

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

**Eighty-First Session
May 27, 2021**

The Committee on Commerce and Labor was called to order by Chair Sandra Jauregui at 2:07 p.m. on Thursday, May 27, 2021, Online and in Room 4100 of the Legislative Building, 401 South Carson Street, Carson City, 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/81st2021.

COMMITTEE MEMBERS PRESENT:

Assemblywoman Sandra Jauregui, Chair
Assemblywoman Maggie Carlton, Vice Chair
Assemblywoman Venicia Considine
Assemblywoman Jill Dickman
Assemblywoman Bea Duran
Assemblyman Edgar Flores
Assemblyman Jason Frierson
Assemblywoman Melissa Hardy
Assemblywoman Heidi Kasama
Assemblywoman Elaine Marzola
Assemblyman P.K. O'Neill
Assemblywoman Jill Tolles

COMMITTEE MEMBERS ABSENT:

Assemblywoman Susie Martinez (excused)

GUEST LEGISLATORS PRESENT:

Senator Nicole J. Cannizzaro, Senate District No. 6
Senator Dina Neal, Senate District No. 4
Senator James A. Settelmeyer, Senate District No. 17



STAFF MEMBERS PRESENT:

Marjorie Paslov-Thomas, Committee Policy Analyst
Sam Quast, Committee Counsel
Terri McBride, Committee Manager
Julie Axelson, Committee Secretary
Cheryl Williams, Committee Assistant

OTHERS PRESENT:

Paul More, Attorney, McCracken, Stemerma & Holsberry, LLP, Las Vegas, Nevada
Robert Ostrovsky, representing Nevada Resort Association
D. Taylor, President, UNITE HERE
Rusty McAllister, Executive Secretary-Treasurer, Nevada State AFL-CIO
Marlene Lockard, representing Service Employees International Union Local 1107
Chris Daly, Deputy Executive Director, Government Relations, Nevada State Education Association
Annette Magnus, Executive Director, Battle Born Progress
Christine Saunders, Policy Director, Progressive Leadership Alliance of Nevada
Gillian Block, representing Legal Aid Center of Southern Nevada
Benjamin Challinor Mendez, Policy Director, Faith in Action Nevada
Kent Ervin, Legislative Liaison, Nevada Faculty Alliance
Fran Almaraz, representing Teamsters Local 986
Priscilla Maloney, representing Nevada Chapter 4041, American Federation of State, County and Municipal Employees Retirees
Jeri Burton, President, Nevada Chapter, National Organization for Women
Paul J. Moradkhan, Senior Vice President, Government Affairs, Vegas Chamber
Randi Thompson, State Director, National Federation of Independent Business
Mendy Elliott, representing Reno + Sparks Chamber of Commerce
Shelly Stewart, Private Citizen, Las Vegas, Nevada
Amber Stidham, Vice President, Government Affairs, Henderson Chamber of Commerce
Barry Lieberman, Chief Development Officer, South Point Hotel and Casino, Las Vegas, Nevada
Matthew McDonald, representing Service Employees International Union
Brian Lee, Executive Director, Nevada State Education Association
Rozetta Love, Private Citizen, Las Vegas, Nevada
Shanieka Cooper, Private Citizen, Las Vegas, Nevada
Carol Matrone, Private Citizen, Las Vegas, Nevada
Tess Opferman, representing Nevada Women's Lobby
Jim Sullivan, Political Director, Culinary Workers Union Local 226
Tom Dunn, Vice President, Northern District, Professional Fire Fighters of Nevada
Eva Love, Private Citizen, Las Vegas, Nevada
Connie McMullen, representing Personal Care Association of Nevada

Elizabeth MacMenamin, Vice President, Government Affairs, Retail Association of Nevada

Bradley Mayer, representing Southern Nevada Health District; and Washoe County Health District

André Wade, State Director, Silver State Equality

Bobbette Bond, Policy Director, Culinary Health Fund

Tom Clark, representing Nevada Association of Health Plans

Chair Jauregui:

[Roll was called.] Everyone who is here for other bills can excuse themselves if we do not get to them. I will be taking the agenda out of order. We will be starting with Senate Bill 386 (1st Reprint), followed by Senate Bill 340 (2nd Reprint) and Senate Bill 325 (1st Reprint), and then we will take the remainder of the Senate bills in numerical order. For those of you who did not make it into the room, we do have an overflow room set up in Room 3142. Because of the number of bills on our agenda today, I would like to get through as many of them as possible. We will be limiting the bill hearings to 30 minutes per bill. Members, if you have questions, I would encourage you to take them offline to continue the conversations. We will be meeting again tomorrow, so there is time to continue conversations.

I am going to go ahead and roll right into our bill hearings and open the bill hearing on Senate Bill 386 (1st Reprint). I believe we have our presenters on Zoom.

Senate Bill 386 (1st Reprint): Revises provisions relating to certain businesses. (BDR 53-1010)

Paul More, Attorney, McCracken, Stemerma & Holsberry, LLP, Las Vegas, Nevada:

I am here with D. Taylor from the UNITE HERE union. We are here today with a very important bill, Senate Bill 386 (1st Reprint), that has been a product of quite a bit of work in the Senate and between the Culinary Union, local joint executive board, and the Nevada Resort Association.

This is a measure that is quite important for getting Nevada's economy back to work and for getting the many workers who were laid off as a result of the pandemic back to the jobs they were in before. It is a law that has been passed in similar forms in many cities and now by the state of California, before Nevada.

The basic outline of the law is as follows: Workers who, in select industries—the industries that have been hit hardest by the pandemic in the tourism, hospitality, and gaming industries—have been laid off as a result of the pandemic, and through no fault of their own, will have a path back to their jobs. It would require the covered businesses to make offers of employment to laid-off workers. There is no obligation on the part of covered employers to create work. It simply requires that where they have open positions, they first offer those positions to laid-off workers who were either in the same position or a similar position before they were laid off. That is the crux of it.

A lot of work has gone into addressing the concerns of the industry, particularly in making the requirements as clear as they can be and making sure that the rehiring process is not delayed by obligations that are contained in the bill. We have done this in a number of ways. We have refined the notice procedures, and we have worked with the industry to make sure that if someone rejects an offer, eventually employers do not have to keep making offers to that person. Essentially, you get three bona fide offers if you are a laid-off employee that you can turn down. At that point, the employer does not need to continue making offers. We have worked very closely with the industry to create an enforcement process that we think works well. Laid-off employees who believe their rights have been violated can either go to court or they can take their complaint to the Labor Commissioner of the Department of Business and Industry.

We think this is a hugely important measure. It is important for the many workers who lost their jobs during the pandemic and who are now looking for a way back to the jobs they worked for 10, 20, or 30 years. Also contained in S.B. 386 (R1) are updates to Senate Bill 4 of the 32nd Special Session, which created certain obligations on employers to address the risk of COVID-19 spread. Again, we have worked with the industry to look at ways to revise those obligations to bring them up to date with the most recent Centers for Disease Control and Prevention (CDC) and state health guidance.

This is a temporary measure. The obligations to recall former laid-off workers would last until the rescission of Governor Sisolak's Declaration of Emergency Directives 044 or August 21, 2022, whichever is later. This is not a permanent bill, but we believe it is a bill that is very important for bridging from the pandemic partially closed situation that the economy was in to bringing those who were laid off back to work.

I am going to stop there and see whether D. Taylor wants to add some comments, and I will remain for questions about the bill. We also have Robert Ostrovsky from the Nevada Resort Association who is with us and with whom we worked quite closely on refining the language in this bill. He is also available to answer questions.

Chair Jauregui:

At this time, I think we will go to Senate Majority Leader Cannizzaro first for remarks, and then we can go to Mr. D. Taylor and Mr. Robert Ostrovsky. I would like to remind the presenters that we do have a heavy agenda, so if we could keep remarks brief and go to question and answer.

Senator Nicole J. Cannizzaro, Senate District No. 6:

I am pleased to be here today to present to you S.B. 386 (R1), which provides a pathway back to employment for so many of our workers who we know have been so affected by the pandemic in this last year.

I will keep my remarks fairly brief. I can walk through the bill, if that pleases the Committee, or I can walk through some of the sections. It sounded like Mr. More was walking through a lot of those pieces. Fundamentally, I think what this bill is aiming to do is

to say to those workers who have been laid off since the pandemic and had a job one day and found themselves without a way to provide for their families the next day, there is a pathway towards getting those jobs back. That is exactly what this bill is designed to do.

I am very thankful for the hard work of the Culinary Union, our resorts partners, and the involvement of the Office of the Governor to make sure that what I think we have is something that not only makes sense but also provides some clarity for how this process should work, and ensures that those workers who have lost their jobs have a pathway back to them.

I grew up in a household where my parents were a bartender and a waitress, and they worked hard every single day to make sure we had what we needed in our household. For me, I understand some of the plight for those who just simply do not have a means to provide for their families and how important it is to make sure we can still do that. I think in the face of a pandemic, it requires us to take action to ensure that is something we can promise to workers here in Nevada, especially those who support one of our top industries and help make Nevada the kind of place people do want to come and visit.

This economic security of knowing that they have an opportunity to return to their jobs when business returns is an important piece as well. It is a critical piece and the whole purpose of this legislation.

Chair Jauregui, I can walk the Committee through the bill very briefly. Section 4 of S.B. 386 (R1) provides that the provisions of sections 2 through 28 establish minimum labor standards and does not preempt or prevent employment standards that are more protective and beneficial for employees, nor do these provisions supersede an employee's right to recall pursuant to a collective bargaining agreement.

Sections 6 through 19 define certain terms applicable to the provisions of this bill. Section 11 defines "covered enterprise" as "an airport hospitality operation, an airport service provider, a casino, an event center or a hotel that is located in a county whose population is 100,000 or more."

Section 16 defines a "laid-off employee" as "an employee: 1. Who was employed by an employer for not less than 6 months during the 12 months immediately preceding March 12, 2020; and 2. Whose most recent separation from active service for that employer: (a) Occurred after March 12, 2020; and (b) Was due to a governmental order, lack of business, reduction in force or another economic, nondisciplinary reason."

