel the parents and understand what the procedures will and will not do.

Senate Bill 408 is too broad and prone to misinterpretation and legal abuse. The wording is vague. Gender assignment can be proper genetic male to phenotypic male or female to female with the goal of restoring function. The goal in these cases is not to change the child's sex, but to maximize function of the sexual organs. Relocation of urethral meatus covers all hypospadias repairs, which in the vast majority of cases involves no controversy of gender identity whatsoever. The standard of care changes over time as we learn more and more. What happened in the 1980s and 1990s in this situation is no longer happening in the standard of care. In general, there is a self-imposed moratorium among most pediatric urologists in the U.S. for gender reassignment surgery. That is changing from male to female, usually in complex conditions such as cloacal exstrophy, male aphallia, and traumatic penile amputation.

I heard from a pediatric endocrinologist this morning who was concerned about the far-reaching impact of S.B. 408 on her patients. She has found that in her cases, 98 percent of chromosomal females identify as females. Some of the procedures that are required to maximize function for those females are required urgently in the first six months of life to a year. Some of them need to be ongoing throughout the child's development. To wait until that child can assent is not in the child's best interests.

A study will be released in the fall by the Riley Hospital for Children at Indiana University Health. This study looked over decisional regret in cases where patients had to make medical decisions for their children. They looked at several diseases, not just the conditions we are discussing today. It looked at congenital adrenal hypoplasia, an autosomal recessive disease where a child is born as a chromosomal female with ovaries but has some ambiguity in her genitalia. In the study, patients who underwent female genital reconstructive surgery in infancy reported lower decisional regret than after most other medical treatments. In patients with congenital adrenal hypoplasia, the patients' decisional regret was only 25 percent, and the parents' regret was 17 percent. When it was present, decisional regret was mild. No one preferred later or delayed surgery, even among those who reported regret, and some of them wished the surgery had been performed earlier. This study will be available in the fall, which is further evidence that we need to have further discussion on this bill. Gender Justice Nevada and our pediatric urologists and endocrinologists need time to meet and talk over these issues so the dialogue can be open.

I strongly encourage you not to process S.B. 408 at this time because it will have a detrimental impact on Nevada patients.

SENATOR GANSERT:

Dr. Close's testimony in [Exhibit F](#) is important. If we are going to look at this bill again, we need to have some urologists here to tell us specifically why these cases require earlier surgery. I have talked to some urologists I know, and they confirm that in some cases, it is important to do surgery early to have the best outcome for an individual when gender is clear based on other biological factors.

SENATOR HARDY:

When a patient presents with ambiguous genitalia, there is a process that physicians go through with DNA and hormonal testing. It is not just the phenotype, what the genitalia look like, but what the underlying condition is.

CHAIR ATKINSON:

Senator Parks, have you heard these objections before today?

SENATOR PARKS:

I do not believe I have, no.

Dr. Eisen can answer any medical questions the Committee has, and I would like to address some of Ms. O'Mara's other concerns. She said S.B. 408 would require patients to wait until the age of assent before surgery can be done. The bill does not do that. She talked about assigning gender based on XX and XY chromosomes. However, as noted in [Exhibit E](#), those factors can be confusing. The language in the bill was broadly written, as it was intended to be, to give the greatest amount of flexibility to medical care providers and assistance to parents. Ms. O'Mara stated that this kind of thing no longer happens. I can bring testimony to show that while things have changed substantially, it is still happening. With regard to the idea that delaying surgery can create greater problems, section 1, subsection 2 of the bill has a provision that makes an exception if delaying the procedure would endanger the child.

CHAIR ATKINSON:

I will close the hearing on S.B. 408 and open the hearing on S.B. 516.

