

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

**Eighty-first Session  
April 9, 2021**

The Senate Committee on Commerce and Labor was called to order by Chair Pat Spearman at 7:37 a.m. on Friday, April 9, 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 Nicole J. Cannizzaro, Senatorial District No. 6  
Senator Moises Denis, Senatorial District No. 2  
Senator Marilyn Dondero Loop, Senatorial District No. 8

**STAFF MEMBERS PRESENT:**

Cesar Melgarejo, Policy Analyst  
Wil Keane, Counsel  
Lynn Hendricks, Committee Secretary

**OTHERS PRESENT:**

Brett Kandt, State Board of Pharmacy  
Richard Tomasso, State Board of Pharmacy  
Daniel Pierrott, Fingerprinting Express  
Liz MacMenamin, Retail Association of Nevada  
Warren Lowman, Administrator, Division of Internal Audits, Office of Finance,  
Office of the Governor  
Alisa Nave-Worth, DailyPay

Senate Committee on Commerce and Labor  
April 9, 2021  
Page 2

Matthew Kopko, DailyPay  
Terry Reynolds, Director, Department of Business and Industry  
John Sande IV, National Home Service Contract Association  
Erven Nelson, Payroll Funding Company, LLC  
Alfredo Alonso, Southern Glazer's Wine and Spirits; Nevada Beer Wholesalers Association  
Jeff Frischmann, Administrator, Employment Security Division, Department of Employment, Training and Rehabilitation  
Elisa Cafferata, Director, Department of Employment, Training and Rehabilitation

CHAIR SPEARMAN:  
I will open the hearing on Senate Bill (S.B.) 408.

**SENATE BILL 408**: Revises provisions relating to the State Board of Pharmacy.  
(BDR 54-1098)

BRETT KANDT (State Board of Pharmacy):  
I have submitted an amendment to delete sections 1 and 12 in their entirety and to delete the proposed language in section 3, subsection 1, paragraph (k). I will not take up the Committee's time with those sections. Please disregard them.

RICHARD TOMASSO (State Board of Pharmacy):  
I am currently the vice president of Security, Surveillance and Government Affairs for Mesquite Gaming. Approximately a year and a half ago, I was honored to be appointed by Governor Steve Sisolak as the public member of the State Board of Pharmacy.

At the time I was appointed, Governor Sisolak's Division of Internal Audits had just finished its review of the Board and given us five recommendations. Four of these recommendations were easily complied with and are practiced today by the staff of the Board. The fifth recommendation was that the Board require applicants for pharmacist and pharmaceutical technician to have fingerprint background checks. This will require Legislative action, which is why S.B. 408 is before you.

The auditors also noted that four of Nevada's neighbors—Arizona, Oregon, Utah and Washington—require background checks for pharmacists and pharmaceutical technicians. Four of Nevada's medical boards require background checks: the Board of Medical Examiners, the Board of Dental

Examiners of Nevada, the Nevada Physical Therapy Board and the State Board of Nursing. This shocked me, because I feel the Pharmacy Board licensees need background checks more than the others. All of the legal drugs that come into Nevada are given to pharmacists and pharmaceutical technicians to store, do inventory control and dispense to the general public.

Before I got into the gaming industry, I spent 31 years as a special agent with the FBI. My last years were spent in Nevada investigating federal narcotics violations. That was my specialty and my expertise. The greatest tool I had for vetting the subjects I was investigating was background checks. Background checks reveal a person's character, flaws, abilities and tendency to make mistakes. The Board needs this tool to vet the men and women who have complete control over all the legal narcotics that come into the State. The general public deserves the peace of mind of knowing that the drugs their doctors prescribed are in the bottles they pick up from the pharmacy. You need to know with some degree of certainty that your prescription was not changed, diverted, substituted or tampered with. The State needs to know that people entrusted as the guardians of the drugs in Nevada are competent.

Help the Board protect your interests and safety as you move forward.

MR. KANDT:

This bill clarifies and makes more consistent various provisions of existing law that govern how the Board operates. It implements recent recommendations that were made by either the Sunset Subcommittee of the Legislative Commission or by Executive Branch auditors. It allows the Board to protect the public to the greatest extent possible, which is its mission, and to ensure Nevadans receive safe, reliable pharmaceutical care.

I will take you through the text of the bill.

Section 2 removes a provision that conflicts with the Nevada Open Meeting Law. The spirit and intent of the law are that boards deliberate and take action openly and in public view. This is further reflected in *Nevada Revised Statutes* (NRS) 622.320 subsection 2, which mandates that all disciplinary proceedings of regulatory boards comply with the Open Meeting Law. Currently, subsection 4 of NRS 639.050 requires that the Board's deliberations in such cases be closed to the public. This clearly conflicts with the mandate of

openness, and that subsection should be deleted to provide further clarity in the law.

Section 3 of the bill clarifies the Board's authority to perform two essential functions. First, the Board routinely enters into agreements with local, State and federal agencies to coordinate our efforts and better protect the public. Second, the Board has a contract with Appriss approved by the State Board of Examiners, pursuant to NRS 333.700, to administer the prescription monitoring program database. That database tracks all controlled substance prescriptions to better coordinate patient care and prevent diversion, abuse and overdoses. The Board would like those two essential functions to be clearly specified in NRS 639.070.

Section 4 of S.B. 408 amends NRS 639.100. It simplifies and clarifies that it is unlawful to manufacture, wholesale, compound, sell or dispense a prescription drug in Nevada unless properly licensed by the Board.

Sections 5 and 6 of the bill require all registered pharmacist or pharmaceutical technician applicants to undergo criminal background checks. This is the proposal Mr. Tomasso referred to. This recommendation was made in an Executive Branch audit. Currently, the only persons licensed by the Board who undergo background checks are those who apply to operate as wholesalers. There are compelling policy justifications for requiring criminal background checks on pharmacists and pharmaceutical technicians to better protect the public. Many other states have such requirements. Ultimately, that is a policy decision that rests with you.

Section 11 makes a conforming amendment to NRS 639.510 to protect the criminal history of applicants from unauthorized use or disclosure.

Section 7 increases the statutory limits on the biennial fee to be licensed as a manufacturer or wholesaler, raising it from \$500 to \$1,000. This came from a recommendation by the Sunset Subcommittee that the Board analyze its fee structure and revise fees as necessary to support its operations. Currently, the Board cannot increase license fees for manufacturers or wholesalers to cover the cost of regulating those activities because we are at the statutory limit. This will remedy that. I want to emphasize that if we increase the statutory limit, the Board will still have to amend its fee schedule in the *Nevada Administrative Code* (NAC) before any fee increase would take place.

Section 8 amends NRS 639.243, subsection 2, to conform to the 20-day time period to file an answer and notice of defense to administrative charges as specified in NRS 622A.320, subsection 1. The Board has to comply with NRS 622A in its administrative proceedings, and currently there is a conflict with NRS 639, which requires a 15-day response period. The Board defaults to the longer period to ensure due process; however, we would like to reconcile the two statutes by changing NRS 639 to reflect the same 20 days.