Section 20, subsection 1, requires an employer in the event of a layoff to provide "an employee who is to be laid off with written notice of the layoff . . . ," and subsection 4 states that it must include "(a) A notice of the layoff and the effective date of the layoff. (b) A summary of the right to reemployment pursuant to sections 2 to 28 . . . of this act . . . (c) Contact information for the person who the employer has designated to receive, on behalf of the employer, an aggrieved employee's written notice of an alleged violation . . ." of the

provisions of this bill. The notice must be provided at the same time of layoff. However, if the layoff took place before the effective date of this act, the employer must provide such notice within 20 days after the effective date of this act.

Section 21 requires employers to retain certain information of an employee. Section 22, subsection 1, requires the employer to offer a laid-off employee each job position which becomes available after the effective date of this act, and for which the laid-off employee is qualified. Section 22, subsection 2, requires employers to offer job positions in an order of preference beginning with the same or similar position the employee filled at the covered enterprise at the time of the layoff. Subsection 4 says that the employer is also required to afford a laid-off employee who is offered a position at least 24 hours to accept or decline the offer. A laid-off employee who is offered a job must be available to return to work within five days after accepting the offer. If the laid-off employee does not respond to the offer or is not available to return to work within five days, the employer may recall the next available employee with the greatest length of service. In subsection 5, an employer who declines to recall a laid-off employee because the employee lacks the qualification and hires another person must, no later than 30 days after making the decision, provide the laid-off employee with a written notice of the decision identifying all the reasons for the decision.

Section 23 prohibits an employer from terminating, reducing compensation, refusing to employ, or otherwise taking adverse action against a person who takes certain actions in relation to the provisions of this act. Section 24 authorizes the enforcement of the provisions of this act by an aggrieved employee through the Labor Commissioner or a civil action in court. Section 24 also sets forth certain standards for establishing and rebutting certain presumptions concerning violations of the act.

Section 25 imposes the requirements and duties of the provisions of sections 2 through 28, inclusive, to certain employers who purchase or otherwise acquire another employer that owns or operates a covered enterprise and extends those rights to laid-off employees of such employers.

Section 26 provides that the provisions of sections 2 through 28 apply to all employees, regardless of whether the employees were represented by a collective bargaining agreement. It also provides that the provisions of this act do not apply to a laid-off employee who is a party to a valid severance agreement.

Section 27 prohibits the provisions of sections 2 through 28 from being construed to invalidate or limit certain other rights, remedies, or procedures. Section 28 provides for the severability of provisions of this act. Sections 28.1 through 28.5 revise provisions requiring the Director of the Department of Health and Human Services and the district boards of health to adopt regulations prescribing requirements to reduce the transmission of the virus that causes COVID-19 in public accommodation facilities.

Finally, section 28.5, subsection 3, provides that regulations adopted by the Director or district boards of health to reduce and prevent COVID-19 transmission must be amended to reflect the new requirements and that provisions in these regulations that conflict with this bill are unenforceable.

Madam Chair, that does conclude my brief walk-through of the bill. I know Mr. More already addressed the Committee, but he and I, Mr. Taylor, and Mr. Ostrovsky can answer any questions the Committee may have about this bill.

Chair Jauregui:

Are Mr. Taylor and Mr. Ostrovsky just here for questions?

Senator Cannizzaro:

I believe so.

Chair Jauregui:

Are there any questions?

Assemblywoman Tolles:

I am looking at a couple of different amendments, so I want to make sure I did not miss anything. I do appreciate that a lot of stakeholders came together and worked on this and talked through concerns. Was there any kind of employee limit that was added to this where it would impact a company differently that has 50 employees or fewer, than a company that has 50 or more employees? Were there any changes to that?

Senator Cannizzaro:

No, that was not included in the language of the first reprint.

Assemblywoman Tolles:

I do appreciate the intent. We have a lot of tenants in northern Nevada. It has been quite a year. About 120 small businesses in northern Nevada that were connected with personally. I am trying to think through how this can impact them. Have you spent time talking with those small businesses and working with the chambers of commerce, see how these provisions might work? These are typically small mom-and-pop shops that were not dealing with collective agreements or what have you. It is just small retailers, such as restaurants, nail salons, and those kinds of places. What has the feedback been in regard to how this might impact them?

Senator Cannizzaro:

I would point to section 11 for what constitutes a covered enterprise. I would certainly welcome Mr. More to give any additional information he would want to provide in addition to that. We are not talking about every business throughout the state of Nevada. It is designed to get at those hospitality-type businesses that are included. We have obviously had

a lot of conversations about some of the more impacted businesses that would face some of these provisions. I think some of the smaller businesses you might be thinking of would not fall under the provisions of this bill.

Assemblywoman Tolles:

It is not the small retailer or the small nail salon, but maybe a small restaurant or bar. I will go back and look, and I do apologize. I have a couple of amendments in front of me, so I just wanted to make sure that I was looking at the right one. Smaller restaurants and bars might fall within that hospitality definition.

Senator Cannizzaro:

In section 11, a covered enterprise is defined as "an airport hospitality operation, an airport service provider, a casino, an event center or a hotel that is located in a county whose population is 100,000 or more." That would limit a lot of the places that I think you may have referenced. Certainly, I think there are some smaller places that may operate under those facilities, but not some of the places you mentioned.

Chair Jauregui:

Are there any other questions? [There were none.] I do have a question, but I believe there were remarks that were part of the presentation that I missed. At this time, I do want to go to Mr. Ostrovsky.

Robert Ostrovsky, representing Nevada Resort Association:

We started out opposed to this legislation in the Senate. Through some really good-faith negotiations, we have been able to move our position off of that. We are now officially neutral on a majority vote of the board of the Nevada Resort Association. That should be clear on the record.

We had 350,000 employees in the hospitality industry in February 2020. By April 2020, we had fewer than 200,000, so it was greatly impacted. Our association has 77 members out of 175-plus unrestricted casino licenses in the state. We represent not quite a majority of those but certainly the larger properties. We wanted to express the fact that we appreciate working with the members of the negotiating side on behalf of the Culinary Union, and the extent in which they moved from the original language. It is a bill that we decided we can live with and have pledged to not take a position in opposition to that—leave it as a policy matter for the Legislature.

It is important for us to understand that the sections involving S.B. 4 of the 32nd Special Session are included in here, and the record should be clear that it is the intent that sections 28.1 to 28.3 inclusive, and 28.5 of this act follow the same expiration dates that were adopted in section 4 of S.B. 4 of the 32nd Special Session. We discussed this with the advocates of this bill, and they are in agreement with that. There is no confusion about the difference between S.B. 4 of the 32nd Special Session and this bill, and it would clarify that those sections become effective on June 1, 2021. That is in sections 28.1 to 28.3.

Section 28.5 is not authorized in the Department of Health and Human Services or the local health district to make further amendments to provisions of these sections as stated by the Senate Majority Leader. I am available to answer any questions.

Chair Jauregui:

That leads me into the question I have, which will probably be for our committee counsel. I know that during the summer, we did pass S.B. 4 of the 32nd Special Session, and section 4 is now in NRS Chapter 447. I want to make sure the intent of S.B. 386 (R1) is consistent with S.B. 4 of the 32nd Special Session and specifically to sections Mr. Ostrovsky was referencing in sections 28.1, 28.2, and 28.3.

Sam Quast, Committee Counsel:

That is correct. *Nevada Revised Statutes* 447.325 sets forth certain periods in which the provisions you are referring to in S.B. 4 of the 32nd Special Session, and the provisions of NRS 447.300 to 447.355, the periods in which those apply. Sections 28.1 to 28.3 amend sections within those sections, so they would also apply within the periods prescribed in NRS 447.325.

Chair Jauregui:

Before we go to testimony, Mr. Taylor, do you have any remarks?

D. Taylor, President, UNITE HERE:

I want to applaud and thank the Nevada Resort Association. I also want to recognize Senator Cannizzaro and her work on this. I want to put this in perspective in one way. The exact same workers who, before the pandemic, were praised as the most important asset of a company should not be viewed and discarded like a pair of old shoes because of the pandemic. This is not a union or nonunion issue at all. This is a basic worker issue that allows people to get back on their feet and get back to work. When employers complain they cannot find workers, and at the same time say we do not want to bring back any of our other workers we had previously, I find that to be a contradiction that cannot live. We are very hopeful and appreciative if the Assembly could see through and pass this measure to get people the right to go back to their jobs that were lost for no other reason besides the pandemic.

As I said, I want to thank the Nevada Resort Association for all the work they have done. I want to recognize the work the Senate has done, and I would like to have this bill go forward so workers do not have the double hit of losing their jobs because of the pandemic, and in many cases 20 to 30 years at a place to be discarded like a pair of shoes and not be able to go back to work. I appreciate and thank you, and I am open to any questions you may have.

Assemblywoman Kasama:

My question is to Mr. Ostrovsky. I believe you said the Nevada Resort Association was employing 350,000 in February 2020, and it dropped to 220,000. Do you know the number of those who are employed currently?

Robert Ostrovsky:

I do not know the exact number. The 350,000 was not just the Resort Association; it was an industry-wide number. My expectation is that when this is all over, about 70 percent of the employees who were working for us back in February 2020 will return to their jobs and 30 percent will not be due to regular turnover—they moved or found another job they wanted more than what they had. We will be actively filling those jobs with people who are new applicants once we have new competitive casinos opening on the Strip. I cannot give you a good, hard number, but I am guessing it is closer to 275,000 to 300,000 now. We have a ways to go, but tourism is accelerating at a very high rate. Conventions are beginning to return, and we are very hopeful that by the time the next convention season rolls around, we will be back to full employment, if not sooner.

Assemblywoman Kasama:

We all hope we are fully, not only back to normal, but above. I know we are all wishing for that. I know that is a hard question for me to ask you on the spot. My next question goes along with that. We have lost so many people, and we are ramping up again and hiring. What happens if employers at this point have hired? I do not know if they have already reached out to people who were laid off, but let us say a lot of these positions have been filled, and now the employees who were laid off and were not offered that position want it, but they do not have the room for that position. How is that being handled in this bill?