SENATE BILL 516: Revises provisions governing workforce innovation and apprenticeships. (BDR 53-913)

ANDREW CLINGER (Senior Advisor to the Governor, Office of the Governor):

When Governor Sandoval took office in 2011, Nevada's economy was in trouble. We had record levels of unemployment, foreclosures and bankruptcies. At the time, the Governor established a vision for economic development and diversification, and Nevada's economy has made dramatic improvements in the last six years. One of the challenges we face as we move forward is ensuring we have a highly skilled and diverse workforce. The Governor has outlined a strategy to ensure all Nevadans have a pathway to success, and S.B. 516 is part of that strategy.

The bill before you today establishes the Office of Workforce Innovation (OWINN) in the Governor's Office to provide the necessary central oversight and coordination. This office will oversee the federal Workforce Innovation and Opportunities Act (WIOA), ensure alignment with the economic development

strategy, and coordinate between the various workforce agencies. It also transfers the State Apprenticeship Council from the Office of Labor Commissioner to OWINN. It also transfers the Nevada P-20 to Workforce Research Data System (NPWR) to OWINN to ensure that relevant and current workforce data will drive the strategic decisions and investments we make as we move forward.

MANNY LAMARRE (Executive Director, Office of Workforce Innovation):
I will go through the bill and give details about the amendment ([Exhibit G](#)).

Senate Bill 516 does critical things for Nevada's workforce ecosystem as we seek to create a skilled, diverse and aligned workforce in Nevada, consistent with the goals and strategies to move us into what Governor Sandoval refers to as the new Nevada. This bill honors the success of the traditional industries of old Nevada and recognizes the innovations, emerging technologies and skilled workforce required by the new Nevada.

The goals of S.B. 516 go to the heart of a few problems we are trying to solve. The first goal is improved coordination within the workforce ecosystem. The second goal is improved alignment of data, especially with respect to the State's economic development and diversification efforts. The third goal is leadership and support for key workforce efforts to ensure Nevadans are college- and career-ready. The fourth goal is improved outcomes and employment and training programs, with more Nevadans attaining postsecondary credentials.

The bill establishes OWINN in the Governor's Office. Sections 18 to 21 outline the duties and responsibilities of the director of OWINN, who will play a critical role in coordinating a variety of workforce efforts. We have already had a variety of early wins. For example, we authored the largest statewide survey on the barriers young adults, ages 16 to 29, face in training and employment, which we have used to make informed policy decisions. We have worked with the Department of Education (DOE) and a variety of partners including the Nevada System of Higher Education (NSHE) employers and school districts.

The bill also transfers the State Apprenticeship Council from the Labor Commissioner's Office to OWINN. It revises the membership, procedures and duties of the Council, makes clear that the Council is a regulatory body, establishes qualifications, requirements and duties of the Council director, and

aligns the Council with statewide economic and workforce investment strategies as required under Title 29 CFR 29.13. This is cleanup language that will put the Council in compliance with federal regulations.

The bill also transfers NPWR to OWINN. Essentially, we use data that already exists to make connections between other systems to increase the reliability of the data. We receive data from the DOE, NSHE, the Department of Motor Vehicles (DMV), and the Department of Employment, Training and Rehabilitation (DETR). We know that in creating a new workforce, we need to have better data. We have a lot of data about kindergarten through Grade 12 (K-12) outcomes; we have a lot of data on higher education. But we do not have clear data on the workforce. In school year 2014-2015, 459,172 individuals graduated from high school. Only 52 percent matriculated directly into higher education.

It should be noted that NPWR does not store any personal identifiable data. The value of NPWR is that it allows policy-makers, community members, educators, and a variety of other stakeholders to look at program outcomes. We can look at various variables and see whether there is a positive or negative correlation between those variables and outcomes that lead to high-wage jobs.

I will go through the sections of the bill. Section 2 of S.B. 516 establishes the State Apprenticeship Council, calls for a State Apprenticeship director and requires a report to the Legislature and the public regarding the status of training of apprentices in the State.

