

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

**Eightieth Session
April 11, 2019**

The Senate Committee on Commerce and Labor was called to order by Chair Pat Spearman at 5:27 p.m. on Thursday, April 11, 2019, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Pat Spearman, Chair
Senator Marilyn Dondero Loop, Vice Chair
Senator Nicole J. Cannizzaro
Senator Chris Brooks
Senator Joseph P. Hardy
Senator James A. Settelmeyer
Senator Heidi Seevers Gansert

GUEST LEGISLATORS PRESENT:

Senator Yvanna D. Cancela, Senatorial District No. 10
Senator David R. Parks, Senatorial District No. 7
Senator Joyce Woodhouse, Senatorial District No. 5

STAFF MEMBERS PRESENT:

Cesar Melgarejo, Committee Policy Analyst
Bryan Fernley, Committee Counsel
Jennifer Richardson, Committee Secretary

OTHERS PRESENT:

James Kemp, Nevada Justice Association
Ann Silver, Chief Executive Officer, Reno and Sparks Chamber of Commerce
Brian Walker, Retail Association of Nevada
Paul Enos, Nevada Trucking Association

Senate Committee on Commerce and Labor
April 11, 2019
Page 2

Barry Gold, AARP Nevada
Natalie Hernandez, Time to Care Nevada
Jose Macias, Make the Road Nevada
Hawah Ahmad, Silver State Government Relations
Jocelyn Diaz, NARAL Pro-Choice Nevada
Lindsay Knox, REMSA; C & S Waste Solutions
Bob Ostrovsky, Nevada Resort Association
Paul Moradkhan, Las Vegas Metro Chamber of Commerce
Gary Milliken, Nevada Contractors Association
Amber Stidham, Henderson Chamber of Commerce
Kerrie Kramer, International Market Centers Inc.
Jon Leleu, NAIOP Northern Nevada Chapter; NAIOP Southern Nevada Chapter
Randi Thompson, National Federation of Independent Business
Warren B. Hardy II, Nevada Restaurant Association
Heidi Parker, Executive Director, Immunize Nevada
Cassidy Wilson, Southern Nevada Home Builders Association
Andrew MacKay, Nevada Franchised Auto Dealers Association
Jared Busker, Children's Advocacy Alliance
Christine Saunders, Progressive Leadership Alliance of Nevada
Izzy Youngs, Nevada Women's Lobby
Bianca Balderas, Make the Road Nevada
Maria-Teresa Liebermann, Battle Born Progress
LaLo Montoya, Make the Road Nevada
Tom Dunn, Professional Firefighters of Nevada
Susan Fisher, Board of Oriental Medicine
Neena Laxalt, Board of Physical Therapy Examiners

CHAIR SPEARMAN:

We will open the hearing on Senate Bill (S.B.) 312.

SENATE BILL 312: Requires an employer in private employment to provide paid sick leave to employees under certain circumstances. (BDR 53-888)

SENATOR JOYCE WOODHOUSE (Senatorial District No. 5):

I am presenting S.B. 312 which requires an employer to provide paid leave to his or her employees. Paid leave is critical to the economic security of working families. The public increasingly recognizes this necessity. Many families do not have access to this basic workplace standard.

Those who argue against paid leave state it will make it harder to remain competitive and to hire new employees. However, paid leave means that employees no longer have to choose between going to work sick and forgoing income. Keeping sick workers at home prevents the spread of illness and improves public health.

Ninety percent of food workers went to work when they were sick. Fifty percent of food workers state they always or frequently work while sick. Of those who worked while sick, 50 percent reported they went to work sick because they could not afford to lose their pay. A report from the Centers for Disease Control and Prevention illustrates how risky working while sick can be. One worker in Michigan infected over 100 customers at a sandwich shop when he came to work sick with norovirus.

The lack of paid leave puts strain on the healthcare system and drives up the cost. Those without paid leave are twice as likely to use hospital emergency rooms or send sick children to school or daycare. According to the U.S. Department of Labor, workers without paid time off are more likely than workers with paid time off to be injured on the job. This applies to those employed in health care, supporting operations, construction and production.

Businesses profit from healthier employees and low turnover. According to the National Conference of State Legislatures, 11 states and Washington D.C. have laws requiring paid sick leave for some employees. Connecticut adopted the first such law in 2011. Michigan adopted these laws in December 2018. Paid time off laws vary in the number of days provided and the characteristics of the employers covered by them.

Policies that give workers paid time off are not job killers. In 2014, the Center for Economic and Policy Research reported on Connecticut employer's experience with the paid sick leave law after it went into effect. Survey results confirm that the law had a modest impact on businesses. This was contrary to fears expressed prior to the passage of the legislation.

Relatively few employers reported abuse of the new law. Many noted positive benefits such as improved morale and a reduction in the spread of illnesses at work. Of those employers surveyed, 66 percent reported no increase in cost or an increase of less than 2 percent. Twelve percent did not know how much it cost. This indicates if there were a cost, it was manageable.