Section 9 of the bill clarifies the Board's authority to place restrictions on a license when imposing discipline for violations of Nevada law, provided those restrictions are necessary for the protection of the public. For instance, if violations of law are related to a substance abuse problem, the Board may require the licensee to undergo evaluation and/or treatment, and it may place other restrictions to ensure the licensee can practice in a safe manner. The Board would like its authority to place such restrictions on a license clearly specified in NRS 639.255.

Section 10 amends NRS 639.281 to clarify that it is unlawful to obtain any license from the Board under false pretenses or to falsely represent oneself as the holder of a license.

Section 13 repeals NRS 639.095. That section requires the Board to provide free copies of the relevant chapters of NRS and NAC to pharmacists. The requirement is outdated and unnecessary, since the most current versions of all relevant laws are accessible on the Board's website.

SENATOR NEAL:

I understand why you are adding the background check, but I do not see anything in this bill about what you do with the information you find or how far back you are looking.

MR. KANDT:

To give you the best example of how the Board handles that information, I will make reference to the background checks currently conducted on those who want to operate as wholesalers. If a background check reveals that an applicant has had a criminal arrest or conviction, the Board asks the applicant to explain the situation. If the applicant is forthcoming, the Board takes that into account. In fact, honesty and forthrightness is the most important thing to the Board. If

applicants acknowledge their criminal background, the Board can make an informed decision about issuing the license.

The same process would take place for pharmacists and pharmaceutical technicians, provided they are forthcoming in disclosing their criminal past and that matches up with the information in the background check. The Board would then determine whether the individual can practice safely without endangering the public and whether having access to dangerous drugs and controlled substances would present a danger to them. The Board can take that into account as to whether that is appropriate to give that person that registration.

SENATOR NEAL:

Is the provision retroactive? Is this going to be applied when licenses are renewed? How is this language going to work?

MR. KANDT:

Currently, the Board licenses approximately 15,000 pharmacists and pharmaceutical technicians in Nevada. The Board's intention was that this would be prospective, moving forward only. Future applicants for registration would undergo background checks. The Board did not intend to go back and ask current licensees to submit fingerprints for background checks.

I would note that any application for any license from the Board, new or renewal, is supposed to disclose any criminal events. This provision would give the Board that information as well as whether the candidate has been candid in disclosure.

SENATOR NEAL:

I am still concerned about the lack of parameters in this provision. Applicants might have something in their background that they do not tell you about because they forgot about it or thought it was irrelevant. If the background check finds it, suddenly their candor and honesty will be in question.

MR. KANDT:

From my experience with the wholesaler applicants, they tend to remember events that happened 25 years ago. The most frequent event is a charge of driving under the influence or driving while impaired.

The Board realizes that people make mistakes and can be rehabilitated. Their past does not necessarily disqualify them from the ability to safely practice a profession moving forward. We take that all into account. It is important, however, that the Board know a person's past, especially with regard to crimes that involve controlled substances or drugs, since we are licensing people who will have ready access to those medications.

SENATOR NEAL:

I do not have a problem with that level of intent. I just wanted to understand the scope and the real life application of the bill.

SENATOR SETTELMAYER:

You are deleting sections 1 and 12 in their entirety, and they were the major problems I had within the bill.

SENATOR HARDY:

Section 3, subsection 1, paragraph (k) refers to the salaries of employees being exempt. Is that the statute that applies to pinning that to the Governor's salary?

MR. KANDT:

Yes. However, as I stated, we are submitting an amendment to delete that proposed language.

SENATOR HARDY:

Would all the employees listed in paragraph (k) still be subject to the salary cap vis-à-vis the Governor's salary?

MR. KANDT:

Yes. All the Board's employees and staff are, and will continue to be, subject to the statutory limitation of NRS 281.123.

SENATOR NEAL:

What was the justification for that fee increase?

MR. KANDT:

The Legislature established a cap on the amount the Board could assess for a new license or biennial renewal of a license. We have 17 different licensing categories, all included in NRS 639.170. For wholesalers, the license renewal fee is \$500. That fee has been \$500 for more than 20 years. The Sunset

Subcommittee noted that the fee Nevada charges to license wholesalers is substantially less than that in surrounding states. That by itself is not necessarily justification for increasing the cap. However, we have a number of enforcement costs related to wholesalers, including overseeing and regulating their activities, and those costs have increased. Probably the most notable one was when the Legislature mandated background checks on wholesalers. The fee was never increased to cover that mandate because it could not be.

That does not mean wholesalers would automatically be subject to a licensing fee of \$1,000. It just means the Board would have the authority to increase the wholesaler fee by regulation to the extent necessary to cover enforcement costs.

SENATOR NEAL:

Section 9, subsection 1, paragraph (g) refers to placing any other restrictions on the license as the Board deems necessary for the protection of the public. This is plenary and very broad. What are the delineations of "necessary"? How will these restrictions be justified when someone's license, which is their livelihood, is restricted?

MR. KANDT:

The Board already routinely places restrictions when imposing discipline on a licensee. Obviously, the Board does not want to revoke or suspend someone's license and take away their livelihood unless it is absolutely necessary to protect the public. If the Board deems it appropriate, fair and equitable, it will often place a licensee on probation and then place certain conditions on that probation. A common reason for this is if the licensee has a substance abuse problem. Under those circumstances, we might require the person to undergo evaluation and treatment. We might also require a licensee to complete continuing education directly related to the violation as a condition of probation.

Those are probably the two most common restrictions. We might also restrict a pharmacist from acting as a managing pharmacist in a pharmacy for a certain period of time until the person has demonstrated during the probationary period that he or she can do so safely and responsibly.

Those are some examples of the type of restrictions the Board imposes. This provision clarifies in statute that the Board has that authority.



SENATOR NEAL:

I am still concerned about the broad plenary language. What sort of appeal rights does the licensee have?

MR. KANDT:

Whenever the Board imposes discipline of that order, it is subject to judicial review. The licensee who is subject to that disciplinary order can petition for judicial review of it. A district court judge then looks at the case and determines if the Board exceeded its authority or the restrictions they placed on the license are necessary to protect the public.

SENATOR SETTELMAYER:

I was concerned about that same section. It seems extremely broad. I want to get it on the record that this is being done only if the Board is dealing with health and safety concerns. Even then, the Board must draw a connection to health and safety concerns in order to impose those type of restrictions. Is that correct?

MR. KANDT:

Yes. There has to be a direct relation to the restriction and how it is necessary to protect the public in that licensee's activities.

WIL KEANE (Counsel):

The printed bill appears to contain a typographical error. On page 11, line 12, there is a reference to NRS 639.070, subsection 1, paragraph (s). However, that subsection does not contain a paragraph (s).

MR. KANDT:

The language I submitted to the Legal Division for drafting was supposed to make reference to those sections that were going to allow for criminal background checks for pharmacists and pharmaceutical technicians. This section was to apply the provisions about background checks on wholesalers to the background checks on pharmacists and pharmaceutical technicians. I do not know what the correct NRS reference would be.