Robert Ostrovsky:

This bill only applies to vacancies that occur on or after this act becomes law. If positions have been filled along the way, either through recall or new hires, those people will not be getting back. If you have your job now, this bill does not require us to create a position or lay off or terminate any other employee. This will go for future vacancies. The thought is that through negotiations, over a period of time there will be enough vacancies to recall a lot of these folks.

Assemblywoman Kasama:

So it would not be a requirement to hire more people than you need because you have already hired some people already? Many of the casinos have already been hiring a lot of people to ramp up. If this bill goes through, and it says you have to offer a position to everybody, but there is no longer a position for them, will the casinos be required to hire them even though they do not have the need? That is what I am trying to understand.

Robert Ostrovsky:

The answer is clearly no. They are not required to create any positions. I know you read a newspaper that said we have hiring fairs for certain jobs, and we are heavily recruiting. We will go back again through our recall list to make sure that people who have seniority will be notified under the act and be recalled under the act. They are not required to create a position or overstaff in any way as a result of this bill.

Assemblywoman Carlton:

Mr. Ostrovsky, you just mentioned the question I had, and I wanted you to reiterate that. You mentioned the word seniority. No matter how it is looked at, if a waitress had been at Treasure Island for 15 years and another one had been there for 7 years, the waitress who had been there for 15 years would get the first call, and you would work down that seniority list. I just want to make sure we are clear on that because if you have given that many years to your employer, you should get that consideration first. Could you expand on that?

Robert Ostrovsky:

Yes, the most senior employee will get the benefit of the first recall. Under the provisions of this bill, they actually get three opportunities of recall. There is a requirement here that the person could turn the job down for whatever reason, and after three weeks, we could recall them a second time until a third recall when they say they do not want to return. We will continue to contact that person through three rounds of recall on a strict seniority basis.

Assemblywoman Dickman:

If this bill did not pass, would you not follow these procedures of recall bringing former employees back to their jobs, even if there is such a shortage of employees available?

Robert Ostrovsky:

Each of our properties is a little differently situated. Some of our properties have collective bargaining agreements. Those agreements have specific recall procedures in the event of a layoff. Some of those agreements have actually been extended by our members so those recall rights have been extended to what they are normally, which is about 12 months, and some have been extended to 24 months. Those are separate, private negotiations under the current terms of their collective bargaining agreements. Some of our operations are nonunion and have various policies in place for recall and they have applied those policies. This bill, as it is drafted, would overlay a new set of rules that all of the properties would have to go by. I think section 4 in this bill indicates that if you have a collective bargaining agreement and you have benefits greater than contained in this bill, the collective bargaining agreement would apply. If your agreement does not have the same benefits that this bill offers, then this bill would apply. I think Mr. More can comment on that. That was the intent of section 4.

Paul More:

Yes, because collective bargaining agreements frequently have recall provisions, and those are provisions that offer greater protection and are part of a complicated system for recall. We have included a provision in section 4 that makes it clear that if there is a conflict between the collective bargaining agreement's recall procedures and what is in this bill, then the collective bargaining procedures would be followed by the employer.

We expect and know that many employers will be bringing back their long-term employees. This bill is there for, what we hope, the outliers, and to create a floor so everyone is following the same rules. As Mr. Ostrovsky was saying, many of the employers covered by

this bill have already made commitments to bring back their experienced workforce. This is setting a minimum standard for union and nonunion properties in covered counties so there is a level playing field.

Robert Ostrovsky:

I wanted to make sure I did not misstate that. As section 4 says, the collective bargaining agreement is going to be looked at first and clearly. The collective bargaining agreements that have been signed would be the prevailing document.

Chair Jauregui:

We will now move to the testimony portion of the bill hearing. We will start with testimony in support. Members, because of the number of bills on our agenda today, I will remind you that I am going to enforce the two-minute-per-speaker rule so we can hear from as many people as possible. I will be limiting testimony in support, opposition, and neutral as well. Is there anyone wishing to testify in support of S.B. 386 (R1)?

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

We are in support of this legislation. We believe it is the right thing to do. This is not just a union bill; this is for a union and nonunion worker. It does not just affect people from the Culinary Union. I know that gets mentioned a lot. Workers for the United Auto Workers who represent dealers in hotels, from the IATSE [International Alliance of Theatrical Stage Employees], all of the stage shows have been shut down so all of the stagehands who work those shows have been laid off. There are Teamsters who set up conventions and do work like that, along with operating engineers who do the heating, air conditioning, and service work in the buildings. This covers a wide range of employees throughout the state. For those reasons, we are in support of this bill.

Marlene Lockard, representing Service Employees International Union Local 1107:

We are in support of this bill. We recognize what a horrendous year 2020 was for workers in our state, and we appreciate the parties coming together to develop a path for workers to return and provide some certainty again in their lives.

Chris Daly, Deputy Executive Director, Government Relations, Nevada State Education Association:

The Nevada State Education Association (NSEA) supports S.B. 386 (R1) giving thousands of unemployed workers in Nevada the right to return to their jobs. The Culinary Union is an important waiver partner of the NSEA. We have worked closely together during the COVID-19 pandemic. We appreciate the tens of thousands of students in our schools who have parents in the hospitality industry who have had their lives upended by the COVID-19 pandemic. The safe reopening of school buildings was only one part of getting our students through to the other side of this pandemic. The other part was the ability of their parents to return to their jobs to provide the economic stability necessary for students to be able to arrive at school truly ready to learn. Educators know this is too often not the case when students struggle at home with issues of food insecurity, housing instability, and parents

facing the stresses of unemployment and not being able to provide for their families. Senate Bill 386 (1st Reprint) is the right thing to do for labor and will also help thousands of Nevada students and their families. [Submitted a letter in support, [Exhibit C.](#)]

Annette Magnus, Executive Director, Battle Born Progress:

We are here today in strong support of S.B. 386 (R1). My neighbor, close friends, and many of our advocates were part of the massive layoffs last March, and all were culinary workers. Their lives were turned upside down. Many of them could not pay their rent, mortgages, and were struggling to put food on the table. Once hotels and casinos started reopening, they hoped they could safely return to work; some did and some did not. That is what many workers still want to do, but they have not been called back to work.

Do you know how heartbreaking it is to be laid off from the work you have done for decades and not be called back, but your employer is holding job fairs to hire hundreds of new employees? This should not be happening. People who are desperate deserve the right to return to their previous jobs. Please pass S.B. 386 (R1). Nevadans are desperate for your help.

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

I am here in support of S.B. 386 (R1). Nevada's workers are what keeps our state running, and if we want our state's economy to thrive, we must allow people to return to their jobs that they lost through no fault of their own. We urge your support of this bill.

Gillian Block, representing Legal Aid Center of Southern Nevada:

The Legal Aid Center of Southern Nevada operates the Legal Service Fund, which provides legal assistance to the more than 60,000 Culinary and Bartenders Union members who are the heart of the Nevada hospitality industry. After the shutdown last year, 98 percent of these workers became unemployed through no fault of their own, and many remain fully or partially unemployed to this day. Unemployment is the root cause of many issues that have a negative effect on our economy and the lives of Nevadans, including foreclosures, evictions, car repossession, debt collection, bankruptcy and more. Senate Bill 386 (1st Reprint) will ensure these qualified and well-established employees will have a right to return to their jobs, which will in turn improve our economy.

Benjamin Challinor Mendez, Policy Director, Faith in Action Nevada:

We are a nonpartisan, multifaith organization that organizes and advocates for racial, social, and economic justice, as well as an inclusive democracy. It is the moral thing to do to make sure we are getting these workers back to their jobs in order to make sure we are having a proper recovery from this pandemic.

Kent Ervin, Legislative Liaison, Nevada Faculty Alliance:

Many of our students support themselves to get through school or their families who work in the hospitality industry. For all the reasons already stated, we support the bill.

Fran Almaraz, representing Teamsters Local 986:

I am here today in support of this bill. We have many people working the front desk and valet at these hotels, and some of the hotels have already started hiring other people before calling our members back to work. The MGM has outsourced the valet services, and presently at the Flamingo, they have started hiring people who were previously working at the Rio because the Rio had not opened yet. Our members are out of work, and they would really like to have their jobs back. I urge you to please vote yes on this bill.

Priscilla Maloney, representing Nevada Chapter 4041, American Federation of State, County and Municipal Employees Retirees:

We, too, are here in support of our brothers and sisters, not just unionized folks, but all working folks here in Nevada. We were particularly distressed to hear that a lot of what the situation was included older workers being forced out of their jobs and not allowed to return; folks who had spent decades in their positions. We are in support of S.B. 386 (R1) and hope you will give it your full consideration this afternoon.

Jeri Burton, President, Nevada Chapter, National Organization for Women:

I am a native Nevadan, and I am here to represent our members in support of S.B. 386 (R1). We know Nevada was one of the hardest hit in the pandemic, and people lost their jobs through no fault of their own. Women have been affected in particular as they make up a very large number of the employees in the hospitality business. It is fair to bring back workers with the pay and benefits they earned, and we ask that you vote yes on S.B. 386 (R1) and support our Nevada workers.

[[Exhibit D](#), [Exhibit E](#), and [Exhibit F](#) were submitted but not discussed and will become part of the record.]

Chair Jauregui:

If we do not get to the callers or you are not able to share testimony for time reasons, I encourage everyone to submit their written testimony for inclusion in the meeting record. Is there anyone else wishing to testify in support? [There was no one.] Is there anyone wishing to testify in opposition to S.B. 386 (R1)?

Paul J. Moradkhan, Senior Vice President, Government Affairs, Vegas Chamber:

The last year has been challenging for all Nevadans, and we all want to move forward and rebuild our state's economy together. I do believe that is a common goal for all of us. We appreciate the extensive work and the progress that has been made on this bill between the proponents and the industry on the compromise version you see today. We recognize that it has taken a lot of good faith to come together on the version you see today in front of you. Our concern is about the small, locally owned, independent business that is not owned by the hotel properties or nationally owned corporation that happens to be located on the hotel property through a lease that may be unintentionally impacted. Again, we appreciate the work that has been done on S.B. 386 (R1) for today.

Randi Thompson, State Director, National Federation of Independent Business:

Assemblywoman Tolles brought up some of the concerns we have. Forever Heather is located in the Reno airport. It is a small business that is not fully staffed. They would be impacted by this bill. They have not been able to fully staff because the airport is not fully staffed. There are a lot of small, independent businesses in casinos, event centers, and in the airports that will be affected by this bill, and for that reason, we oppose it.

