

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

**Eightieth Session
March 11, 2019**

The Committee on Commerce and Labor was called to order by Chair Ellen B. Spiegel at 1:35 p.m. on Monday, March 11, 2019, in Room 4100 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 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.

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:

Senator Joseph (Joe) P. Hardy, Senate District No. 12
Assemblywoman Shannon Bilbray-Axelrod, Assembly District No. 34

STAFF MEMBERS PRESENT:

Patrick Ashton, Committee Policy Analyst
Wil Keane, Committee Counsel

Minutes ID: 489



Karen Easton, Committee Secretary
Earlene Miller, Committee Secretary
Olivia Lloyd, Committee Assistant

OTHERS PRESENT:

Ellis L. Antuñez, Executive Director, State Board of Landscape Architecture

Chair Spiegel:

[Roll was called. Committee rules and protocol were explained.] We will now open the hearing on Senate Bill 125.

Senate Bill 125: Revises provisions relating to landscape architecture. (BDR 54-612)

Senator Joseph (Joe) Hardy, Senate District No. 12:

Senate Bill 125 authorizes the State Board of Landscape Architecture, to enter into a contract to accept credit cards, debit cards, and electronic transfers of money, and to charge and collect a convenience fee for any costs related to the transaction. The bill also revises the fees collected by the Board and establishes the fees associated with a landscape architect intern. The bill provides that the executive director must consider a complaint that is filed with the Board to determine whether further proceedings are warranted. Senate Bill 125 addresses the recommendations by the Sunset Subcommittee of the Legislative Commission (Exhibit C). It allows the State Board of Landscape Architecture to come into the twentieth century, let alone the twenty-first century.

Ellis L. Antuñez, Executive Director, State Board of Landscape Architecture:

I am here to answer any questions you may have regarding Senate Bill 125.

Assemblyman Kramer:

Could you explain why we need to license interns when they are actually working for a licensed person?

Ellis Antuñez:

We are licensing interns so they may be able to take the national test. If our Board does not recognize them as landscape architects, they cannot take the national test. By the Board licensing them, it provides them a path.

Assemblyman Kramer:

Is it a national requirement for the interns to take the test to progress to the next step? They do not have the status to take the test unless we license them?

Ellis Antuñez:

Yes.

Assemblywoman Carlton:

The convenience fee has been an issue in this state for a number of years. In section 1, subsection 2, "the Board may require the cardholder or the person requesting the electronic transfer of money to pay a convenience fee. The total convenience fees charged by the Board in a fiscal year must not exceed the total amount of fees charged to the Board by the issuer or operator in that fiscal year." In your fee schedule, I do not see what the actual convenience fee will be; and you do not know how many people are going to use it in a year. How are you going to figure out how much to charge people? I believe there is an actual clause in most of the credit card contracts that says you are not allowed to do this; so you would be in violation of that credit card contract.

Ellis Antuñez:

Since we are not allowed to take credit cards at this time, we have not talked to any credit card purveyors to tell you how much we will collect. However, we cannot charge more than the percentage being charged by the credit card company.

Assemblywoman Carlton:

You are going to be charging a fee. The bill would go into effect July 1, 2019, but you have not listed the fee in the fee schedule.

Ellis Antuñez:

I understand what you are saying, but we do not have the ability to charge those fees yet—so we did not put them in our fee schedule.

Assemblywoman Carlton:

You will have the opportunity to charge a fee with this bill, so there needs to be a disclosure of how much.

Assemblywoman Neal:

Your exhibit ([Exhibit C](#)) did not explain the change between the president and the executive director. What was the actual role of the president on the existing Board?

Ellis Antuñez:

Our Deputy Attorney General stated that we have a five-person board. With five people sitting as an adjudication, it makes it a lot cleaner having the odd number. By taking the president out of that equation and listening to the Board, the president has to recuse himself or herself when it comes to adjudication. Let me explain how it currently works: I would call the president and say we have a complaint; the president and I would sit down and go over the complaint and see whether we needed to follow it up. Now that president knows who the person is who is filing the complaint. At that point, I would investigate it or we would hire someone to investigate—probably one of our past board members. We now only have four people sitting for adjudication. If we came up with a 2-2 tie on adjudication, we are not sure where to go at that point.

Assemblywoman Neal:

If the executive director is not a voting member, what is his or her role?

Ellis Antuñez:

The day-to-day functions of the Board.

Assemblywoman Neal:

Was this just to create a wall between the president and the information he may receive at the beginning, to make sure that his vote was not tainted; or if he had to break a tie, he could break a tie?

Ellis Antuñez:

Yes. It was to put that wall up.

Assemblywoman Tolles:

Compared to other states, what is the justification for raising the fees?