MR. KEANE:

I will meet with you later and work out the reference.

CHAIR SPEARMAN:

That is acceptable. Bear in mind, however, that today is the last day for us to pass these bills, so we will need that reference by the end of this meeting.

MR. KANDT:

I do not believe the language on line 12 needs to be there at all. The way the bill has been drafted, we can strike the reference to paragraph (s). That accomplishes the intent just as well.

CHAIR SPEARMAN:

Are you proposing that as an amendment?

MR. KANDT:

Yes.

CHAIR SPEARMAN:

Mr. Keane, does that suffice for your concern?

MR. KEANE:

Yes, we can do that. I will make a note of it.

CHAIR SPEARMAN:

Please make sure Mr. Melgarejo gets the change so we are ready to vote on this bill by the end of the meeting.

SENATOR NEAL:

I am still not satisfied with the breadth of authority granted to the Board in section 9, subsection 1, paragraph (g). I need clarifications on the scope of this authority. I cannot vote for this bill without a clear understanding of how it is going to work. This language is too broad, too open-ended, and I cannot support the bill until that is dealt with.

MR. KANDT:

I will include an additional amendment to strike subsection (g) so the bill can move on. I do not want you to have concerns about the bill.

SENATOR NEAL:

I was not asking for that, but that is okay with me if that is what you choose to do.

Senate Committee on Commerce and Labor  
April 9, 2021  
Page 11

DANIEL PIERROTT (Fingerprinting Express):  
We are in support of S.B. 408. It is a step in the right direction.

LIZ MACMENAMIN (Retail Association of Nevada):  
I have been representing the pharmacy industry for the last 20-something years, and we work very closely with the Board. We are in support of this bill as amended. Our concerns have been met by the amendment.

WARREN LOWMAN (Administrator, Division of Internal Audits, Office of Finance, Office of the Governor):  
We would like to put on record that we agree with the bill as amended.

CHAIR SPEARMAN:  
I will close the hearing on S.B. 408 and open the work session on S.B. 198.

**SENATE BILL 198**: Provides for the regulation of on-demand pay providers.  
(BDR 52-847)

CESAR MELGAREJO (Policy Analyst):  
I have a work session document (Exhibit B) summarizing the bill and explaining the proposed amendments.

SENATOR NEAL:  
Is there a limitation on how many times a person can access on-demand pay in a month? I have friends who borrow from every paycheck and then find themselves short on bills.

ALISA NAVE-WORTH (DailyPay):  
There is no current limitation on the number of times you may debit your account. We have historically found that this is used only once per pay period. It keeps people from going to predatory sources of credit. The bill does include a requirement for us to report back to the Legislature in 2023 if we find that it has become a problem.

SENATOR NEAL:  
Are you saying we are going to wait two years, then find out if it works and establish limitations?

MS. NAVE-WORTH:

The experience of the industry is that this product is not historically used in the same fashion as a payday loan. We believe there should be strict regulations. We worked hard to incorporate all of the regulations the Division of Financial Institutions (FID) asked for. We do not believe this is a problem in our experience; however, we will definitely submit a report to the Legislature and address it if this problem does exist.

MATTHEW KOPKO (DailyPay):

Senator Neal, the answer to your last question is yes. The idea was to address it in 2023 and provide additional restrictions at that time, if appropriate.

SENATOR NEAL:

Waiting for two years seems wrong to me. Why not just put in a cap now and say, "You can't use this service more than twice a month" or "once a pay period"?

Overall, I understand the policy. However, I also want to make sure people do not hurt or defeat themselves. I know people who get paid weekly, and their money burns through their hands. I think they have holes in their pockets. They need to learn to manage their money rather than just letting it run through their hands because they are young and are making what they think is a lot of money, and it just gets spent. This opportunity to get paid in advance would further allow them to waste. Limiting their ability to do it multiple times in a month so they actually learn money management is super important.

MR. KOPKO:

There was an earlier version of the amendment to have that report come back next year. However, FID requested enough time to follow the proper process and put together that report. That is why we settled on two years.

SENATOR NICOLE J. CANNIZZARO (Senatorial District No. 6):

I understand Senator Neal's concerns. We worked to come up with something that would work for everyone. I am happy to explore putting in some limitations and would be committed to working on that to answer your concerns as well, if that is acceptable.

SENATOR NEAL:

I hope there is a conversation about it. I just know this is the reality that is going on with people.

MS. NAVE-WORTH:

We will continue to work with you on this.

SENATOR PICKARD:

I had the same concern as Senator Neal. I understand that we are not talking about payday lenders. We are talking about an opportunity for employers to pay their employees on a daily basis for wages they have already earned.

I recognize that because of the timing of transfers of documents, there may be a technical line of credit issued. However, that is no justification for the heavy-handed regulatory approach to an emerging industry. I keep hearing, "We don't really have it right; we know we need to make adjustments because we are making a lot of assumptions." Although the intent is certainly laudable, we have a situation where we really do not know what we are dealing with yet. This will discourage those who want to get into the market. It will require businesses to incur additional expense. For those reasons, I cannot support the bill today.

SENATOR NEAL MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 198.

SENATOR SCHEIBLE SECONDED THE MOTION.

SENATOR SETTELMAYER:

When we heard this bill, I specifically asked what was the smallest business that would be accepted as a client. There has to be a return on the investment, and if you are dealing with someone who has a payroll of \$10,000 a month, it is probably too small for them to deal with. They would not give me an answer to my question. I find it problematic when I ask a question and it gets dodged.

Also, it seems we are not involving all the people who want to enter into this market. It looks like we are picking and choosing winners and losers, and I find that problematic as well. Also, the concept of turning a lot of this over to the FID seemed to be a question as well.

For those reasons, I will oppose this bill today.

SENATOR HARDY:

I was impressed with the eloquence of Senator Neal and recognize that we have an opportunity to do something that may not be good for everybody. I will vote no but reserve my right to change my vote on the Floor.

THE MOTION PASSED. (SENATORS HARDY, PICKARD AND SETTELMAYER VOTED NO.)

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CHAIR SPEARMAN:

I will open the work session on S.B. 335.

**SENATE BILL 335**: Revises provisions relating to professional and occupational licensing. (BDR 54-186)

MR. MELGAREJO:

I have a work session document ([Exhibit C](#)) summarizing the bill and explaining the proposed amendments.

SENATOR SCHEIBLE:

On reviewing the amendment from the Nevada Board of Homeopathic Medical Examiners, which is on page 3 of [Exhibit C](#), I am trying to compare it to the bill on the fly. Could the sponsor explain where this leaves the State Board of Oriental Medicine?

SENATOR HARDY:

Let me first say that I am proposing another amendment this morning to change the effective date to January 1, 2022. One of the challenges we have with this is that if this bill is enacted immediately, all the boards will be cut off. That is not the intention of the bill. I spoke with Terry Reynolds from the Department of Business and Industry (B&I) and suggested we have a later effective date to give us more time to implement the transition. That basically trumps the amendment from the Homeopathic Board, which is therefore not needed and thus not considered friendly. The amendment on page 2 of [Exhibit C](#) and the change in the effective date would solve the problem.