Sections 3 through 6 of the bill changes the membership procedures and dues of the State Apprenticeship Council. More specifically, section 3 creates the State Apprenticeship Council in OWINN. The Council is made up of nine voting members and four nonvoting members. The voting members are appointed by the Governor and are to include four members from employer associations, four from employee organizations, and one from the general public. The nonvoting members are the Executive Director of the Governor's Office of Economic Development (GOED) or designee, the Superintendent of Public Instruction or designee, one representative of a community college in a county whose population is 700,000 or more, and one representative of a community college located in a county whose population is less than 700,000. Those last two are appointed by the Chancellor of NSHE.

Section 4 states that the term of office for voting members of the Council is three years, and they serve at the pleasure of the Governor. The nonvoting members from NSHE serve at the pleasure of the Chancellor.

Section 5 states that the Governor selects the chair and vice chair of the Council from its members. The State Apprenticeship Director is to serve as nonvoting secretary of the State Apprenticeship Council. This section also allows the State Apprenticeship Council to write its own bylaws as it deems necessary. Meetings are called by the chair, the State Apprenticeship Director, the Executive Director, or a majority of the members of the Council.

Section 6 of the bill states that the State Apprenticeship Council is a regulatory body in administering provisions of the State. This is important because it clarifies that the Council is regulatory rather than just advisory. We have worked with various labor groups to make that clear. This section also requires demonstration of linkage and coordination with the State's economic development strategies and OWINN as set forth in Title 29 CFR 29.13, which is a federal statute that guides apprenticeship programs.

Section 7 states the State Apprenticeship Director will make a report of the Council's activities to the Legislature and public.

Section 8 talks about the appointment of the State Apprenticeship Director.

Sections 9 through 11 continue to outline the duties of the State Apprenticeship Director, the Council, and the committees.

Section 12 outlines the conditions of any apprenticeship programs considered by the State Apprenticeship Council.

Section 13 allows the State Apprenticeship Council, with support from the State Apprenticeship Director, to investigate if there has been a violation of terms and conditions of an approved program or agreement.

Sections 14 through 16 comply with existing statutes regarding information obtained from NPWR. The information is confidential and may not be disclosed or open to public inspection in any manner that would reveal the persons or employment unit's identity.

Sections 17 through 21 go into the details about OWINN. We provide support to the revised Governor's workforce development board industry sector councils. The sector councils are eight separate councils made up of employers, labor and education representatives. We define and develop career pathways. We have had success working with the GOED on some of the Learn and Earn advanced manufacturing pathways, and we have also had some success in developing pathways for education. We have not gotten in depth into technology and health care industries yet. We are also tasked to apply for administrative grants and funding reserved for statewide workforce investment activities, oversee the State Apprenticeship Council, suggest improvements in the allocation of federal and State dollars, and analyze data so we can all make informed decisions.

Section 21 identifies agencies that shall submit educational and workforce data for inclusion in NPWR: DETR, NSHE, DMV, and any other agency directed by the Governor to submit data.

The remaining sections of the bill are cleanup language to comply with various existing *Nevada Revised Statutes* provisions.

[Exhibit G](#) lists some conceptual amendments to [S.B. 516](#) we will be requesting in order to maintain the clear intent of the bill to designate the State Apprenticeship Council a regulatory authority.

We received several letters of support that I would like to submit for the record. They are from Kari Dohn Decker with JPMorgan Chase ([Exhibit H](#)), Chris Minnich with the Council of Chief State School Officers ([Exhibit I](#)), and J. Kyle Dalpe, the interim dean of Technical Sciences at Truckee Meadows Community College ([Exhibit J](#)). We also received support from the Latin Chamber of Commerce.

SENATOR HARDY:

When I was involved with the Western Interstate Commission for Higher Education (WICHE), we talked about the concept of tracking what students do after college. Are you tied with WICHE's program to coordinate with some of the things they have already done to make your job easier, or have you had that opportunity to have those discussions with them?

