

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

**Eightieth Session  
May 27, 2019**

The Committee on Commerce and Labor was called to order by Chair Ellen B. Spiegel at 3:02 p.m. on Monday, May 27, 2019, in Room 4100 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at [www.leg.state.nv.us/App/NELIS/REL/80th2019](http://www.leg.state.nv.us/App/NELIS/REL/80th2019).

**COMMITTEE MEMBERS PRESENT:**

Assemblywoman Ellen B. Spiegel, Chair  
Assemblyman Jason Frierson, Vice Chair  
Assemblywoman Maggie Carlton  
Assemblyman Skip Daly  
Assemblyman Chris Edwards  
Assemblywoman Melissa Hardy  
Assemblywoman Sandra Jauregui  
Assemblyman Al Kramer  
Assemblywoman Susie Martinez  
Assemblyman William McCurdy II  
Assemblywoman Dina Neal  
Assemblywoman Jill Tolles  
Assemblyman Steve Yeager

**COMMITTEE MEMBERS ABSENT:**

None

**GUEST LEGISLATORS PRESENT:**

None

**STAFF MEMBERS PRESENT:**

Patrick Ashton, Committee Policy Analyst  
Wil Keane, Committee Counsel  
Katelyn Malone, Committee Secretary  
Olivia Lloyd, Committee Assistant

**OTHERS PRESENT:**

Craig N.R. von Collenberg, Executive Director, Office of Workforce Innovation,  
Office of the Governor  
William Stanley, Executive Secretary-Treasurer, Southern Nevada Building Trades  
Union  
John Wiles, Director, Unified Construction Industry Council  
Dan Musgrove, representing Mechanical Contractors Association of Las Vegas; Sheet  
Metal and Air Conditioning Contractors' National Association of Southern  
Nevada; and Southern Nevada Chapter, National Electrical Contractors  
Association  
Paul McKenzie, Executive Secretary-Treasurer, Building and Construction Trades  
Council of Northern Nevada, AFL-CIO  
Rusty McAllister, Executive Secretary-Treasurer, Nevada State AFL-CIO  
Miranda Hoover, representing Board of Examiners for Social Workers

**Chair Spiegel:**

[Roll was taken. Committee rules and protocol were explained.] We will open the hearing on Assembly Bill 68.

**Assembly Bill 68: Revises provisions governing apprenticeships. (BDR 53-181)**

**Craig N.R. von Collenberg, Executive Director, Office of Workforce Innovation, Office of the Governor:**

The Committee should have before it a conceptual amendment to Assembly Bill 68 (Exhibit C), which I will be reviewing today, as opposed to the original bill. Originally, A.B. 68, as introduced by my predecessor in the prior administration, made significant changes to the Office of Workforce Innovation (OWINN), the State Apprenticeship Council (SAC), and related matters. As modified by the conceptual amendment, A.B. 68 would take a more modest approach to these changes.

First, the amendment would revise the relevant statutes to incorporate current, federally required equal opportunity and antidiscrimination language according to 29 CFR [*Code of Federal Regulation*] Part 30.

Second, it revises the membership requirements of the State Apprenticeship Council. We believe this is necessary to ensure the appointment of members who have a strong connection to or knowledge of jointly administered apprenticeship programs.

Third, it requires the Executive Director of OWINN to make recommendations to the Governor regarding the State Apprenticeship Council members. Pursuant to *Nevada Revised Statutes* 223.800, OWINN has responsibility and accountability for apprenticeship within the state; therefore, we think it is appropriate that OWINN have input on the SAC membership.

**Assemblywoman Neal:**

I am confused by the amendment. We had extensive conversations in the Assembly Committee on Ways and Means about a provision related to the United States Department of Labor 29 CFR Part 29, in section 3 of the bill. We heard several presentations during which the U.S. Department of Labor stated we were out of compliance with their regulations. I believe that section 3, which has been removed from the bill, addresses this compliance issue. How will this issue be addressed?