The Division of Occupational Licensing needs, and knows that it needs, to take advantage of the people currently on the boards in creating regulations, holding investigations and making recommendations.

As to Senator Scheible's question, that will probably be answered by another bill that will be heard in this Committee today. The goal of S.B. 335 is for B&I to be able to incrementally subsume all of the boards and have a single place where people can submit applications, whereupon their applications will be evaluated by those in the boards as they are now, though they will be under a different structure. It will look more like the Utah Division of Professional Licensing. That will allow the boards to stop trying to do all the things they have not been good at, like taking minutes.

The rationale for the amendment is to make it clear that licensees will not be shut out of the process of regulations, investigations and recommendations, but will be included within the Division. The structure that will be more clear with the effective date of January 1, 2022, instead of immediately upon passage and approval.

I am not sure I have answered as many questions as I have caused.

TERRY REYNOLDS (Director, Department of Business and Industry):

I concur with Senator Hardy's comments. We chose a later date so we would have time to meet with the occupational boards in this bill, as well as to work out budgetary items going forward. We felt January 1, 2022, would give us sufficient time to do that. We want to make sure we are meeting their needs going forward and that we have an understanding of how things are going to work.

CHAIR SPEARMAN:

The first time I heard the term "oriental medicine," I was shocked. Every place I've ever been, the word "oriental" is considered a pejorative term.

SENATOR HARDY:

It is known as oriental medicine around the world.

CHAIR SPEARMAN:

I proposed in another bill to change the name. Perhaps East Asian medicine would be a better name for it. At any rate, this type of medicine provides an

alternative to some people who do not want to use traditional Western medicine. Here in Nevada, acupuncture was legalized in 1973. That was groundbreaking then, but now the military and the U.S. Department of Veterans Affairs use it regularly.

I have an issue with abolishing this board. In my mind, it suggests there is only one type of medicine. I am willing to talk about it, and if I have something wrong, I am willing to listen.

SENATOR HARDY:

I understand and think S.B. 335 will actually solve the problem. Eventually, neither the State Board of Oriental Medicine nor the Board of Medical Examiners will exist as separate boards. All of the boards will be under the umbrella of the Division, and we will not have to worry about what a board is called as much as what the licensees do in Nevada. That is one of the reasons why it is appealing to have the big umbrella under B&I because we will not have to worry about what the boards are called. They will all be under the Division of Professional Licensing. That is the ultimate goal. This is an opportunity to do something now and look at the process, so we can get the kinks out as we move forward.

CHAIR SPEARMAN:

I hear what you are trying to do. However, an overarching concern for me is whenever you have an entity that is different from whatever the majority is used to and there is a process to subsume that smaller entity into a larger entity, I am concerned, not just about their autonomy, but about equity and fairness in the process. If it is not done in a way that acknowledges diversity and the value Eastern medicine brings to the table, and if in the process what they do is whittled away, then in essence the board has gone away too—not just the board, not just the name, but everything they do.

People are probably tired of hearing me say this, but I intend to keep saying it until we start talking about it in realistic terms: racism is a public health crisis. We have seen recently how members of the Asian community have been treated during the Covid-19 pandemic. There is no basis in reality for the ignorant charge that Asian people brought Covid-19 into the United States. But the fact remains we have people who do not fully process ideas in a reasonable way. Their conclusions are completely untethered to reality or any type of scientific fact.



My concern is if this happens, what happens to the identity and the mission of this medical discipline? Someone can say, "Let's have bacon and eggs," and that sounds good. If you ask the chicken, she says, "Yeah, I'm cool. I'll give you some eggs." But if you ask the pig, he says, "No way! The chicken is just making a contribution, but I've got to be fully committed!" If we are going to move forward with this bill, I want to know what it means for this branch of medicine.

That is a long way around to say I like 90 percent of the bill. I just have a problem with this piece right here.

SENATOR HARDY:

I am not going to be able to allay all of your concerns. I can say that Utah has probably been more accepting of alternative medicine than many other states. When I talked with what I will call the Board of Eastern Medicine, I assured them I would be involved with making sure these practitioners were not left out. That is what led to the conceptual amendment this morning. Who else can evaluate them but other people who practice that way?

The Division of Professional Licensing in Utah involves the people who know what they are doing in evaluating other people who are applying for or renewing a license. The point is not to get rid of people as much as it is to include them in the big tent. We need to have a big tent philosophy in Nevada in order to be able to count everybody and enjoy everybody's talents. That is where this is going if it passes.

CHAIR SPEARMAN:

I appreciate that Utah has had some success. I do not know that Utah has the level of diversity Nevada has. If this is going to happen, it must happen through the lens of diversity, recognizing that there is more than one way for people to get well and making sure Eastern medicine is not put in a subordinate place to Western medicine, but its value is accepted on par.

I have every faith and confidence in Mr. Reynolds. I just know that when it comes to systemic racism, we have to call it out and get a commitment from everyone who is going to be involved in whatever the changes are.

At any rate, I have not made up my mind which way I am going to go on this bill. Whichever way I vote, I will probably reserve my right to change my mind. I

want us to continue this. I need to make sure, however this happens, there is diversity of thought and people, and that there is no subordination of Eastern medicine to Western medicine.

SENATOR HARDY:

Absolutely. I maintain that the big tent is more inclusive than a lot of little tents. I agree with you that we need everybody. We need Eastern medicine, Western medicine, chiropractors, physicians of every kind and ilk, and nurses. We need them all. Nevada needs everybody, and if we can be inviting more than turning away, that is the mode we have to be in.

SENATOR PICKARD MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 335.

SENATOR LANGE SECONDED THE MOTION.

SENATOR SETTELMAYER:

I am concerned about the concept of taking 5 percent from all boards to go to administration costs. I am more concerned about the fact that I did a lot of work last Session on the Homeopathic Board, and having that Board abolished troubles me. We thought we had corrected its problems, but we have no idea, since the Governor's Office has not appointed anyone to that board. At this time, I am leaning towards voting no.

SENATOR NEAL:

I will vote yes but reserve my right to vote otherwise on the Floor.

THE MOTION PASSED. (SENATOR SETTELMAYER VOTED NO.)

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CHAIR SPEARMAN:

I will open the work session on S.B. 381.

**SENATE BILL 381**: Revises provisions relating to certain businesses. (BDR 52-1009)

Senate Committee on Commerce and Labor  
April 9, 2021  
Page 19

MR. MELGAREJO:

I have a work session document ([Exhibit D](#)) summarizing the bill and explaining the proposed amendments. We have also received a proposed amendment from Erven Nelson which is not included in [Exhibit D](#), if the Chair wishes to hear it.

SENATOR NEAL:

Is the proposed amendment from Mr. Nelson verbal?

MR. MELGAREJO:

Yes.