Mendy Elliott, representing Reno + Sparks Chamber of Commerce:

Mr. Moradkhan and Ms. Thompson both eloquently stated the concerns that we have. It is not the large casinos; it is the small businesses that have been struggling. They have been struggling to keep their doors open. They were shut down, too. They have been struggling to pay their bills. Now, we have a bill that is going to require them to go back and try to figure out what is happening with some of their employees. Frankly, some of these are really small mom-and-pop businesses. Many of them have become families. The employees become family members because they have worked with them for so long. It is very difficult, and we understand the bill, the merits of the bill, and the perspective from the large casinos, entertainment industries, and the resorts. For the small mom and pops that just happen to be located under the umbrella of the casinos, we would really appreciate some consideration as it relates to those individuals and to have a small business definition that has already been drafted into statute. It would be nice if that would be applicable to this bill as well. For that reason, we stand in opposition.

Shelly Stewart, Private Citizen, Las Vegas, Nevada:

I am not in opposition to S.B. 386 (R1). I am on the wrong side.

Amber Stidham, Vice President, Government Affairs, Henderson Chamber of Commerce:

We, too, can appreciate the bill intent and all the work that has gone into the most recent amendment to address the concerns of some of the large casual gaming properties and airport providers. We continue to be deeply concerned also about the impact this bill has on small businesses that do not fit within that collective bargaining measure and do fit within the covered enterprise provision outlined within section 11 of the bill. These are businesses, such as our local and small event banquet centers, independently owned small casinos, restaurants, and local tour operators. These are businesses that are too small and have a limited capacity to meet the provisions outlined in this bill without incurring extremely [unintelligible] and liability as a result of these efforts. Many of these small businesses have already [unintelligible] without needing legislation. We, too, would urge your consideration of providing for a small business exemption.

Barry Lieberman, Chief Development Officer, South Point Hotel and Casino, Las Vegas, Nevada:

When the global pandemic resulted in the Nevada Gaming Control Board ordering the closure of the gaming areas at the South Point Hotel and Casino on March 17, 2020, an event that had never taken place in the long history of being in Nevada, South Point, had no idea when we would be able to welcome back our guests and return employees to work.

However, Michael Gaughan, the managing member of the South Point, chose to keep virtually all the South Point regular employees on the payroll for the first month and a half of the closure. When the South Point was finally financially forced to furlough some employees in early May 2020, Mr. Gaughan made the decision to continue to pay the very costly health insurance premiums so the furloughed employees could [audio was lost]. [Submitted a letter in opposition, [Exhibit G](#).]

Chair Jauregui:

Could you restate your name for the record?

Barry Lieberman:

[Stated and spelled name.]

Chair Jauregui:

Is there anyone else in opposition? [There was no one.] Is there anyone wishing to testify in neutral? [There was no one.] At this time, I would like to call our bill sponsor up for closing remarks if she has any. [Senator Cannizzaro had no closing remarks.] I will close the hearing on S.B. 386 (R1).

Members, if you could stand at ease for a moment. At this time, I would like to go ahead and move us into a work session on Senate Bill 386 (1st Reprint). I am going to hand it over to our policy analyst, Ms. Paslov-Thomas, to walk us through the work session.

Marjorie Paslov-Thomas, Committee Policy Analyst:

Senate Bill 386 (1st Reprint) relates to employment in the declaration of emergency for COVID-19. It is sponsored by Senator Cannizzaro, and it was heard today in Committee. There are no proposed amendments.

Chair Jauregui:

We will go to a recess [at 3:01 p.m.].

We will now reconvene [at 3:09 p.m.]. Ms. Paslov-Thomas, did we finish reading through the work session? [Ms. Paslov-Thomas indicated yes.] At this time, are there any questions on the bill before you? [There were none.] I will entertain a motion to do pass Senate Bill 386 (1st Reprint).

ASSEMBLYWOMAN CARLTON MADE A MOTION TO DO PASS
SENATE BILL 386 (1ST REPRINT).

ASSEMBLYMAN FLORES SECONDED THE MOTION.

Is there any discussion on the motion?

Assemblywoman Carlton:

I have to say something. These are the folks I have worked next to for most of my career. When you can find a good waitress job and be able to work a decent shift knowing you can go home and take care of your family, be a Sunday School teacher, a Girl Scout leader, be the Cub Scout leader, and do all of those other things, we are part of the community. The people we are talking about protecting in this bill are the people who built this state. They are the economic engine of this state. They have given their lives. I know a lot of the waitresses I have worked with, and myself, when we get a little bit older, the knees and shoulders we took advantage of are sore and tired, but we love our jobs. I know these folks want nothing but to go back to work. When I talk to them at the food pantry—because they are coming to food pantries, are looking for a rental, and utility assistance—they want nothing more than to go back to work. I think this legislation will give them the peace of mind of knowing they will get that phone call and be able to go back to work every day and do the thing they love to do next to their coworkers.

Assemblywoman Tolles:

Thank you for those comments. I appreciate what we are trying to do to help everyone. Again, this has been a brutal year. I was waiting with bated breath during the recess to see if there was possibly going to be an amendment addressing some of the concerns of the small businesses. Also knowing that not all the members voted in favor, and for some of the larger businesses, I still share some of their concerns as well, so I will be a no.

Assemblyman O'Neill:

I fully agree with Assemblywoman Carlton's position, and I want to support it. I do believe they should have all the employees have the right to come back to work. I guess maybe I do not understand the Las Vegas economy right now because up here in the northern part, I have hospitality centers calling me up asking me to find employees. I actually filled out an application for a heavy equipment operator without any experience and was hired with no training. I turned it down.

I do think there have been really strong examples given or needs given to exempt the smaller businesses. I would like to work towards that. I would love to see an amendment to exempt those smaller, 50 employees-or-fewer operations. With that, unfortunately, I just cannot vote yes.

Assemblywoman Marzola:

I just want to say thank you for bringing this bill. We have had a lot of talk today about small businesses. I own my own small business. I had just opened, and all of a sudden COVID-19 hit. It was really tough, and I almost had to close down, but this bill is for the good of the people. This bill is for the good of Nevada. If positions in my firm come open, I need to give them back to the people who helped me build it in the first place. I wanted to make that statement. I consider myself a mom and pop because I have a very small business. I wanted to get that on the record.

Chair Jauregui:

I am going to take a point of privilege as the Chair to make a quick comment. We have heard a lot of discussions this session about the economic driver and the economic engine of our state and doing what we can to make sure that we are going to have a thriving touristic economy to help our state pull out of this. Let us not forget that the engine is made up of many pieces, and the most important pieces to that engine are the employees who go to work there every day. I invite the tourists who come to our state to keep coming back so we can return to having over 40 million visitors a year who visit our state. Is there any more discussion? [There was none.]

THE MOTION PASSED. (ASSEMBLYMEN DICKMAN, HARDY, KASAMA, O'NEILL, AND TOLLES VOTED NO. ASSEMBLYWOMAN MARTINEZ WAS ABSENT FOR THE VOTE.)

I will assign the floor statement to Assemblywoman Carlton.

We will go back to the bill hearing portion of our agenda. I will open the hearing on Senate Bill 340 (2nd Reprint). I believe we have Senator Neal with us to present. Senator Neal, I also show that we have Matthew McDonald presenting.

Senate Bill 340 (2nd Reprint): Revises provision relating to the wages and working conditions of certain employees. (BDR 53-573)

Senator Dina Neal, Senate District No. 4:

I am here to copresent Senate Bill 340 (2nd Reprint), and I want to give some quick opening remarks. I think every time I have testified on this bill, I have a different story or different memory. When I was asked to bring this bill, I was sitting in the hospital waiting on my dad. He was not even at the stage where I needed to get personal home care. And after I was asked to carry the bill, I ended up having a direct relationship to this bill. My family had to hire a personal care attendant to help take care of my father while he was recovering after leaving Dignity Health-St. Rose Dominican Hospital. I had a chance to meet a Black woman who owned a small business. We interviewed her and found out there was a range we could pay her for taking care of my dad. We could pay her \$15 an hour or the max, which was \$22 an hour. I elected to pay \$22 an hour to have a woman come in for roughly 3 hours a day or 15 hours a week to help us. It was me and my daughter, and the woman would come in and help bathe him and get his pajamas on while he was in a hospital bed.

When I came to this session [81st Session] and realized S.B. 340 (R2) was going to give a voice to the woman I encountered and the other workers—men and women—who do this work, it was a bill that became personal for me because I understood the level of work they do and the level of impact they have on families. It is a big deal to have a home care worker come in and help you offset some of the duties and responsibilities you have in taking care of a family member who is sick and cannot take care of themselves. When we talk about proper wage, having a seat at the table, and being part of a board where they can discuss their relationship with their employers, this bill sets that up. I had a different experience where

I was dealing directly with the employer and her employee. On the days when her employee, Miss Tina, could not come, the boss would actually come in and fill in for that time. That is how small a business it was. She probably had four personal home care workers.

I wanted to put that on the record because I read—I do not know if it is 26 letters of opposition—the different letters, and the comments pretty much reiterate the same comment that this bill was somehow an assault on the employers and on their business model. I disagree for several reasons because this bill should be seen as more of a balancing measure between employer and employee and allowing actual personal home care workers to have a seat at the table when there is a wage issue and when there is a discussion about the hours they work. This bill does that. It actually gives workers power. It is a relationship that is then developed within the Department of Health and Human Services because the director, when you read the bill, has roles and duties that are attributed to this board.

I wanted to put that out there as my opening comments because it is not an assault on these employers. It is a balancing bill that gives a right and opportunity to the workers who serve those families and share households with them for hours each week. I think they deserve a seat at the table to discuss the issues that affect them where they have not had that. I will turn it over to Ms. Lockard, and then another person will go through the bill. I am also here to assist in that.

