

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

**Eightieth Session
April 12, 2019**

The Committee on Commerce and Labor was called to order by Chair Ellen B. Spiegel at 12:50 p.m. on Friday, April 12, 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.

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
Earlene Miller, Committee Secretary
Olivia Lloyd, Committee Assistant

OTHERS PRESENT:

Tracy Sandin, Senior Vice President of Government and Public Relations, Security Finance
Marcus Conklin, representing Security Finance
Jodi Stephens, representing Check City, Moneytree, QC Holdings, Curo, and USA Cash
Bailey Bortolin, Statewide Advocacy, Outreach and Policy Director, Nevada Coalition of Legal Service Providers
Christine Saunders, Policy Director, Progressive Leadership Alliance of Nevada
Shane Piccinini, representing Food Bank of Northern Nevada
George E. Burns, Commissioner, Division of Financial Institutions, Department of Business and Industry
K. Neena Laxalt, representing Nevada State Board of Psychological Examiners
Thomas Dunn, District Vice President, Professional Fire Fighters of Nevada
Caren C. Jenkins, Executive Director, Nevada State Board of Optometry

Chair Spiegel:

[Roll was taken. Committee rules and protocol were explained.] I will open the hearing on Assembly Bill 360.

Assembly Bill 360: Revises provisions governing loan practices. (BDR 52-543)

Assemblywoman Dina Neal, Assembly District No. 7:

Assembly Bill 360 is intended to address the payday loan problem. The idea was to make sure that there is another product available for borrowers to use instead of payday loans. The heart of this bill is section 31, which says you have to pick a product. Either you are going to be a payday lender or you are going to be a traditional installment lender. If you choose to be a traditional installment lender, you have to play by the rules which will be the new section created in Title 52 of the *Nevada Revised Statutes* (NRS).

Tracy Sandin, Senior Vice President of Government and Public Relations, Security Finance:

We are traditional installment lenders. We currently are governed as an industry under NRS Chapter 604A and we have an exemption for our operations under NRS 604A.5057. Traditional installment lenders are different and the reason we have the carveout is because we fully underwrite loans. That means we take in information to make sure a customer has the ability and the willingness to repay the loan. Last year we decided to request this bill as

the result of a recent U.S. Supreme Court ruling which challenged the status of traditional installment loans. It called into question in a footnote, which was subsequently deleted, that opined that such loans could not be originated in Nevada. While the footnote was eventually removed, it has called into question that such an opinion could be made in the future.

Traditional installment lenders in Nevada are mentioned only as an exemption in NRS 604A.5057, subsection 2. The rest of NRS Chapter 604A covers payday, title, and other high interest loans. This is because we are the only loan service under NRS Chapter 604A adhering to strict underwriting guidelines and also reporting to credit bureaus. Among other restrictions, we cannot file a civil action against our customers for nonpayment. Assembly Bill 360 is designed to solve the problem presented by the court interpretation as well as simply moving traditional installment loans to a separate section. The industry has worked very closely with Commissioner George E. Burns, Division of Financial Institutions (FID), Department of Business and Industry to ensure that the current consumer protections and regulatory oversight have been moved with us. That is why the bill is long. It is moving our exemption along with all regulatory control.

Marcus Conklin, representing Security Finance:

We began this process about eight months ago in discussions with the Commissioner of FID with the precise goal of creating the product, which is, coincidentally, the oldest product in its line and has been around for probably 125 years or more. It looks much more like a traditional bank product. This will give it its own space in statute so its legitimacy cannot be questioned. We agreed that everything we currently have in statute will move to the new statute so every consumer protection and regulatory scheme remains. It was not a move to get out from under anything, but a move to create better legitimacy in the future. It is a long bill, but that is the intent in the mock-up amendment that we have worked on with FID ([Exhibit C](#)).

Assemblywoman Jauregui:

Why are we moving them into their own chapter if they will have the same regulations?

Marcus Conklin:

The current chapter recognizes our product only as an exemption. It does not appear in the chapter. The thought was to put it in its own place to have it as a legitimate product. It is my understanding that it is the oldest product in the line. Traditional installment loans operate much more like home loans and car loans. They are underwritten and there is an application process. They have a fully amortized schedule so you know exactly what you owe each month and for how many months you owe until it is paid off. The amount of principal goes up and the amount of interest goes down every time you make a payment. It is a more traditional product than anything else in the statute. What brought it into NRS Chapter 604A was the short terms and because the interest rates appear higher.

Assemblywoman Jauregui:

Where are car loans and home loans in the statute, and why is this not in that chapter if it is the same type of installment loan?

Marcus Conklin:

It is solely in this chapter because it is above 40 percent interest. One of the items that keeps this product in that chapter is that it is above 40 percent, but it is the only product in the chapter that has a cap of 200 percent. That is part of the itemization of exemption.

Chair Spiegel:

Are there any questions from the Committee? Seeing none, I will open it up for testimony in support. Seeing none, is there testimony in opposition?

Jodi Stephens, representing Check City, Moneytree, QC Holdings, Curo, and USA Cash:

We are opposed to section 31 of the amendment to the bill, which prohibits a licensee from NRS Chapter 675 and Chapter 604A from operating under this new chapter.

Bailey Bortolin, Statewide Advocacy, Outreach and Policy Director, Nevada Coalition of Legal Service Providers:

We have not been able to reach an agreement with the sponsors. This product is available in NRS Chapter 604A and while I would not oppose developing it as greater than an exemption, because that is how it has developed, there is absolutely no legal reason that cannot be done within NRS Chapter 604A. Our high interest lending chapter starts at 40 percent interest, but is uncapped. It has four types of products in it. Title loans have things that only apply to title loans. Payday loans have things that only apply to payday loans. These high-interest installment loans have things that only apply to them. There is no reason as laws develop and we continue regulations that we cannot do that and develop this product and these regulations within our high-interest lending chapter.

The problem that happens when we break this out into a new chapter is that the cumulative protections that we have put into place as a legislature for all high-interest loans cannot now be cumulative if we have two chapters. For example, one of our consumer protections is that someone cannot have more than 25 percent of their gross monthly income out in high-interest loans. If we have two chapters with that provision, a person can go into both chapters and have up to 50 percent of their gross monthly income out, which is not the intent of that consumer protection. There is a reason that these different types of products exist cumulatively in a chapter together. It is so we can both develop those products and develop cumulative protections after we made the decision to allow high-interest lending. There are other lenders who operate with this product. There is a 200 percent interest rate cap and there are some who lend exclusively at 199.9 percent interest. Incentivizing moving them out of that cumulative space and out of some of those consumer protections is very dangerous. I think in all types of banking, lending, and regulations, it takes a long time to develop what those regulations look like in all sectors, especially when we have a part-time legislature and we cannot be constantly working on that regulation and development. There is no benefit to starting over.

The name of the product is changing so we are concerned that we would be removing the legal history, the case law, the litigation, and the legislative history from that product because

it would have an independent new name and the history may not carry over to the new product. There has been U.S. Supreme Court litigation. There has been development of this product and how we want it to operate as a state. To wash this product of that history is dangerous for consumers and our consumer protection.

Chair Spiegel:

Are there any questions from the Committee?

Assemblyman McCurdy:

Is this a slippery slope for other entities falling under NRS Chapter 604A who may also want a carveout if they want a new chapter?

Bailey Bortolin:

I think it sets a dangerous precedent. I believe there is some intent to not have other pending legislation apply to this product. When we have a chapter full of many types of products, those products would be incentivized to get their own chapter so they could avoid the cumulative protections. Higher interest products would also be incentivized to get their own trapdoor because there is less regulation and less history. I think it would be dangerous and this would not be the end of it. We would be starting over and we would have to create regulations, consumer protections, and figure out what holes have been created and come back session after session. Every time there is a consumer protection idea, problem, or a technology idea that could improve this area, we are going to have to do it in two chapters. It creates a bifurcated process that is completely unnecessary.

Assemblywoman Jauregui:

What is the name change?

Bailey Bortolin:

In the current chapter, the product is a high-interest installment loan. In the mock-up we have seen, it would be considered a traditional installment loan. I think that is confusing and is more about marketing than legal terms. I think we should have the development of this product under the legal name it has always had. We also have an installment loan chapter, NRS Chapter 675. I would argue those are more traditionally Nevada installment loans and I think there is confusion in trying to change the name.

Assemblywoman Jauregui:

Can they not change into the traditional installment loan chapter?

Bailey Bortolin:

They could if they wanted to operate at less than 40 percent interest. Anything 40 percent and over has been deemed a high-interest loan by the Legislature. People can continue to develop new ways to offer high-interest loans. We have four right now, but that does not mean there cannot be other types of high-interest loans. Anything 40 percent or over is what NRS Chapter 604A captures. It is not a specific type of loan.

Assemblyman McCurdy:

In section 30, subsection 1, the bill states, "Except as otherwise provided in this section, for the purposes of determining whether a loan is a high-interest loan, when determining whether a lender is charging an annual percentage rate of more than 40 percent," and it goes on to talk about the Truth in Lending Act and Regulation Z. What is your determination of what this means?

Bailey Bortolin:

I found the drafting to be confusing because the federal Truth in Lending Act limits lending to 36 percent. You cannot lend to active duty military at a rate higher than 36 percent pursuant to the Truth in Lending Act, but this chapter only applies to 40 percent or over. I do not see it as a loophole because they reference the federal Truth in Lending Act and there would be a 36 percent cap to active duty military.

Christine Saunders, Policy Director, Progressive Leadership Alliance of Nevada:

Progressive Leadership Alliance of Nevada has continued to fight for consumer protections to prevent vulnerable Nevadans from being taken advantage of. We cannot support a bill that will both weaken our existing consumer protection laws and make it harder to legislate consumer protections in the future. There is no need for this change other than it may benefit the business model and the marketing of some companies. We should support the work that has been done over the years and we feel these changes would weaken the integrity of those laws. We oppose this bill.