More than 75 percent of surveyed employers expressed support for the earned paid leave law. Connecticut's experience does not support the doom and gloom scenarios often heard from opponents of paid leave. With more states adding this benefit each year, it is a trend that has gained acceptance and support in all levels of society.

Our proposed amendment ([Exhibit C](#)) addresses the major components of the bill. I will explain this proposed amendment. Regarding leave earned, employees would earn a total of 40 hours per year of paid leave. The bill addresses the rate of pay for which employees are compensated at the time the leave is taken.

The proposed amendment provides that salaried employees earn the same 40 hours per week they would otherwise work throughout the year. The salary includes earned bonuses, but it does not include discretionary bonuses, overtime, hazard pay rates, holiday pay or tips. The hourly wage would be based on regular base wage per hour.

Hourly employees earn the same hourly rate for leave that they are paid by the employer. Accrual of unused time would either be earned up front at the beginning of the year, or it may be accrued by the employee over the course of the year. If the employer chooses to allow for accrual over the course of the year, the proposed amendment allows for a cap of unused paid leave, and the unused paid leave may be carried over to the next year.

The proposed amendment addresses the limits on the amount of time that may be used. An employee may be limited to 40 hours per year of paid time off if an employer chooses. With regard to compensation for unused time, employers do not need to pay employees for unused accrued leave when they are no longer employed. An employee may be paid for any unused time at the employer's discretion.

An employee rehired within 90 days must have his or her unused leave hours reinstated unless the employee quit voluntarily. There is no change from the original bill in regard to the provisionary waiting period. Employees can start using accrued leave after 90 days of employment.

The proposed amendment simplifies the use of paid leave by changing paid sick leave into paid time off. An employee is not required to provide a reason for using paid time off. The proposed amendment clarifies that an employee should

give notice as soon as practicable for the use of the leave. The proposed amendment changes the limit of paid leave an employee is required to use from two-hour blocks to four-hour blocks.

The employer shall not deny the use of accrued paid leave, require an employee to find a replacement or retaliate against an employee for using paid leave. The Office of Labor Commissioner (OLC) of the Department of Business and Industry shall enforce these provisions. Violations are estimated with a penalty of up to \$5,000.

Measures in the bill include provisions relating to the maintenance of leave records. The proposed amendment changes the period that the employer must maintain records pertaining to the accrual and use of paid leave from three years to one year.

The bill includes a number of exemptions. In the proposed amendment, the law would not apply to employers who provide at least 40 hours of paid leave under a collective bargaining agreement or arrangement. It would not apply to temporary or seasonal workers or to employers who already provide at least 40 hours of paid leave per year per employee.

The proposed amendment changes the definition of the word "employer" for the purpose of applicability to mean 50 or more employees rather than 25 or more employees. It provides that small businesses falling within these provisions would be exempt for the first two years of operations and allows employers to use their current pay system to provide the accounting of earned and used leave on a monthly basis.

We have had several large meetings with stakeholders on this issue.

JAMES KEMP (Nevada Justice Association):

I am presenting S.B. 312 with Senator Woodhouse. This bill is good public policy for both employers and employees. It will set commonsense rules for providing a basic level of paid leave for employees. This bill benefits older workers who have doctor appointments, a death in the family, assisting workers with chronic health conditions, providing for injured workers who need time off for physical therapy and supporting people on the Family and Medical Leave Act (FMLA).

To address questions about how this bill will interact with other laws, the bill specifies that if you have a collective bargaining agreement that provides 40 hours or more of paid leave, the collective bargaining agreement is exempt from this bill. This bill is compatible with the FMLA and matches the 50 employee limit in that regulation.

Nevada Revised Statutes (NRS) 613.330 provides people with disabilities accommodations for short-term leave in compliance with the Americans with Disabilities Act. Paid leave outlined in this bill can provide for some of that short-term disability leave under this provision.

Enforcement will be conducted by the OLC. Pursuant to NRS 608.180, the remedies under NRS 608.195 provide for misdemeanor criminal violations and a \$5,000 fine. The OLC has the authority to enforce this through their administrative hearing process per NRS 607.205. The OLC has the ability to enact regulations to fill gaps or address unforeseen issues that may arise under NRS 607.160. The OLC may enforce any order they make under their authority through the Office of the Attorney General (OAG). The OAG can appoint special counsel under NRS 608.195.

This bill is a good step for Nevada workers and employees.

SENATOR SETTELMAYER:

There are rules regarding truckers who are paid per road mile. Is there a way to address that so we do not have to define it in statute? How does the bill address people who are not salaried and who are not paid by the hour?

MR. KEMP:

The employer may choose how to implement those hours. They can be granted on a calendar date, even though employees are paid a piece rate or by miles. The employer may choose to grant all 40 hours on a given date. For example, they can use January 1st, the one year anniversary of the employee's hire date or the first day of the fiscal year. If the employer did not want to grant 40 hours at one time, they can allow the hours to accrue. Typically, the most used model is accrual over time.

