

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

**Eightieth Session
May 17, 2019**

The Senate Committee on Commerce and Labor was called to order by Chair Pat Spearman at 2:40 p.m. on Friday, May 17, 2019, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 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 Chris Brooks
Senator Nicole J. Cannizzaro
Senator Joseph P. Hardy
Senator James A. Settelmeyer

COMMITTEE MEMBERS ABSENT:

Senator Heidi Seevers Gansert (Excused)

STAFF MEMBERS PRESENT:

Cesar Melgarejo, Committee Policy Analyst
Bryan Fernley, Committee Counsel
Kim Cadra-Nixon, Committee Secretary

OTHERS PRESENT:

Marlene Lockard, Service Employees International Union Local 1107
Jesse Wadhams, Nevada Hospital Association
Bill Gallagher, National Nurses United; National Nurses Organizing Committee

CHAIR SPEARMAN:

We will open the work session today with Assembly Bill (A.B.) 370.

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ASSEMBLY BILL 370 (1st Reprint): Revises provisions relating to workers' compensation. (BDR 53-6)

CESAR MELGAREJO (Committee Policy Analyst):

I have a work session document ([Exhibit C](#)) which explains A.B. 370. This bill is sponsored by Assemblyman Daly and was heard on May 6, 2019. There are no amendments for this bill.

CHAIR SPEARMAN:

Are there any questions from the Committee members?

SENATOR SETTELMAYER:

I support the intent of the bill; however, the entities that insured the claimant should shoulder the financial burden of this measure.

The self-insured companies with 1 percent or 2 percent of the claims are asked to share the financial burden equally with entities who have up to 59 percent of the claims.

I would like to see an amendment to this bill that ensures the businesses that insured the claimant are financially responsible.

SENATOR HARDY:

I support the widows and the intent of this bill; however, we need to require the appropriate entities to pay the claims.

I think it is unusual for a bill of this type not to have amendments. I will vote no on this measure today, but hope we can accomplish legislation in the future.

CHAIR SPEARMAN:

I was not notified that the sponsor of the bill reviewed or accepted any amendments.

I do not want "perfect" to be the enemy of what is good. I respect each member's right to change their vote.

SENATOR SETTELMAYER:

Would you consider a vote without recommendation to give the parties time to work through these concerns?

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I do want the widows to be paid; however, I believe as a fundamental issue of fairness the entities that insured the claimant should shoulder the financial burden.

CHAIR SPEARMAN:

I will entertain a motion on this bill.

SENATOR BROOKS MOVED TO DO PASS A.B. 370.

SENATOR DONDERO LOOP SECONDED THE MOTION.

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

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MR. MELGAREJO:

Our next bill is A.B. 348.

ASSEMBLY BILL 348 (1st Reprint): Makes various changes to prevent and track workplace violence at certain medical facilities. (BDR 53-843)

MR. MELGAREJO:

I have a work session document ([Exhibit D](#)) which explains A.B. 348. This bill is sponsored by Assemblywomen Gorelow and Munk. This bill was heard on May 3, 2019. There were no amendments when the work session document was submitted; however, it is my understanding the parties are here to present their ongoing conversations.

CHAIR SPEARMAN:

It is my understanding that after our meeting last night you have come to an agreement. Please provide a summary of your meeting.

MARLENE LOCKARD (Service Employees International Union Local 1107):

Based on our conversations in the meeting last night, we have attempted to amend the bill to reflect the consensus of the parties in the room.

I have made edits to the bill for the purpose of our testimony today; however, formal revisions to the proposed amendment are required ([Exhibit E](#)).

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We have met with members of the Nevada Hospital Association and have agreed to remove the areas in question and continue to work on three elements before the final passage of the bill.

JESSE WADHAMS (Nevada Hospital Association):

We are still working to reach a consensus on this bill. We have agreed to remove section 10; section 16, subsection 2; section 17, subsection 1, paragraph (d) and section 18, subsection 1, paragraph (b). Although we have not discussed this yet, we would like section 19.7 of the draft amendment removed.

Senator Spearman, with these deletions to the bill, we will continue to work toward resolution. In our continued work, we will use the guidance you shared with us last evening.

We also want to make it very clear the conceptual language we added will need to be refined by the Legislative Counsel Bureau (LCB).

CHAIR SPEARMAN:

Ms. Lockard, are you in consensus with the testimony of Mr. Wadham?