JOHN SANDE IV (National Home Service Contract Association):

The amendment in [Exhibit D](#) is essentially the same amendment I presented in yesterday's Committee meeting, with three changes. First, the Division of Insurance requested we delete section 8; section 7, subsection 4, and section 16, subsection 5. We agreed to that.

Second, Senator Pickard requested us to clarify that any denial has to be in a written and reproducible form.

Third, you asked us to put a term in the contract section stating it was not an emergency service contract. The Commissioner of Insurance wanted to go further and stipulate that any marketing or sales material also had to include that term. We were agreeable to that as well.

Those were the only changes to the amendment proposed yesterday.

MR. MELGAREJO:

All of the amendments submitted by Mr. Sande are included in [Exhibit D](#).

CHAIR SPEARMAN:

We spoke about my concerns about section 1 yesterday. I see that it has been changed, but I still have some issues. A small business could take out a small loan, but if the annual percentage rate is 40 percent, what was a small loan to save their business could be the loan that destroys the business. I am still not comfortable with that section still in the bill.

MR. MELGAREJO:

Mr. Sande's amendment deletes section 1.

CHAIR SPEARMAN:  
I see that now. Thank you.

SENATOR PICKARD:  
My understanding of section 1 was that it was needed for commercial lenders to properly and legally lend in Nevada. The existing language is awkward and has created some unintended interpretations. Perhaps Mr. Nelson can speak to that.

ERVEN NELSON (Payroll Funding Company, LLC):  
Last night, I spoke with Bailey Bortolin and the attorney who was working with her, and we discussed this issue. Their main concern is small businesses and owners, and we discussed making these loans for extensions of credit go out of the realm of what is considered a small loan. I proposed a number, she proposed another number, and I accepted her number. The change would be to add a few words to section 1, subsection 16. Where it says "extend credit," we would add, "in the amount of \$50,000 or more." She said if we did that, her stance on the bill would change from opposed to neutral.

That change would affect the bill so that Nevada borrowers are not in a worse position than out-of-state borrowers. If section 1 is not included in the amendment, Nevada borrowers who need this type of loan will have to go out of state to get it, while borrowers from any of the 49 other states can get one from a Nevada lender. That is unreasonable, and it is against the public policy of Nevada to have credit available to borrowers if they decide they need it for their businesses.

SENATOR NEAL:  
I want to be clear. You are amending section 1, not deleting it, and you will continue to work on the wording. Is that right?

MR. NELSON:  
I will be happy to work with the stakeholders to get something everyone can live with.

CHAIR SPEARMAN:  
I am not of a mind to limit opportunities for small businesses to grow. I do want to make sure that there are consumer protections in place, especially as we are coming out of the Covid-19 pandemic. There have been so many people who

have been hurt and so many small businesses that are still struggling. I want to make sure that to the extent possible, we have the right type of consumer protections in place.

We will continue this discussion until the bill comes up for a Floor vote.

SENATOR NEAL:

I am not clear on what exactly the amendment changes. Since Mr. Nelson's language is verbal, not written, I think it needs to be stated so we know what we are agreeing to.

CHAIR NELSON:

I agree. Mr. Nelson, could you be explicit? What was it you and Ms. Bortolin agreed to?

MR. NELSON:

We agreed that this exemption would only apply to loans of \$50,000 or more, to hopefully get it out of the realm of smaller businesses and small business owners. I fall under that category myself. I left a 100-man law firm, and now I am a sole practitioner, so I have those same concerns. We went back and forth on the amount to use; she stood firm on \$50,000, and I said fine. Any loan under that amount is not protected by the exemption. That is the intent.

SENATOR PICKARD:

Can you propose language right now for us?

MR. NELSON:

Section 1, subsection 16 would read in its entirety, "A person who exclusively extends credit to any person in an amount of \$50,000 or more for any business, commercial or agricultural purpose, regardless of personal guarantees or collateral."

SENATOR PICKARD:

I move that we amend and do pass with all of Mr. Sande's language except for the deletion of section 1 and with the addition of Mr. Nelson's language.

SENATOR PICKARD MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 381 AS NOTED.

SENATOR HARDY SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

\* \* \* \* \*

CHAIR SPEARMAN:

I will open the work session on S.B. 276.

**SENATE BILL 276**: Imposes a technology fee for the issuance or renewal of certain licenses, certificates, permits and registrations issued by the Real Estate Division of the Department of Business and Industry. (BDR 54-840)

MR. MELGAREJO:

I have a work session document ([Exhibit E](#)) summarizing the bill. There were no proposed amendments.

SENATOR LANGE MOVED TO DO PASS S.B. 276.

SENATOR NEAL SECONDED THE MOTION.

SENATOR PICKARD:

I agree with my colleagues in the industry that we need the Real Estate Division to get up to date in its technology. We heard from real estate agents that they want the improvements and so are willing to accept the fee. However, given the amount of money flowing to the State that could be used in one-shot funding, I do not think the fee is necessary, so I will vote no on this bill.

CHAIR SPEARMAN:

We have seen what happens when we do not invest money in technology before it is needed. That is how we got ourselves in such a deep hole when the Department of Employment, Training and Rehabilitation (DETR) was not able to process unemployment insurance (UI) claims as fast as they came in. That was a direct consequence of the fact that we did not appropriate the money to bring them up to date. In times like these, if we learn nothing else, we must learn that we have to make sure we are prepared technologically. This time we were not prepared, and several thousand people were unable to get their UI checks on time because we did not have the technology.

SENATOR PICKARD:

I completely agree. However, if we rely on the technology fee alone, according to Sharath Chandra from the Real Estate Division, it will take four years for them to have enough money to do the technology upgrades. It would be far more appropriate to do a one-shot appropriation and get them up to speed quickly, rather than waiting four years for the licensees to fully fund it. I agree that the example of DETR is a lesson in what happens when we do not appropriate enough money. Given that they can continue to dip into this account, it will probably take longer than four years. Who knows what the next crisis will bring? You pinpointed exactly why I think the technology fee is a great intention. We need the technology upgrades, but we need to do it now. We should not wait.

SENATOR HARDY:

I concur with both of you. We need to do an investment now, but four years from now, there will be new software we are going to need. I agree that we need to invest now as well as have an ongoing investment in the upgrading that will be needed. I will be voting yes but reserve my right to change my vote on the Floor.

CHAIR SPEARMAN:

It is my hope that S.B. 110 will help address some of this too. Once that passes and is implemented, we can look at ways to make sure it is funded.

**SENATE BILL 110**: Revises provisions relating to businesses engaged in the development of emerging technologies. (BDR 18-447)

THE MOTION PASSED. (SENATORS PICKARD AND SETTELMAYER VOTED NO.)

\* \* \* \* \*

CHAIR SPEARMAN:

I will open the work session on S.B. 260.

**SENATE BILL 260**: Revises provisions relating to Internet privacy. (BDR 52-253)

Senate Committee on Commerce and Labor  
April 9, 2021  
Page 24

MR. MELGAREJO:

I have a work session document ([Exhibit F](#)) summarizing the bill and explaining the proposed amendments.

SENATOR SCHEIBLE MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 260.