Shane Piccinini, representing Food Bank of Northern Nevada:

I am a board member of the Human Services Network. We work directly with the clients who are accessing these products. Let us not be fooled, a 200 or 199.9 percent interest rate is a high rate. A lot of the people we work with who use these loans and come to us for assistance, for financial coaching, or for food because they can no longer get their ends to meet, are low-income workers who were already strapped. They would not be using these loans if they had other alternatives. As a civil society, I would argue that we would want to do more to help protect these consumers than to do less. Our concern is that this is going to take away some really important safeguards for the very people who are accessing these loans and may not have the clarity of mind or education level to understand what they are signing on to. I think we should do more to protect the people who are using these loans and not less.

Chair Spiegel:

Do we have anyone else to testify in opposition to A.B. 360? Seeing none, is there anyone to testify in the neutral position?

George E. Burns, Commissioner, Division of Financial Institutions, Department of Business and Industry:

Assembly Bill 360 proposes to take what is a somewhat niche section of NRS Chapter 604A that permits loans of a longer term if many consumer-friendly conditions are met and make NRS 604A.5057, subsection 2 a stand-alone chapter. The intent of this move was to solve

problems, not only for the industry, but for us as the Division of Financial Institutions (FID), because the position that it currently is in within NRS Chapter 604A is somewhat of an ambiguous place. It has been used to misinterpret and misapply certain provisions of that section to other types of lending in NRS Chapter 604A. The FID has worked with the proponents extensively and we do not object to the proposed legislation.

Historically, NRS 604A.5057, subsection 2 was a carveout as people have been talking about today for the lending industry that did more regular installment-type lending. However, because of the placement in the statute, the provisions of section NRS 604A.5057 have again been misconstrued and misapplied by some relative to other lending in that section. It is hoped that by making similar provisions in a separate chapter, with all of the applicable consumer protections in NRS Chapter 604A, that confusions with other sections of that chapter will be alleviated.

We know from recent studies by the Pew Charitable Trusts and the Center for Responsible Lending that the myriad of issues associated with payday and other high-interest lending can be addressed by emphasizing a product that has the ability to repay underwriting, a longer term, a lower interest rate than payday loans, and fully amortized payments. That is the intention of A.B. 360. The FID is committed to working with all of the stakeholders on this matter, including those who had concerns.

Chair Spiegel:

Are there any questions from the Committee?

Assemblyman Kramer:

I have heard some comments that perhaps having this new chapter will allow this form of loan to have less regulation than exists now.

George Burns:

It carries over the protections that are currently in NRS Chapter 604A. That is one of the things we insisted on in developing the bill. It also brings over some more specificity to this type of lending that did not previously exist, such as the amount of \$300 to \$5,000, the term of being from 6 months to 37 months, and other things we believe are consumer-friendly.

Chair Spiegel:

Seeing no further testimony, Assemblywoman Neal, will you close?

Assemblywoman Neal:

There is no way I would ever bring a bill that had fewer consumer protections or was going to hurt my district. This bill has the purpose to separate the product out and move the same protections over and to basically say pick a side—either you are going to do this product or you are going to do another product. This bill does not add or create or leave individuals without case law protections. I discussed with Commissioner Burns if this bill would change how case law was currently being applied. His answer was that he and his legal counsel believed the answer was no.

No one who testified today spoke to the bill, the chapters in the bill, or the provisions in the bill. It was their opinion and their theory. I want to make sure everyone is clear that this bill puts people in their own respective categories for their product. It does not allow somebody to do payday lending and installment loans. There is no crossover. As far as I am concerned, I will not put my name on a bill that hurts consumers or sets up consumers. The product was already out there. The question is how should it be treated and how should it be segregated away from another product. I need everyone to be crystal clear that I do not play the game of hurting consumers and I have always advocated for my district. This is an issue of installment lending that has been supported by national black women legislators ([Exhibit D](#)), black legislators ([Exhibit E](#)), and Hispanic legislators ([Exhibit F](#)) because they thought it was a less harmful product. That is why I support this bill.

[Two letters in support of [Assembly Bill 360](#) that were submitted but not mentioned will become part of the record: ([Exhibit G](#)) and ([Exhibit H](#)).]

Chair Spiegel:

I will close the hearing on [A.B. 360](#). We will recess until the call of the Chair.

[The meeting recessed at 1:20 p.m.]

[The meeting reconvened at 1:57 p.m.]

Chair Spiegel:

I will open the work session on [Assembly Bill 27](#).

[Assembly Bill 27](#): Revises provisions governing cease and desist orders issued by the State Contractors' Board. (BDR 54-240)

Patrick Ashton, Committee Policy Analyst:

[Read from ([Exhibit I](#)).] [Assembly Bill 27](#) allows a person who is issued a cease and desist order by the State Contractors' Board to contest the order within 15 business days after the date on which the order is served on the person.

Margi Grein, Executive Officer of the State Contractors' Board, proposes amendments to [A.B. 27](#) as outlined below [pages 3 through 8, ([Exhibit I](#))]. The page and line numbers refer to the mock-up, not the original bill. The amendment would add a new section to the bill that amends *Nevada Revised Statutes* (NRS) 624.212 as follows:

1. In subsection 1(b) of NRS 624.212, [page 5, line 7, ([Exhibit I](#))] replace "an active" with "a valid" and delete "of the proper classification";
2. Replace subsections 2 through 4 of NRS 624.212 [pages 5 through 8] with new language as follows:

- Subsection 2(a) outlines disciplinary options for the Board to utilize in circumstances of noncompliance with the cease and desist order, including issuance of administrative citations up to criminal prosecution for second or subsequent offenses. This section also authorizes the Board to seek a civil injunction;
 - Subsections 2(b) through 2(d) provide rules for the amount of the fine to be imposed;
 - Subsection 3 provides a process whereby the person receiving a cease and desist order pursuant to subsection 1 may petition the Board in writing to lift or alter the terms of the cease and desist order; and
 - Subsection 4 allows the Board to consider obedience with regard to cease and desist orders, criminal conviction for failure to comply with a cease and desist order, and the payment of fines and administrative fees and costs when considering an application for licensure.
3. Amend subsection 5 of NRS 624.212 to remove the word "willfully" and, instead, provide that if the court finds that a person violated an order issued pursuant to subsection 1 without an established absolute defense, it shall impose a fine of not less than \$250 nor more than \$1,000 for each violation of the order.

Chair Spiegel:

Are there any questions from the Committee? Seeing none, I will entertain a motion to amend and do pass.

ASSEMBLYMAN DALY MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 27.

ASSEMBLYMAN YEAGER SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

I will give the floor statement to Assemblyman Daly. We will move to the work session on Assembly Bill 132.

[Assembly Bill 132](#): Revises provisions governing employment practices. (BDR 53-29)

Patrick Ashton, Committee Policy Analyst:

[Read from ([Exhibit J](#)).] Assembly Bill 132 prohibits an employer from denying employment to a prospective employee because a drug screening test taken by the prospective employee indicates the presence of marijuana. An employer may require a prospective employee who does not hold a valid registry identification card for medical use of marijuana to abstain from using marijuana as a condition of employment. This bill also

prohibits an employer from conditioning employment of a prospective employee on his or her submission to a character assessment.

Assemblywoman Neal proposed the following amendments to A.B. 132 [page 3, ([Exhibit J](#))]:

1. Remove section 3 of the bill. This section prohibits an employer from conditioning the employment of a prospective employee on his or her submission to a character assessment.
2. Revise subsection 1 of section 2 by allowing an employer to deny employment to a prospective employee under certain circumstances.
3. Revise subsection 2 of section 2 to provide that an employer is only authorized to require a prospective employee without a valid registry identification card to abstain from marijuana while working.
4. Clarify that *Nevada Revised Statutes* (NRS) 613.333 also applies to the lawful use of marijuana.
5. Revise NRS 613.333 to provide that an employee is presumed to be adversely impacted in his or her job performance or poses a risk to the safety of others if the employee, while working, has an amount of marijuana in his or her blood that is equal to or greater than set forth in subsection 4 of NRS 484C.110. Please see also the special note section page of this bill for further information.
6. Clarify that this bill does not apply to any employment contract or collective bargaining agreement in effect before the effective date of this bill.

The proposed amendment from Assemblywoman Neal is in provision 6 [page 4, ([Exhibit J](#))] on the second page. Assemblywoman Neal proposes to strike the whole sentence starting after the words "bargaining agreement."

7. Clarify that this bill does not apply to any employment position that is under federal law or funded by a federal grant.

Assemblywoman Spiegel proposes the following conceptual amendment to A.B. 132:

8. Under this bill's provisions, a prospective employee may be hired even though a screening test for marijuana of a prospective employee shows positive results for the use of marijuana. Under the circumstance, that, once hired, the employee is tested again, and the results indicate the use of marijuana, the employee has the right to pay out of his or her own pocket for a drug test that shows whether marijuana was used in the past 24 to 48 hours. If the test indicates that the employee has not used marijuana in the past 24 to 48 hours, he or she shall not be removed from his or her employment.

Chair Spiegel:

Are there any questions or discussion from the Committee?

Assemblywoman Carlton:

Since I do not know what NRS 484C.110 is, and if we are doing a presumption of guilt based on that, I would like to understand what that provision actually is.

Wil Keane, Committee Counsel:

In the work session document under the special notes, there is a table from the Research Division of the Legislative Counsel Bureau [page 2, ([Exhibit J](#))]. It shows that the amounts of marijuana in the blood and provides a cutoff. Those are the amounts that make it unlawful for a person to drive or be in physical control of a vehicle on a highway. It is drawn directly from the transportation statutes.