SENATOR SEEVERS GANSERT:

How do part-time workers accrue paid time off? Do all workers acquire 40 hours? How do employees carry over unused hours from one year to the next when the employer implements the 40 hour cap?

MR. KEMP:

This bill does not address part-time workers. The employer may choose to give part-time workers paid time off, but it is not required. The initial bill called for an accrual of hours based on the number of hours worked. The amendment is less clear on that issue. That can be clarified in regard to part-time workers.

An employee cannot use paid leave until after 90 days of employment regardless of how the hours are granted. After the employee consumes the hours, they will begin to accrue until they reach a maximum of 40. With the way the bill is drafted, the employee could not have more than 40 hours at any given time.

SENATOR SEEVERS GANSERT:

In the scenario where an employer grants 40 hours upfront, how does an employer recover losses when an employee consumes all 40 hours but leaves employment before the year is finished?

MR. KEMP:

That is not covered by the bill. The employee has the hours to use. If the employee left after 6 months, they keep the value of what they have used. They do not keep any hours that are unused unless they return to work within 90 days. The bill provides for them to recapture those hours.

SENATOR SEEVERS GANSERT:

Employers will have to decide how to address that; they may implement minimum requirements.

MR. KEMP:

The employer may choose to implement hours on an accrual basis. If they choose the annual method and find that it does not work for them, they could choose to have people accrue hours over time to avoid that problem. That would be the employer's option.

ANN SILVER (Chief Executive Officer, Reno and Sparks Chamber of Commerce):
We support S.B. 312. I will read a prepared statement ([Exhibit D](#)).

BRIAN WALKER (Retail Association of Nevada):
We support S.B. 312. The retail industry represents one in five jobs in Nevada making us one of the largest employment sectors in the State. Paid time off is something our employees should have access to. The amendment brings the bill into the twenty-first century by allowing for personal time off as opposed to sick time off. Employees are in control as to why they take time off. This bill allows for more flexibility and availability for employees to decide when to take a day and for what reason.

PAUL ENOS (Nevada Trucking Association):
We support S.B. 312. We agree with the statements from Ms. Silver and Mr. Walker.

BARRY GOLD (AARP Nevada):
We support S.B. 312. Paid time off for employees who care for their loved ones is critical for employee productivity and job retention. Nevada has 350,000 caregivers who provide unpaid care for their loved ones; 60 percent of those giving care work full or part-time jobs. Many of them struggle between working their jobs and providing caregiving needs. By providing paid time off, employees no longer have to choose between losing their jobs, losing their income or caring for their aging parents or disabled children.

NATALIE HERNANDEZ (Time to Care Nevada):
We support S.B. 312. I will read from a prepared statement ([Exhibit E](#)).

JOSE MACIAS (Make the Road Nevada):
We support S.B. 312. Every worker deserves to be healthy in order to provide the best service they can at their job. Passing this bill is meaningful to many families.

If earned paid sick leave existed today, my mother would still be alive. My mother was a loyal employee earning minimum wage for over a decade at an event maintenance company. She feared getting sick. Taking the day off work was not an option for her.

One day my mother, Tomasita, started to feel sick. As the day passed, her sickness progressed. She had no choice but to hope the illness would pass. On May 6, 2014 she went to work. That was the last time I hugged my mom goodbye.

Later that day, my mother suffered from a stroke and collapsed while cleaning toilets at the Sands Expo and Convention Center. I know in my heart that her death could have been prevented if she had the choice to prioritize her health over her job.

My mother, Tomasita, dismissed every pain she had because we did not have enough money to pay our bills or have food on the table. My dad was laid off of work. My mother embodied the strong matriarch support our family desperately needed. She could not take time off work to take care of herself let alone to care for me when I was a child.

It was inevitable for my mother to work herself to death. While my mom was in a coma, I visited her daily. I hoped to hear her voice one last time. My mother was my rock and my best friend. Losing her was painful. Having earned paid sick days would not bring my mother back, but it can prevent another son or daughter from losing his or her mom. Nobody should choose work over health because they cannot afford to be sick.

Make earned sick days available for workers in Nevada.

HAWAH AHMAD (Silver State Government Relations):
We support S.B. 312. This bill is important to every Nevadan.

JOCELYN DIAZ (NARAL Pro-Choice Nevada):
I support S.B. 312. I will read from a prepared statement ([Exhibit F](#)).

LINDSAY KNOX (REMSA; C & S Waste Solutions):
We support S.B. 312.

CHAIR SPEARMAN:
Will the people in support of S.B. 312 stand? I see over 50 people standing. There are no people here to testify in opposition.

BOB OSTROVSKY (Nevada Resort Association):

We are neutral toward S.B. 312. We are seeking additional amendments to address our concerns. We are working with the sponsor of the bill. Our members would like to see the final amendment before we commit to supporting the bill.