MR. LAMARRE:

Some of our staff have had that conversation with WICHE. That is part of the process we will continue to engage in. Another part of that component will come from S.B. 458, which was heard a few days ago in the Senate Committee on Education.

SENATE BILL 458: Revises provisions relating to the development and operation of the statewide longitudinal data system. (BDR 34-331)

The short answer is that we are having those conversations so we do not duplicate any of that work.

CHAIR ATKINSON:

Section 5 of the bill says the State Apprenticeship Director will be the nonvoting secretary of the State Apprenticeship Council. What is the role of the State Apprenticeship Director?

MR. LAMARRE:

The overview is that the Director will provide administrative support to the Council. Sections 8 and 9 of the bill outline the specific responsibilities of the Director.

SENATOR GANSERT:

I like that the State Apprenticeship Council has members from NSHE, community colleges and K-12. I know they have worked collaboratively and built some strong programs. That is a first, to have that strong crossover between K-12 and higher education with the career technical education programs. You can actually go from K-12 to community college to a four-year institution to get, say, an engineering degree. This reminds me of the way GOED is designed, and it has been very successful.

MR. LAMARRE:

The analogy I use in reference to OWINN is that it acts like a point guard in basketball. Oscar Robertson or Magic Johnson did not score all the points. We work as coordinators to help others score the points.

STEVE CANAVERO, PH.D. (Superintendent of Public Instruction, Department of Education):

We are in vigorous and enthusiastic support of S.B. 516. When I build puzzles with my daughters, we always start with the corners. This bill is a critical corner to the workforce development puzzle as we work together with the Governor and the Legislature to build an aligned and responsive system. There are other corners to the workforce development puzzle, such as Assembly Bill (A.B.) 7, which allows the State Board of Education to identify new diploma pathways.

ASSEMBLY BILL 7: Revises provisions related to education. (BDR 34-126)

With S.B. 516, the State Board of Education and K-12 have a coordinating entity in OWINN that is providing a vital connection to industry. You can see the targets we aim to hit, industry-recognized certificates, career pathways and skills, articulated in section 20 of the bill. In other words, we are now able to ground our investments in K-12 directly to industry need.

TODD KOCH (President, Building and Construction Trades Council of Northern Nevada, AFL-CIO):

We support S.B. 516. The construction industry in northern Nevada was the first benefactor of the Governor's vision for a new Nevada. We think this realignment of the State Apprenticeship Council will go a long way toward spreading that to the rest of the State. We look forward to all the good things that are going to come from this.

WILLIAM STANLEY (Southern Nevada Building and Constructions Trades Council, AFL-CIO):

We come forward today in support of S.B. 516. We believe the State Apprenticeship Council has been underfunded and undermanned for too many years. It did a yeoman's job with the personnel it had, but we believe moving it to the Governor's Office under OWINN will make it able to embrace apprenticeship throughout the State. Making the State Apprenticeship Council regulatory fixes many issues we have had. We thank the Governor's Office for working with us on the makeup of the Council.

Many of our children, as we know, will not go to college. That is a pathway I did not choose; instead, I chose an apprenticeship program. After I graduated from that program, I, like many of my brothers and sisters, chose to go to college and finish my degree. My parents wanted me to go to college, but they

did not have any dough, so I had to pick another alternative. So I went to work and figured out how to pay for it on my own. I graduated without any debt, and many of my brothers and sisters have been able to do the same thing because of what apprenticeship programs did for them.

As we look at apprenticeship readiness programs in our high schools, it is tremendously important that when those individuals leave that apprenticeship readiness course, they will have earned college credit. In almost all of the apprenticeship programs within the building trades, our apprentices graduate with an associate degree issued by either the College of Southern Nevada or Truckee Meadows Community College. These apprentices can transfer those credits to the University of Nevada where they may want to enter some other line of construction, such as construction management, architecture or engineering. For this reason, it is imperative that their previous work is not disregarded and that their credits transfer from the community colleges to the universities. That has been the frustration that many former apprentices have encountered as they tried to move to higher education.

