

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

**Eighty-first Session  
March 22, 2021**

The Senate Committee on Commerce and Labor was called to order by Chair Pat Spearman at 8:02 a.m. on Monday, March 22, 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 Fabian Donate, Senatorial District No. 10  
Senator Ben Kieckhefer, Senatorial District No. 16

**STAFF MEMBERS PRESENT:**

Cesar Melgarejo, Policy Analyst  
Kim Cadra-Nixon, Committee Secretary

**OTHERS PRESENT:**

Jim Sullivan, Culinary Workers Union Local 226  
Joelle Gutman Dodson, Washoe County Health District  
Paul Moradkhan, Vegas Chamber  
Misty Grimmer, Nevada Resort Association  
Amber Stidham, Henderson Chamber of Commerce  
Scott Astrada, Affirm Holdings, Inc.  
Peter Aldous, Legal Aid Center of Southern Nevada  
Sandy O'Laughlin, Commissioner, Division of Financial Institutions, Department of Business and Industry

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Randy Soltero, International Alliance of Theatrical Stage Employees  
Shannon M. Chambers, Labor Commissioner, Department of Business and Industry

Phil Jaynes, International Alliance of Theatrical Stage Employees, Local 720

Rob Benner, Building and Construction Trades Council of Northern Nevada

Ainslee Archibald

Alexis Motarex, The Associated General Contractors of Nevada

CHAIR SPEARMAN:

We open the hearing with Senate Bill (S.B.) 209.

**SENATE BILL 209**: Revises provisions relating to employment. (BDR 53-953)

SENATOR FABIAN DONATE (Senatorial District No. 10):

I am here today to present S.B. 209. I have prepared written testimony ([Exhibit B](#)), a presentation ([Exhibit C](#)), as well as an amendment ([Exhibit D](#)). An explanation of the amendment is included in the presentation, Slide 12 of [Exhibit C](#).

SENATOR PICKARD:

Does this bill require employers to pay accrued wages if an employee leaves employment?

SENATOR DONATE:

The leave policy outlined in S.B. 209 follows the template created in S.B. No. 312 of the 80th Session. This leave is not considered earned leave; this leave is given to employees specifically to receive the vaccine.

SENATOR SETTELMAYER:

If an employer provides the vaccination process in the workplace, are you open to reducing the paid leave to receive the vaccine?

SENATOR DONATE:

This issue is covered in the amendment, section 1, paragraph (e) which states the provisions of the bill do not apply to an employer who provides an on-premises clinic during their paid work hours.

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This was a concern from hospitals and casinos who are opening their own vaccination clinics. My concern is only to ensure employees are paid when they receive the vaccine on premises.

SENATOR SETTELMAYER:

I think this is an excellent bill, and I believe we should include our State workers in this legislation. Would you consider an amendment to include our State workers?

SENATOR DONATE:

I would welcome an amendment to include all employees.

SENATOR NEAL:

Businesses received tax credits for paid sick leave due to Covid-19 under the federal paid leave expansion. Businesses did not have to pay out of pocket. Will this apply to the State level?

SENATOR DONATE:

I need to get clarification regarding tax credits.

SENATOR SCHEIBLE:

Where will the language of the proposed amendment fit in the bill?

SENATOR DONATE:

The amendment will go after the provisions. The original intent of the bill was to look at the long-term effects of Covid-19, especially for casino workers and others who might not have access to health care provided by unions.

Section 2, subsection 1 covers the provision to allow the Legislative Committee on Health Care to conduct a study concerning the long-term health implications related to the Covid-19 health crisis. The study will be conducted during the 2021-2022 Interim. We can enact legislation next Session to ensure this never happens again.

SENATOR SCHEIBLE:

Is this intended to apply to employers who have 50 or more employees?

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SENATOR DONATE:

As the amendment stands today it follows the template from S.B. No. 312 of the 80th Session. It only applies to employers of 50 or more employees.