Ellis Antuñez:

In our handout, [page 5, ([Exhibit C](#))] we do have a list of neighboring states and their fees for application of initial licensing. We are a member of a national organization called Council of Landscape Architectural Registration Boards (CLARB), which covers 50 states, Guam, and Puerto Rico. All 50 states govern our national licensing. Reciprocity is easy if someone has passed the national exam and has a Council Record from CLARB. It takes about a month to administratively approve them and usually is just sending paperwork back and forth. As far as the application fees, we are pretty low with our application fees. We have neighbors who are actually asking for more. Washington just increased its fees by doubling them. We do not want to come back to you in two years and ask if we could raise them again. According to our Board, we just want to keep on par with what our neighbors are doing.

Assemblywoman Tolles:

I do know a few landscape architects and they are sole practitioners or very small businesses, so I am always conscious of the cost. Did you survey the landscape architects across the state to see if they were also in support?

Ellis Antuñez:

Yes, we had three workshops. We had two in the north and one in Las Vegas. We actually talked about all the changes that we are asking for. In fact, we also discussed the suggested changes from the Sunset Subcommittee. They were in agreement. Most landscape architects are not just licensed in Nevada, they are actually licensed in at least one other state; so they understand what it is for business to continue.

Assemblyman Daly:

When you are talking about the copy fee increase from 45 cents to 50 cents per page, are you talking about plan documents—larger pages that need to be printed out?

Ellis Antuñez:

It is actually the maximum fee that has come out of our archives and library. They say the maximum fee for copying is 50 cents; it is for whatever people need copied. Most of the time we email, so we do not charge them.

Assemblyman Daly:

I know a lot of it comes electronically, or people ask for it on disk, but I believe the statute says it is not more than the cost for you to make that copy. That is what caused me to question that. So you guys would use that 50 cents, even if someone made an information request, even though it is under a different statute.

Ellis Antuñez:

No. We do not charge for that, unless they want us to mail a big package of papers to them or the bigger layouts. Most of the time we send them via email and we do not charge them for that.

Assemblyman Kramer:

You told me the designation of an intern was for the benefit of the intern so he or she could apply to a national board for certification. Is it more beneficial to interns if their annual fee is \$100 than if it is \$50? If the whole idea of having a fee for interns is so they would have a status. It seems like it is kind of a gouge. It seems like it should be a minimal amount. This is a person working as an intern who probably does not make a lot, and you tell him or her that, for \$100, we will let you take that national test—it just seems like another hand in his or her pocket.

Ellis Antuñez:

Our Board has actually stated that, after they pay for their initial registration, their first year is free. But we do have to do a background check on them, obtain information about their education and where they are employed—if they are employed.

Assemblyman Kramer:

Your fee schedule does show a \$50 per year continuing fee; so if it goes away after one year, I do not see where that comes in.

Ellis Antuñez:

It only goes away for the first year after they apply; our Board has made that policy. The third and fourth year they will have to pay the \$50 to be maintained in our system.

Chair Spiegel:

Is this written broadly enough that electronic transfer of money would also include Venmo, PayPal, or the next generation of an online wallet?

Ellis Antuñez:

I understand your concerns, especially when we are coming up to some of the newer areas such as blockchain and Bitcoin; I do not have an answer for you.

Chair Spiegel:

Is it your intention that it would be written up broadly enough to include those kinds of upcoming payment vehicles, or do you just mean electronic transfer of money in the conventional sense?

Ellis Antuñez:

We wanted to make it broad enough that we could cover all of that. If this is not broad enough for that, we would certainly want to look at an amendment to include that.

Assemblyman Yeager:

What kind of volume are you talking about with your Board? How many people are currently registered? How many certificates to practice as a landscape architect intern do you produce on an annual basis?

Ellis Antuñez:

Currently we have 381 people registered as full practicing landscape architects; those people also renew every year. At this time, we have four landscape architect interns.

Chair Spiegel:

Is there anyone who wishes to speak in support of Senate Bill 125? [There was no one.] Is there anyone who wishes to speak in opposition? [There was no one.] Is there anyone who wishes to speak in neutral? [There was no one.]

Ellis Antuñez:

Everything in our bill is from the Sunset Subcommittee recommendations.

Chair Spiegel:

We will now close the hearing on Senate Bill 125. We will now open our work session with Assembly Bill 26.

Assembly Bill 26: Revises provisions governing payments from the Recovery Fund by the State Contractors' Board. (BDR 54-237)

Patrick Ashton, Committee Policy Analyst:

I would like to mention that as staff of the Legislative Counsel Bureau, I can neither support nor oppose any proposals that come before the Legislature, including those you will discuss today. We will start with Assembly Bill 26 which revises provisions governing payments from the Recovery Fund by the State Contractors' Board ([Exhibit D](#)).

Assembly Bill 26 increases the maximum permissible amounts that may be paid out of the State Contractors' Board Recovery Fund on certain claims against residential contractors. The maximum amount of money that an injured person may recover for actual damages is increased from \$35,000 to \$40,000. The maximum amount that may be recovered based upon claims made against any single contractor is increased from \$400,000 to \$750,000, or

20 percent of the balance of the Recovery Fund, whichever is less. There were no amendments to this bill.