Marlene Lockard, representing Service Employees International Union Local 1107:

Service Employees International Union (SEIU) Local 1107 is the largest movement of health care and public workers in Nevada and is approximately 19,000 strong. Last fall, the Kenny Guinn Center for Policy Priorities issued an assessment of the personal care workforce in Nevada. It reported that a dire crisis is on the horizon and creating a dangerous home care worker shortage, which will hurt Nevadans—Nevada seniors, people with disabilities, and home care workers alike. Nevada has approximately 13,000 home care workers, and the Guinn Center report projects we will need to add some 5,500 more to the workforce by 2026.

To compound an already simmering public policy time bomb, the Elders Count Nevada report indicates Nevada will continue to experience an aging tsunami. Nevada's population has increased by almost 11.5 percent, while the 65 and older population has increased by a whopping 40 percent. Nevada's growth rate for those age 85 and older is double the national rate. One in two home care workers leave the job within a year of taking it. While the need to attract and retain a dedicated home care workforce is clearly established, it is also clear that Nevada does not currently have policies in place to accomplish this.

Senate Bill 340 (2nd Reprint) will establish the Nevada Home Care Workforce Safety and Standards Act, which will create a board made up of workers, consumers, employers, and state officials to recommend improvements based on examinations of training, COVID-19 protocols, protective equipment, benefits, and other issues in order to retain these essential workers. This board will bring the voice of all parties to the table to coordinate for

the first time the development of consistent standards, best practices, and to establish a stable, long-term, and committed workforce recognizing home care as an undervalued, yet critically important profession.

Senate Bill 340 (2nd Reprint) will save the state money. According to expenditure data provided to Centers for Medicaid and Medicare Services (CMS), the state estimates an average per capita savings of over \$70,000 per year when the senior is served through the Medicaid waiver program instead of a nursing facility. Those of us who care for loved ones know our families want to stay in their homes as long as possible. Sadly, COVID-19 has exposed the risks and safety issues existing in many institutional care facilities. We believe that investing now will pay multiple dividends to the state by saving millions of future dollars that will be expended if we do not act, and you do too.

This body and Governor Sisolak issued the Every Nevadan Recovery Framework. As expressed in this document, you and the Governor have shown your foresight into the strategy needed to stave off the consequences of ignoring the alarm bells our policy experts have sounded. This is the time to act to ensure the safety and protection of our seniors, the disabled, and to improve the lives of our essential home care workers, which they richly deserve. Madam Chair, we have Mr. McDonald on the line to answer questions. I am, however, prepared to walk through the bill if you choose to have me do so.

Chair Jauregui:

Is Mr. McDonald going to give remarks or just answer questions?

Marlene Lockard:

He is there to just answer questions if needed.

Chair Jauregui:

If you would just give a high-level overview of the bill, and then we can move quickly into questions and answers and then testimony.

Marlene Lockard:

The home care workforce is designed as a caregiver providing publicly funded personal care, personal assistance, or temporary respite care who is employed by an agency contracted with the Aging and Disability Services Division, Department of Health and Human Services (DHHS). Convening the board is triggered by at least 50 home care workers filing a petition with the Director of DHHS, or if the Director determines the board will convene, if necessary. Before the board's first meeting, the DHHS Director and Labor Commissioner of the Department of Business and Industry shall collect relevant data on the wages, working conditions, and compliance with relevant laws within the industry and share their findings with board members.

The composition of the board will consist of the DHHS Director or his designee, and members would consist of the Labor Commissioner, three representatives of home care health workers, three representatives of home health care employers, and three representatives of home care consumers. Members serve on a voluntary basis, meaning they would receive no compensation for serving on the board.

Topics to be investigated would be the wages paid to home care workers and safe and healthy working conditions. The bill does not prescribe the exact topics that must be investigated. Instead, it lays out a list of topics for the board to consider. Those topics include reimbursement rates, wages, training, recruitment, retention levels, and worker protections. Any recommendations supported by at least half of the board members would be included in the board's final report, which is due no later than one year after the board's first meeting, and it will be released online.

For implementation, the DHHS Director will decide which recommendations to effectuate via issuing regulations subject to legislative and federal approval where applicable. The Director may also disapprove of any board recommendations and may recommit the subjects to the same or new board.

The Labor Commissioner shall have the authority to enforce all recommendations that the DHHS Director has implemented, and the Labor Commissioner shall also enforce employee protections to prevent an employer from discharging or threatening to discharge an employee based on their participation in the board process.

Lastly, the board is charged with developing recommendations relating to COVID-19 safety protocols, including the distribution of personal protective equipment, effective training, outbreak reporting, vaccine distribution equity, and the disbursement of federal relief funds. These recommendations shall be shared with the Governor and the Legislature.

Chair Jauregui:

Are there any questions?

Assemblywoman Tolles:

I want to acknowledge the home care workers in this room. Similar to Senator Neal, we had the privilege of taking care of my father-in-law all the way through hospice at the end of his life, and I could not say enough about the home care workers we had who helped us through those last years. It was just unbelievable and is God's work for sure.

I appreciate the conversations around this bill. Particularly, I appreciate the membership of the board with really putting together a collaboration and that balance of employers, employees, and representatives, as well as the training aspect and publishing those things on an Internet website. I think all of that for compliance is really beneficial and helpful overall to everyone involved.

My questions have to do with sections 18 and 19. As I read it, one of the tasks that would come out of this board would be to give authority for them to come up with recommendations regarding wages and conditions. If those recommendations are adopted, then every employer with home health care workers, whether they are engaged in this board or not, would be under the provisions of having to comply with those new wages and conditions. It is not something that is put in statute, but it is a new layer. Am I reading it correctly?

Marlene Lockard:

The Director of DHHS would adopt regulations, but all of it is subject to the approval of state and federal regulations. The wage aspect and other approval items would come back to the Legislature if it were outside the Director's statutory authority.

Assemblywoman Tolles:

So, it is not that we would have this board establishing a new minimum wage or new work conditions, it would be that they would make recommendations, and then the Legislature would then consider that?

Marlene Lockard:

Some of the authority of the DHHS Director is to establish recommendations on training and other aspects if it is within the Director's authority. But on the wage component, it would be within the approval and purview of this body.

Assemblywoman Tolles:

That is how I read it under section 19 that any "home care employee . . . a wage of not less than the minimum wage established by regulation of the Director" We have had conversations before because this body has passed changes to minimum wage, and there have been questions and conversations about what happens with that combined with our overtime laws and how that prices us out of Medicaid reimbursement. The concern there is that Senator Neal and I were able to provide that for our loved ones, but would we inadvertently price out a family from being able to afford that because we have gone beyond the Medicaid reimbursement rate? That would be the concern we have had in this body before.

Marlene Lockard:

It is anticipated that increasing the Medicaid reimbursement rate would be fully investigated and recommendations made in that arena as well, because that is a critical problem for the health care worker in the state of Nevada. I will turn to Mr. McDonald if he has any further comment on that or to correct me on anything I may have misstated.

Matthew McDonald, representing Service Employees International Union:

No such corrections. I think the board will have to examine how prices are set in the private paid market. I think there is no distinct methodology to that. Rising Medicaid reimbursements rates, in this case, I think would create better outcomes overall for consumers and workers without impacting the demand that will be placed on these services.

The one thing I think all studies indicate is the demand for these services is growing dramatically, and raising wage rates is a critical component of making sure that workforce is available to consumers who will need those services in the future.

Assemblywoman Duran:

I know some home health care workers do several different types of duties when they are hired. Are they paid based on, for example, being a personal assistant, cleaning, or doing different duties, or is it just a flat rate they get?

Senator Neal:

It was hourly when I paid in the setup for me—you get a contract which lays it out. It had additional duties such as doing laundry, dishes, sweeping, bathing, or prescription medicine reminders but not giving the medicine. It was very limited, meaning the work could only be for the patient or the patient area. For example, with my dad, we got the benefit of one of his friends renovating a bit of the house, and she was only focused on one area of the house and nowhere else. My daughter and I dirtied dishes, but she was not responsible for washing our dishes, nor did we ever ask her to do that. Although those are duties we could have asked for, we just kept it to putting his pajamas on, bathing him, sweeping, and giving us a couple of hours of rest. That was it. The contract typically spells out what those duties are, and you cannot go beyond those things; you cannot ask them to do more. They expect your house to be clean. You cannot have a worker come into your house, and you have all of these barriers. It was important that the employer came in to make sure the pathways were clear for the worker so they would not be stumbling over a bunch of stuff as if you were some sort of hoarder. The way it was understood in the contract is that you would have had to clean all of that up. There had to be enough space to move the patient in and out. We never asked her to help put him in a lift even though she could have. It was based on skill set. The way our relationship was, and what I understood, was there were different levels. I chose the exact skill sets I needed. We had a lift, and my daughter and I focused on the lift. I became the expert in lifting humans into a wheelchair, but I never asked her for that, but she could have helped in that capacity.

Assemblywoman Duran:

I think I am correct in that you basically stated that you paid \$22 an hour. Does that amount of money go to the health care worker for her duties, or is that part of just getting the agency to set something up?

Senator Neal:

That is a good question. When we were offered that pay range, I wanted the pay to go directly to her. Whether or not there was something taken off the top, I never asked. We had timesheets, and we had her fill them out, just like when her employer came in when she filled in for her. We knew when we wrote the check, it was for the \$22 an hour, and that is what we expected her to be paid for. The reason I did the top of the range was because I wanted someone with more skill. I wanted someone who was going to come in and really assist. I did not know what they were getting into, and I did not know what I was getting myself into

because that was my first contract. I wanted to make sure they were paid well and that the 15 hours a week they were coming in was enough for them to be able to take care of themselves. They were coming into our space to help take care of my dad, but it was arranged. It was my understanding that is what she received and when we got the invoice, it would reflect that amount. I do not know what other personal care attendant companies are doing. I just know the one that I worked with, the invoice I got every two weeks showed what Miss Tina would get paid versus what the company was paid. I had to do an initial deposit when we brought her on just to make sure there was a buffer in case we did not pay on time so the worker was paid.

Assemblywoman Dickman:

Thank you to all of the home health care workers. I would have to agree with Assemblywoman Tolles that they are doing God's work, and they are angels. I do have a question about section 20, subsection 2. Do we already have compliance regulations in place? What was the thinking behind adding this misdemeanor and up to a \$1,000 fine?