SENATOR HARDY:

What is the effective date of the proposed amendment? Is your intention to wait until regulations are adopted?

SENATOR DONATE:

My intention is to enact this legislation upon passage and when it is signed by Governor Steve Sisolak. The bill will expire two years after passage.

SENATOR HARDY:

To clarify, you are not proposing a regulatory process; you are proposing the bill be effective upon passage?

SENATOR DONATE:

I need to get clarification on the process to implement this bill.

SENATOR LANGE:

Will this legislation provide paid leave for those who will need a third booster vaccination?

SENATOR DONATE:

In the proposed amendment, section 1, paragraph (b) covers "any vaccine." This language was developed to cover this issue.

SENATOR SETTELMAYER:

Will this bill cover four hours in total? If we have additional vaccine boosters, will the bill provide for an additional four hours?

Rather than the expiration of two years after passage, would you entertain an expiration date when Governor Steve Sisolak ends the state of emergency?

SENATOR DONATE:

The bill is written to include four total hours of paid leave, in two-hour increments, to receive the vaccine.

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The Governor may declare the emergency is over before all families have access to the vaccine. I will work with you on a remedy for the expiration date of the bill.

SENATOR SETTELMAYER:

Some states have elected to remain in a state of emergency because it provides continued Federal Emergency Management Agency funds.

CHAIR SPEARMAN:

Are there provisions in the bill for employees who have been laid off?

SENATOR DONATE:

I did not cover this situation in the proposed amendment.

In drafting the amendment, several questions arose. Do we cover people who have already received the vaccine? Do we cover workers who had used their accrued sick leave to receive the vaccine? This makes the bill more complex.

If you would like to see a retroactive policy in the proposed amendment, I will include this provision.

CHAIR SPEARMAN:

I am referring to people who have been laid off. Are there accommodations for people who have a negative response to the vaccine?

SENATOR DONATE:

This legislation does not include those situations.

CHAIR SPEARMAN:

Will you look at the provisions of the Declaration of Emergency Directive 037? If Governor Steve Sisolak had not enacted this order, more than 300,000 Nevadans would have been infected with Covid-19. Sadly, more would have died.

SENATOR NEAL:

Senator Donate, if you add a retroactive policy to the proposed amendment, it would be wise to tie in a reimbursable mechanism so businesses may receive tax credit for paid leave to receive Covid-19 vaccinations.

SENATOR DONATE:

Senator Neal, I would like to work with you on this amendment.

SENATOR HARDY:

Adding a retroactive policy to the amendment will be problematic because businesses may have closed.

JIM SULLIVAN (Culinary Workers Union Local 226):

We support S.B. 209 because it expands the types of activities and reasons to request time off from work. Including paid time off for Covid-19 vaccinations is a crucial change in creating a safe and healthy workplace. This bill will help hospitality workers get back to work.

The legislation to study the long-term health implications of Covid-19 for casino and frontline workers is necessary because the long-term effects are unknown. This study would allow our Union to identify the future healthcare needs of the hundreds of Culinary Union members who have contracted Covid-19.

The Culinary Workers Union asks you to support S.B. 209.

JOELLE GUTMAN DODSON (Washoe County Health District):

We are in support of S.B. 209.

PAUL MORADKHAN (Vegas Chamber):

The Vegas Chamber testifies neutral to both the bill and the amendment. We support Nevadans receiving the Covid-19 vaccination, however, the retroactive paid leave would be problematic.

The Vegas Chamber and trade partners have worked diligently in supporting local and Statewide Covid-19 mitigation efforts over the past year. We have distributed tens of thousands of protective masks to frontline workers, 50,000 posters promoting social distancing guidelines and spent millions of dollars on personal protective equipment for employees.

MISTY GRIMMER (Nevada Resort Association):

We testify neutral on S.B. 209 and are working with casinos and resorts to help our workers. If the bill is amended to include retroactive leave, it will be very difficult to know how paid leave was used in the past.

