

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

**Eighty-first Session
March 19, 2021**

The Senate Committee on Commerce and Labor was called to order by Chair Pat Spearman at 8:03 a.m. on Friday, March 19, 2021, Online. [Exhibit A](#) is the Agenda. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Pat Spearman, Chair
Senator Dina Neal, Vice Chair
Senator Melanie Scheible
Senator Roberta Lange
Senator Joseph P. Hardy
Senator James A. Settelmeyer
Senator Keith F. Pickard

GUEST LEGISLATORS PRESENT:

Senator Chris Brooks, Senatorial District No. 3

STAFF MEMBERS PRESENT:

Cesar Melgarejo, Policy Analyst
Lynn Hendricks, Committee Secretary

OTHERS PRESENT:

Rique Robb, Deputy Administrator, Aging and Disability Services Division,
Department of Health and Human Services
Jennifer Montoya, Social Services Program Specialist II, Aging and Disability
Services Division, Department of Health and Human Services (Interpreted
by Kalen Beck and Kim Johnson)
Adrienne Navarro, Social Services Chief I, Advocacy and Community Services,
Aging and Disability Services Division, Department of Health and Human
Services
Eric Wilcox, Vice Chair, Deputy Administrator, Nevada Commission for Persons
Who are Deaf and Hard of Hearing

Senate Committee on Commerce and Labor
March 19, 2021
Page 2

CHAIR SPEARMAN:

I will open the work session on Senate Bill (S.B.) 122.

SENATE BILL 122: Requires certain health and safety training for employees of cannabis establishments. (BDR 53-663)

CESAR MELGAREJO (Policy Analyst):

I have a work session document ([Exhibit B](#)) that summarizes the bill and proposed amendments.

SENATOR LANGE MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 122.

SENATOR SCHEIBLE SECONDED THE MOTION.

SENATOR SETTELMAYER:

I will look at the amendments and see if I can get to a more comfortable spot with this bill. At this point in time, however, I have talked to those in the cannabis industry, and it seems a little onerous. I will be voting no on this bill.

CHAIR SPEARMAN:

Is there anything Senator Brooks might clarify for you?

SENATOR SETTELMAYER:

I do not think so. The question right now is whether there is a need for the bill. So far, the reasoning behind requiring employees who work only in retail to take training in issues that have nothing to do with their jobs has not been demonstrated. I am not comfortable with the bill as it is.

Senator Brooks has done an excellent job with presenting the bill; however, I do not see an absolute need for this particular solution.

SENATOR PICKARD:

I too have been talking to a number of industry representatives, including the vertically integrated operations, and they have told me their existing training is far more extensive than the training required in the bill. I do like the amendment that does something to ameliorate the bill's heavy-handed approach to compliance enforcement.

Senate Committee on Commerce and Labor
March 19, 2021
Page 3

Given that this is still an emerging market, I will vote yes on the bill to get it out of Committee, with the reservation to change my vote on the floor.

SENATOR CHRIS BROOKS (Senatorial District No. 3):
We worked closely with the industry and industry organization representatives to get the bill to reflect the business models that currently exist in the cannabis industry. We have gone quite a way to get the bill to a place where we are in agreement with the industry.

SENATOR HARDY:
I will vote yes on this bill, while reserving my right to change my vote on the floor.

THE MOTION PASSED. (SENATOR SETTELMAYER VOTED NO.)

* * * * *

CHAIR SPEARMAN:
I will open the work session on S.B. 141.

SENATE BILL 141: Revises provisions relating to public works. (BDR S-44)

MR. MELGAREJO:
I have a work session document (Exhibit C) that summarizes the bill and proposed amendments.

SENATOR SETTELMAYER MOVED TO AMEND AND DO PASS AS AMENDED S.B. 141.

SENATOR PICKARD SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

* * * * *

CHAIR SPEARMAN:
I will open the work session on S.B. 196.

SENATE BILL 196: Prohibits the performance of a pelvic examination in certain circumstances. (BDR 54-34)

MR. MELGAREJO:

I have a work session document ([Exhibit D](#)) that summarizes the bill. There were no amendments.