**Craig von Collenberg:**

Our compliance with 29 CFR Part 29 has been unclear. My personal opinion, and the opinion of the Governor, is that the modest approach addresses the issue of our compliance. The State Apprenticeship Council can be regulatory according to 29 CFR Part 29, but it must fall under the role of the State Apprenticeship Agency, and the language must make clear what the roles are. We believe that the language will allow the regulatory authority of the SAC, while making clear the role of OWINN. The added language that requires the Executive Director to make recommendations to the Governor regarding the council members further delineates the roles. We believe the amendment helps solve the compliance issues we have had in the past. We do not believe that such great lengths are necessary to strip the regulatory authority from the Council and give it to the agency. The language addresses the issue more modestly.

**Assemblywoman Neal:**

Was there not a letter submitted on the record from the U.S. Department of Labor? What was confusing about the language?

**Craig von Collenberg:**

Since 2011, there has been an ongoing issue with our compliance, in the sense that we are told we are not in compliance, but it is unclear why. The United States Department of Labor implies that the State Apprenticeship Council cannot be regulatory, but 29 CFR Part 29 specifically states that the SAC can be regulatory or advisory. The letter makes it clear that there was a compliance issue, but we believe that we can come into compliance by way of the language in the amendment, without having to go to the extremes written in the original text of the bill.

**Assemblywoman Neal:**

Why are you removing employer associations with knowledge concerning occupations from the composition of the State Apprenticeship Council in section 27? I was under the impression that as new apprenticeships are created, the employers' input was needed to guide what the apprenticeship should consist of. A member of the general public is also removed from the Council's makeup.

**Craig von Collenberg:**

The member of the general public is still accounted for in section 27, subsection 1, paragraph (d). Section 27, subsection 1, paragraphs (a), (b), and (c) account for the members representing management and labor from southern Nevada, northern Nevada, and statewide. The Council will be made up of people with strong backgrounds in apprenticeships, nationwide and throughout Nevada. The State Apprenticeship Council will mirror a joint apprenticeship training committee on the local level. There will be equal representation from management and labor, as well as one member of the general public.

**Assemblyman Daly:**

I think that the amendment keeps us in line with what we have done in the past and ensures that the State Apprenticeship Council can make the process work. The Council will receive applications, vet the standards, ensure the apprenticeships are in compliance with state law and federal regulations, and give recommendations to OWINN. With this language, I believe we are in compliance with federal regulations.

**Assemblywoman Hardy:**

Will the amendment jeopardize the federal funding for this program?

**Craig von Collenberg:**

I do not believe that the amendment will jeopardize funding for the program. As long as we continue to move forward with the grants we have written and are in communication with the U.S. Department of Labor about our amended changes, the funding should not be further jeopardized.

**Chair Spiegel:**

We will hear testimony from those in support of the amendment, as presented.

**William Stanley, Executive Secretary-Treasurer, Southern Nevada Building Trades Union:**

I appreciate the Office of the Governor and OWINN for working with the Southern Nevada Building Trades Union to reach a consensus that we are all comfortable with. We support the amendment and look forward to its passage.

**John Wiles, Director, Unified Construction Industry Council:**

We are in favor of the amendment.

**Dan Musgrove, representing Mechanical Contractors Association of Las Vegas; Sheet Metal and Air Conditioning Contractors' National Association of Southern Nevada; and Southern Nevada Chapter, National Electrical Contractors Association:**

We support the work that the Governor has done to amend A.B. 68, and we are supportive of the amendment presented.

**Paul McKenzie, Executive Secretary-Treasurer, Building and Construction Trades Council of Northern Nevada, AFL-CIO:**

We are supportive of the amendment. By appointing people to the Council with knowledge of how apprenticeships work and how they are organized, we will not continue to have problems in approving programs that are not truly apprenticeships. This causes conflict with the U.S. Department of Labor, as programs that are authorized by the State Apprenticeship Council cannot meet federal standards. Having people on the Council who understand the system will ensure that as we move forward, we create true apprenticeship programs.