AMBER STIDHAM (Henderson Chamber of Commerce):

We echo the comments shared by the Vegas Chamber. We do not support legislation to include retroactive leave.

SENATOR DONATE:

Many thanks to the Committee members and to those who called in to testify for this bill. I hope we can have a deeper conversation on how we can move the needle towards supporting public health.

I want to share a quote from a local Las Vegas resident, Yesenia Rebolledo.

As a working mother, my first priority is the well-being of my family. I cannot afford to miss time from work. I cannot risk the well-being of myself and those I care for, yet I have no other choice. I know if we are given this, we could ensure a first step to better prioritize the health of the employees and business.

CHAIR SPEARMAN:

I will now close the hearing on S.B. 209 and open the hearing on S.B. 231.

**SENATE BILL 231**: Revises provisions related to financial services. (BDR 55-86)

SENATOR BEN KIECKHEFER (Senatorial District No. 16):

Senate Bill 231 is another step forward in recognizing the changes made to our consumer practices. In the Eightieth Legislative Session, we recognized financial institutions who only conduct business over the internet.

We changed our installment loan chapter to recognize internet business lenders as a definition under *Nevada Revised Statutes* (NRS) 675.020. We allowed financial institutions without a physical location in the State to conduct business-to-business loans.

This bill expands the definition of internet business lender to include those providing consumer loans exclusively through the internet. These business lenders would not be required to have a physical location in the State.

Applications for a license will be submitted to the Commissioner of Financial Institutions as stated in section 2, subsection 1.

Most consumer lending is made over the internet. These lenders have established offices in the State; however, no business with consumers is actually handled in the physical office.

SCOTT ASTRADA (Affirm Holdings, Inc.):

I represent Affirm Holdings, Inc., and have submitted written testimony ([Exhibit E](#)).

PETER ALDOUS (Legal Aid Center of Southern Nevada):

My focus is protecting Nevada from predatory lending practices. The proposed amendment ([Exhibit F](#)) ensures, regardless of the language in a contract, Nevada statute applies to loans from internet consumer lenders. An additional provision provides that jurisdiction and venue for any lawsuit arising out of a loan made by an internet consumer lender in Nevada.

SENATOR KIECKHEFER:

The amendment mentioned by Mr. Aldous is a friendly amendment.

SENATOR NEAL:

The amendment should be revised to include more specific language. In regard to a potential lawsuit, the amendment needs to include the source of loans and contract jurisdiction.

MR. ASTRADA:

The source of a loan is from the state in which the applicant is a resident. I will verify this information with our legal counsel.

SENATOR PICKARD:

How does this bill change the status quo for internet lenders like Rocket Mortgage?

SENATOR KIECKHEFER:

I cannot speak specifically to mortgage lenders. This bill would eliminate the need for consumer lenders to maintain a physical office in Nevada. Internet lenders would still need to maintain records as necessary or fund the cost of a bank officer to travel to the lender's office. The intent of a physical office in the State was to provide a place for consumers to visit. These offices are not utilized.



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SENATOR PICKARD:

How will audits be conducted? Will we require the Department of Business and Industry to send auditors to the various offices of internet lenders?

SENATOR KIECKHEFER:

We have outlined procedures for audits in section 2, subsection 4 of the bill. The internet lenders will be required to provide records within this State. If travel is required, the lender will be responsible for expenses.

SANDY O'LAUGHLIN (Commissioner, Division of Financial Institutions, Department of Business and Industry):

We anticipate conducting all exams from Las Vegas. If we must travel, the licensee will be responsible for expenses.

SENATOR PICKARD:

Am I correct in understanding these provisions will apply to any complaints or an annual audit?

Ms. O'LAUGHLIN:

Yes, you are correct.

SENATOR LANGE:

Will internet lenders hold a Nevada business license?