SENATOR SCHEIBLE MOVED TO DO PASS S.B. 196.

SENATOR HARDY SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

* * * * *

CHAIR SPEARMAN:

I will open the hearing on S.B. 179.

SENATE BILL 179: Revises provisions relating to sign language interpreting and realtime captioning. (BDR 54-386)

RIQUE ROBB (Deputy Administrator, Aging and Disability Services Division, Department of Health and Human Services):

We are presenting this bill on behalf of the Legislative Committee on Senior Citizens, Veterans and Adults with Special Needs. The intent of this bill is to increase the quality of sign language interpreting services Statewide, to provide a pathway for interpreters to achieve required credentialing standards, to remove classification-specific language to align with other *Nevada Revised Statutes* (NRS) language and to allow specific classifications and requirements to be established by regulation. We would also like to provide standard qualifications for mentors as measured by the Educational Interpreter Performance Assessment (EIPA), which is a national credential for interpreters working in K-12 educational settings. The scores range from 0.0 to 5.0. A score of 3.0 means the interpreter would only be able to communicate basic classroom content at an intermediate level, while 4.0 means the interpreter can convey much of the content at advanced intermediate level.

Established in 2001, NRS 656A requires sign language interpreters to hold certain professional credentials to practice in Nevada. The original statute

provided credential requirements aligned with national standards for both K-12 educational interpreters and community interpreters. In 2007, the statute was revised to lower the requirements for K-12 educational interpreters and community interpreters due to a lack of qualified interpreters to meet the demand. We now have structures in place in Nevada to support interpreters and develop interpreters' skills.

JENNIFER MONTOYA (Social Services Program Specialist II, Aging and Disability Services Division, Department of Health and Human Services [Interpreted by Kalen Beck and Kim Johnson]):

To provide context before we go through the sections of the bill, I would like to explain the interpreting process and the impact of the qualifications of interpreters. Interpreting is a multifaceted process requiring the cognitive management of linguistic, interpersonal and environmental factors. The goal of interpreting is to convey the meaning of the message in another language so people can communicate their ideas to one another.

The quality of interpretation varies greatly depending on the interpreter's knowledge, skills and experience. These minimum credentialing requirements impact deaf children's access to education and deaf adults' access to employment, health care, government services and every area of life where communication takes place. This statute has not been updated for 14 years. It is crucial that State credentialing requirements for this profession align with national standards.

There are deaf and hard-of-hearing children in Nevada who are not receiving access to education because they are in mainstream classrooms with interpreters who are unqualified or underqualified. This means the interpreters do not have the interpreting skills and knowledge to work in an educational setting in a way that fosters the child's development.

Sadly, this situation means that many of these children learn sign communication skills through unqualified interpreters due to a lack of peers or role models who are also deaf or hard of hearing or even family members who sign at home. This puts these children in jeopardy and affects their ability to graduate with standard diplomas, navigate relationships with people in their lives and become independent.

In order to help these children receive the educational opportunities they deserve, we want to increase the State credentialing requirements so that deaf and hard-of-hearing students are provided with effective and appropriate accommodations.

I will walk you through the bill.

Section 1 of S.B. 179 adds new language to define the postsecondary education setting. Section 2 makes a conforming change to include the new definition added by section 1.

Section 7 removes the exemption for persons who engage in sign language interpreting or real-time captioning solely for meetings of nonprofit organizations.

Section 9 contains the greatest changes. This section raises the minimum credentialing requirements for K-12 educational interpreters and community interpreters to bring Nevada back into alignment with the national standards in place in 2001. Additionally, section 9 establishes provisional registration for underqualified interpreters to give them time to improve their knowledge and skills so they can meet those national standards. The stricken language in section 9 is conforming changes to remove classification-specific language.

Section 10 authorizes the Aging and Disability Services Division (ADSD) to set qualifications for professional mentors and establish additional professional classifications.

Section 18 grandfathers existing registrants who do not meet the proposed credentialing requirements for a limited time. This will only impact 20 interpreters.