Chair Spiegel:

The intent of this amendment is that it addresses a concern I had regarding an employee who tested positive for marijuana in their preemployment drug test and was offered a job. I was concerned that the employee would show up to the job and immediately be sent for another drug test. If he failed that test, he would lose his job. There is a lot of marijuana metabolite that can stay in a person's system for weeks and in some cases months. There are some tests available that can be done orally that will determine if the person has actively used marijuana within the preceding 24 to 48 hours. The intent is if somebody used marijuana before their employment, that once they started their employment and had stopped using marijuana, they should have an ability to have some due process and be able to say they had not used recently and met the requirements of the job.

Assemblywoman Carlton:

I read the paragraph to mean anyone who is suspected of having used marijuana can be tested. It does not limit it to just people who apply for a job and had marijuana in their system. Any employee could be randomly drug tested at any time if their manager thought they were impacted in their job performance or posed a safety risk.

Chair Spiegel:

I would agree to change the language back to my original intent.

Assemblyman Kramer:

In the special note, it says NRS 613.333 provides that it is unlawful employment practice for an employer to discriminate against an employee for lawful use of any product outside the premises of an employer that does not adversely affect job performance or safety of other employees. If your job is to work with youth or people who are having addiction problems, and you need to set a good example, what would be the justification for saying this affects job performance?

Assemblywoman Neal:

Nevada Revised Statutes 613.333 is existing law. It is what employment law attorneys use. If it is lawful use, and you are outside the premises of the employer and it does not affect your job performance or the safety of others, it is not unlawful. It is the best caveat because it says if there is a safety issue, then we have another conversation about the use of whatever lawful product. The reason this statute came into play is because it was based on tobacco. It was put in because it was thought that there would be discrimination against individuals for smoking on the job. They wanted to make sure that if a person was smoking outside of the premises and it did not affect their job performance, there would be protection.

Assemblyman Kramer:

My question is outside the scope of this bill.

Chair Spiegel:

I will read the intent of my conceptual amendment into the record. The conceptual amendment would apply if marijuana shows up in the results of a drug test for a prospective employee and the employee is hired because of this bill. Once hired, the employee is retested and marijuana metabolite shows up again. The employee would have the right to pay to take a drug test which would show whether marijuana had been used in the past 24 to 48 hours. If the test indicates that the employee did not recently use marijuana, he or she could not be fired for having metabolite appear in their drug test results.

Quest Diagnostics has a test that does this for less than \$25 if the employer sets up the appointment. This would help ensure that employees have due process and are not harmed by having marijuana metabolite in their systems if they have not used it recently.

Assemblywoman Carlton:

How long will that provision be in effect?

Chair Spiegel:

It would just be upon hire for as long as metabolite could show up in an employee's drug screening. I have heard it could be out of a person's system in a couple of weeks but it could stay in a person's system for as much as a year. It depends on the person, but these other tests will determine if it was used recently.

Assemblyman Yeager:

The statute that is being referenced, NRS 484C.110, subsection 4, indicates that only two substances can be tested for. One would be marijuana (delta-9-tetrahydrocannabinol) which is what would be in your system if you had recently consumed, and the marijuana metabolite which is a very specific metabolite. That is a metabolite that has psychoactive properties that stays in your system for a lot shorter period of time than the hundreds of other metabolites. Based on the scientific evidence we heard last session, that particular metabolite would likely not stay in your system for more than 10 to 12 hours. By referencing NRS 484C.110, subsection 4, it limits what kind of metabolite a person can be tested for. It should have the impact that if a person consumed three weeks ago, that metabolite cannot be tested for under

this section of the NRS. We made that change last session to make sure with respect to our driving under the influence laws that people were not being wrongfully prosecuted for prior consumption that was a long time ago.

Assemblyman McCurdy:

Would you be opposed to having it apply to within the first 30 days of employment?

Chair Spiegel:

I think that would be great, so we will modify the amendment.

Assemblywoman Carlton:

I will support this although I do not like this particular provision. In this changing world of legal marijuana use, I think it is very important that we protect employees. I would not want to give an employer the opportunity to mandate a drug test from someone for typical accidents that happen every day. I got some comfort from Assemblyman Yeager, but I want to make sure other employees are not adversely impacted.

Chair Spiegel:

We will clarify the language. It is meant to be addressing my concerns that employees be treated fairly and not be targeted on the first days of a new job for a drug test and then summarily fired. I will take a motion to amend and do pass including all amendments.

ASSEMBLYMAN YEAGER MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 132.

ASSEMBLYWOMAN JAUREGUI SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblywoman Neal. I will move to Assembly Bill 128.

**Assembly Bill 128: Revises provisions governing vocational rehabilitation.
(BDR 53-829)**

Patrick Ashton, Committee Policy Analyst:

[Read from ([Exhibit K](#)).] Assembly Bill 128 revises provisions governing vocational rehabilitation. This bill increases from 6 months to 24 months the maximum allowable length of job placement assistance for injured employees if certain permanent restrictions on the ability to work have been imposed by the treating physician or chiropractor. The bill also provides that a vocational rehabilitation program may be extended by the insurer or by order of a hearing officer or appeals officer. The bill further eliminates:

- The limits on the total length of a program; and

- The prohibition on the appeal of the determination of an insurer to grant or deny an extension of a program or to authorize or deny a third program of vocational rehabilitation.

Finally, this bill increases the minimum lump sum compensation from 40 to 80 percent of the maximum amount of vocational rehabilitation maintenance due to the injured employee when the employee is paid compensation in a lump sum in lieu of the provision of vocational rehabilitation services. Assemblywoman Cohen has proposed amendments to A.B. 128 [page 1, ([Exhibit K](#))].

In section 1 of the bill, it is proposed to:

1. Retain the deleted or replaced language on page 2 of the bill, line 18 and lines 30 through 33;
2. Retain the deleted language on page 3 of the bill, lines 1 through 4. However, change in line 3 the "1" percent to "0" percent;
3. After section 1, subsection 3(a) of the bill add new language that reads as follows:
 - (b) If the injured employee has incurred a permanent physical impairment of 1 percent or more but less than 6 percent, 12 months.
 - (c) If the injured employee has incurred a permanent physical impairment of 6 percent or more, 24 months.
 - (d) Retain the deleted language on page 3 of the bill in lines 9 and 10 and delete in lines 10 to 11 the added phrase "by the treating physician or chiropractor."

In section 3 of the bill, it is proposed to:

- (e) On line 16 of page 6 of the bill, replace "80" percent with "55" percent; and

In section 4 of the bill, it is proposed to:

- (f) Replace this section as it is outlined on page 6 of ([Exhibit K](#)) with the language that is outlined on the bill page.

Chair Spiegel:

Are there any questions or comments from the Committee? Seeing none, I will entertain a motion to amend and do pass.

ASSEMBLYWOMAN CARLTON MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 128.

ASSEMBLYMAN DALY SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblywoman Cohen. We will move to the work session on Assembly Bill 185.

Assembly Bill 185: Revises provisions relating to insurance coverage of prescription drugs. (BDR 57-277)

Patrick Ashton, Committee Policy Analyst:

[Read from ([Exhibit L](#)).] Assembly Bill 185 requires a health insurer who provides coverage for prescription drugs to allow an insured to credit toward his or her health insurance deductible any amount paid by the insured for a covered drug if, instead of using the coverage and paying the deductible, copayment, or coinsurance required for the drug, the insured paid for the drug out of pocket.

Assemblywoman Spiegel proposes to amend this bill as follows:

Remove the existing provisions of the bill and replace them with provisions requiring the Public Employees' Benefits Program to conduct a study during the interim of establishing pricing for the health benefits of public employees that is based on pricing for Medicare benefits. The study must include, without limitation, consideration of the coverage and pricing of prescription drugs by Medicare and whether establishing Medicare-based pricing is beneficial for the employees of this State.

Chair Spiegel:

Are there any questions or comments from the Committee?

Assemblywoman Carlton:

Where did this come from? The Public Employees' Benefits Program (PEBP) does not do studies. I am curious what the intent is?

Chair Spiegel:

The intent is to get an understanding of health policy so the Legislature and legislators can enhance it for the good of Nevadans. With PEBP now creating a network, we have an ability to learn more to use in other areas.

Assemblywoman Carlton:

Would it be the Chair's intent to appropriate money towards this because this is not built into their rate? They would have no funds to do this for the first two years, so it would not happen until the third year.

Chair Spiegel:

It is not my intent to ask for funds for this, so it would have to wait.

Assemblyman Frierson:

The Assembly is allowed only so many studies. Was it your intent for this to be one of the studies which we consider through the interim?

Chair Spiegel:

If we are able to, I would appreciate that very much.

Assemblyman Frierson:

Your intention would be to be added to the list.

Chair Spiegel:

Yes, I would like it to be added to the list for consideration for an interim study. I will accept a motion for amend and do pass.

ASSEMBLYMAN DALY MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 185.

ASSEMBLYMAN KRAMER SECONDED THE MOTION.

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

I will take the floor statement. We will move to Assembly Bill 204.

Assembly Bill 204: Revises provisions relating to health care. (BDR 54-932)

Patrick Ashton, Committee Policy Analyst:

[Read from ([Exhibit M](#)).] Assembly Bill 204 adds recovery centers to the list of health care facilities that may use a chart order to authorize the administration of a drug to a patient. The bill defines a recovery center as any public or private facility that provides only short-term care, not to exceed 72 hours, to a person recovering from surgery and requires such a facility to be licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services.

There are amendments.