Marlene Lockard:

This is precisely why we need the board. There are some compliance regulations in place. They are implemented sporadically. There is no consistency across the board among what employers implement right now; they are supposed to pay for training, but there are some agencies that do not pay for training. If there are some 300 employers in the state of Nevada, and if we could develop standards and consistency through this board, as we were previously discussing the wages, the average wage for a home care worker is \$11 an hour. You can see they have the ability to earn more depending on the employer and that situation. The enforcement piece is a piece that we also need to bring together for those compliance directives already in statute.

Senator Neal:

I want to add to this. When you look at section 20, to me it lays out employee protection. Section 20, subsection 1 talks about discharge, discipline, and discrimination. It also says threatening someone. If we get into a situation where we are trying to establish worker protections from an employer discriminating, threatening, or doing something that is a negative response to an employee, I think the penalty that is addressed in section 20, subsection 2, violating that provision and being "guilty of a misdemeanor and shall be punished by a fine of not more than \$1,000" is actually minimal if we are talking about a discriminatory action or if we are talking about threatening. I also do not think these provisions will just come in play without some kind of review or action. The way I read this, these protections come under the Labor Commissioner. The Labor Commissioner will do her review, hopefully, and there will be an appeals process to then make sure the facts are correct, and there was a threat or discrimination, and that is fully vetted before this is triggered. I think \$1,000 is minimal if someone were to discriminate against you or threaten you if you are an employee.

Chair Jauregui:

I am going to jump in really quick before I come to you for follow-up, Assemblywoman Dickman. Did you say the average home health care worker's earnings are \$11 per hour? [A speaker indicated yes.] I think we can all agree that God's work deserves more than that. Assemblywoman Dickman, do you have any follow-up?

Assemblywoman Dickman:

This applies to people who are working in home health care but employed by someone. Are there people who do this on their own and find clients? How would this help them?

Senator Neal:

I am going to answer this in part and turn it over to Ms. Lockard. Yes, there are opportunities for a sibling or whomever, to get trained and then be paid, and they would do that work for their family member. That was something I found out about in this process and journey because one of my family members was talking about trying to get trained and quit their job, and I said, Negative. We are going to stick with a trained professional, and you are not going to go through the training. Because of what my expectations were for care, I wanted somebody who was from an established company, but that option is there. Typically, it is a person you know who then goes into training or a family member who can then receive that. In terms of how this would apply, they are technically—I would think—employed by the Division.

Marlene Lockard:

The health care employers are supposed to be licensed in the state of Nevada. Not all operators operating today are licensed. That is one of the provisions in this bill that would take a look to see which employers are currently doing this work without a license. If one of our health care workers worked for a licensed personal care agency, there are protocols and training required by the state they must follow. If an individual is hired on a personal level, to my knowledge they would not know or be subject to that training or the required protocols of a licensed home care employer.

Assemblyman O'Neill:

I will try to make this really quick. If I understand this correctly, you are saying we have licensed health care providers and DHHS is not doing their job in overseeing them properly, and even the licensed employees of these agencies are not being properly trained and provided with the necessary equipment to do their jobs? The state is falling down now. We should stick with the law we have. I am a little confused here. I have one follow-up question also.

Marlene Lockard:

The state has responsibilities of enforcing the statutes and regulations that currently exist. One of the problems, as I have stated, is the inconsistency across employers, and as I also stated, some of these employers are operating without a license. That is one of the reasons we need a board to pull in and identify these employers. When you read the bill, that is why

there is an investigation to see what is out there and who is complying and who is not complying with current rules and regulations that will be adopted as a result of some of these investigations. Hopefully, that answers your question.

Assemblyman O'Neill:

I am thinking of the State Contractors' Board. You can become a licensed contractor in building trades. There are still people who work outside of that, and that is a buyer beware operation. What I am hearing is that those who are now being licensed are not being held to the same standard. The other question I have, is this proposal, study, and board going to do a study and report back, or are they going to form up and now become the controlling force without further legislation?

Marlene Lockard:

No. First, to answer the second part of the question. The problem is identifying those folks not complying when they are unlicensed now. If we do a survey, we can identify folks who are not in compliance. To the other question you had, the board will make recommendations to the Director of DHHS. The Director has the authority to implement some within his purview and adopt regulations. Other recommendations that would be subject to state or federal requirement would come to this body for approval. It is not standing on its own, implementing a wage increase, for example, without review.

Assemblywoman Kasama:

In section 20, subsection 2, where it has, "A home care employer who violates the provisions of subsection 1 is guilty of a misdemeanor and shall be punished by a fine of not more than \$1,000," I am wondering where you came up with that as far as a misdemeanor. I know we are trying to decriminalize so much during this session, and now this is a new board and regulation and going right at it with a misdemeanor. I am wondering what the thought was behind that.

Marlene Lockard:

At the present time, there is no motivation for an employer to follow some of the regulations and requirements that are on the books. This is an enforcement mechanism to protect the home health care worker. This is a fine on the employer.

Chair Jauregui:

I wanted to put on the record that this is a really low fine. The Labor Commissioner's administrative fine authority goes up to \$5,000 in her chapter. Capping it at \$1,000 is actually taking away some of the Labor Commissioner's authority that already exists in the *Nevada Revised Statutes* (NRS).

Senator Neal:

Thank you for that, Chair, because I was just getting ready to say that. There are different discrimination provisions you can find if you research retaliation provisions or discrimination provisions under the Nevada Equal Rights Commission, Department of Employment, Training and Rehabilitation, and the Office of Labor Commissioner, Department of Business

and Industry, where the fines are a little different. I have even seen bills that have come through and been voted on with a much higher threshold. A bill that we just heard actually had one that was significantly greater. I think it was \$10,000.

Chair Jauregui:

Seeing no further questions, I am going to move to testimony in support. I want to reiterate we still have four bills on our agenda, so I am really enforcing the two-minute time limit on testimony so we can hear from as many people as possible. Is there anyone wishing to testify in support of S.B. 340 (R2)?

Annette Magnus, Executive Director, Battle Born Progress:

We are here today in strong support of S.B. 340 (R2). Nevada's home health care workers are on the front lines of caring for people in this state. The importance of and demand for their dedicated labor has increased during the pandemic. We must treat this workforce with the respect and dignity they deserve. Too many of the state's 13,000 home care workers are underpaid, exploited, and their working conditions have only worsened during the COVID-19 pandemic. Without oversight of working conditions, the people whom they care for will also be at risk. Our home health care workers in Nevada deserve better for themselves and their families, while they maintain the health and independence of tens of thousands of Nevadans. Please pass S.B. 340 (R2).

Brian Lee, Executive Director, Nevada State Education Association:

Nevada State Education Association (NSEA) is the voice of Nevada educators and students and has been for over 120 years. Previously, I worked as a home care worker and organizer. I have personally seen the impact home care workers have in the lives of their consumers by affording thousands of people the ability to live with dignity in their homes. I have also seen the detrimental effects that can be wrought by the lack of proper oversight over these essential programs. For the past 116 days, NSEA has advocated for educator voice in decisions that impact our work, but educator voice is only part of our larger goal of establishing true worker voice. Senate Bill 340 (2nd Reprint) establishes a voice for home care workers, a viable group of workers who are too often overlooked. The Nevada State Education Association and I strongly support S.B. 340 (R2).

Rozetta Love, Private Citizen, Las Vegas, Nevada:

I am a constituent of Senator Dina Neal. I was born and raised here, and as I watched our city grow, I have seen the need for home care service keep growing as well. I am here today to ask you to pass S.B. 340 (R2) and create the home care standard where we need to investigate the issues facing home care workers like me, and also our clients. We do this work because we care deeply about our clients and our community. Despite our vital work, we are paid poverty wages, and most of us do not even have health care or paid sick days. We deserve to be treated fairly, and our clients deserve the highest quality care. Right now, about half of the home care workers leave their jobs in a year. It is essential work, but too many people cannot make a living at it. My hope is that we reform the home care system and

make home care jobs good quality jobs with living wages, so the next generation of workers can proudly take care of me and our loved ones. Thank you for listening and supporting S.B. 340 (R2).

Shanieka Cooper, Private Citizen, Las Vegas, Nevada:

I am a long-term home care worker, and a constituent in Las Vegas Assembly District 3. I am speaking in support of S.B. 340 (R2) because home care is essential for the safety and well-being of seniors, and it also saves taxpayers money. We need to make sure we have a high-quality home care system here in Nevada, so home care workers, like myself, can provide these decent lives for our families, and our clients get the very best care.

I started in home care years ago after caring for my great aunt. During this time, I discovered a passion for helping and caring for others. Early on, I was shocked to find out home care workers have to pay for the requirements to obtain a job here, like our fingerprints and basic training. This is a burden if you do not have any income when applying for a job. Not only are home care workers struggling, but our clients are too. With the low wages and lack of benefits, it is very difficult for clients to keep and find quality home care givers. With our aging population here in Nevada, this has become a major crisis. Senate Bill 340 (2nd Reprint) will give workers like myself and consumers a seat at the table, along with employers and elected leaders, so we can lift home care workers out of poverty and make sure seniors get the care they deserve. Please pass this crucial bill.

Carol Matrone, Private Citizen, Las Vegas, Nevada:

I am a long-time Las Vegas resident. I am here today in support of S.B. 340 (R2). I am here as a consumer. My daughter is 30 years old and is significantly physically challenged and disabled and has received home care worker services since the year 2000. In addition to being here in support with my SEIU sisters, I am also a long-time American Federation of State, County and Municipal Employees member, as I was a state employee until November 2019. At that time, as a local long-term ombudsman serving seniors and vulnerable adults in Las Vegas, I had to prematurely retire due to back-to-back COVID-19 scares and quarantines with my daughter and myself, often being the last caregiver standing. At that time, I retired, and I became her home health care worker. I was receiving wages through a local health care company.

I am really not here for myself. I am really here for my daughter and the workers I have seen come through our doors since the year 2000. I counted last night because I thought I was embellishing my number, but it is probably close to 100 workers who have come, gotten trained, formed a relationship with my daughter, and moved on because they could not stay in this position with a sustainable wage or working conditions. That often devastates my daughter who is dependent on these workers for every aspect of her daily living activities. That is bathing, dressing, grooming, toileting, getting up in her wheelchair, and all of that. I would appreciate your support of S.B. 340 (R2), not only for those home care workers, but for my daughter and for aging parents, such as myself, who had to step up and become caregivers in this field.