For all these reasons and many others, we are excited about this move and what it may lead to.

SENATOR SPEARMAN:

Dr. Canavero, you mentioned something about working to see if there were any new degree plans that might need to be in place. How do you do that?

MR. CANAVERO:

I think you are referring to the diploma pathways. The work has been going on since 2014 to identify the necessary skills and attributes our students need on graduation from high school to go on to credit-bearing coursework in college or on a path to a livable wage career. The State Board of Education started with defining what college and career readiness actually looked like in terms of a course-taking sequence by using NPWR and by working with NSHE and others.

It is easy to describe college readiness. We have tremendous data sets from NSHE describing the course-taking sequences that not only contribute to a student's entry into credit-bearing coursework but also their persistence rates through college toward a degree. What was difficult for us, and we spent a number of meetings on it, was defining career readiness. At the end of the day, the answer is that it depends.

The other corner of the puzzle, A.B. 7, requires the State Board of Education to establish pathways that can earn a student an endorsement for college, an endorsement for career, or an endorsement for college and career. That bill enables the State Board to utilize the coordination of OWINN and OWINN's connection to industry to describe the skills and certificates that students can accumulate in high school that are automatically aligned to in-demand livable wage careers. These will most likely require some postsecondary training, whether at a community college or through an apprenticeship program.

The specifics of the process is in the regulations. The beauty of it is that it is nimble. With S.B. 516, we will have that level of coordination and the connection with industry and apprenticeship programs that we have not had the intentional connection thus far.

SENATOR SPEARMAN:

Is there any place in all of this for people who do not want to work for someone else, for entrepreneurs who want to create jobs? Is there any way they can participate in the proposed structure and find out how they might make that happen?

MR. CANAVERO:

Indeed. Current technical education has a critical role to play here, not an exclusive role, but a critical one. There are entrepreneurship and other pathways concerning business development and business ownership, in addition to cosmetology and other pathways that are more applied.

FRANK R. WOODBECK (Vice Chancellor for Workforce Development, Nevada System of Higher Education):

We are in support of S.B. 516. I have written testimony ([Exhibit K](#)) expressing my enthusiastic support of the bill.

STEVE HILL (Executive Director, Governor's Office of Economic Development):

We are in energetic support of this bill. Five years ago, when the Legislature restructured GOED with the Governor's leadership, these types of initiatives may have been contemplated, but they were not in place.

I want to thank all who have helped coordinate the workforce development effort, who provided leadership, alignment and connections with businesses so we could make sure businesses have the employees we need, and so we can

make sure students who are investing their time and money in these programs actually have jobs when they achieve the results of their work.

This bill is an important next step to codify and expand these efforts toward coordination and alignment. We think it will generate the results that are important for us in GOED and for the companies that want to expand in Nevada, as well as for the students who are going through these programs.

GREG ESPOSITO (Plumbers, Pipefitters and Service Technicians, Local 525):
We have three apprenticeships here in Nevada. We support the bill and are looking forward to the enhancements and services we can provide to the community.

JESSE WADHAMS (Las Vegas Metro Chamber of Commerce):
We support S.B. 516.

BRIAN REEDER (Nevada Contractors Association):
We support this bill and the amendments in [Exhibit G](#). A key challenge for us is growing and diversifying the workforce. We are constantly working to do that, and we think this bill will help.

DON SODERBERG (Director, Department of Employment, Training and Rehabilitation):
I am here to speak in support of S.B. 516.

The concept of OWINN is something we have been discussing since I was appointed to lead DETR 2.5 years ago. The Governor's Office recognized that the various facets of workforce in Nevada are coordinated by a number of different organizations. Some are State agencies, some are local school districts. We have our higher education system; we have local boards. Eventually, we all realized that while everyone was doing a sincere and good job in their own lanes, we are all working in our own separate lanes. There was a need for coordination and strategic thinking, which sometimes you do not get. When you are trying to run an 800- to 900-person agency, you cannot spend time thinking of the future of the entire State. It is important to have someone with the authority and weight of the Governor's Office to lead that effort, to coordinate us all and make sure we are not only working in our own lanes but cognizant of what the other lanes are doing.