The State Board of Pharmacy's proposed conceptual amendment adds three new sections to A.B. 204 [page 2, ([Exhibit M](#))]. The Board's stated intent is to ensure that a recovery center may possess controlled substances and dangerous drugs and administer these medications to patients pursuant to a chart order or a prescription:

1. Amend Chapter 639, Pharmacists and Pharmacy, of *Nevada Revised Statutes* (NRS) authorizing the Board of Pharmacy to issue a license to conduct a pharmacy to a recovery center that is licensed by the State Board of Health, pursuant to NRS 449.0303. It also requires the Board of Pharmacy to adopt regulations concerning the

- safe processing of certain drugs, as well as setting forth certain qualifications, authority, and duties of a recovery center and its employees;
2. Amend Section 1 of NRS 639.23275 to add a recovery center to the list of facilities to which a controlled substance or dangerous drug for a specific patient may not be delivered, except under certain circumstances, if the facility does not have a pharmacy on the premises; and
 3. Amend Section 1 of NRS 639.170 by authorizing the Board of Pharmacy to charge a fee for the investigation, issuance, or renewal of a license. The proposed fees are consistent with the fees currently established in statutes for retail and institutional pharmacies.

See also the special note [page 1, ([Exhibit M](#))] at the end of the bill page.

Chair Spiegel:

Are there any questions or comments from the Committee? Seeing none, I will accept a motion to amend and do pass.

ASSEMBLYMAN EDWARDS MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 204.

ASSEMBLYWOMAN TOLLES SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblywoman Hardy. We will consider the work session on Assembly Bill 271.

[Assembly Bill 271](#): Revises provisions relating to call centers. (BDR 53-900)

Patrick Ashton, Committee Policy Analyst:

[Read from ([Exhibit N](#)).] Assembly Bill 271 relates to call centers that relocate to a foreign country. This bill requires a call center employer who relocates a call center or certain operations of a call center to a foreign country to notify the Labor Commissioner at least 120 days before the relocation. The Labor Commissioner shall prepare a list of employers who have given notice of such relocation and the Commissioner is authorized to impose civil penalties on an employer who fails to notify the Commissioner of the relocation. Any employer who is listed by the Commissioner shall be ineligible for five years to receive certain economic development incentives from a state agency and must also repay the appropriate state agency the amount of any such granted incentive, apart from certain exceptions. Finally, a person contracting with a state agency to provide call center customer services shall perform such services entirely within Nevada.

Assemblywoman Peters proposes the following amendments in the mock-up of A.B. 271:

1. Revise section 4 of the bill to modify the definition of "employer" as a person who, for the purpose of staffing a call center, employs 50 or more call center employees. The term "call center employees" is an additional amendment by Assemblyman Yeager. Delete subsections 1 and 2 of section 4.
2. Delete sections 5 and 8.
3. Revise Section 6 of the bill to require notice be provided to the Labor Commissioner at least 60 days before an employer relocates a call center or one or more facilities or operating units within a call center comprising at least 30 percent of the total operating volume of telephone calls or other electronic communications from this state to a foreign country and further require the Labor Commissioner to be provided with the number of employees to be displaced;
4. Revise subsection 1 of section 7 by lowering the civil penalty to not exceed \$5,000 total. Further, revise subsection 2 of section 7 by requiring the Labor Commissioner to conduct a study that shall not exceed \$5,000 at the expense of the employer if an employer fails to provide the notice.

Chair Spiegel:

Are there any questions or comments from the Committee?

Assemblyman Frierson:

I want to point out that this is a work in progress and I appreciate the sponsor's willingness to take some action to make sure we can continue to have that conversation. I do not expect it to be the end of the conversation, but an opportunity to continue to talk about how best to track, prevent, and hold those accountable that take part in inappropriate activity.

Assemblyman Edwards:

I appreciate the improvements that have been made this far, but it is not 100 percent yet. I will vote no today, but I look forward to being a yes when it gets to that 100 percent.

Assemblyman Kramer:

To me, this bill addresses a problem which would be better addressed in management-labor negotiations. For that reason, I will vote no.

Chair Spiegel:

I will call for a motion to amend and do pass.

ASSEMBLYWOMAN CARLTON MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 271.

ASSEMBLYMAN McCURDY SECONDED THE MOTION.

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

I will assign the floor statement to Assemblywoman Peters. We will hear the work session on Assembly Bill 290.

**Assembly Bill 290: Revises provisions relating to occupational safety and health.
(BDR 53-286)**

Patrick Ashton, Committee Policy Analyst:

[Read from ([Exhibit O](#)).] Assembly Bill 290 requires the Division of Industrial Relations, Department of Business and Industry, to establish registries to track certain persons in the construction industry who have completed required courses in construction industry safety and health hazard recognition and to track persons who are authorized as trainers of such courses.

Each trainer must register with the Division for tracking in its registry and report to the Division the name of each person who successfully completes a course in construction industry safety and health hazard recognition provided by the trainer. Upon successful completion of an online course or a course in another state, a person shall submit a copy of the completion card to the Division for tracking in the registry. Finally, the bill requires a construction worker or supervisory employee to obtain the appropriate course completion card within 15 days after beginning work on a work site, with the exception of a worker employed by a single employer for a period of less than 15 consecutive days.

Assemblywoman Jauregui proposes to amend Assembly Bill 290 as follows:

1. Delete the entire section 1 of the bill, which requires that a person who successfully completes an OSHA-10 or OSHA-30 course online or in another state to submit a photocopy of a completion card to the Division for registry tracking;

[Revise section 5, subsection 2 of NRS 618.9771; [page 3, ([Exhibit O](#)).]

2. Replace the language in subsection 2(a) with:

(a) A registry to track trainers, as defined in NRS 618.980;

3. Replace the language in subsection 2(b) with:

(b) A registry to track workers, supervisory employees and other persons who have successfully completed OSHA-10 construction courses or OSHA-30 construction courses. The costs of establishing this registry must not be borne, directly or indirectly, by the construction workers, supervisory employees or other persons who are tracked in the registry; and

Add language to subsection 2, which requires the Division to make the registry available on the Internet and, therefore, accessible to the public for verification if an employee has successfully completed certain construction courses:

- (c) The registry shall be accessible on the Internet by the public to ascertain if an employee has successfully completed OSHA-10 construction courses or OSHA-30 construction courses.

Chair Spiegel:

Are there any questions or discussion from the Committee? Seeing none I will entertain a motion to amend and do pass.

ASSEMBLYMAN YEAGER MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 290.

ASSEMBLYWOMAN TOLLES SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblywoman Jauregui. We will move to the work session on Assembly Bill 348.

Assembly Bill 348: Makes various changes to prevent and track workplace violence at medical facilities. (BDR 53-843)

Patrick Ashton, Committee Policy Analyst:

[Read from ([Exhibit P](#)).] Assembly Bill 348 requires certain hospitals and medical facilities to create a workplace violence prevention plan that assesses workplace hazards and potential risk factors of workplace violence. After this assessment, a facility must create a plan or system to correct those hazards through system, environmental, or work-practice controls. The workplace violence prevention plan shall be assessed and reassessed on an ongoing basis and includes collaboration with employees.

The bill further requires medical facilities to report to the Division of Industrial Relations, Department of Business and Industry, any workplace violence incidents. The Division shall annually publish an aggregated report on its website, with certain statistics about workplace violence incidents in this state.

There are amendments.

The National Nurses Organizing Committee of Nevada, National Nurses United, and the Service Employees International Union of Nevada propose the following amendments to A.B. 348 [page 4, ([Exhibit P](#))]. I will highlight some amendments.

In section 16 [page 2, ([Exhibit P](#))]:

9. Replace subsection 1, paragraph (b), with the following language: "Ensure an effective response to each incident of workplace violence, including, without limitation, by ensuring staff who are trained to address such incidents are designated to be available to immediately assist in the response to such an incident without interruption of patient care."
10. In subsection 1, paragraph (e), replace the word "Provide" with "Offer."
13. In subsection 1, paragraph (i), delete the phrase "including, without limitation, each employee or independent contractor injured in the incident," and also replace the phrase "the cause" with "precipitating factors."
15. In subsection 3, insert at the end of this subsection in line 23, "including, without limitation, working in an isolated area, poor illumination or blocked visibility, and lack of physical barriers between employees and persons at risk of committing workplace violence."

In section 17:

16. Subsection 1, paragraph (d), add after "measures" in line 37 the phrase "as applicable" and delete in line 39 the word "must."
17. In subsection 1, paragraph (d), subparagraph (4) replace the phrase "including, without limitation" with the word "or."

In section 18:

20. Delete throughout the entire subsections 2, 3, and 4 the terms "former employee" and "former independent contractors," and also delete subsection 4(c).

In section 21:

23. Replace subsection 2 with the following language: For hospitals, as defined in NRS 449.012, and psychiatric hospitals, as defined in NRS [*Nevada Revised Statutes*] 449.0165, on July 1, 2020, for all other purposes."
24. Add a new subsection with the following language: For all medical facilities as defined in section 14 of this act and not described in subsection 2, on July 1, 2021, for all other purposes."

Chair Spiegel:

I would like to propose one additional conceptual amendment which includes the provision that this applies to businesses with 50 or more employees. Is there any discussion?

Assemblywoman Carlton:

Why would you only apply it to 50 or more employees?

Chair Spiegel:

Because of the expense to the businesses. We want to be sure businesses do not go out of business by complying with this. It will give an opportunity for businesses to develop and grow. We want to encourage our small businesses to grow.

Assemblywoman Carlton:

The employees who work for those small businesses will not have the same protections that are afforded the other employees in this bill.

Chair Spiegel:

It is looking at work places that can afford to hire employees.

Assemblywoman Carlton:

I will support the bill because I know most of the issues happen more at the hospital level, but I have concerns that we are creating a stratified protection system. There are ways to address issues for small employers, but I understand there is still work to be done on this.