Tess Opferman, representing Nevada Women's Lobby:

First, we want to thank Senator Neal for working on this bill and bringing forward such important legislation that will help families, seniors, women, and people of color. I know the statistics have been talked about, but I want to focus on the fact that of the more than 13,000 home care workers in Nevada, 84 percent are women and 35 percent are women of color. This is significantly higher than the general population where women of color make up only 17 percent of Nevada's total population. These workers make an average of \$11.07 an hour, which is simply not a sustainable living wage. This leads to a high turnover rate in the home care industry, and caring, qualified workers are leaving the profession at a rapid pace. We have an entire workforce trained to care for our aging parents and grandparents, allowing our family members to stay in their houses and get the services they need, but we have to pay a living wage and ensure adequate training is in place. We urge your support on S.B. 340 (R2).

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

I am representing the 150,000 members of the Nevada State AFL-CIO. We are in support of this legislation for all the reasons that have been stated before. I will just include a ditto. We are in support.

Jim Sullivan, Political Director, Culinary Workers Union Local 226:

The Culinary Workers Union supports S.B. 340 (R2) because we strongly believe all of our members should be treated with dignity and respect. We are proud to support home care workers who are organized and have a voice on the job. Many home care workers are women of color who earn low wages and have no health care themselves while they are providing essential health care for our loved ones, seniors, and individuals with disabilities. That needs to change. Home care workers were always essential, and the risks these workers have faced to take care of Nevada's most vulnerable citizens over the past year have cemented this fact. The need for high-quality home care services in the Silver State is skyrocketing with too many of the state's 13,000 home care workers underpaid and exploited. To ensure all Nevadans can age and retire with dignity, the state must have a well-compensated home care workforce with safe working conditions. We would like to echo the comments of SEIU and the other supporters of the bill, and we would also like to thank Senator Neal for bringing this bill forward. The Culinary Union urges the Nevada Legislature to support and pass S.B. 340 (R2).

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

Providing care for aging adults and people with disabilities is not just a job; it is a deep commitment to work hard to support Nevadans and their families. These workers are entrusted to care for others, and we should ensure as a state that we take the best care of them by passing S.B. 340 (R2). I urge your support of this bill.

Priscilla Maloney, representing Nevada Chapter 4041, American Federation of State, County and Municipal Employees Retirees:

For all of the things that have been said, very important things this afternoon in support of S.B. 340 (R2), we are also here in solidarity to give our support.

Benjamin Challinor Mendez, Policy Director, Faith in Action Nevada:

As was mentioned during the presentation and questioning, these workers are doing God's work. They are taking care of our loved ones, and we would like to echo the statements before, especially from the home care workers who came up and spoke.

Tom Dunn, Vice President, Northern District, Professional Fire Fighters of Nevada:

Today, I sit here in support of S.B. 340 (R2). As a child who grew up here in Nevada, I have two aging, disabled parents, and I encourage you to vote yes on S.B. 340 (R2).

Kent Ervin, Legislative Liaison, Nevada Faculty Alliance:

Ditto.

Jeri Burton, President, Nevada Chapter, National Organization for Women:

I am here representing our members in support of S.B. 340 (R2). As you heard, 84 percent of home care workers are women, and 35 percent are women of color. We have a shortage of home care workers in Nevada that is putting a huge burden on the workers who are required to work long hours and be on call for their clients. We need to investigate the conditions of the home health care workers and see they are paid a living wage, and this bill will give them a seat at the table.

My sister is a home health care worker and is often called in the middle of the night to run to the aid of her clients, and families who often do not even live nearby rely on her to care for them at all hours. When the pandemic started, she did not have the option to stay home; her clients needed her, and she was given very little for personal protective equipment. She mostly provided her own.

My mother had a rare disease of primary, progressing aphasia and required around-the-clock care toward the end of her life. We had amazing home health care workers helping us care for her, and they treated my mom like family. They deserve safe working conditions and better pay and benefits. We urge you to vote yes on S.B. 340 (R2).

Eva Love, Private Citizen, Las Vegas, Nevada:

My husband had a bad stroke six years ago, and since then we have had caregivers in our home helping me take care of him. I know that many of the agencies that hire and send them out are running on a wing and prayer. We have used a lot of different caregiver agencies over the years with a lot of different caregivers. Most of the agencies do not have professional staff, do not have policies that support the caregivers, and they often treat the caregivers badly. For example, the caregiver we now have is being asked to work a 6 a.m. shift for another client before coming to us at 8 a.m. and staying with us until 9:30 a.m., and then she comes back from 8:30 p.m. to 10:30 p.m. She has to drive 45 minutes home, and then she is supposed to get up at 4 a.m. to go back to start her 6 a.m. shift. It was completely unfair. I finally talked to her and told her this is not right. She was afraid that if she said anything about it that they would not give her any more hours.

The caregivers do not have any power at the agencies. Of course, this is not the worst example. You can see that if the caregivers had a seat at the table, they would feel like they would not have to take [unintelligible] give and take. I am in support of S.B. 340 (R2).

[[Exhibit H](#) and [Exhibit I](#) are letters in support that were not discussed but will become part of the record.]

Chair Jauregui:

We will take one more caller in support. For those of you who are on the line but did not get to testify, I encourage you to submit your written remarks, and we will include them in the meeting record. Is there anyone else wishing to testify in support? [There was no one.] Is there anyone wishing to testify in opposition?

Connie McMullen, representing Personal Care Association of Nevada:

We oppose S.B. 340 (R2) because creating a labor board exceeds what is already in statute. Senate Bill 340 (2nd Reprint) creates a board operating alongside the current regulatory role of the Bureau of Health Care Quality and Compliance (HCQC), under the Division of Public and Behavioral Health, Department of Health and Human Services and the Office of the Labor Commissioner. Senate Bill 340 (2nd Reprint) asks the state to fund the board and expand HCQC and the Labor Commissioner's role to carry out investigations. To say the obvious, the responsibility is already in regulation and suggesting the board facilitate investigations is implying the state is not doing its job.

Senate Bill 340 (2nd Reprint) will also give the board the ability to set a minimum wage. This requirement found in section 18 raises concerns. Unless mistaken, it is the role of the Legislature to recommend increasing the minimum wage and Governor Sisolak to approve it. Why do we need what appears to be an aggressive approach to force what we already have the ability to do?

Senate Bill 340 (2nd Reprint) creates the board, which will make recommendations—one that we believe will be a recommendation that caregivers working in Medicaid be unionized by the SEIU, the bill's main supporter. Nevada is a small state with limited tax dollars. It does not need a union making decisions on how the state should provide care to the most vulnerable.

The Personal Care Association of Nevada (PCAN) is in favor of the Legislature raising the personal care reimbursement to help support anticipated demographic growth as the state increases its minimum wage. However, PCAN does not support S.B. 340 (R2), because in spite of good intent, it is a bill that is a bad bill for business and for seniors. What I have heard today is fraught with little understanding and fact. Anyone who does state business has to be in compliance and licensed. Those not, do not get to use public funds, period. I thank you for listening to my remarks today, and if you have any questions, you can call me later.

[[Exhibit J](#), [Exhibit K](#), [Exhibit L](#), [Exhibit M](#), and [Exhibit N](#) were submitted but not discussed and will become part of the record.]

Chair Jauregui:

Is there anyone else wishing to testify in opposition? [There was no one.] Is there anyone wishing to testify in neutral? [There was no one.] Senator Neal, would you like to give closing remarks? [Senator Neal did not have closing remarks.] I will close the hearing on S.B. 340 (R2).

We had four other bills on our agenda. We will be hearing Senate Bill 325 (1st Reprint) next, and we will be rolling the other bills into our next meeting. At this time, I will open the hearing on Senate Bill 325 (1st Reprint).

Senate Bill 325 (1st Reprint): Establishes provisions relating to preventing the acquisition of human immunodeficiency virus. (BDR 54-632)

Senator James A. Settelmeyer, Senate District No. 17:

Before you today, Senate Bill 325 (1st Reprint), as indicated, deals with the human immunodeficiency virus (HIV). I will try to give you the *Reader's Digest* version because I know you are all busy and have a lot of other things that need to get done. This bill expands access to the underserved communities and also to those who are at risk. We all know that this health care crisis has shown us, without a doubt, that we do not have enough doctors out there to help individuals. What the bill seeks to do is allow pharmacists to step in and help out, especially in the realm of dealing with the pre-exposure to immunodeficiency and also post-exposure.

There were several amendments sent to the Chair, and I hope the Committee was able to see the amendments. I will discuss the concepts that have come to our attention. There are actually some new possibilities on the horizon to help out in this regard. We want to make sure the language is changed to be able to deal with that now. In that respect, we are asking the word "administrator" and "administer" be inserted in the language throughout [\[Exhibit O\]](#). Section 7 deals with a concern I believe the Culinary Board had in wanting to help make sure the reasonable medical management techniques were utilized and also the prescription drugs to prevent the acquisition of those things are also included. We tried to make sure the other outliers that were out there were included within the amendments to try to make sure that, theoretically, there are no more arguments. We had to swallow some things we did not necessarily want, but sometimes we need to do what is the best overall policy. In that respect, it was very brief. At this time, it would probably be best to go to Elizabeth MacMenamin, who I believe is on the line and could go into more detail, or we can go to questions now. That is your choice, Madam Chair.

[\[Exhibit P\]](#) is a proposed amendment that was submitted but not discussed and will become part of the record.]

Chair Jauregui:

Ms. MacMenamin, do you have remarks to give?

Elizabeth MacMenamin, Vice President, Government Affairs, Retail Association of Nevada:

I am not going to keep you long. I think Senator Settlemeyer covered the major points. I just want to say thank you for hearing this bill this afternoon and bringing this forward. This is a really important bill. I have an overview of the bill if you want, or I will just remain quiet and let you move forward with any questions the Committee may have. It is at your discretion, Madam Chair, how you want me to do this.

Chair Jauregui:

We will go to questions. Are there any questions? [There were none.] Seeing that we have no questions, Ms. MacMenamin, we will go ahead with your remarks.