Sections 3, 4, 6, 10 through 12, 14 through 17 and 20 contain minor cleanup language to align with industry standard language and registration requirements.

SENATOR SCHEIBLE:

I do not have questions about the bill as written; it is much needed in Nevada. Is there a plan in place to attract more sign language interpreters to Nevada? We definitely have a shortage in southern Nevada.

Ms. ROBB:

We are always looking at national recruitment. This is not just for Nevada. It is our hope that this will encourage interpreters to come to Nevada to work in the field. We will continue to work on encouraging people to become interpreters, as well as ensuring mentors are available and qualified to provide quality services for deaf and hard-of-hearing individuals in our State.

Ms. MONTROYA:

As well as supplying mentors, ADSD provides workshops for interpreters. We also consult with agencies and school districts about the quality of interpreters.

SENATOR SCHEIBLE:

Do you think this bill will attract more interpreters to Nevada, especially on the national scale? If I am getting certified as an interpreter in Oregon and thinking about where to move next in my career, it seems like I would want to go to a state that has high-quality interpreters and meets the highest standards of education for those interpreters. With this bill, Nevada would be among those states.

Ms. ROBB:

Yes. We believe the changes we are requesting through S.B. 179 will bring more individuals into our State and open new opportunities for those who are here now. We want quality interpreters who want to be in Nevada to support our deaf and hard of hearing. That is part of why we are working on improving the overall system. Nevada has ranked low in interpreting services in the past. The mentoring program has made a significant improvement to our standing.

Ms. MONTROYA:

As part of our consulting services, we work with school districts and talk to them about recruiting. We can tell them where to do national recruiting, how to advertise vacant positions and how to recruit from out of the state and bring in those top-quality interpreters. Our mentorship program was established about two years ago. The first year was a pilot. In the second year, we had 20 mentees participating. Several of those mentees have now taken their tests; their credentials have improved drastically, and they have now reached those national standards.

Due to the Covid-19 pandemic, national testing has been on hold for the last year, so we have not been able to see all the fruits of our labor from the

mentorship program. Testing is now starting up again, and we are confident we are going to see improved test scores from the people who have been participating in the mentor program. We saw it before Covid-19, and we expect to see it again.

Our mentorship program is evidence-based. It looks at ethics, skill development and self-analysis so the interpreters can work on their own and be able to improve even after they leave the mentorship program.

Ms. ROBB:

The College of Southern Nevada (CSN) has the first four-year program in interpreting in Nevada. We are hoping that all of these changes will bring Nevada to the forefront in interpreting services.

SENATOR PICKARD:

I am excited by the thought of anything that gives our students a better ability to understand what they are trying to learn. That is a good move on our part.

I am interested that you say higher standards will encourage people to come to Nevada. When I first read this bill, I thought that raising the qualification requirements would tend to exclude rather than include people because it makes it harder to qualify. I thought this would act as a disincentive, but I am glad to hear that the opposite is true.

What happens during the transition period? If I understand correctly, a number of interpreters are frankly not qualified under the bill's higher standards. In addition, the definitions in sections 1 and 4 of the bill seem to say interpreters have to be well-versed in the subject matter. That means we will need to find educational interpreters who understand the subjects being taught.

With that in mind, what happens to the people who are doing the work now but do not meet the higher standards? Are they going to be allowed to continue in their practice, or will they be cut off and we have to find someone new?

Ms. MONTROYA:

We currently have 340 interpreters registered in Nevada; of these, 227 are community interpreters and 113 are educational interpreters. Of the 340 total, only 46 do not meet the 4.0 EIPA standard, and 20 of those are not qualified at the 3.5 standard. We will give those unqualified people a three-year grace

period to get their skills up to the standard. They can also participate in our mentorship program and other programs that will help them improve their skills. As Ms. Robb mentioned, we have many resources for these folks that will help them improve their skills.