We seek clear and unambiguous language for our employees and management teams in order to know how this bill will be implemented, how the benefits will work and how to draw those benefits. It is important for us to see the language to decide that.

PAUL MORADKHAN (Las Vegas Metro Chamber of Commerce):

We are neutral toward S.B. 312. When we surveyed our members on this issue, 75 percent of our members stated that they provide paid time off because it is the right thing to do. It helps with employee retention, job satisfaction and recruitment.

We want to make sure this bill works for employers and employees. We were concerned with how the mechanics of this bill would work. With the conceptual amendment, we have removed our opposition and moved to the neutral position.

GARY MILLIKEN (Nevada Contractors Association):

We are neutral toward S.B. 312. The construction industry is different because we have collective bargaining agreements. Hourly vacation allocation in a construction collective bargaining agreement that exceeds 120 hours should be considered personal time off.

AMBER STIDHAM (Henderson Chamber of Commerce):

We are neutral toward S.B. 312.

KERRIE KRAMER (International Market Centers Inc.):

We are neutral toward S.B. 312.

JON LELEU (NAIOP Northern Nevada Chapter; NAIOP Southern Nevada Chapter):

We are neutral toward S.B. 312.

RANDI THOMPSON (National Federation of Independent Business):

We are neutral toward S.B. 312.

Senate Committee on Commerce and Labor
April 11, 2019
Page 11

WARREN B. HARDY II (Nevada Restaurant Association):
We are neutral toward S.B. 312.

CHAIR SPEARMAN:
We have time for people to continue to testify in support. Are there any here who have something new to add?

HEIDI PARKER (Executive Director, Immunize Nevada):
We support S.B. 312. I submitted a statement ([Exhibit G](#)) to the Committee.

SENATOR DONDERO LOOP:
I understand what it is like to be in a classroom with 25 6-year-olds. There is nothing like a sick child in your classroom. Sick children wipe their noses on their sleeves or vomit on their desks. It is really heart-wrenching when a child comes to school sick, and the child says his or her parents had to work, so they sent the child to school. It has a ripple effect.

CASSIDY WILSON (Southern Nevada Home Builders Association):
We support S.B. 312.

ANDREW MACKAY (Nevada Franchised Auto Dealers Association):
We support S.B. 312.

JARED BUSKER (Children's Advocacy Alliance):
We support S.B. 312. I submitted a statement ([Exhibit H](#)) to the Committee.

CHRISTINE SAUNDERS (Progressive Leadership Alliance of Nevada):
We support S.B. 312. I submitted a statement ([Exhibit I](#)) to the Committee.

IZZY YOUNGS (Nevada Women's Lobby):
We support S.B. 312.

BIANCA BALDERAS (Make the Road Nevada):
We support S.B. 312. Nobody should have to work when they are sick. This was a decision my grandmother made over and over again. My grandmother has been in bed for over a week with no pay. She is stressed and worried about how she will make ends meet.

Senate Committee on Commerce and Labor
April 11, 2019
Page 12

My grandmother has been with her employer for over 20 years and has given her time and energy to her workplace. She had surgery in the past and suffered from a heart attack forcing her to be on bedrest. If it was not for our family who has helped her with her expenses, she would not have a home.

MARIA-TERESA LIEBERMANN (Battle Born Progress):
We support S.B. 312. I will read from a prepared statement ([Exhibit J](#)).

LALO MONTROYA (Make the Road Nevada):
We support S.B. 312. I have a letter ([Exhibit K](#)) from Leo Murrieta I would like to share with the Committee.

SENATOR WOODHOUSE:
Please support S.B. 312.

CHAIR SPEARMAN:
We will close the hearing on S.B. 312. We will open the work session on S.B. 312.

CHAIR SPEARMAN:
We will take a vote on S.B. 312.

SENATOR CANNIZZARO MOVED TO AMEND AND DO PASS S.B. 312
AS AMENDED.

SENATOR SEEVERS GANSERT SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR SPEARMAN:
We will close the work session on S.B. 312. We will open the work session on S.B. 148.

SENATE BILL 148: Revises provisions governing manufactured home parks.
(BDR 10-503)

Senate Committee on Commerce and Labor
April 11, 2019
Page 13

CESAR MELGAREJO (Policy Analyst):

I have the work session documents ([Exhibit L](#)) which explain S.B. 148 and the two proposed amendments.

CHAIR SPEARMAN:

We will take a vote on S.B. 148.

SENATOR HARDY MOVED TO AMEND AND DO PASS S.B. 148 AS AMENDED.

SENATOR SEEVERS GANSERT SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR SPEARMAN:

We will close the work session on S.B. 148. We will open the work session on S.B. 187.