Assemblyman Frierson:

I support the bill, but I do not know if there are medical facilities that have less than 50 employees. I would hate to make a distinction and set a precedent if it does not exist. I would like to look into that further to see if we are creating a layer that really does not do anything.

Chair Spiegel:

When I looked at the types of health care facilities that were covered in this bill, it included everything from the Mammovan, which was written out, to home nursing agencies. A person who has an agency in their home and is hiring nurses and practitioners would have been covered. We need to have businesses grow to a certain size to where these provisions would kick in. I agree that hospitals and skilled nursing facilities all have more than 50 employees. It would apply to places where it is needed the most. I agree with Assemblywoman Carlton that we want to make sure that all employees are safe.

Assemblyman Kramer:

I see this as an unfunded mandate and I will not be supporting it for that reason.

Assemblywoman Tolles:

In the information we received from the Nevada Hospital Association I see that we have one plan for safety that is being implemented and another proposed plan in this bill. There has been an attempt to bring the two together. We are not there yet. I still have questions about staff and infrastructure as it applies to section 14. I will vote yes, to see how those two can get closer, but if we cannot get there, I will change my vote.

Assemblyman McCurdy:

I will be abstaining at this time because I am the state political director for Service Employees International Union. I will vote on the floor if the Legislative Counsel determines there is not a conflict.

Assemblyman Edwards:

I appreciate that progress has been made, but I think there are still a couple problems with the impacts to the hospitals. I will vote no in Committee. If those can be rectified, I will vote yes on the floor.

Chair Spiegel:

I will entertain a motion to amend and do pass.

ASSEMBLYWOMAN JAUREGUI MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 348.

ASSEMBLYMAN DALY SECONDED THE MOTION.

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

I will assign the floor statement to Assemblywoman Gorelow. We will move to the work session on Assembly Bill 355.

**Assembly Bill 355: Establishing provisions governing the retention of certain workers.
(BDR 52-967)**

Patrick Ashton, Committee Policy Analyst:

[Read from ([Exhibit Q](#)).] Assembly Bill 355 requires a person who takes control of a grocery store to retain for a 90-day period certain workers from a list of eligible grocery workers provided by the person formerly in control of the grocery store. After this period, the successor grocery employer is required to consider offering continued employment to the eligible grocery workers who were retained for the 90-day period.

This bill also requires that a person who transfers control of a grocery store to post a public notice of the change in control, which must satisfy certain requirements. An eligible grocery worker has a cause of action for recovery against the former or new person in control of the grocery store for a violation of the provisions of this bill.

There were no amendments.

Chair Spiegel:

Are there any questions or discussion from the Committee?

Assemblyman Edwards:

I do not see where the government has the authority or jurisdiction to do this, so I will vote no.

Chair Spiegel:

I will entertain a motion to do pass.

ASSEMBLYWOMAN JAUREGUI MOVED TO DO PASS
ASSEMBLY BILL 355.

ASSEMBLYMAN McCURDY SECONDED THE MOTION.

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

I will assign the floor statement to Assemblywoman Martinez. We will move to the work session on Assembly Bill 364.

Assembly Bill 364: Revises provisions governing the transfer, title and sale of manufactured homes. (BDR 43-801)

Patrick Ashton, Committee Policy Analyst:

[Read from ([Exhibit R](#)).] Assembly Bill 364 revises provisions governing the transfer, title, and sale of manufactured homes. The bill authorizes the issuance of an ownership certificate by the Housing Division of the Department of Business and Industry to a person who is unable to provide satisfactory information of ownership for certain manufactured homes. To obtain such certificate, the person must file with the Division a bond in an amount equal to the value of the manufactured home and allow an inspection by the Division to determine compliance with certain safety standards. The bill also prevents any right of action against the Division for taking certain actions or failing to act in providing a certificate of ownership pursuant to that section.

This bill authorizes the owner or owners of certain manufactured homes to request from the Division a certificate of ownership in beneficiary form, which directs the Division to transfer the certificate of ownership to a designated beneficiary upon the owner's death. Finally, the bill removes the requirement that signatures on a transfer of title or the interest in certain manufactured homes be notarized.

Assemblyman Howard Watts III proposes to amend A.B. 364 as follows [page 3, ([Exhibit R](#)).]:

In section 2:

1. Remove the last sentence of subsection 2 requiring the Division to return the bond and any deposit accompanying it 3 years after it is filed with the Division.

2. Replace subsection 3, paragraph (c), with "In an amount equal to one and a half times the assessed value of the personal property, per the county assessor for the county in which the property is located."

In section 3:

3. Revise subsection 2 by requiring notarized signatures on the request of the owner or joint owners of a manufactured home, mobile home, or commercial coach.
4. Delete subsection 8, paragraph (b), that requires the surrender of an outstanding certificate of ownership in beneficiary form before the Housing Division may issue a new certificate of ownership for the manufactured home, mobile home, or commercial coach to the surviving owner or owners or, if none, to the beneficiary.

In section 4:

5. On page 5 of the bill, lines 28 through 30, revise this deletion to require a notarized signature of a seller or transferor on the certificate of ownership; and add a new section.

In a new section:

6. Authorize the Division to develop necessary regulations to carry out sections 2 and 3 of this act.

Chair Spiegel:

Are there any questions or discussion from the Committee?

Assemblyman Kramer:

For many years, I collected taxes on mobile homes like this and was involved many times with people who were trying to transfer a title. It was a very awkward process that sometimes seems like you could not get there because you could not reach people anymore. I am pleased to see this bill. It should make it easier for people who live in mobile home parks whose titles may still be in one of the original purchaser's name to get the records straight.

Chair Spiegel:

Are there any additional comments? Seeing none, I will take a motion to amend and do pass.

ASSEMBLYMAN DALY MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 364.

ASSEMBLYMAN McCURDY SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblyman Watts. We will move to the work session on Assembly Bill 383.

**Assembly Bill 383: Revises provisions relating to student education loans.
(BDR 55-880)**

Patrick Ashton, Committee Policy Analyst:

[Read from ([Exhibit S](#)).] Assembly Bill 383 revises provisions relating to student education loans. The bill establishes a new chapter governing the licensing and regulation of student loan servicers by the commissioner of the Division of Financial Institutions, Department of Business and Industry, and designates a student loan ombudsman within the Division who has certain powers and duties to assist student loan borrowers. The commissioner shall submit certain reports to the Legislature concerning the student loan ombudsman and the regulation of student loan servicers and adopt regulations necessary to carry out the provisions of the new chapter.

Assemblyman Howard Watts III proposes the following conceptual amendments to A.B. 383 [pages 2-4, ([Exhibit S](#))]:

1. Revise Section 11 to designate the student loan ombudsman within the College Savings Plans Program of the State Treasurer's office;
2. Revise section 12 and section 13 to remove "in consultation with the Commissioner";
3. After section 12, add a new section that allows the ombudsman to submit complaints to the Division of Financial Institutions, Department of Business and Industry, for investigation. The public may also submit complaints directly to the Division;
4. Revise section 14 to have the State Treasurer's office, instead of the Commissioner, compile a report, as specified in section 14;
5. After section 25, add a new section that specifies provisions for automatic issuance of a license for a federal student loan servicing contractor, as outlined in the attached conceptual amendments;
6. In section 10, broaden the definition of "student loan servicing" to align with federal definitions for servicing, as outlined in the attached conceptual amendments;
7. Do not delete section 19, as proposed in the attached conceptual amendments; and
8. Add Assemblymen Howard Watts III and William McCurdy II as cosponsors of this bill.

Chair Spiegel:

Are there any questions or discussion from the Committee?

Assemblyman Kramer:

I like this bill, but I wish it did not have a fiscal note. I would like the sponsor to consider an amendment that would include everything in here except the part that requires the fiscal note. I think there are some very good elements in this bill. I realize that is for another committee.

Assemblyman Frierson:

As Assemblyman Kramer addresses, we consider the policy and the fiscal impact will be considered by the Assembly Committee on Ways and Means.

Chair Spiegel:

I will accept a motion to amend and do pass.

ASSEMBLYWOMAN CARLTON MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 383.

ASSEMBLYMAN McCURDY SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblyman Watts. We will move to the work session on Assembly Bill 398.

**Assembly Bill 398: Revises provisions relating to commercial mortgage lending.
(BDR 54-1068)**

Patrick Ashton, Committee Policy Analyst:

[Read from ([Exhibit T](#)).] Assembly Bill 398 revises provisions relating to commercial mortgage lending. This bill exempts a commercial mortgage broker, who only brokers commercial mortgage loans, from the chapter governing mortgage brokers and mortgage agents. It also requires a person who claims an exemption as a commercial mortgage broker to obtain a certificate of exemption from the Commissioner of the Division of Mortgage Lending.

Assemblywoman Sandra Jauregui proposes the following amendments to A.B. 398 [page 2, ([Exhibit T](#))]:

1. Delete sections 1 through 4 of the bill; and
2. Revise this bill by exempting a wholesale lender that only funds or purchases commercial mortgage loans (as defined in *Nevada Revised Statutes* 645B.01356) from the chapter governing mortgage brokers and mortgage agents.

Chair Spiegel:

Are there any questions or discussion from the Committee? Seeing none, I will accept a motion to amend and do pass.

ASSEMBLYMAN FRIERSON MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 398.

ASSEMBLYWOMAN TOLLES SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblywoman Jauregui. We will move to the work session on Assembly Bill 432.