Ms. O'LAUGHLIN:

Yes, all licensees will be licensed in Nevada. This will be handled by Division of Financial Institutions, Department of Business and Industry.

SENATOR LANGE:

Will these lenders pay all associated taxes to Nevada?

SENATOR KIECKHEFER:

Licensees generating revenues above the commerce tax threshold, based on transactions conducted in the State, would have tax liabilities.

SENATOR NEAL:

Do you have a debt collection arm? I want to ensure all legal actions take place in Nevada.

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MR. ASTRADA:

I need to confirm with legal counsel regarding debt collection.

SENATOR KIECKHEFER:

Senator Neal raised an important point.

CHAIR SPEARMAN:

Does Affirm require demographic information on applications?

MR. ASTRADA:

We are prohibited from collecting demographic data.

CHAIR SPEARMAN:

We will close the hearing on S.B. 231 and open the hearing on S.B. 245.

**SENATE BILL 245**: Makes changes regarding employment. (BDR 53-829)

SENATOR ROBERTA LANGE (Senatorial District No. 7):

Thank you for the opportunity to present S.B. 245, a bill that seeks to provide recourse for individuals who are owed wages or compensation by a former employer.

I will be joined by Randy Soltero, representing the International Alliance of Theatrical Stage Employees, who will assist with the presentation. Shannon Chambers, Nevada Labor Commissioner, will address a friendly amendment.

According to Prosperity Now, almost 52 percent of Nevada households do not have sufficient liquid savings to cover basic expenses for 3 months if they experience a sudden job loss, a medical emergency or another financial crisis. Unfortunately, if our residents lose their jobs—sometimes at no fault of their own—they cannot wait for their next paycheck.

I will now read testimony from Joseph "J. Stan" Jakubiec ([Exhibit G](#)).

When an employee is fired or terminated, the employee's final unpaid wages must be paid immediately upon termination. If an employee quits or resigns, the former employer has to make the final payment available within seven days or by the next scheduled payday, whichever is earlier.

Employers who miss the deadline owe former employees wages for each day they are without their final paychecks. This provision applies until the employee is paid in full or for up to 30 days.

Senate Bill 245 provides former employees who are owed their final paychecks a remedy to obtain those unpaid wages.

I will now turn the presentation over to Mr. Soltero to discuss the importance of this bill as a recourse for workers.

RANDY SOLTERO (International Alliance of Theatrical Stage Employees):  
It is important we pay wages on time. The Labor Commissioner has drafted a friendly amendment ([Exhibit H](#)).

SENATOR LANGE:  
I will review the provisions of S.B. 245.

Section 1 of the bill expands the definition of wages to include the amounts due to a discharged employee or to an employee who resigns or quits.

The proposed amendment removes section 2 from the bill. I will have the Labor Commissioner, Shannon Chambers, review the proposed amendment, [Exhibit H](#).

As written, S.B. 245 becomes effective October 1. I am proposing a conceptual amendment to make the provisions of S.B. 245 effective on July 1 ([Exhibit I](#)).

SHANNON M. CHAMBERS (Labor Commissioner, Department of Business and Industry):

The bill addresses employees covered under collective bargaining agreements. The Labor Commissioner cannot get involved in disputes until all provisions of the collective bargaining agreement are exhausted.

The proposed amendment, [Exhibit H](#), will not change this process. In the past year, the Labor Commissioner has seen an increase in claims and complaints by employees who may or may not be covered by a collective bargaining agreement.

The proposed amendment will set forth in statute that employees must go through the administrative process required in his or her collective bargaining

agreement. If that process is inadequate, unavailable or nonbinding, the Labor Commissioner will take jurisdiction of the matter to determine compliance with provisions of NRS 607.160 and 608.005.

The proposed amendment does not impact rights under Nevada labor statutes, nor does it affect the employees' right to bring private action.

SENATOR LANGE:

In this time of financial insecurity, I urge the Committee to pass this legislation.