There had been some discussion over the last two years of how to create this type of position. At one time, someone from the Governor's Office said to me, "You're helping design your own boss." I said, "Exactly! That is very much needed."

Mr. Lamarre has been so helpful and has accomplished so much in a short time that it proves the concept. I love his analogy of a point guard, but I would hope that down the road, the position becomes more of a quarterback, someone who can step up and say, "This is where the Governor wants workforce to go, and now you can implement that vision." That is invaluable.

We at DETR enthusiastically support this bill and the concept of OWINN.

RENÉ CANTU, JR. (Executive Director, JAG Nevada):
I am here today in support of S.B. 516.

I support this bill because it is a key component to connecting business and industry to workforce, K-12 and higher education agencies for the benefit of students. I am looking at it from the ground up. Jobs for America's Graduates (JAG) Nevada students, and indeed all Nevada students, benefit when State agencies engage in cross-agency collaboration to provide real-time information to students as they seek employment after graduation. The expansion of work-based learning opportunities that OWINN leads will be of direct educational and economic benefit to JAG Nevada students and all Nevada youth. Connecting our youth to employment will help ensure that Nevada's burgeoning economic prosperity will benefit our youth rather than benefitting out-of-state workers moving into Nevada. We support the Governor's strategic planning framework, which seeks to have 60 percent of Nevadans aged 25 to 34 earning a postsecondary degree.

DANNY THOMPSON (Laborers Local 87; Operating Engineers Local 3):
We support S.B. 516. This bill is a case where you took a bunch of lemons and turned them into lemonade. There were issues in the past, and this bill solved a bunch of problems, clarified a bunch of issues and made something ready for the future. We had multiple negotiations on this, and everyone came to the table and turned lemons into lemonade.

JOHN WILES (Director, Unified Construction Industry Council):

I am here representing the southern Nevada building trades and some of their signatory contractors.

I encourage you to pass this bill. It is important to me personally because I am a former apprentice. Apprenticeship is the key to an economic future for many disadvantaged young people like I was. The Governor's Office realizes this and has elevated apprenticeship to the position it requires in State government. Affiliated with the Governor's Office, the State Apprenticeship Council will be strengthened and enhanced by clarifying its role as a regulatory body. We support the bill and the conceptual amendments in [Exhibit G](#).

KEN EVANS (President, Urban Chamber of Commerce):

We definitely support S.B. 516.

We describe the bill as creating a triad of the business community, the educational community and the workforce development community. It brings it all together to move us forward, not only in terms of where we are now, but creating a new Nevada that will expand and diversify our economy as we move into the future.

I appreciate that Mr. Lamarre came to meet with me to discuss the sector council concept. This bill allows us to get business owners, especially the small business owners, to align themselves with where the economy is going, as opposed to where it is now or may have been in the past. For example, we formed the information technology roundtable in the Urban Chamber of Commerce. In this roundtable, several businesses have done things locally or within the State in terms of pursuing business and procurement opportunities, but they have also worked with GOED to participate in global trade missions in Poland, Australia and Africa.

The point I am making here is that working through a source like OWINN, we can ensure that our small business owners are providing job opportunities, as well as entrepreneurial or business ownership opportunities for the next generation, as Senator Spearman pointed out. This will expand and diversify our economy, therefore ensuring our businesses will be relevant, prosperous, and productive for years to come.

MICHAEL FLORES (College of Southern Nevada):

We are in strong support of S.B. 516. We thank the Governor's Office, especially Mr. Lamarre and Matt Morris, for their work on this bill. We have large apprenticeship programs and partnerships. We have 19 memoranda of understanding with registered apprenticeship programs. We are looking forward to this change with the State Apprenticeship Council and look forward to having a seat at the table.