**Assembly Bill 432: Establishes provisions governing worker cooperative corporations.
(BDR 7-1026)**

Patrick Ashton, Committee Policy Analyst:

[Read from ([Exhibit U](#)).] Assembly Bill 432 establishes worker cooperative corporations in Nevada. The bill provides that a private corporation may elect to be governed as a worker cooperative corporation and establishes various requirements of articles of incorporation or bylaws that such a corporation must implement. Furthermore, A.B. 432 establishes provisions governing:

- Membership rights and responsibilities;
- Expulsion, suspension, or termination of a member as well as certain remedies for an expelled member;
- Qualifications and duties of directors;
- Member voting procedures; and
- Meetings and notice of such meetings.

The bill also authorizes a worker cooperative corporation to act as an internal capital account cooperative and allows the corporation to set up various accounts. A corporation may declare patronage dividends from net earnings and issue membership shares and other capital stock. Finally, the bill sets forth procedures on how a corporation may revoke its election to be governed as a worker cooperative corporation as well as provisions that allow the merger with another worker cooperative corporation, under certain circumstances.

Assemblyman Jason Frierson proposes to amend A.B. 432 [page 2, ([Exhibit U](#))] by adding a provision modeled after Chapter 78B, Benefit Corporations, of *Nevada Revised Statutes* authorizing the Board of Directors or the cooperative itself, in the discharge of their duties, to consider the impacts of any action upon: their shareholders, their employees and workforce, the interests of their customers, community and societal factors, the environment, and other factors. Also, add Assemblyman Assefa as cosponsor to the bill.

Chair Spiegel:

Are there any questions or comments from the Committee? Seeing none, I will accept a motion to amend and do pass.

ASSEMBLYWOMAN CARLTON MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 432.

ASSEMBLYMAN McCURDY SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblywoman Neal. We will move to the work session on Assembly Bill 453.

Assembly Bill 453: Revises provisions relating to the Board of Psychological Examiners. (BDR 54-934)

Patrick Ashton, Committee Policy Analyst:

[Read from ([Exhibit V](#)).] Assembly Bill 453 revises that certain provisions governing licensed psychologists also apply to registered psychological assistants, psychological interns, and psychological trainees. Specifically, the bill addresses certain recordkeeping and reporting requirements, disciplinary actions, and the submission of fees for initial registration. Furthermore, the bill revises the processing of complaints and disciplinary proceedings filed against a person practicing psychology, including the elimination of the express involvement of the Attorney General in this process.

The Board of Psychological Examiners is proposing amendments to A.B. 453 [pages 2-6, ([Exhibit V](#))], as outlined below.

In the *Nevada Revised Statutes* (NRS) chapter governing psychologists, behavior analysts, assistant behavior analysts, and autism behavior interventionists, amend the following sections:

1. Increase the number of Board of Psychological Examiners' members from six to seven. The additional member shall be a licensed psychologist for five years in Nevada who is a core faculty member at an American Psychological Association accredited doctoral program or internship site for the three years prior to the time of appointment;
2. Add the following fees or increase the maximum fees the Board may charge: The chart [page 1, ([Exhibit V](#))] shows the fees that are added or increased;
3. Revise the expedited licensure in this chapter by adding language that mirrors language passed in Senate Bill 69 of the 79th Session. In addition to the language as inserted from S.B. 69 of the 79th Session is the addition of "active" to the subsection.

This guarantees that an applicant holds an "active" license in an accepted jurisdiction and that it is not in an "inactive" or "retired" status; and

4. Revoke the requirement of newspaper postings as specified in NRS 641.243.

Chair Spiegel:

Are there any questions or comments from the Committee?

Assemblywoman Carlton:

I have a question about the proposed qualification for members of the Board of Psychological Examiners. It says, "One member who is a licensed psychologist for 5 years in Nevada that is a core faculty member at an APA [American Psychological Association] accredited doctoral program or internship site for the 3 years prior to the time of appointment" [page 3, ([Exhibit V](#))]. That is a pretty specific set of criteria for a board member, and I am wondering how many of these people exist in this state and would they actually serve on the Board? Was this designed for a certain person?

K. Neena Laxalt, representing Nevada State Board of Psychological Examiners:

I believe that the purpose of that is they wanted someone with an educational background that could provide some input as to training, education, and accreditation. I believe the Board is flexible about this requirement.

Assemblywoman Carlton:

I am not sure how many of these people exist. Are we setting a criteria that we are not going to be able to fill a board position? We have had that happen in the past where we tried to get specific expertise which is laudable, but sometimes you eliminate good people because they may meet a small component of the criteria. Why is it so specific?

Neena Laxalt:

We could change that the requirement from a "shall" to a "may" so it is open to that background for an appointee. I am making an executive decision at this point, but I am not sure it is worth holding the bill up for that. The main thing was to increase the Board to an uneven number so the voting is easier.

Assemblywoman Carlton:

We could do a "shall give preference to" and that way they have the opportunity to choose that person, but if there is not one available and another good person comes forward, they may appoint him or her. We have used that language in other instances. I would suggest to the Committee that we add "shall give preference to" to item (c) [page 3, ([Exhibit V](#))] of the proposed changes to NRS 641.041 by the Board of Psychological Examiners.

Wil Keane, Committee Counsel:

If I may suggest to do exactly what Assemblywoman Carlton said, so on the line we could say, "One member who, if possible, is a licensed psychologist." In that way, if it is possible, that is who would be appointed and if not possible, another member would be appointed.

Assemblyman Kramer:

This bill has us having another class of employee in the state of Nevada that is going to be licensed and registered and having to pay their fee. My feeling is if they work for someone who is licensed and it becomes a management problem, that manager needs to oversee the people who work for him. If he has people who are outside the lines, he should be the one hiring and firing and disciplining and it should not be going to a board. For that reason, I am a no on this bill.

Assemblywoman Carlton:

The Board's responsibility is to the public. Each individual licensee has their own scope of practice. A dentist and a dental hygienist each have totally separate licenses. One does not work under the other. They have their own provisions. Making sure that we have the right people in the state and ensuring that the public is protected is the Board's responsibility, not the employer's responsibility.

Neena Laxalt:

The new licensees were added to the Board last session. The provisions that allowed us to administer that did not go with it. This is bringing our statutes in line to oversee with discipline and all the rest when we got the behavioral analysts and all the rest into our boards.

Assemblywoman Tolles:

I wanted to point out that both the University of Nevada, Reno and the University of Nevada, Las Vegas are APA-accredited doctoral programs. There are about 26 pages of APA accredited doctoral programs and 36 pages with approximately a dozen institutions on each page of internship programs that would qualify. Hopefully, that will alleviate the concern about the supply of individuals who can meet that criteria.

Chair Spiegel:

I will accept a motion to amend and do pass.

ASSEMBLYWOMAN CARLTON MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 453.

ASSEMBLYWOMAN TOLLES SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN KRAMER VOTED NO.)

I will assign the floor statement to Assemblywoman Tolles. We will move to the work session on Assembly Bill 457.

Assembly Bill 457: Revises provisions governing chiropractic physicians and chiropractor's assistants. (BDR 54-933)

Patrick Ashton, Committee Policy Analyst:

[Read from ([Exhibit W](#)).] Assembly Bill 457 revises various provisions related to the practice of chiropractic. The bill removes the requirement that a chiropractic license applicant shall complete certain transactions with the Chiropractic Physicians' Board 60 days in advance to the date of his or her licensing examination but prohibits an applicant from taking the licensing examination until the Board determines that his or her application is complete. In addition, an applicant, who may perform chiropractic under certain conditions while waiting for the licensing examination, shall not practice in such manner longer than 90 days. [Continued to read from [Exhibit W](#).]

The Chiropractic Physicians' Board of Nevada proposes the following amendments see also pages 3-19, ([Exhibit W](#)). Only sections 2, 3, and 7 are actually amended, as well as the new section on page 17 of ([Exhibit W](#)).

1. In section 2, specify that applications for examination must be filed with the secretary of the Board on a form furnished by the executive director, rather than the secretary.
2. In section 3, require an applicant to furnish evidence that he or she has successfully completed certain parts of the examination administered by the National Board of Chiropractic Examiners, or their equivalent, or has successfully completed an exit examination administered by a chiropractic college accredited by the Council on Chiropractic Education whose examination is approved by the Board;
3. In section 7, specify that an applicant to have an expired license reinstated to active status must score at least 75 percent or higher on a closed book examination or 90 percent or higher on an open book examination prescribed by the Board.
4. Add a new section to modify *Nevada Revised Statutes* 634.115 to allow an applicant for a temporary license to apply with the executive director, rather than the Board secretary.

Chair Spiegel:

Are there any questions or discussion from the Committee? Seeing none, I will call for a motion to amend and do pass.

ASSEMBLYMAN YEAGER MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 457.

ASSEMBLYMAN FRIERSON SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYWOMAN CARLTON VOTED NO.)

I will assign the floor statement to Assemblyman Edwards. We will move to the work session on Assembly Bill 472.

Assembly Bill 472: Revises provisions relating to insurance coverage of maternity and pediatric care. (BDR 57-812)

Patrick Ashton, Committee Policy Analyst:

[Read from ([Exhibit X](#)).] Assembly Bill 472 revises provisions relating to insurance coverage of maternity and pediatric care. Specifically, this bill prohibits a health insurance provider from certain discriminatory actions concerning a covered mother, her newborn infant, or an attending health care provider based on the circumstances of conception. These provisions apply to any health insurance that includes coverage for maternity and pediatric care as well as Medicaid and any insurance provided by state and local governments for their employees.