ADRIENNE NAVARRO (Social Services Chief I, Advocacy and Community Services, Aging and Disability Services Division, Department of Health and Human Services):

Educational interpreters do not need to be knowledgeable in the subject they are interpreting. Interpreters need to be knowledgeable about interpreting. That is the standard this bill increases. The interpreter transfers information from the teacher to the deaf student, whether primary, secondary or postsecondary education. We are looking to increase the level of interpreting skill so knowledge can flow from the educator to the student accurately. When the interpreter only reaches a level of 3.0, studies show that only 60 percent of the information given to the student is accurate.

SENATOR PICKARD:

That is an important clarification. When I read the bill, it seemed to me we were asking the interpreter to understand enough about the subject being taught to interpret and convey the information, as opposed to merely worrying about the practice of interpreting. I realize there is a difference.

How many interpreters do we need to add to the 340 we have now in order to be adequately supplied? How many people are we trying to recruit?

MS. NAVARRO:

We do not have a specific number in mind. It is not ADSD specifically that is recruiting interpreters; rather, it is the State as a whole. We employ four interpreters who are providing mentoring services for Nevada interpreters. Those four are employed by an agency, and people can contract with that agency to hire them when they need an interpreter. We do not have a number or even a range, though we do know we need more interpreters.

CHAIR SPEARMAN:

Last Session, I brought a bill that would require insurance companies to cover the cost of hearing aids for children. I had been told by several parents that deaf and hard-of-hearing children without hearing aids will usually be a couple of years behind their schoolmates. Is there any possibility that we might find some

grants or other funding to get hearing aids for children whose parents cannot afford them?

MS. NAVARRO:

We remember that bill. We did actively look for grants for hearing aids for children, but we were not able to find any grants or other funding for that purpose. We did discover that for low-income families who qualify with the Health Insurance Exchange, the Exchange includes hearing aids as an essential health benefit within any Exchange-covered insurance program.

CHAIR SPEARMAN:

Until we have an adequate number of qualified interpreters, hearing aids would help, and the children who need them would at least have a chance to succeed.

One of my nephews who lives in Texas took American Sign Language (ASL) in high school, where it was classified as a foreign language. He took it for four years in high school, so by the time he graduated he was quite proficient. If Nevada had such a program, it would serve two purposes. First, those who become adept at ASL would be ready to go into a mentoring program to become interpreters. Second, students who learned ASL would be able to help any deaf or hard-of-hearing students in their classes in some way. I am not saying they could take the place of interpreters or mentors. I am trying to think of ways to get us to where we need to be.

MS. NAVARRO:

I have a 16-year-old son who is in his second year taking ASL at Carson High School. They too consider it a foreign language, so he receives foreign language credit for the classes. Every high school in Nevada does not offer this, but there are at least two that do.

It should be noted, however, that learning the language and becoming an interpreter are two different things. Having taken and passed the classes does not mean a person is able to interpret skillfully. Specific interpreting skills need to be learned. It is a common misunderstanding that when someone learns the basics of ASL, they are then qualified to be an interpreter. There is much more to interpreting than just knowing the language.

MS. MONTROYA:

Learning ASL and learning how to interpret are two different skillsets. That is part of the challenge we have in Nevada. Many people take ASL classes and think they are ready to serve as interpreters. They have yet to take any formal classes in interpreting through a formal training program, such as the program at CSN. One reason we have unqualified interpreters is that people who have taken ASL classes are being placed in classrooms with deaf students and expected to function as interpreters. You need interpreting skills to navigate the two languages.

The four-year program at CSN started a few years ago, and we applaud that and look forward to seeing more interpreters graduate from that program. Before CSN's program started, we had many interpreters who had to leave Nevada to receive that type of training, and often they did not come back. We hope that CSN's program will allow us to keep more interpreters in the State. It would be great to have an interpreter training program in the north as well.

MS. ROBB:

I too have a son who took ASL as a foreign language in college. It gave him the ability to communicate with deaf people, which in turn opens doors for deaf students by giving them an opportunity to communicate with more people around them. It is a good starting place for people who are interested in interpreting; they can learn the communication piece of it, and then build on their skills once they are ready to go into the interpreting coursework. We do not have a lot of high schools that offer ASL classes at the moment.