SENATOR PICKARD:

Who determines if a remedy is adequate or inadequate as stated in the proposed amendment, section 1, subsection 2?

MS. CHAMBERS:

In the past year, remedies have been brought to me for review and the collective bargaining agreement did not comply with statute. Paid leave disputes are an example of the types of cases brought to the Labor Commissioner.

SENATOR PICKARD:

Clearer language is needed in the amendment because cases could be prevented from jurisdiction by the Labor Commissioner.

MR. SULLIVAN:

The Culinary Workers Union supports S.B. 245 which clarifies the language pertaining to employees getting paid. This bill will help all workers.

If an employee is not paid wages owed, the only recourse is to hire an attorney or take the case to small claims court. This is not feasible for many workers, and the changes in this bill will improve the likelihood of workers getting the money owed to them.

The Culinary Workers Union asks you to pass this bill.

PHIL JAYNES (International Alliance of Theatrical Stage Employees, Local 720):

I testify in support of both S.B. 245 and the proposed amendment by the Labor Commissioner. This bill will help working men and women by adding a pathway and remedy to allow employees to be paid in a fair and timely manner.

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ROB BENNER (Building and Construction Trades Council of Northern Nevada):  
We testify in support of S.B. 245.

AINSLEE ARCHIBALD:  
I am in support of S.B. 245 and have submitted a support letter ([Exhibit J](#)).

Ms. STIDHAM:  
We are opposed to this bill although we do encourage all businesses to abide by statute and pay owed wages upon termination of employees. Employees should have an available remedy if employers deliberately withhold owed wages.

Private right of action for wage claims is covered under NRS 608. The Labor Commissioner can make a determination on owed wages. The claimant can also pursue litigation or private civil action.

Our primary concern with this bill is the definition of wages. Wages not paid upon termination or resignation do not have an explicit path for filing a lawsuit as do unpaid wages. As a result, this bill could drastically increase the number of civil litigation cases. This would be burdensome to our employers.

ALEXIS MOTAREX (The Associated General Contractors of Nevada):  
We were opposed to the bill, but with the proposed amendment presented by the Labor Commissioner, we testify as neutral.

SENATOR LANGE:  
This bill is about workers who have performed their duties but did not receive owed wages. This situation often goes on and on and on.

This bill will help workers who have done everything they were supposed to do yet did not receive owed wages. This bill will allow the Labor Commissioner to help these employees.

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CHAIR SPEARMAN:

We now close the hearing on S.B. 245 and adjourn the meeting at 9:47 a.m.

RESPECTFULLY SUBMITTED:

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Kim Cadra-Nixon,  
Committee Secretary

APPROVED BY:

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Senator Pat Spearman, Chair

DATE: \_\_\_\_\_

<b>EXHIBIT SUMMARY</b>				
<b>Bill</b>	<b>Exhibit Letter</b>	<b>Begins on Page</b>	<b>Witness / Entity</b>	<b>Description</b>
	A	1		Agenda
S.B. 209	B	1	Senator Fabian Donate	Remarks
S.B. 209	C	1	Senator Fabian Donate	Presentation
S.B. 209	D	1	Senator Fabian Donate	Proposed Amendment
S.B. 231	E	1	Scott Astrada / Affirm Holdings, Inc.	Written Testimony
S.B. 231	F	1	Peter Aldous / Legal Aid Center of Southern Nevada	Proposed Amendment from Affirm Holdings, Inc.
S.B. 245	G	1	Senator Roberta Lange	Testimony from Joseph "J. Stan" Jakubiec
S.B. 245	H	1	Randy Soltero / International Alliance of Theatrical Stage Employees	Proposed Amendment
S.B. 245	H	1	Senator Roberta Lange	Proposed Amendment
S.B. 245	H	1	Shannon Chambers	Proposed Amendment
S.B. 245	I	1	Senator Roberta Lange	Conceptual Amendment
S.B. 245	J	1	Ainslee Archibald	Support Letter