Kim Surratt, Nevada Justice Association, proposes the following conceptual amendments to Assembly Bill 472 [pages 2-3, ([Exhibit X](#)):

1. Replace the language in sections 1, 3, 4, 6, 7, 8, and 11 with the following: "An insurer that offers or issues a policy of health insurance that includes coverage for maternity care shall not deny, limit or seek reimbursement for maternity care based on the covered person acting as a gestational carrier as defined in *Nevada Revised Statutes* (NRS) 126.580. In the case of a child born from a gestational carrier, the child is considered a dependent of the Intended Parents as defined in NRS 126.590." Please also see the special note on the work session document.
2. Remove section 13 of this bill, which removes the application of this bill's provisions from the governing body of any county, other local government agency, municipal corporation, political subdivision, public corporation, or school district of the State of Nevada.
3. Remove section 15 so that this bill's provisions no longer apply to Medicaid.
4. In section 17, change the effective date from July 1, 2019, to January 1, 2020.

Chair Spiegel:

Are there any questions or comments from the Committee?

Assemblywoman Carlton:

I remember fighting for care after a baby was born—fighting for days off and maternity coverage. I know the Chair has fought for mothers to be able to breastfeed in comfort at their workplace. Every session we come forward and do more for moms and children. I am so thrilled that we have gotten this far and I appreciate the work the people who care have done on this issue. I am so pleased that we have evolved to this level and I am happy to be able to support this bill.

Chair Spiegel:

I will accept a motion to amend and do pass.

ASSEMBLYWOMAN CARLTON MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 472.

ASSEMBLYWOMAN MARTINEZ SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblywoman Martinez. We will now move to the work session on Assembly Bill 477.

Assembly Bill 477: Enacts provisions governing the accrual of interest in certain consumer form contracts. (BDR 8-935)

Patrick Ashton, Committee Policy Analyst:

[Read from ([Exhibit Y](#)).] Assembly Bill 477 sets forth various limitations on the accrual of interest in certain consumer form contracts and the collection of attorney fees in any action for collection of a consumer debt by a business.

Finally, various bill provisions specify when a consumer form contract is void or prohibit the inclusion of certain provisions in such contracts. Furthermore, a business is prohibited from using consumer form contracts if it is not in compliance with this bill's provisions.

The Coalition of Legal Service Providers, represented by Bailey Bortolin and Jennifer Jeans, propose the following amendments to A.B. 477 [pages 3-6, ([Exhibit Y](#))].

1. Replace section 8 as outlined in the bill page [page 1, ([Exhibit Y](#))]. The intent is to clarify that business-to-business transactions shall not be affected by this bill and to address a problem in interpretation, as further explained in the attached amendments.
2. In section 10, delete the phrase, "Except as otherwise provided in section 9 of this act." The intent is to exempt a business, as specified in section 9, from the provisions of this chapter.
3. At the beginning of section 11, insert at the end of the sentence the phrase "with a person operating within this State." The intent is to clarify that Nevada persons, who sell goods or services to Nevada consumers, cannot circumvent this law by either requiring that another state's laws apply or requiring that the parties adjudicate their claims in a foreign jurisdiction.
4. In subsection 3 of section 13, replace the phrase "if applicable" with "unless the consumer agrees to an alternative dispute resolution such as binding arbitration." The intent is to clarify that the consumer and person providing goods or services can agree

- to alternative dispute resolution such as binding arbitration instead of resorting to a civil action.
5. In section 14, delete lines 33 through 35 and replace with "A provision in a consumer form contract that violates this chapter shall be void and unenforceable."
 6. In section 15 replace the phrase "credit transaction" with "form contract." The intent is to make conforming changes based upon the amendment to section 8 regarding the definition of "consumer form contract."
 7. Delete section 16. The intent is to remove any limitations on the cause of action a creditor may assert against a consumer in a civil action to recover after a breach of a consumer form contract.
 8. In section 19, delete the sentence "In the alternative, at the debtor's election, a prevailing debtor must be awarded the amount of attorney's fees that the plaintiff would have been entitled to collect if the plaintiff had been the prevailing party." The intent of this deletion is to clarify that if the consumer debtor is the prevailing party, they are entitled to recovery of their reasonable attorney's fees.

Chair Spiegel:

Are there any questions or comments from the Committee? Seeing none, I will accept a motion to amend and do pass.

ASSEMBLYWOMAN CARLTON MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 477.

ASSEMBLYMAN FRIERSON SECONDED THE MOTION.

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

I will assign the floor statement to Assemblyman McCurdy. We will now consider the work session on Assembly Bill 492.

**Assembly Bill 492: Revises provisions governing industrial insurance benefits.
(BDR 53-709)**

Patrick Ashton, Committee Policy Analyst:

[Read from ([Exhibit Z](#)).] Assembly Bill 492 provides that, under circumstances involving the witnessing or participation in certain traumatic events, posttraumatic stress disorder suffered by a first responder is a compensable occupational disease. Under these circumstances, existing provisions of law requiring that a mental injury be caused by extreme stress in time of danger in order to be considered a compensable injury or disease do not apply. First responders suffering from posttraumatic stress disorder are also exempted from

provisions involving certain claims for stress governing payment of temporary total and permanent partial disability compensation benefits.

Todd Ingalsbee, Professional Firefighters of Nevada, proposes the following amendment to A.B. 492 [page 2, ([Exhibit Z](#))]:

In section 1, subsection 1, paragraph (c) add the following phrase at the end of the sentence "including but not limited to."

Chair Spiegel:

Are there any questions or comments from the Committee?

Assemblywoman Carlton:

I am trying to understand this bill.

Thomas Dunn, District Vice President, Professional Fire Fighters of Nevada:

There is no change to the bill that was originally heard. The dispatchers are still included in it. What we were attempting to do with the amendment is provide clarification based on our conversations with the sponsors and the Committee's concerns during the hearing about if we have a list, we need to make sure it is not immediately limiting in nature. The five words added at end of paragraph (c) will provide the needed clarification.

Assemblywoman Carlton:

Thank you for the clarification.

Wil Keane, Committee Counsel:

As I would see the language, the last clause of section 1, subsection 1, paragraph (c) would read: "due to one or more of the following traumatic events including but not limited to:" Then it would go to the words in the bill which lists events beginning on page 2, line 20. That way the events that are listed would all be events that would be considered to be traumatic events, but it opens the possibility for other events to also be a traumatic event.

Chair Spiegel:

Are there any additional comments or questions?

Assemblyman Kramer:

I see this as an unfunded mandate to the counties and will, therefore, be voting against it.

Chair Spiegel:

I will accept a motion to amend and do pass.

ASSEMBLYWOMAN CARLTON MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 492.

ASSEMBLYMAN McCURDY SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN KRAMER VOTED NO.)

I will assign the floor statement to Assemblywoman Jauregui. We will move to the work session on Assembly Bill 77.

Assembly Bill 77: Makes various changes to provisions governing the practice of optometry. (BDR 54-366)

Patrick Ashton, Committee Policy Analyst:

[Read from ([Exhibit AA](#)).] Assembly Bill 77 makes various changes to provisions governing the practice of optometry and the Nevada State Board of Optometry and revises various circumstances under which a person is exempt from the chapter governing the practice of optometry. Specifically, this bill expands the acts that constitute the practice of optometry to include certain surgical procedures on or around the eye. The bill also revises provisions governing the administering and prescribing of a pharmaceutical agent and controlled substance by an optometrist and authorizes an optometrist's assistant, under supervision, to fit ophthalmic lenses or spectacle lenses and perform certain other activities. The bill sets forth the requirements for the issuance of a certificate to own or operate a mobile optometry clinic.

The bill makes various changes to the provisions governing the Board of Optometry, including, but not limited to:

- The Board's financial transactions;
- Requirements for duplicating, issuing, renewing, or restoring licenses and certain registrations or glaucoma certificates;
- Means of communication with licensees the Board is authorized to use;
- Complaint and disciplinary actions, as well as certain penalties;
- Fees charged by the Board; and
- Certain powers and duties of the Board.

The Board of Optometry proposes to amend A.B. 77 [pages 4-72, ([Exhibit AA](#))]. I will only highlight several amendments:

3. In section 4, clarify certain provisions related to mobile optometry clinics.
6. Revise section 10 related to the acts that constitute the practice of optometry, reinstating the majority of the language in subsection 1, paragraph (b) of the original version of *Nevada Revised Statutes* 636.025, further clarifying the

provisions of paragraph (f) related to the fitting of contact lenses and specifying the implements and methods that may not be used by an optometrist.

9. In section 20, specify new maximum fees for examinations, applications for the issuance of a one year license, renewal of a license, granting certification or issuing certificates, licensing of extended clinical facilities and other practice locations, individually verifying licensure or disciplinary statutes, late fees, or any other services provided by the Board.
15. In section 42, clarify the acts that constitute sufficient cause for disciplinary action, specifically those acts in violation of state and federal law.
26. Add a new section allowing the Board to issue a certificate to treat persons diagnosed with glaucoma by endorsement, under certain circumstances.

Chair Spiegel:

Are there any questions from the Committee?

Assemblywoman Carlton:

I notice they are going to a two-year fee structure. That has worked for some boards and not for others. I have concerns about that. One of the components of that fee structure is that they are going to be due in February. I do not see a prorating system for a person who comes in midyear and would have their renewal due at the same time. I see there is going to be a licensing charge for the mobile vans. I also see that it has changed to government agencies and nonprofits. Will the community groups be charged a licensing fee? In the mock-up [page 35, ([Exhibit AA](#))] I see *Nevada Revised Statutes* Chapter 89 cited and it appears to me that the Board is trying to regulate the actual businesses of optometry. Boards do not typically regulate business, they regulate people and licensees. Those are the top three concerns of many I have about this bill.

Caren C. Jenkins, Executive Director, Nevada State Board of Optometry:

Initially the proposal was to have license fees prorated quarterly. By having the maximum fee outlined in statute, the Board would have the ability to prorate those licenses through regulation or Board action. It is the intention of the Board to do that. You will see in the most recent version of the bill that we allow for a one-year licensure if it is not a new applicant. A reinstated optometrist would pay for one year rather than two years if he or she is coming to licensure in the middle of the two-year period.