SENATE BILL 187: Revises provisions governing prescriptions for controlled substances by a dentist, optometrist or physician for the treatment of pain. (BDR 54-39)

MR. MELGAREJO:

I have the work session documents ([Exhibit M](#)) which explain S.B. 187 and the four proposed amendments.

CHAIR SPEARMAN:

We will take a vote on S.B. 187.

SENATOR SETTELMAYER MOVED TO AMEND AND DO PASS S.B. 187 AS AMENDED.

SENATOR HARDY SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Senate Committee on Commerce and Labor
April 11, 2019
Page 14

CHAIR SPEARMAN:

We will close the work session on S.B. 187. We will open the work session on S.B. 197.

SENATE BILL 197: Revises provisions relating to trade practices. (BDR 52-746)

MR. MELGAREJO:

I have the work session documents ([Exhibit N](#)) which explain S.B. 197 and the proposed amendment.

SENATOR SEEVERS GANSERT:

This issue is being looking at on the national level. I have a concern about the limitations on selling these products in Nevada when they are easily sold in other states such as Utah.

CHAIR SPEARMAN:

We will take a vote on S.B. 197.

SENATOR BROOKS MOVED TO AMEND AND DO PASS S.B. 197 AS AMENDED.

SENATOR DONDERO LOOP SECONDED THE MOTION.

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

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CHAIR SPEARMAN:

We will close the work session on S.B. 197. We will open the work session on S.B. 199.

SENATE BILL 199: Revises provisions relating to real property. (BDR 32-747)

MR. MELGAREJO:

I have the work session documents ([Exhibit O](#)) which explain S.B. 199 and the two proposed amendments.

Senate Committee on Commerce and Labor
April 11, 2019
Page 15

CHAIR SPEARMAN:
We will take a vote on S.B. 199.

SENATOR SETTELMAYER MOVED TO AMEND AND DO PASS S.B. 199
AS AMENDED.

SENATOR SEEVERS GANSERT SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR SPEARMAN:
We will close the work session on S.B. 199. We will open the work session on
S.B. 200.

SENATE BILL 200: Requires health insurers to provide coverage for certain
services and equipment. (BDR 57-43)

MR. MELGAREJO:
I have the work session documents ([Exhibit P](#)) which explain S.B. 200 and the
two proposed amendments.

CHAIR SPEARMAN:
We will take a vote on S.B. 200.

SENATOR SETTELMAYER MOVED TO AMEND AND DO PASS S.B. 200
AS AMENDED.

SENATOR SEEVERS GANSERT SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR SPEARMAN:
We will close the work session on S.B. 200. We will open the work session on
S.B. 215.

Senate Committee on Commerce and Labor
April 11, 2019
Page 16

SENATE BILL 215: Revises provisions relating to occupational diseases.
(BDR 53-317)

MR. MELGAREJO:

I have the work session documents ([Exhibit Q](#)) which explain S.B. 215 and the conceptual amendment.

SENATOR SEEVERS GANSERT:

I support S.B. 215, but I reserve my right to change my vote at a later time. I am in support because of the provisions in the bill that support women.

SENATOR SETTELMAYER:

My concerns are in regard to the effective date of the bill. There does not seem to be an effective date meaning the bill applies retroactively.

TOM DUNN (Professional Firefighters of Nevada):

The intent for this bill is to apply coverage moving forward. It is not our intent to apply coverage retroactively.

CHAIR SPEARMAN:

We will take a vote on S.B. 215.

SENATOR DONDERO LOOP MOVED TO AMEND AND DO PASS S.B. 215
AS AMENDED.

SENATOR CANNIZZARO SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS HARDY AND SETTELMAYER
VOTED NO.)

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CHAIR SPEARMAN:

We will close the work session on S.B. 215. We will open the work session on S.B. 256.

SENATE BILL 256: Revises provisions relating to discrimination in housing and various provisions relating to landlords and tenants. (BDR 10-569)

Senate Committee on Commerce and Labor
April 11, 2019
Page 17

MR. MELGAREJO:

I have the work session documents ([Exhibit R](#)) which explain S.B. 256 and the ten proposed amendments.

SENATOR SETTELMAYER:

I have concerns regarding landlords recovering their losses after tenants leave their rental properties. I oppose limiting the dollar amount for fees charged for late rent.

SENATOR SEEVERS GANSERT:

I am voting no, but I reserve my right to change my vote at a later time.

CHAIR SPEARMAN:

We will take a vote on S.B. 256.

SENATOR CANNIZZARO MOVED TO AMEND AND DO PASS S.B. 256
AS AMENDED.

SENATOR BROOKS SECONDED THE MOTION.

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

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CHAIR SPEARMAN:

We will close the work session on S.B. 256. We will open the work session on S.B. 259.

SENATE BILL 259: Revises provisions relating to physicians. (BDR 54-628)

MR. MELGAREJO:

I have the work session documents ([Exhibit S](#)) which explain S.B. 259 and the conceptual amendments.

SENATOR DONDERO LOOP:

I reserve my right to change my vote at a later time.