SENATOR SETTELMAYER SECONDED THE MOTION.

THE MOTION PASSED. (SENATOR PICKARD VOTED NO.)

\* \* \* \* \*

CHAIR SPEARMAN:

I will open the work session on S.B. 402.

**SENATE BILL 402**: Revises provisions relating to regulatory bodies. (BDR 54-709)

MR. MELGAREJO:

I have a work session document ([Exhibit G](#)) summarizing the bill and explaining the proposed amendments.

SENATOR HARDY:

I do not see this bill as a conflict with S.B. 335 and will support it.

SENATOR NEAL:

I have a question on the nursing amendment. Why is there a nurse carveout?

CHAIR SPEARMAN:

We were trying to get some agreement as to some of the protections and were not able to arrive at a good compromise in time. The conversation will continue.

SENATOR HARDY:

The State Board of Nursing is one of the most exemplary boards in Nevada. I would use them as an example for any board. They have done a great job and are very good at what they do.



Senate Committee on Commerce and Labor  
April 9, 2021  
Page 25

SENATOR PICKARD:

I would just point out that the Board of Nursing already has portability within their licensure. They are doing the military spouse accelerated reviews already. I too am supportive of the bill as amended.

SENATOR PICKARD MOVED TO AMEND AND DO PASS AS AMENDED  
S.B.402.

SENATOR HARDY SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

\* \* \* \* \*

CHAIR SPEARMAN:

I will open the work session on S.B. 293.

**SENATE BILL 293**: Revises provisions relating to employment. (BDR 53-907)

MR. MELGAREJO:

I have a work session document ([Exhibit H](#)) summarizing the bill and explaining the proposed amendments.

SENATOR HARDY MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 293.

SENATOR SCHEIBLE SECONDED THE MOTION.

THE MOTION PASSED. (SENATOR PICKARD VOTED NO.)

\* \* \* \* \*

CHAIR SPEARMAN:

I will open the work session on S.B. 295.

**SENATE BILL 295**: Revises provisions relating to industrial insurance. (BDR 53-996)

Senate Committee on Commerce and Labor  
April 9, 2021  
Page 26

MR. MELGAREJO:

I have a work session document ([Exhibit I](#)) summarizing the bill and explaining the proposed amendments.

SENATOR LANGE MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 295.

SENATOR SCHEIBLE SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

\* \* \* \* \*

CHAIR SPEARMAN:

I will open the work session on S.B. 307.

**SENATE BILL 307:** Revises provisions related to the sale of alcoholic beverages.  
(BDR 52-945)

MR. MELGAREJO:

I have a work session document ([Exhibit J](#)) summarizing the bill and explaining the proposed amendments. We also have a proposed amendment ([Exhibit K](#)) that was received moments ago from Alfredo Alonso with the Nevada Beer Wholesalers Association.

SENATOR SETTELMAYER:

It looks like we are getting rid of the language under section 2 of the bill and not worrying about freight charges anymore. Is that correct?

SENATOR MARILYN DONDERO LOOP (Senatorial District No. 8):

The bill originally added language regarding freight charges in section 2, subsection 1. After some discussion late last night and early this morning, that language was deleted.

SENATOR SETTELMAYER:

It would give me comfort and allow me to vote for the bill if you would consider a change in section 7. Would you be willing to change section 7 to state that individuals and small businesses have the right to ship up to a gallon within the

State? The wine of the month club is allowed to ship into the State. Why not give the same right to Nevadans?

SENATOR DONDERO LOOP:

Thank you for the suggestion. I am happy to take that back to the parties I am working with.

SENATOR SETTELMAYER:

I will vote no on the bill for now.

SENATOR NEAL:

Regarding [Exhibit K](#), can we talk about section 3, subsection 9? I am unclear as the intent of these changes.

ALFREDO ALONSO (Southern Glazer's Wine and Spirits; Nevada Beer Wholesalers Association):

The intent is to clarify that if a supplier requires a wholesaler to have a number of days of inventory, the credit would follow that as well. In other words, if the requirement is for 10 days of inventory, the wholesaler would get 10 days of credit to pay for that inventory. The changes were an attempt to make it as simple as possible and to clarify that it is only based on inventory that is required of a wholesaler.

SENATOR NEAL:

Does the opposition agree with these changes?

SENATOR DONDERO LOOP:

After hearing that there was some angst last night, this morning I called both parties. They told me they wanted to delete section 2, subsection 1, and section 3, subsection 9 of the bill. I said I was happy to delete section 2, subsection 1, which was half of what they wanted. There has been a lot of discussion, and I have listened to both sides.

MR. ALONSO:

I will add that not all the folks in my camp are happy. This is an important bill for us. However, you do not always get everything you want, and I advised them to accept the deal they were offered.

SENATOR PICKARD:

We have not had time to digest the amendments in [Exhibit K](#), let alone hear from both sides. As I said in the original hearing, I feel like a parent trying to referee two squabbling kids. Last night, I heard from a third child—that is, one of the local retailers, a member of the third tier of this three-tier system. He suggested that no matter what happens, the suppliers are not going to absorb the costs; and neither are the wholesalers. It is the local retailer who will end up footing the bill. I do not know if that is accurate. I do not know enough about this industry; I do not purchase the product or deal with it on a legal basis. But I was persuaded by the retailer who said, "This is ultimately going to raise our prices." Retailers are trying to recover. They want to just hold tight and let the market resolve this issue so it does not result in an increase in prices.

When I look at the revisions to section 3, subsection 9 in the amendment, I see that we are telling the suppliers to issue credit. I get nervous when we tell businesses to take credit from someone without giving them the ability to manage their risk. The suppliers are the big gorillas in the room and can throw their weight around, and it is the local wholesalers and retailers who end up taking the brunt of that.

At the end of the day, I do not see how this amendment addresses the spat at the core of this problem in a way that serves both sides. I do not see them as diametrically opposed in their positions. I am of the opinion that there is a resolution to be found. I do not know that changing the law without a healthy debate is the way to do with it.

I am not comfortable with the bill. I will go with my gut and vote no and reserve my right to change my vote on the Floor.

SENATOR HARDY:

I have heard arguments from both sides, and I do not think this is soup yet. I will vote no and reserve the right to change my vote. I will change my vote now if it prevents this bill from moving forward. We need to have the discussions in a way that clarifies so that we come together.

SENATOR NEAL:

Senator Dondero Loop has worked hard on this bill. I will vote yes and reserve the right to change my vote on the Floor. The parties are in a unique position, and the time window to find a consensus has been small, so this is the best

that is going to happen today. I will support the work of Senator Dondero Loop as she continues to find a way to reach consensus.

SENATOR LANGE:

I appreciate the work done by Senator Dondero Loop. There are people in the industry who are still opposed to this bill and would like to meet and talk about it further. It has been a long road for everyone involved. I agree with Senator Neal that we are at the best place we can be for today. I will vote yes to move it out of Committee, and I reserve my right to change my mind, but I think those conversations need to happen before this bill comes to the Floor. It would be better for all of us for the parties to come to that conversation with a resolution everyone can agree to.