**Rusty McAllister, Executive Secretary-Treasurer, Nevada State AFL-CIO:**

I agree with the previous speakers' comments. We support the amendment as well. Our affiliates are involved in apprenticeship programs, and we think this bill is a good step to establish the State Apprenticeship Council as regulatory in nature and to ensure that experts in the field are appointed to the Council.

**Chair Spiegel:**

Is there anyone who wishes to testify in opposition? [There was no one.] Is there anyone who wishes to provide neutral testimony? [There was no one.] We will close the hearing on A.B. 68. We are going to move into the work session portion of our Committee, but I want to take a recess [at 3:18 p.m.].

The Assembly Committee on Commerce and Labor will come back to order [at 3:24 p.m.]. I will entertain a motion to amend and do pass Assembly Bill 68 with the amendment that was presented by Craig von Collenberg, Executive Director, Office of Workforce Innovation, Office of the Governor.

ASSEMBLYMAN DALY MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 68.

ASSEMBLYMAN McCURDY SECONDED THE MOTION.

Is there any discussion on the motion?

**Assemblyman Edwards:**

I philosophically disagree with the government intruding in businesses in this way. I will be voting no.

THE MOTION PASSED. (ASSEMBLYMAN EDWARDS VOTED NO.)

**Chair Spiegel:**

I will assign the floor statement to Assemblyman Daly. We will move to the next item on the work session.

**Senate Bill 312 (2nd Reprint): Requires an employer in private employment to provide paid leave to employees under certain circumstances. (BDR 53-888)**

**Patrick Ashton, Committee Policy Analyst:**

[Read from ([Exhibit D](#)).] Senate Bill 312 (2nd Reprint) requires a private employer, with 50 or more employees, to provide paid leave to each employee. An employer must provide employees with 0.01923 hours of paid leave for each hour of work performed that may be used by an employee beginning on the 90th calendar day of employment. An employer may limit the use of paid leave to 40 hours per year and the accrual of paid leave to a maximum of 40 hours per year and set a minimum increment that an employee may use the accrued leave at any one time, not to exceed 4 hours. The employee is not required to provide a reason for using the paid leave, but the employee should give notice for use of leave as soon as is practicable.

This bill exempts employers who provide at least the equivalent amount of paid leave that may be used pursuant to a policy for paid leave or a policy for paid time off through a collective bargaining or certain other agreements, and small businesses that are within the first two years of operation. Temporary, seasonal, or on-call employees are also excluded from this bill's provisions.

The labor commissioner of the Department of Business and Industry must enforce the provisions of this bill and prepare a bulletin setting forth these benefits which must be posted in the workplace. A violation of the bill's provisions is a misdemeanor and the commissioner may impose a penalty of up to \$5,000 for each violation, in addition to any other remedy or penalty.

Senator Woodhouse proposes to amend S.B. 312 (R2) to revise subsection 8(a) of section 1 by deleting a "contract, policy," and "other agreement" from the subsection. This amendment provides that the bill's provisions do not apply to an employer who, pursuant to a collective bargaining agreement, provides employees with a policy for paid leave or a policy for paid time off to all scheduled employees at a rate of at least 0.01923 hours of paid leave per hour of work performed.

**Chair Spiegel:**

At this time, I will accept a motion to do pass, without the amendment put forth.

**Assemblywoman Carlton:**

The issue of retaliation has arisen. We are looking into some options to resolve the issue, but I believe there will be a few more bumps in the road before we can address it. We have not received definitive answers to our questions. I would like to see the bill pass today, and we will continue working to ensure that we have the best solution for the retaliation issue.

**Assemblywoman Tolles:**

To clarify, we are not accepting the amendment that was presented to us. Is that correct?

**Chair Spiegel:**

That is correct. We will vote on the bill as it was presented in an attempt to move the bill forward, but it is not necessarily the last time we will see the amendment.