Senate Committee on Commerce and Labor
April 11, 2019
Page 18

SENATOR CANNIZZARO:

I reserve my right to change my vote at a later time.

CHAIR SPEARMAN:

I reserve my right to change my vote at a later time. We will take a vote on S.B. 259.

SENATOR SETTELMAYER MOVED TO AMEND AND DO PASS S.B. 259 AS AMENDED.

SENATOR HARDY SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR BROOKS VOTED NO.)

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CHAIR SPEARMAN:

We will close the work session on S.B. 259. We will open the work session on S.B. 271.

SENATE BILL 271: Revises provisions relating to physician assistants. (BDR 54-522)

MR. MELGAREJO:

I have the work session documents ([Exhibit T](#)) which explain S.B. 271 and the conceptual amendments.

SENATOR DONDERO LOOP:

The bill prohibited a supervising physician from supervising more than ten physicians at a given time. Did the sponsor of the bill change the maximum number of physicians being supervised to a lower amount?

SENATOR HARDY:

Yes, the change is in the conceptual amendment. It allows each prospective board to make a decision under their regulations on how many physicians a supervising physician may supervise. The number ten has been taken out.

SENATOR DONDERO LOOP:

Is ten the maximum unless each board decides otherwise? Can a board add to the amount?

SENATOR HARDY:

Neither board wanted to set the maximum at ten; however, they could if they choose. As of now, they typically use three supervising physicians.

SENATOR DONDERO LOOP:

Could the boards raise the maximum to be 15 or more?

SENATOR HARDY:

The debate over the number arises from different scenarios. For instance, if you are a physician assistant in the emergency room and you work different shifts with a different doctor of osteopathy and medical doctor, you would be working with different people and the number may be more.

I suspect the maximum will be far less than ten because they work the same shifts. In that situation, there would be more than three to supervise. In the majority of situations, there is one.

SENATOR DONDERO LOOP:

I reserve my right to change my vote at a later time.

SENATOR CANNIZZARO:

I reserve my right to change my vote at a later time.

CHAIR SPEARMAN:

I reserve my right to change my vote at a later time. The issues the bill intends to fix are addressed in compact or in reciprocity agreements.

I am concerned because these provisions are currently in statute. Requirements in the compact and the reciprocity legislation in statute are not being observed by the boards today. This bill will not be necessary if the boards were doing what they are supposed to be doing. We will take a vote on S.B. 271.

SENATOR SETTELMAYER MOVED TO AMEND AND DO PASS S.B. 271
AS AMENDED.

SENATOR SEEVERS GANSERT SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR SPEARMAN:

We will close the work session on S.B. 271. We will open the work session on S.B. 289.

SENATE BILL 289: Revises provisions relating to the licensing of physicians.
(BDR 54-610)

MR. MELGAREJO:

I have the work session documents ([Exhibit U](#)) which explain S.B. 289 and the conceptual amendment.

SENATOR CANNIZZARO:

I reserve my right to change my vote at a later time.

SENATOR DONDERO LOOP:

I reserve my right to change my vote at a later time.

CHAIR SPEARMAN:

I reserve my right to change my vote at a later time. I echo my comments from earlier. It is my understanding that one of the issues the sponsor is trying to address is regarding individuals not doing what is supposed to be done with regard to veterans.

I heard excuses that do not make sense. It is easy to verify a veteran's status. If the veteran is active duty, they have an active duty card. If the veteran is not active duty, they have a blue card. If the individual is a dependent of a veteran, they have a peach card. The issue is not how to verify veteran status, the issue is whether parties are willing to ask for a veteran card or other documentation. I have an issue with people not following the statute in place. We will take a vote on S.B. 289.

Senate Committee on Commerce and Labor
April 11, 2019
Page 21

SENATOR SETTELMAYER MOVED TO AMEND AND DO PASS S.B. 289
AS AMENDED.

SENATOR SEEVERS GANSERT SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR SPEARMAN:

We will close the work session on S.B. 289. We will open the work session on
S.B. 302.

SENATE BILL 302: Revises provisions relating to personal information collected
by governmental agencies. (BDR 52-547)

MR. MELGAREJO:

I have the work session documents ([Exhibit V](#)) which explain S.B. 302 and the
Proposed Amendment 5519.

CHAIR SPEARMAN:

We will take a vote on S.B. 302.

SENATOR SETTELMAYER MOVED TO AMEND AND DO PASS S.B. 302
AS AMENDED.

SENATOR HARDY SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR SPEARMAN:

We will close the work session on S.B. 302. We will open the work session on
S.B. 323.

SENATE BILL 323: Revises provisions governing the disciplinary process for
certain regulatory bodies which administer occupational licensing.
(BDR 54-905)

Senate Committee on Commerce and Labor
April 11, 2019
Page 22

MR. MELGAREJO:

I have the work session document ([Exhibit W](#)) which explains S.B. 323 and the two proposed amendments.