SENATOR LANGE MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 307.

SENATOR NEAL SECONDED THE MOTION.

CHAIR SPEARMAN:

Both sides had compelling points to consider, and I talked to folks from both sides. I will support this bill because this is the best we can do for now. Once it gets out of Committee, we can try to do better. Senator Dondero Loop's efforts have been laudable.

SENATOR SETTELMAYER:

I appreciate the work that has been done. I hope to continue work to help smaller Nevada businesses that are distillers, craft brewers and wineries in Nevada by looking at the gallon limitation and changing that. The reality is that this bill will only increase prices, as it has done in other states, and I do not want to increase prices on consumers.

THE MOTION PASSED. (SENATORS HARDY, PICKARD AND  
SETTELMAYER VOTED NO.)

\* \* \* \* \*

CHAIR SPEARMAN:

I will open the work session on S.B. 308.

**SENATE BILL 308**: Provides for the establishment of a worksharing program.  
(BDR 53-716)

MR. MELGAREJO:

I have a work session document ([Exhibit L](#)) summarizing the bill and explaining the proposed amendments.

SENATOR SCHEIBLE MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 308.

SENATOR NEAL SECONDED THE MOTION.

SENATOR PICKARD:

I have read the amendments, and I am not convinced. I am of the opinion that we should not allow DETR to expand its services until its core mission gets fixed. This bill does not resolve the problems; in fact, it has the potential to make it more difficult to resolve some of the problems. I will vote no on this bill.

CHAIR SPEARMAN:

Mr. Frischmann, can you give us an example of how the program would work for a fictional John Doe, who is worksharing and losing one day's work a week?

JEFF FRISCHMANN (Administrator, Employment Security Division, Department of Employment, Training and Rehabilitation):

If Mr. Doe's work week was cut by one day, that would be a 20 percent cut. His UI benefit would be 20 percent of the payment for full unemployment. If Mr. Doe's full UI benefit was \$270, his worksharing UI benefit would be \$54 a week.

CHAIR SPEARMAN:

Of course, Mr. Doe's pay would also be cut. If he got \$300 a week when he was working five days a week, when he is only working four days a week he gets \$240 in pay, plus \$54 from UI. So if he is working full time, he gets \$300 a week; if he is laid off, he gets \$270 a week; but if he is worksharing, he gets \$294 a week.

I was a political science major, not a math major, but I think we got the arithmetic right. The bottom line is that 20 percent of something is better than 100 percent of nothing.

MR. FRISCHMANN:

I too was a political science major, but yes, I think the numbers add up that way.

SENATOR DONDERO LOOP:

The goal of S.B. 308 is to prevent people from being laid off.

It should be noted that the amendment also responds to Senator Pickard's concerns by changing the effective date. Upon passage and approval, DETR will adopt regulations and do some other preparatory administrative work. The program itself will not start until July 2022.

SENATOR PICKARD:

My concern is that the testimony in the hearing was that the worksharing program is a new program, so regulations will have to be adopted for it. Then DETR will have to reprogram its services. If you remember from the testimony on S.B. 75, part of the reason DETR had to set up a separate system for the Pandemic Unemployment Assistance (PUA) program was because DETR could not get programmers proficient in the 30-year-old COBOL system it currently uses. It sounds to me like we are just exacerbating the existing problem, and DETR has not even introduced a single bill to fix the problems that exist. People are not getting paid in a timely fashion.

**SENATE BILL 75:** Revises provisions relating to unemployment compensation.  
(BDR 53-349)

I appreciate the fact that we got a response from DETR as to their backlog. It looks like DETR has essentially worked through it, and that is wonderful. But we have not fixed or even addressed the underlying problems. All this bill is going to do is pile more onto a system that cannot do it, and no one has asked for the money to rebuild the system. So we end up expanding services when we have not even addressed DETR's core mission and the resources and ability to achieve it.

While the worksharing concept is certainly laudable, and I completely agree that 20 percent is better than zero, we are adding fuel to a raging dumpster fire. We need to address the actual issues before we expand their services. I have a real problem with that.

SENATOR DONDERO LOOP:

I understand your passion. I have worked closely with DETR, and its staff have worked hard to get through the backlog. But it is better to have someone employed than unemployed, and it is better to be worksharing than laid off. Remember, this will not take effect until 2022.

SENATOR PICKARD:

I would be interested in hearing from DETR as to how it is going to reprogram the system for this when it could not be reprogrammed for the PUA program. I do not see how it is even possible, and I think it is inappropriate to be expanding DETR's mission when it cannot adequately make its way through its existing mission.

ELISA CAFFERATA (Director, Department of Employment, Training and Rehabilitation):

Early in the pandemic, Congress passed several new programs that we were required to implement. At that time, we made a business and program decision on the best way for DETR to implement those additional benefits. We have done that in both systems, PUA and UI. The PUA system was actually a brand-new program, and we made the decision that it would be more effective to implement it as a separate program.

This is vastly different. We have a year to develop the program and put the changes in place, and our team is fully capable of doing that in a year, just as we have been able to implement the additional programs Congress gave us in short time frames.

With regard to the financing, this is not a money committee, but there is \$1.5 million for each of the next two years of the biennium to do some of the immediate stabilization and capacity building within the system. That is in our budget, and you will see that when it comes to the Senate Finance and Assembly Ways and Means Committees.

SENATOR PICKARD:

I remember the testimony in S.B. 75 being that you needed \$40 million, so that will fall short. If your testimony now is that you can fix the problem and get the pieces to talk to each other, I do not understand why the testimony on S.B. 75 even occurred. In any event, I still think S.B. 308 is a mistake.



MS. CAFFERATA:

The \$40 million is the middle of the range for a completely new, modernized system. That is certainly something that is on our radar, but the appropriate vehicle for that is a separate conversation we are having with the Governor's Office. This proposal would not require an integration with both the PUA and UI systems. This would only be in the regular UI system because we are talking about employers. The stabilization funding is there immediately to address our UI system specifically, and that is what would be needed to implement, stabilize and improve the capacity and speed of the regular UI system.

SENATOR PICKARD:

I thought your testimony during the S.B. 75 hearing was that the UI system was based in COBOL; it is hard to find programmers who can work in that environment anymore, and it takes months to get them under contract, let alone get the work done. Was that testimony inaccurate?

I still do not see how we can resolve this in a timely fashion in a way that is sufficient.

MS. CAFFERATA:

That testimony was accurate. There is a core part of the program that relies on COBOL. However, we are in the process of bringing in contractors who can make those updates. With a year to implement the worksharing program, we certainly will have enough time to do the stabilization and make the changes that are needed.

CHAIR SPEARMAN:

You are right that this is not a money committee. If there is to be any money involved, S.B. 308 will be pulled into the Senate Committee on Finance for that discussion. Let us stick to the policy issues.

SENATOR SETTELMAYER:

Does this bill apply to all union shops or just those that decide to participate in a workshare program? Does it apply to all employers? Is there an exemption if you are a small employer or in agriculture? Who does this apply to?