MS. LOCKARD:

Yes, that is correct Madame Chair. We are in agreement and have pledged to meet with the LCB to review the new language.

CHAIR SPEARMAN:

Please restate the sections of the bill you wish to be deleted.

MR. WADHAMS:

We have agreed to remove section 10; section 16, subsection 2; section 17, subsection 1, paragraph (d) and section 18, subsection 1, paragraph (b). Additionally, we would like section 19.7 of the draft amendment removed.

BILL GALLAGHER (National Nurses United; National Nurses Organizing Committee):

We have been one of the proponents of A.B. 348, and unfortunately, I was not aware of the latest developments with this bill. Therefore, I have not had an opportunity to review the sections discussed today.

The standards included in the original bill, which passed in the Assembly, have now been diluted. As a result of the revisions, the bill is now flawed. We cannot support the revised bill.

We want to understand the latest developments and we thank you Senator Spearman for the time you spent with us last evening. We also wish to thank Assemblywoman Gorelow for everything she has done to shepherd this bill.

We are concerned that certain elements of the hospital industry are putting money before safety and are determined to weaken this bill.

This is a global issue. Nurses in Canada, Great Britain and all over the world have proposed legislation that seeks to end workplace violence. Colleagues are leaving the profession due to actual injuries and threats of violence.

We have moved several times to accommodate the various interests involved with this legislation. We have given up quite a bit in the interest of getting a strong bill that everyone can support.

We do not support the current bill drafts. We believe it is the employers, not staffing committees, who should be responsible for workplace violence prevention. The three issues preventing our support are reporting, recordkeeping and transparency.

SENATOR DONDERO LOOP:

Mr. Gallagher, were you involved in the meeting last night with Senator Spearman? I understand these revisions were decided in that meeting.

MR. GALLAGHER:

Yes, I was in the meeting last night; however, I was unaware of the decisions made by Ms. Lockard and Mr. Wadhams to delete sections of the bill.

SENATOR DONDERO LOOP:

Am I incorrect in understanding these changes came out of the meeting with Senator Spearman, Ms. Lockard and Mr. Wadhams? Did these changes happen this morning?

MR. GALLAGHER:

What I am saying is that I was not involved in the decision by Mr. Wadhams and Ms. Lockard to delete sections of the bill. I was unaware of the changes in the bill until this hearing.

MS. LOCKARD:

I apologize to my colleague, Mr. Gallagher. The decision was made with Mr. Wadhams moments before this hearing. I have not had an opportunity to review these changes with Mr. Gallagher.

CHAIR SPEARMAN:

I have made a quick review of the testimony today and I think it reflects the essence of our meeting. I do not know how much more I can do to try to bring consensus to everyone.

I appreciate your hard work. There is passion on both sides of this issue. I will also caution you that it is my expectation you continue to work on this bill. Additionally, I will also caution that consensus is difficult to achieve when both sides are intensely passionate.

A good bill is one in which "nobody got everything they wanted." I look for consensus; something that will work. As I explained last night, "I need air to breathe. I don't need flower air. I don't need Glade, but I do need air. I need air to breathe." I want you to work toward consensus. Nobody is going to get everything they want. I am looking for consensus.

I will entertain a motion to move the bill without recommendation. This will give you time to continue to work on the bill. Remember, no one is going to get everything they want.

SENATOR DONDERO LOOP MOVED WITHOUT RECOMMENDATION
ON A.B. 348.

SENATOR CANNIZZARO SECONDED THE MOTION.

CHAIR SPEARMAN:

Senator Seevers Gansert is absent-excused. She did send an email concerning her votes. Her intention is to vote "yes" on A.B. 370 and "no" on A.B. 348.

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SENATOR SETTELMAYER:

Based on the changes presented today on A.B. 348, may I suggest we do not enter her vote for the record?

CHAIR SPEARMAN:

So, to be clear, the vote is without recommendation. However, I will honor your request Senator Settelmeyer.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR SPEARMAN:
Meeting is adjourned at 3:01 p.m.

RESPECTFULLY SUBMITTED:

Kim Cadra-Nixon,
Committee Secretary

APPROVED BY:

Senator Pat Spearman, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	1		Agenda
	B	3		Attendance Roster
A.B. 370	C	1	Cesar Melgarejo	Work Session Document
A.B. 348	D	1	Cesar Melgarejo	Work Session Document
A.B. 348	E	9	Marlene Lockard / Service Employees International Union Local 1107	Proposed Amendment