CHAIR SPEARMAN:

We will take a vote on S.B. 323.

SENATOR SETTELMAYER MOVED TO AMEND AND DO PASS S.B. 323
AS AMENDED.

SENATOR DONDERO LOOP SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR SPEARMAN:

We will close the work session on S.B. 323. We will open the work session on S.B. 355.

SENATE BILL 355: Revises provisions relating to certain regulatory bodies which administer occupational licensing. (BDR 54-856)

MR. MELGAREJO:

I have the work session documents ([Exhibit X](#)) which explain S.B. 355 and the six proposed amendments.

CHAIR SPEARMAN:

There are recent developments within the last hour. The bill sponsor is present to answer questions on the bill. I want to give everybody an opportunity to speak.

SENATOR SETTELMAYER:

There are two outcomes for this issue. If the Committee does nothing, physical therapists are in trouble. If the Committee acts on this bill, there is a question of whether we have gone far enough.

I am willing to serve on a working group to define dry needling for all professions within NRS. Otherwise, massage therapists are performing this service without any regulations when we only cover physical therapists.

If the Committee covers massage therapists and chiropractors, then what other professions will begin to perform dry needling? I find this to be problematic. A better solution would be to define dry needling rather than to add the procedure to every chapter to cover every profession. This way we can provide a requirement for the number of hours of training needed to perform this service.

SENATOR DAVID R. PARKS (Senatorial District No. 7):

I agree the issues need to be addressed in regulation. The stakeholders are in agreement.

SUSAN FISHER (Board of Oriental Medicine):

Fortunately, the parties I have worked with on the proposed amendment agree. The first, second and third proposed amendments will stay the same. We intend to change proposed amendment 4, section 7, subsection 7, where we will add "for the purpose of NRS 634A oriental medicine means that." Doing this makes the definition clear. The definition we list there relates to that specific chapter because we do not intend to impose our definition on other practices.

On line 18 of our proposed amendment, we crossed out "cupping." We will add that back into the language. We took it out because some chiropractors perform cupping and they felt that if we had that language here then it meant they could not perform that service. By adding "for the purpose of NRS 634A, define dry needling," we address this issue. A definition of dry needling will be developed by the Physical Therapy Board.

SENATOR HARDY:

This means that one board will not impose on another board nor will the boards impact the services their prospective professions are allowed to perform. I do not know if this solved the problems. I reserve my right to change my vote at a later time.

CHAIR SPEARMAN:

My consternation is over setting precedent. The Physical Therapy Board (PTB) addressed this issue backward. The horse belongs in front of the cart, not the other way around.

We hire folks at the Legislative Counsel Bureau (LCB) for a reason. The LCB gives us an unadulterated, unbiased and unpartisan view according to the NRS. My concern is still with a board that decides to expand its authority and did not follow the proper procedure. It is an issue, because it sets a dangerous precedent. Since we had this discussion the other day, I have heard from other boards who wish to do the same thing. They wish to expand their authority. I need to hear why the Committee should ignore a legal opinion.

NEENA LAXALT (Board of Physical Therapy Examiners):

I showed the Committee some timelines that illustrate how the PTB got to this position. There were different people serving on the PTB at the time. I respect the opinion of the LCB.

We are working to pass this bill to make sure this issue is addressed. I do not know what the decision making process was at the time. I know the PTB followed the legal advice from their counsel. They felt they were doing the right thing. It was not their intent to expand their practice.

CHAIR SPEARMAN:

I reserve my right to change my vote at a later time. We will take a vote on S.B. 355.

SENATOR SETTELMAYER MOVED TO AMEND AND DO PASS S.B. 355 AS AMENDED.

SENATOR SEEVERS GANSERT SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR SPEARMAN:

We will close the work session on S.B. 355. We will open the work session on S.B. 361.

SENATE BILL 361: Provides for the prescribing, ordering and dispensing of contraceptive supplies by pharmacists. (BDR 54-921)

Senate Committee on Commerce and Labor
April 11, 2019
Page 25

MR. MELGAREJO:

I have the work session document ([Exhibit Y](#)) which explains S.B. 361.

CHAIR SPEARMAN:

We will take a vote on S.B. 361.

SENATOR SETTELMAYER MOVED TO DO PASS S.B. 361.

SENATOR DONDERO LOOP SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR SPEARMAN:

We will close the work session on S.B. 361. We will open the work session on S.B. 432.

SENATE BILL 432: Revises provisions relating to certain financial transactions.
(BDR 52-1146)

MR. MELGAREJO:

I have the work session documents ([Exhibit Z](#)) which explain S.B. 432 and the proposed amendments. In addition, there is a proposed amendment not included in the work session documents. The purpose of the amendment is to remove language that is ambiguous and confusing. Section 23, subsection 3 removes the language that states "or any other statutory lien."