Elizabeth MacMenamin:

As Senator Settlemeyer pointed out, S.B. 325 (R1) will effectively increase the access to prevention and treatment for contracting HIV. It will allow the pharmacists to initiate, dispense, and administer these medications. Human immunodeficiency virus infections disproportionately affect certain minority populations, including Black and Latinx individuals. They represent 69 percent of all new HIV diagnoses.

Human immunodeficiency virus is actually estimated to have impacted 1.1 million people living in the United States and 14 percent, or 1 in 7, are unaware they are even infected. We want to make sure we are able to reach those communities where health care is difficult to obtain, and many times the pharmacy is the one place where a patient will feel more comfortable going into. It seems like some patients feel that pharmacies are less stigmatizing than the traditional HIV testing sites and are therefore more comfortable receiving testing or treatment at these facilities. Accessible in communities across Nevada, and long trusted by patients, a pharmacy efficiently and safely provides critical health care services. Pharmacists and their staff stand ready to provide expanded, timely, and convenient access to HIV testing and prevention. This bill points out that the pharmacist has the ability to test, and they have to test people implementing any type of prevention or treatment for these patients. Human immunodeficiency virus prevention medications are effective public health interventions that when taken daily reduce the risk of getting HIV from sex by 99 percent and by 74 percent among those who inject drugs. With that, I ask the Committee to look at this bill closely. I feel it is an important piece of legislation in helping the community with HIV issues. I would like to see these life-saving techniques brought forward in the state of Nevada. I urge your vote and support on this legislation.

Chair Jauregui:

I know we said we had no questions, but I do have one clarifying question. I am looking at the bill in section 7, subsection 4, and I am also looking at the amendment for section 7, subsection 4 [[Exhibit O](#)], and they appear to be identical. I wanted to make sure that was not an error, and maybe there was supposed to be an amendment, or if that was left over from the amendment on the Senate side. It is section 7, subsection 4, paragraph (a), the word "any" was added, and there was the new language in paragraph (b), and they are exactly the same.

Senator Settlemeyer:

You are correct as always, Madam Chair. It looks like it was left over, and we forgot to delete that out.

Chair Jauregui:

It was just left over from the amendment on the Senate side. So the only amendments being added are the earlier ones on this document [[Exhibit O](#)], sections 1 and 2.

Senator Settlemeyer:

Correct. It is the "administrator" section and "administer" and "administration" for the concept of the new information coming forward is in sections 1 and 2, and I believe section 10 has a change that was indicated that was necessary requested by Culinary, I believe.

Chair Jauregui:

Are there any other questions? [There were none.] We will go ahead and move into the testimony portion of the bill hearing. Is there anyone in support of S.B. 325 (R1)?

Bradley Mayer, representing Southern Nevada Health District; and Washoe County Health District:

We want to support this bill. It is an important bill in terms of getting these drugs to people. We also want to emphasize that the regulations the Board of Pharmacy will adopt would make sure they have proper standard of care for administering these medications in regard to labs and follow-ups that are sometimes required. I just wanted to emphasize that.

Annette Magnus, Executive Director, Battle Born Progress:

We are here today in proud support of S.B. 325 (R1). This bill will lift an incredible weight off our already strained health care system and help Nevadans with this critical issue. Pharmacies providing access to medications to prevent HIV in Nevada will be a relief to patients as well since this will mean direct access to lifesaving medication. We have been very consistent on this issue this session. Pharmacists should be able to prescribe these types of medications; this is basic health care. Please support this important bill.

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

I am here in support of S.B. 325 (R1). Senate Bill 325 (1st Reprint) is an important public health measure that will increase access to HIV prevention, testing, and treatment, as well as help to reduce stigma around these services. We urge your support.

André Wade, State Director, Silver State Equality:

Silver State Equality is a statewide LGBTQ [unintelligible] organization here in Nevada. We are very much in support of S.B. 325 (R1). This piece of legislation would be that huge game-changer in the overall fight against HIV. Nevada has the highest rate of HIV west of the Mississippi River. This fits into the overall plan to end HIV by giving testing and using prevention as a core tool with prep and pep. Please, we urge you to be in favor and pass this bill.

Bobbette Bond, Policy Director, Culinary Health Fund:

Human immunodeficiency virus prevention is something we dreamed about back in the AIDS [acquired immunodeficiency syndrome] epidemic that took hold of our nation in the 1980s and first half of the 1990s. I was a graduate student in public health at that time, and when I moved to Nevada, the first program I got to work on at the health district was AIDS transmission education. Many of us mourn the ones we have lost and many more have died since then. And here we are, 30 years later, and while there are still over 1 million people in our country who have HIV, new infections are declining, and programs like this that make drugs and prevention more accessible are great ideas and will bring the state forward dramatically. We appreciate the efforts made by so many public and private health care workers and advocates to make HIV prevention a reality. We greatly appreciate the work of the sponsor of this bill to ensure patients have appropriate access to prevention. On behalf of the Culinary Health Fund, we support the bill and appreciate the people who brought it to the table.

[[Exhibit Q](#), [Exhibit R](#), and [Exhibit S](#) were submitted but not discussed and will become part of the record.]

Chair Jauregui:

Is there anyone else wishing to testify in support? [There was no one.] Is there anyone wishing to testify in opposition? [There was no one.] Is there anyone wishing to testify in neutral?

Tom Clark, representing Nevada Association of Health Plans:

We are testifying in neutral on S.B. 325 (R1). We did have some initial concerns with the original bill, but with the amendments, we are comfortable to move forward and state our neutral position and help get these prescription drugs to this important community.

Chair Jauregui:

Is there anyone else wishing to testify in neutral? [There was no one.] Would you like to give any closing remarks, Senator Settlemeyer?

Senator Settlemeyer:

If there are any questions or issues you have, please do not hesitate to reach out to me.

Chair Jauregui:

I will now close the hearing on S.B. 325 (R1). Again, for those who were here for the other three bills, I do have to adjourn to let my members go to the Education, Natural Resources and Revenue subcommittees, so we will resume our business tomorrow and hear the remaining bills. Thank you, and I apologize for making you wait.

Senate Bill 205 (2nd Reprint): Provides regulatory exemptions for certain types of boilers. (BDR 40-839)

[This bill was not heard.]

Senate Bill 291 (3rd Reprint): Revises provisions relating to cosmetology. (BDR 54-997)

[This bill was not heard.]

Senate Bill 453: Revises provisions relating to certain persons licensed or certified by the Division of Financial Institutions of the Department of Business and Industry or the Commissioner of Financial Institutions. (BDR 55-1095)

[This bill was not heard.]

At this time, the last agenda item we have is public comment. Is there anyone wishing to give public comment? [There was no one.]

We are adjourned [at 4:29 p.m.].

RESPECTFULLY SUBMITTED:

Julie Axelson
Committee Secretary

APPROVED BY:

Assemblywoman Sandra Jauregui, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is a letter dated May 27, 2021, submitted by Chris Daly, Deputy Executive Director, Government Relations, Nevada State Education Association, in support of Senate Bill 386 (1st Reprint).

[Exhibit D](#) is a letter, submitted by Kenia Cobas, Private Citizen, Las Vegas, Nevada, in support of Senate Bill 386 (1st Reprint).

[Exhibit E](#) is a letter, submitted by Shelly Stewart, Private Citizen, Las Vegas, Nevada, in support of Senate Bill 386 (1st Reprint).

[Exhibit F](#) is a letter, submitted by Luceanne Taufa, Private Citizen, Henderson, Nevada, in support of Senate Bill 386 (1st Reprint).

[Exhibit G](#) is a letter dated May 27, 2021, submitted by Barry Lieberman, Chief Development Officer, South Point Hotel and Casino, Las Vegas, Nevada, in opposition to Senate Bill 386 (1st Reprint).

[Exhibit H](#) is a letter dated May 27, 2021, submitted by Chris Daly, Deputy Executive Director, Government Relations, Nevada State Education Association, in support of Senate Bill 340 (2nd Reprint).

[Exhibit I](#) is a letter dated May 27, 2021, submitted by Terri Laird, Executive Director, Retired Public Employees of Nevada, in support of Senate Bill 340 (2nd Reprint).

[Exhibit J](#) is a packet of letters submitted by Connie McMullen, representing Personal Care Association of Nevada, in opposition to Senate Bill 340 (2nd Reprint).

[Exhibit K](#) is a copy of an email dated May 25, 2021, submitted by Robert Redding, Owner, Comfort Keepers Home Care, Reno, Nevada, in opposition to Senate Bill 340 (2nd Reprint).

[Exhibit L](#) is written testimony submitted by Monique Buenrosto, Private Citizen, Las Vegas, Nevada, in opposition to Senate Bill 340 (2nd Reprint).

[Exhibit M](#) is written testimony submitted by Ozzie Morris, Private Citizen, Las Vegas, Nevada, in opposition to Senate Bill 340 (2nd Reprint).

[Exhibit N](#) is a copy of an email dated May 25, 2021, submitted by Allan Ward, Franchise Owner, Home Instead, Reno, Nevada, in opposition to Senate Bill 340 (2nd Reprint).

[Exhibit O](#) is a proposed amendment to [Senate Bill 325 \(1st Reprint\)](#), submitted by Elizabeth MacMenamin, Vice President, Government Affairs, Retail Association of Nevada.

[Exhibit P](#) is a proposed amendment to [Senate Bill 325 \(1st Reprint\)](#), submitted by Elizabeth MacMenamin, Vice President, Government Affairs, Retail Association of Nevada.

[Exhibit Q](#) is a document titled "Pharmacists Expand Access to Underserved and At-Risk Populations," submitted by Ken Kunke, Director, Nevada Pharmacy Alliance, regarding [Senate Bill 325 \(1st Reprint\)](#).

[Exhibit R](#) is a letter submitted by Ken Kunke, Director, Nevada Pharmacy Alliance, in support of [Senate Bill 325 \(1st Reprint\)](#).

[Exhibit S](#) is copy of an email dated May 24, 2021, submitted by Vashudha Gupta, representing Nevada Pharmacy Alliance, in support of [Senate Bill 325 \(1st Reprint\)](#).