RAY BACON (Nevada Manufacturers Association):

We are neutral on S.B. 516.

We are totally in agreement with the apprenticeship part of this bill. It has been sticky and messy for a long time; it has needed some cleanup, and we think this bill does that.

There are a couple of problems with A.B. 7 that we still have some heartburn with, and those are also implicated in this bill. We therefore want to get it on the record that we still have some concerns on this bill.

For the last four years, the voice of the employer has been focused through the industry sector councils. The industry sector councils are barely mentioned in this bill, and most of their work, such as figuring out what credentials apply to what sector, are left out of this bill. I do not think they are left out of the process, but the industry sector councils are not even mentioned in this bill, and they have been a critical part of moving this thing forward.

To go along with Senator Gansert's comment, stackable credentials are part of the issue, but they also have to be portable, third-party confirmed, and industry-recognized. Those are important features, and they are not mentioned in this bill.

The bill references the Office of Economic Development, and I believe that is probably GOED, so it should be listed as GOED in the bill.

Those are the only things we had concerns about.

CHAIR ATKINSON:

Mr. Lamarre, has Mr. Bacon met with you about his concerns?

MR. LAMARRE:

No. Nonetheless, section 20 of S.B. 516 specifically mentions that OWINN provides support to the industry sector councils. I should mention that with the reauthorization of the WIOA, industry sector councils are a function of the Governor's Workforce Development Board, which I also sit on as the Governor's designee.

When the industry sector councils convene, their bylaws will go through the executive committee of the workforce boards and the Governor's Workforce Development Board. It would not be prudent or wise to try to take the bylaws from WIOA and put them into the *Nevada Revised Statutes*. We believe the bill makes it clear that we provide support to the industry sector councils.

CHAIR ATKINSON:

Did you work on this bill with any of the labor folks who testified in support today?

MR. LAMARRE:

Yes, we have had multiple meetings. We have been receptive to conversations, especially after the budget hearings, and we have been appreciative of their willingness to engage. We are looking forward to continuing that conversation.

SENATOR CANCELA:

I echo the gratitude for all the hard work that went into this bill. However, I am sensitive to the fact that we did not hear from any women on this bill. I would ask for everyone's commitment to make sure that, as you are looking at apprenticeship programs and council composition, you are cognizant of making sure opportunities for women, which are plentiful, are also brought to the forefront.

MR. LAMARRE:

Absolutely, and you make a fair point. When we applied for one of the federal grants, that was actually a specific goal for the State Apprenticeship Council. Currently, we have 81 apprenticeship programs and 2,833 apprentices, of whom only 137 are women. Therefore, we made it a goal to increase the number of women in apprenticeships. We look forward to any other recommendations.

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SENATOR SETTELMAYER:

I want to go on record as being in support of this bill.

SENATOR SETTELMAYER MOVED TO AMEND AND DO PASS AS AMENDED S.B. 516 WITH THE CONCEPTUAL AMENDMENT PRESENTED IN [EXHIBIT G](#).

SENATOR SPEARMAN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR ATKINSON:

I will open the work session on S.B. 55.

[SENATE BILL 55](#): Authorizes certain regulatory bodies to invalidate an occupational or professional license, certificate, registration or permit that is issued in error. (BDR 54-391)

MARJI PASLOV THOMAS (Policy Analyst):

I have a work session document ([Exhibit L](#)) giving a brief summary of S.B. 55. No amendments were proposed.

SENATOR HARDY MOVED TO DO PASS S.B. 55.

SENATOR SETTELMAYER SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR ATKINSON:

I will open the work session on S.B. 131.

[SENATE BILL 131](#): Requires certain pharmacies to provide a prescription reader upon request. (BDR 54-665)

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MS. PASLOV THOMAS:

I have a work session document ([Exhibit M](#)) giving a brief summary of S.B. 131 and including a conceptual amendment proposed by Senator Mo Denis. A second amendment was proposed this morning to amend the bill to change "shall" to "may" in line 6 of page 1 of the bill.