Chair Spiegel:

Are there any questions? Seeing none, I will entertain a motion to do pass Assembly Bill 26.

ASSEMBLYMAN DALY MOVED TO DO PASS ASSEMBLY BILL 26.

ASSEMBLYWOMAN JAUREGUI SECONDED THE MOTION.

THE MOTION PASSED.

Assemblyman Daly will present the floor statement.

We will now hear Assembly Bill 90.

Assembly Bill 90: Provides certain employees with the right to use sick leave to assist certain family members with medical needs. (BDR 53-169)

Patrick Ashton, Committee Policy Analyst:

Assembly Bill 90 requires a private employer that provides sick leave benefits to employees to allow an employee to use any accrued sick leave to assist a member of the immediate family of the employee who has an illness, injury, medical appointment, or other authorized medical need to the same extent and under the same conditions that apply to the employee when taking such leave. The employer may limit the employee to only using accrued sick leave up to the maximum amount that the employee may accrue during a six-month period ([Exhibit E](#)).

The Assembly Committee on Commerce and Labor proposes to amend A.B. 90 by expanding the definition of "immediate family" in subsection 7 of Section 1 [page 3, lines 21-24] by adding: "(1) foster child; and (2) any person for whom the employee is the legal guardian."

Assemblywoman Shannon Bilbray-Axelrod, Assembly District. No. 34:

Assembly Bill 90 is not intended to apply to other types of leave programs, such as short-term disability, extended illness, or other types of accrued leave used for other purposes.

[[Exhibit F](#) is a document titled "AAUW Quick Facts" dated July 2017, in support of A.B. 90 submitted by Nancy Stiles.]

Chair Spiegel:

I will now entertain a motion to amend and do pass Assembly Bill 90.

ASSEMBLYMAN YEAGER MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 90.

ASSEMBLYWOMAN NEAL SECONDED THE MOTION.

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

Assemblywoman Bilbray-Axelrod will present the floor statement.

We will now hear Assembly Bill 147.

Assembly Bill 147: Authorizes a physician assistant or advanced practice registered nurse to perform certain services. (BDR 40-85)

Patrick Ashton, Committee Policy Analyst:

Assembly Bill 147 authorizes an advanced practice registered nurse or physician assistant to complete certain certificates, documents, and statements and to order home health care for a patient, which under current law only a physician, or, in certain cases, other specified providers of health care are allowed to complete or order ([Exhibit G](#)).

Chair Spiegel:

I will entertain a motion to do pass.

ASSEMBLYWOMAN CARLTON MOVED TO DO PASS ASSEMBLY
BILL 147.

ASSEMBLYMAN McCURDY SECONDED THE MOTION.

THE MOTION PASSED.

Assemblywoman Titus will present the floor statement.

We will now hear Assembly Bill 154.

Assembly Bill 154: Revises certain requirements relating to secondhand dealers. (BDR 54-625)

Patrick Ashton, Committee Policy Analyst:

Assembly Bill 154 adds video recordings to the list of items a secondhand dealer does not need to report in a daily recorded transaction transcript to the sheriff of the county or the chief of police of the incorporated city in which the dealer does business ([Exhibit H](#)). There were no amendments to A.B. 154.

Chair Spiegel:

I will entertain a motion to do pass.

ASSEMBLYMAN DALY MOVED TO DO PASS ASSEMBLY BILL 154.

ASSEMBLYMAN EDWARDS SECONDED THE MOTION.

THE MOTION PASSED.

Assemblyman Roberts will present the floor statement.

This will close our work session. Is there any public comment? [There was none.] The meeting is adjourned [at 2:05 p.m.].

RESPECTFULLY SUBMITTED:

Karen Easton
Committee Secretary

APPROVED BY:

Assemblywoman Ellen B. Spiegel, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is a memorandum dated March 7, 2019, from Ellis L. Antuñez, Executive Director, Nevada State Board of Landscape Architecture, addressed to the Assembly Commerce and Labor Committee which includes the following:

1. A letter dated October 1, 2018, from Assemblywoman Irene Bustamante Adams, Chair, Sunset Subcommittee of the Legislative Commission, State of Nevada Assembly
2. Summary of Recommendations, Sunset Subcommittee of the Legislative Commission
3. Landscape Architecture License Fees of Neighboring State Boards dated 9/19/17
4. Letter dated January 16, 2018, from Rocky Cooper, Legislative Auditor to Sunset Subcommittee of the Legislative Commission, Legislative Counsel Bureau.

[Exhibit D](#) is the Work Session document for [Assembly Bill 26](#) presented by Patrick Ashton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit E](#) is the Work Session document for [Assembly Bill 90](#) presented by Patrick Ashton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit F](#) is a document titled "AAUW Quick Facts" dated July 2017, submitted by Nancy Stiles, Private Citizen, Minden, Nevada.

[Exhibit G](#) is the Work Session document for [Assembly Bill 147](#) presented by Patrick Ashton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit H](#) is the Work Session document for [Assembly Bill 154](#) presented by Patrick Ashton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.