With regard to mobile optometry, the owners and operators would not be required to register their mobile clinic with the Board unless they were providing optometric services. Vision screenings, handing out glasses, et cetera, is not the practice of optometry and would not come under the jurisdiction of our Board. The Board has expressed concerns about the quality of facilities that may be traveling about and their compliance with sanitation and health standards as well as the quality of care. Any mobile clinic that offers optometric services would need to obtain a certificate to provide optometric services through a mobile

clinic. The cost of that certificate has not yet been determined and would be set in regulatory hearings, but it is included in the fees in section 20 not to exceed \$1,000.

Nevada Revised Statutes Chapter 89 regards professional entities. The Office of the Secretary of State has a program in which people who are licensed to perform a particular service may tie their business entity to their licensure. If the licensure is no longer valid, the business entity is no longer able to operate. The Board had intended for the businesses to be under a professional entity because only an optometrist may own any portion of an optometry practice. A corporation is not required to disclose the names and status of the shareholders, but a professional corporation is. The advent of the corporate practice of optometry in our practice area has become a very large problem with the growth of our state and with the influence of corporate bottom line interests over the provision of quality health care. Therefore, an optometrist who may be practicing with a corporate retail entity must own any optometry practice affiliated with a large scale retailer.

Assemblywoman Carlton:

How many people in this state will that actually affect? Is there a problem we are trying to fix?

Caren Jenkins:

In the last year, the Board has addressed five entities whose ownership was reported to the Board as not in compliance with the requirement that only optometrists own optometry practices.

Assemblywoman Carlton:

So by passing this, we would put those businesses out of business?

Caren Jenkins:

No, certainly not. Our petition for conversion, to convert a corporation to a professional corporation, a limited liability company to a professional limited liability company, or a limited liability partnership to a professional limited liability partnership, is already provided for in the law. It is a simple process and it does not change any tax implication, as I understand it; the fee to convert is a one-time fee of \$350. It does require that any owner in the entity be identified as licensees.

Assemblywoman Carlton:

I have concerns about that. We have had many discussions about the practice of corporate medicine in this state and people are starting to lean towards that because we have professionals who do not want to have to own their own practice. They would rather work for someone else and not have to do the paperwork. I believe this would limit their choices as to how they would want to practice. I would have some concerns about that and if there are people doing it now, I am not sure what those adverse impacts could be.

Regarding the mobile van licensure, in reading the language, a certified mobile optometry clinic may only serve government agencies, patients with mobility impairments, underserved

populations, underprivileged populations, and academic programs. Who will not be able to have a mobile van anymore and who are you trying to eliminate?

Caren Jenkins:

We are only trying to regulate the facilities and the practices within which optometrists practice.

Assemblywoman Carlton:

My question is who will not be able to do this? We have the Lions Club doing these types of things. I am not sure who they serve. What solution is this problem in search of?

Caren Jenkins:

The intent is not to limit the services that are provided or who can provide them, but to focus those optometric services on people who cannot get to an office so we can take the doctor to the person—rural areas and underserved populations that are provided for there. The Board has found it to be more reasonable to regulate optometrists who are in a fixed location because we may need to know where the clinic was and perhaps who the doctor may have been.

Assemblywoman Carlton:

They are all good answers but I do not agree with you. I see this as possibly having an adverse impact that we will not be able to fix. There is too much in here that I cannot go along with. I think there is a lot more work that needs to be done. I am afraid we are going to be putting some people out of business who may not be aware of what you are proposing. It almost sounds like you are getting into the business of protecting certain businesses and licensees and not allowing other licensees to operate in the way they normally would, as we heard in some of the other professions who came in on the discussion about the lenses and being able to make copies. I have some concerns and was not able to get the depth of the knowledge on what the consequence of some of these proposals might be. I am not sure that I could support it today.

Chair Spiegel:

Are there other questions or concerns? Seeing none, I will entertain a motion to amend and do pass.

ASSEMBLYMAN EDWARDS MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 77.

ASSEMBLYMAN YEAGER SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYWOMAN CARLTON VOTED NO.)

I will assign the floor statement to Assemblyman Edwards. We will move to the work session on Assembly Bill 170.

**Assembly Bill 170: Revises provisions relating to health insurance coverage.
(BDR 57-278)**

Patrick Ashton, Committee Policy Analyst:

[Read from ([Exhibit BB](#)).] Assembly Bill 170 revises provisions relating to health insurance coverage and requires a health insurance carrier that offers a health benefit plan with a defined network of medical care providers to authorize a covered service for an insured from an out-of-network provider. This requirement applies if the insured is unable to obtain the covered service from an in-network provider within 25 miles of his or her residence and within 30 days of requesting the service. Upon receiving an insured's request to authorize a covered service from an out-of-network provider, the health carrier may assist the insured to schedule an appointment for the same service from an in-network provider within one business day. If unsuccessful, the insured shall obtain the covered service from the out-of-network provider under the same conditions and with the same coverage as if the out-of-network provider is part of the network.

Assemblywoman Ellen Spiegel proposes the following amendments to this bill, which I will summarize:

1. Replace section 4, pages 2 through 4, with these four bullet point items:
 - Require every health carrier that provides a health benefit plan through a network plan to provide to the Office for Consumer Health Assistance (OCHA) of the Department of Health and Human Services the contact information for a person or office who is the Navigator/Case Manager/Facilitator.
 - Require OCHA to assist consumers in: (1) accessing the Navigators/Case Managers/Facilitators for their applicable health carriers; and (2) scheduling a timely appointment with an in-network provider.
 - Require OCHA to collect the certain data which can be seen on the bill page.
 - Authorize OCHA to provide consumers with information on and assistance with filing complaints.
2. Revise sections 7 through 35 to mirror the language in sections 1 through 29 of Senate Bill 235 after Senate Bill 235 is amended to reflect the consensus language adopted by the Senate Committee on Health and Human Services.

Chair Spiegel:

Are there any questions or comments from the Committee? Seeing none, I will accept a motion to amend and do pass.

ASSEMBLYWOMAN NEAL MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 170.

ASSEMBLYWOMAN JAUREGUI SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

I will take the floor statement.

I will open for public comment? Seeing none, we are in recess [at 3:36 p.m.].

Chair Spiegel:

The meeting is reconvened [at 3:50 p.m.].

The meeting is adjourned [at 3:50 p.m.].

RESPECTFULLY SUBMITTED:

Earlene Miller
Committee Secretary

APPROVED BY:

Assemblywoman Ellen B. Spiegel, Chair

EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is a proposed amendment to [Assembly Bill 360](#) submitted by Assemblywoman Dina Neal, Assembly District No. 7, and presented by Marcus Conklin, representing Security Finance.

[Exhibit D](#) is a document titled, "A Resolution Promoting the Enactment of Definitions for Safe and Affordable Lending Products and Services," submitted by Assemblywoman Dina Neal, Assembly District No. 7.

[Exhibit E](#) is a document titled, "A Resolution Promoting Safe and Affordable Lending Practices," submitted by Assemblywoman Dina Neal, Assembly District No. 7.

[Exhibit F](#) is a resolution titled, "Promoting Safe and Affordable Lending Practices" submitted by Assemblywoman Dina Neal, Assembly District No. 7.

[Exhibit G](#) is a letter dated April 11, 2019, in support of [Assembly Bill 360](#), to Chair Ellen Spiegel, authored by Danielle Fagre Arlowe, Senior Vice President, State Government Affairs, American Financial Services Association.

[Exhibit H](#) is a letter dated April 11, 2019, in support of [Assembly Bill 360](#), to Chair Spiegel and Members of the Assembly Committee on Commerce and Labor, authored by Brad Noel, President, National Installment Lenders Association.

[Exhibit I](#) is the Work Session Document for [Assembly Bill 27](#), presented by Patrick Ashton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit J](#) is the Work Session Document for [Assembly Bill 132](#), presented by Patrick Ashton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit K](#) is the Work Session Document for [Assembly Bill 128](#), presented by Patrick Ashton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit L](#) is the Work Session Document for [Assembly Bill 185](#), presented by Patrick Ashton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit M](#) is the Work Session Document for [Assembly Bill 204](#), presented by Patrick Ashton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit N](#) is the Work Session Document for [Assembly Bill 271](#), presented by Patrick Ashton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit O](#) is the Work Session Document for [Assembly Bill 290](#), presented by Patrick Ashton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit P](#) is the Work Session Document for [Assembly Bill 348](#), presented by Patrick Ashton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit Q](#) is the Work Session Document for [Assembly Bill 355](#), presented by Patrick Ashton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit R](#) is the Work Session Document for [Assembly Bill 364](#), presented by Patrick Ashton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit S](#) is the Work Session Document for [Assembly Bill 383](#), presented by Patrick Ashton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit T](#) is the Work Session Document for [Assembly Bill 398](#), presented by Patrick Ashton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit U](#) is the Work Session Document for [Assembly Bill 432](#), presented by Patrick Ashton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit V](#) is the Work Session Document for [Assembly Bill 453](#), presented by Patrick Ashton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit W](#) is the Work Session Document for [Assembly Bill 457](#), presented by Patrick Ashton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit X](#) is the Work Session Document for [Assembly Bill 472](#), presented by Patrick Ashton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit Y](#) is the Work Session Document for [Assembly Bill 477](#), presented by Patrick Ashton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit Z](#) is the Work Session Document for [Assembly Bill 492](#), presented by Patrick Ashton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit AA](#) is the Work Session Document for [Assembly Bill 77](#), presented by Patrick Ashton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit BB](#) is the Work Session Document for [Assembly Bill 170](#), presented by Patrick Ashton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.