SENATOR CANNIZZARO:

This should have been included in the original proposed amendment. We caught this mistake after the proposed amendment was sent to the Committee. In the amended version, section 25, subsection 3 removes the language "or any other statutory lien."

SENATOR SEEVERS GANSERT:

I reserve my right to change my vote at a later time.

Senate Committee on Commerce and Labor
April 11, 2019
Page 26

SENATOR SETTELMAYER:

I am concerned that we have a litigious society, and this bill will encourage people to be more litigious.

SENATOR CANNIZZARO:

I want to note for the Committee that the language in the proposed amendment was agreed on by the Commissioner of the Division of Financial Institutions of the Department of Business and Industry. I am willing to have an ongoing conversation on the issues.

CHAIR SPEARMAN:

I have a different opinion after reading the bill. The bill does not promote more litigious actions.

SENATOR SETTELMAYER:

Are the provisions limited to individuals who already filed a lawsuit?

SENATOR CANNIZZARO:

Yes, it only applies to those who already filed a lawsuit.

SENATOR SETTELMAYER:

If that is the case, I can support the bill.

CHAIR SPEARMAN:

We will take a vote on S.B. 432.

SENATOR HARDY MOVED TO AMEND AND DO PASS S.B. 432 AS AMENDED.

SENATOR DONDERO LOOP SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR SPEARMAN:

We will close the work session on S.B. 432. We will open the work session on S.B. 493.

Senate Committee on Commerce and Labor
April 11, 2019
Page 27

SENATE BILL 493: Creates the Task Force on Employee Misclassification.
(BDR 53-1087)

MR. MELGAREJO:

I have the work session document ([Exhibit AA](#)) which explains S.B. 493.

SENATOR DONDERO LOOP:

There was some confusion on the amendments. They were pulled yesterday. We would like to proceed with the bill as it is drafted. We have requested a working group for the issue.

SENATOR SETTELMAYER:

Will there be a study during the Interim on employee misclassification?

SENATOR DONDERO LOOP:

We may have an amendment later. I cannot guarantee it. There will be a working group looking to draft an amendment.

SENATOR SEEVERS GANSERT:

If there is a study, I am willing to look at the results. I reserve my right to change my vote at a later time.

CHAIR SPEARMAN:

We will take a vote on S.B. 493.

SENATOR BROOKS MOVED TO DO PASS S.B. 493.

SENATOR CANNIZZARO SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS HARDY AND SETTELMAYER
VOTED NO.)

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Senate Committee on Commerce and Labor
April 11, 2019
Page 28

CHAIR SPEARMAN:

We will close the work session on S.B. 493. With no public comment the meeting is adjourned at 7:13 p.m.

RESPECTFULLY SUBMITTED:

Jennifer Richardson,
Committee Secretary

APPROVED BY:

Senator Pat Spearman, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	2		Agenda
	B	17		Attendance Roster
S.B. 312	C	3	Senator Joyce Woodhouse	Proposed Amendment
S.B. 312	D	1	Ann Silver / Reno and Sparks Chamber of Commerce	Written Testimony
S.B. 312	E	1	Natalie Hernandez / Time to Care Nevada	Written Testimony
S.B. 312	F	1	Jocelyn Diaz / NARAL Pro-Choice Nevada	Written Testimony
S.B. 312	G	2	Heidi Parker / Immunize Nevada	Letter of Support
S.B. 312	H	1	Jared Busker / Children's Advocacy Alliance	Letter of Support
S.B. 312	I	1	Christine Saunders / Progressive Leadership Alliance of Nevada	Letter of Support
S.B. 312	J	1	Maria-Teresa Liebermann / Battle Born Progress	Written Testimony
S.B. 312	K	1	Lalo Montoya / Make the Road Nevada	Letter of Support, Leo Murrieta
S.B. 148	L	3	Cesar Melgarejo	Work Session Documents
S.B. 187	M	3	Cesar Melgarejo	Work Session Documents
S.B. 197	N	2	Cesar Melgarejo	Work Session Documents
S.B. 199	O	2	Cesar Melgarejo	Work Session Documents
S.B. 200	P	7	Cesar Melgarejo	Work Session Documents
S.B. 215	Q	4	Cesar Melgarejo	Work Session Documents
S.B. 256	R	20	Cesar Melgarejo	Work Session Documents
S.B. 259	S	3	Cesar Melgarejo	Work Session Documents
S.B. 271	T	18	Cesar Melgarejo	Work Session Documents

S.B. 289	U	5	Cesar Melgarejo	Work Session Documents
S.B. 302	V	7	Cesar Melgarejo	Work Session Documents
S.B. 323	W	1	Cesar Melgarejo	Work Session Document
S.B. 355	X	3	Cesar Melgarejo	Work Session Documents
S.B. 361	Y	1	Cesar Melgarejo	Work Session Document
S.B. 432	Z	14	Cesar Melgarejo	Work Session Documents
S.B. 493	AA	1	Cesar Melgarejo	Work Session Document