We know we cannot take on everything at once. Every year for the last five years I have been involved with ADSD, we have had the opportunity to build on our successes. We have seen us grow as a State. With S.B. 179, we are looking to grow the individuals who are interacting with deaf students into interpreters.

CHAIR SPEARMAN:

Thank you for the clarification. My idea was that we could take those who had taken ASL classes and move them into the mentor program.

In some locations, the military has people who are interpreters. Is there any opportunity to partner with the military to find interpreters who might help us meet the need?

I am also told by Mr. Melgarejo that that are people who serve as interpreters during concerts. I do not know who hires them, but perhaps there is a way to talk them into coming to Nevada.

MS. ROBB:

Regarding military interpreters, that is not something we are currently aware of, but we will certainly look into it.

With regard to concerts, when an individual needs an interpreter at an event, usually that individual makes a request of the venue to provide an interpreter. Some venues may already have an interpreter on staff because requests are frequent, but normally the venue would do what we do, which is to contract an interpreter through an interpreting service. It is the same thing with Communication Access Realtime Translation (CART), or live captioning. It is generally arranged for a single event through a service. My understanding is that those who provided that service were requested by a deaf individual who asked for that service to be provided, and it was contracted by the venue.

CHAIR SPEARMAN:

If you contact the U.S. Department of Veterans Affairs (VA), it might be able to help. Hearing loss is something that is prevalent for people who have been in the military, especially in certain military occupational specialties. The VA may have a lead on that as well.

ERIC WILCOX (Vice Chair, Deputy Administrator, Nevada Commission for Persons Who are Deaf and Hard of Hearing):

I have a letter ([Exhibit E](#)) expressing our support for S.B. 179.

I am the parent of a deaf child in Nevada. My daughter, who is in the third grade in the Washoe County School District, relies daily on both ASL interpreters and CART to access the educational content in her classroom, along with conversations and discussions with her peers. The access to competent and well-trained interpreters and transcriptionists is the difference in her having adequate access to all of the content and conversations in a classroom and her missing vital elements of the instructional content available to her hearing peers.

I urge you to support efforts such as this bill to improve access to services for the deaf and hard of hearing in Nevada.

SENATOR SETTELMAYER:

In other professions, when we have added a certification requirement, we have allowed individuals who are currently in the profession to stay while they get up to standard. Will this bill allow existing interpreters to work, or would they have to get certified first? I would hate to lose people who are currently providing this skill adequately because they do not have certification. Many professions add a grandfathering provision when they add a credentialing requirement. Do we need to think about a clause to help out with that?

Ms. MONTROYA:

A clause in section 18 of the bill has a provision for grandfathering those who do not currently meet the credentialing requirements for a limited time. It allows them to keep working for three years while they improve their skills to meet those minimum qualifications.

SENATOR SETTELMAYER:

Thank you. I missed that.

Ms. ROBB:

In closing, we believe this bill is another step in increasing quality interpreters for the deaf and hard of hearing in Nevada, as well as ensuring there are opportunities for people who want to be interpreters. We want Nevadans to receive good quality interpreting services so they have equal opportunities to have a good understanding of what is happening in their world.

Remainder of page intentionally left blank; signature page to follow.

Senate Committee on Commerce and Labor
March 19, 2021
Page 14

CHAIR SPEARMAN:

I will close the hearing on S.B. 179. Is there any public comment? Hearing none,
we are adjourned at 9:10 a.m.

RESPECTFULLY SUBMITTED:

Lynn Hendricks,
Committee Secretary

APPROVED BY:

Senator Pat Spearman, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit Letter	Begins on Page	Witness / Entity	Description
	A	1		Agenda
S.B. 122	B	1	Cesar Melgarejo	Work Session Document
S.B. 141	C	1	Cesar Melgarejo	Work Session Document
S.B. 196	D	1	Cesar Melgarejo	Word Session Document
S.B. 179	E	1	Eric Wilcox / Nevada Commission for Persons Who are Deaf and Hard of Hearing	Support Letter