SENATOR SETTELMAYER MOVED TO AMEND AND DO PASS AS AMENDED S.B. 131 WITH BOTH AMENDMENTS.

SENATOR GANSERT SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR ATKINSON:

I will open the work session on S.B. 196.

SENATE BILL 196: Requires an employer in private employment to provide paid sick leave to employees under certain circumstances. (BDR 53-682)

MS. PASLOV THOMAS:

I have a work session document ([Exhibit N](#)) giving a brief summary of S.B. 196 and including a mock-up of the seven amendments proposed by Senator Aaron Ford.

SENATOR SPEARMAN MOVED TO AMEND AND DO PASS AS AMENDED S.B. 196 WITH PROPOSED AMENDMENT 3260.

SENATOR CANCELA SECONDED THE MOTION.

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

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CHAIR ATKINSON:

I will open the work session on S.B. 346.

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SENATE BILL 346: Clarifies provisions governing the prescribing, dispensing and administering of drugs. (BDR 54-676)

Ms. PASLOV THOMAS:

I have a work session document ([Exhibit O](#)) giving a brief summary of S.B. 346 and including two proposed amendments, one from the Board of Medical Examiners and one from the Nevada Association of Health Plans.

SENATOR SETTELMAYER MOVED TO AMEND AND DO PASS AS AMENDED S.B. 346 WITH BOTH AMENDMENTS.

SENATOR GANSERT SECONDED THE MOTION.

SENATOR CANNIZZARO:

I will be voting yes on this motion with a reservation to change my vote on the Floor. I have received a couple of concerns from folks in my district, and I want to address those.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR ATKINSON:

I will open the work session on S.B. 466.

SENATE BILL 466: Makes various changes relating to the State Board of Oriental Medicine. (BDR 54-557)

Ms. PASLOV THOMAS:

I have a work session document ([Exhibit P](#)) giving a brief summary of S.B. 466 and including an amendment proposed by the State Board of Oriental Medicine.

SENATOR SETTELMAYER MOVED TO AMEND AND DO PASS AS AMENDED S.B. 466 WITH THE AMENDMENT.

SENATOR CANNIZZARO SECONDED THE MOTION.

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THE MOTION PASSED UNANIMOUSLY.

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CHAIR ATKINSON:

Is there any further public comment? Hearing none, I will adjourn the meeting at 10:03 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	6		Attendance Roster
S.B. 408	C	2	Hann Lindahl / interACT: Youth	Written Testimony
S.B. 408	D	2	Jane Heenan / Gender Justice Nevada	Written Testimony from Edward Devore
S.B. 408	E	2	Senator David Parks	Written Testimony from Georgiann Davis, PhD
S.B. 408	F	2	Catherine M. O'Mara / Nevada State Medical Association	Written Testimony from Clare E. Close, M.D.
S.B. 516	G	1	Manny Lamarre / OWINN	Revisions to S.B. 516
S.B. 516	H	1	Manny Lamarre / OWINN	Written Testimony from JPMorgan Chase & Co
S.B. 516	I	1	Manny Lamarre / OWINN	Written Testimony from Council of Chief State School Officers
S.B. 516	J	1	Manny Lamarre / OWINN	Written Testimony from Truckee Meadows Community College
S.B. 516	K	1	Frank R. Woodbeck / Nevada System of Higher Education	Written Testimony
S.B. 55	L	1	Marji Paslov Thomas	Work Session Document
S.B. 131	M	3	Marji Paslov Thomas	Work Session Document
S.B. 196	N	5	Marji Paslov Thomas	Work Session Document
S.B. 346	O	3	Marji Paslov Thomas	Work Session Document
S.B. 466	P	2	Marji Paslov Thomas	Work Session Document