**Assemblyman Edwards:**

In a recession, a business with more than 50 employees would still be required to provide paid time off for their employees, even if they are trying to cut costs to stay in business. Is that correct?

**Wil Keane, Committee Counsel:**

Yes, if the bill was to become law, an economic downturn would not affect the requirement.

**Chair Spiegel:**

I will accept a motion to do pass.

ASSEMBLYWOMAN CARLTON MADE A MOTION TO DO PASS  
SENATE BILL 312 (2ND REPRINT).

ASSEMBLYWOMAN MARTINEZ SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN EDWARDS AND KRAMER  
VOTED NO.)

I will assign the floor statement to Assemblywoman Martinez. We will move to the last item on work session.

**Senate Bill 502 (1st Reprint): Revises certain licensing fees for social workers.  
(BDR 54-1162)**

**Patrick Ashton, Committee Policy Analyst:**

[Read from ([Exhibit E](#)).] Senate Bill 502 (1st Reprint) revises the maximum fees that can be charged by the Board of Examiners for Social Workers.

Senator Woodhouse proposes to amend section 1 of S.B. 502 (R1) as follows, and as attached ([Exhibit E](#)):

In section 1,

1. On page 1 [subsection 1], decrease from \$250 to \$175, the fee for annual renewal of a license as a social worker or an associate in social work; and
2. On page 2 [subsection 1], decrease from \$350 to \$225, the fee for annual renewal of a license as a clinical social worker or an independent social worker.

**Chair Spiegel:**

I would like to remind the Committee that the fees listed in the bill are maximum fees, and as such, there will still be a requirement for the Board of Examiners for Social Workers to appear before the Legislative Commission to increase fees. There will be public hearings in the process of doing so, and it is not anticipated that the fees will increase from what they are today to the maximum. The maximum fees exist so that the Board is not frequently required to appear before the Legislature to ensure it has enough money for its operations.

Is there any discussion on the bill?

**Assemblywoman Hardy:**

According to some of the testimony in opposition, there were concerns that the initial application fee and the fee for initial issuance of a license is high for new graduates and others who are not currently working. I would like to work with the sponsor to get some movement on the fees, but I will vote yes today.

**Assemblyman Kramer:**

Does the bill require people who have not had to obtain a license in the past to obtain a license now? Is there an increase in the number of categories of people required to obtain licenses?

**Wil Keane, Committee Counsel:**

No. The bill breaks out some of the fees so that the fees can be different for the renewal of a license as a clinical social worker or independent social worker versus the fees for a license as a social worker or an associate. The licensing requirements have not changed.

**Assemblywoman Neal:**

What will the Board of Examiners for Social Workers consider to be the revised fee to renew a license?

**Miranda Hoover, representing Board of Examiners for Social Workers:**

The Board is considering a \$25 increase to the fee, as we have historically considered for the last 30 years.



**Chair Spiegel:**

I will entertain a motion to amend and do pass.

ASSEMBLYWOMAN CARLTON MOVED TO AMEND AND DO PASS  
SENATE BILL 502 (1ST REPRINT).

ASSEMBLYMAN McCURDY SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblywoman Jauregui.

That concludes our work session. Does anyone wish to provide public comment? [There was no one.] The meeting is adjourned [at 3:35 p.m.].

RESPECTFULLY SUBMITTED:

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Katelyn Malone  
Committee Secretary

APPROVED BY:

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Assemblywoman Ellen B. Spiegel, Chair

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

## **EXHIBITS**

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is a proposed conceptual amendment to [Assembly Bill 68](#), presented by Craig N.R. von Collenberg, Executive Director, Office of Workforce Innovation, Office of the Governor.

[Exhibit D](#) is the Work Session Document for [Senate Bill 312 \(2nd Reprint\)](#), presented by Patrick Ashton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit E](#) is the Work Session Document for [Senate Bill 502 \(1st Reprint\)](#), presented by Patrick Ashton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.