MR. FRISCHMANN:

Any employer with two or more employees who do the same tasks would be eligible to participate. An employer with two plumbers, two carpenters or two

food servers could participate. Whether they are union or nonunion has nothing to do with this bill.

SENATOR SETTELMAYER:

I am worried that some of the smaller employers are not sophisticated enough to be able to deal with this. This seems like something that needs to have a good number of employees to make it work. Are you suggesting that DETR has authority over agricultural workers on a family farm? Federal law is pretty clear that I am outside the scope of DETR. Are you saying I am now under DETR?

MR. FRISCHMANN:

As I previously testified, this is an opt-in program. Nobody is requiring any employer of any sort whatsoever to participate. The employer has the ability to participate based on a business decision that the particular employer makes.

SENATOR SETTELMAYER:

What happens if someone opts in who is not part of the DETR system? During this pandemic, we ended up giving DETR resources to individuals who have never paid into DETR. That was a decision made to help people out, and it was also made by the federal government, the \$600 and the \$300 increase, even though the employer has never paid into the program. Are you limiting it to people who pay into UI, or are others eligible?

MR. FRISCHMANN:

This would be for any covered employer. This is for employers in the UI program only; the PUA program is a separate program. The workshare program is strictly for those employers participating in the UI program.

SENATOR SETTELMAYER:

I am still concerned that it could be problematic for the smaller employers.

SENATOR DONDERO LOOP:

I would like to confirm for Senator Settelmeyer that this is an opt-in program. I would also tell you that a lot of companies pay into UI and have never used it. Nobody is saying that your family farm has to participate, but maybe the guy who sells the corn wants to. There is no mandate that you do this, but it does help your fellow citizens.

SENATOR SETTELMAYER:

I can imagine a scenario in which employees say, "You didn't give me this option, so I'm going to quit you and go work for the other guy." That is not necessarily a bad thing.

SENATOR HARDY:

I will vote yes but reserve my right to change my vote on the Floor. I want to know the number of applications DETR is getting and what the backlog is. Where do we stand with cases of fraud. The worksharing program will require people time and not just computer time; does DETR have the staff to handle it? In short, I need more information.

SENATOR NEAL:

I respect this dialogue, but I would like to call the question so we can vote on this measure and move it out of Committee.

THE MOTION PASSED. (SENATORS PICKARD AND SETTELMAYER  
VOTED NO.)

\* \* \* \* \*

CHAIR SPEARMAN:

I will open the work session on S.B. 282.

**SENATE BILL 282**: Revises provisions relating to real estate. (BDR 54-841)

MR. MELGAREJO:

I have a work session document ([Exhibit M](#)) summarizing the bill and explaining the proposed amendments.

CHAIR SPEARMAN:

This is a deadline day, and other committees will want to meet early so we are not here until midnight tonight. For that reason, I am asking that you confine your questions to new issues we need to know about rather than going back over issues we have already covered.

SENATOR HARDY:

I will vote yes on S.B. 282 and reserve my right to change my vote.

SENATOR HARDY MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 282.

SENATOR LANGE SECONDED THE MOTION.

SENATOR PICKARD:

It is a mistake to charge for something the Division can already pay for itself.

CHAIR SPEARMAN:

So noted.

MR. MELGAREJO:

Before the work session, there were conversations back and forth as to whether there would be additional amendments. Senator Denis, could you clarify that the amendments in [Exhibit M](#) are the only amendments offered at this time?

SENATOR MOISES DENIS (Senatorial District No. 2):

The only other amendment is the amount that will be put back in the General Fund. That is still be worked out but will be handled by the Finance Committee when the bill goes there. There are no other policy amendments.

THE MOTION PASSED. (SENATOR PICKARD VOTED NO.)

\* \* \* \* \*

CHAIR SPEARMAN:

I will open the work session on S.B. 186.

**SENATE BILL 186**: Revises provisions relating to collection agencies. (BDR 54-582)

MR. MELGAREJO:

I have a work session document ([Exhibit N](#)) summarizing the bill and explaining the proposed amendments.

CHAIR SPEARMAN:

I need to note that section 1, subsection 4 of the bill states that information is to be collected "without identifying any individual debtor." Just to make sure, we changed the wording so the only thing being collected is zip codes. In fact,

Senate Committee on Commerce and Labor  
April 9, 2021  
Page 37

the bill never asked for anyone to collect demographics. The last time I checked, "without" means "you ain't got nothing." The amendments are there to clarify the language.

SENATOR NEAL MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 186.

SENATOR LANGE SECONDED THE MOTION.

SENATOR SETTELMAYER:

I am still concerned about this bill. It changes how homeowners associations work, and I am worried about how that will play out. I will vote no and reserve my right to change my vote.

SENATOR PICKARD:

I was thinking along the same lines. This would cause a wholesale change to how community management companies do their jobs. While it is well intended, we need to avoid doing damage to that industry.

SENATOR HARDY:

I appreciate the zip code change and will vote yes while reserving my right to change my vote.

THE MOTION PASSED. (SENATORS PICKARD AND SETTELMAYER  
VOTED NO.)

\* \* \* \* \*

CHAIR SPEARMAN:

I will open the work session on S.B. 408.

MR. MELGAREJO:

I have a work session document ([Exhibit O](#)) summarizing the bill and explaining the proposed amendments. This includes Mr. Kandt's original amendment, which we discussed in detail earlier in today's meeting, and a second amendment he developed in response to the concerns raised in this morning's hearing.

Senate Committee on Commerce and Labor  
April 9, 2021  
Page 38

SENATOR SETTELMAYER:

The document in [Exhibit O](#) does a good job of reflecting changes that resolve my concerns about the bill.

SENATOR SETTELMAYER MOVED TO AMEND AND DO PASS AS AMENDED S.B. 408.

SENATOR HARDY SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

\* \* \* \* \*

CHAIR SPEARMAN:

Is there any public comment? Hearing none, we are adjourned at 11:28 a.m.

RESPECTFULLY SUBMITTED:

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Lynn Hendricks,  
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. 198	B	1	Cesar Melgarejo	Work Session Document
S.B. 335	C	1	Cesar Melgarejo	Work Session Document
S.B. 381	D	1	Cesar Melgarejo	Work Session Document
S.B. 276	E	1	Cesar Melgarejo	Work Session Document
S.B. 260	F	1	Cesar Melgarejo	Work Session Document
S.B. 402	G	1	Cesar Melgarejo	Work Session Document
S.B. 293	H	1	Cesar Melgarejo	Work Session Document
S.B. 295	I	1	Cesar Melgarejo	Work Session Document
S.B. 307	J	1	Cesar Melgarejo	Work Session Document
S.B. 307	K	1	Alfredo Alonso / Nevada Beer Wholesalers Association	Proposed Amendment
S.B. 308	L	1	Cesar Melgarejo	Work Session Document
S.B. 282	M	1	Cesar Melgarejo	Work Session Document
S.B. 186	N	1	Cesar Melgarejo	Work Session Document
S.B. 408	O	1	Cesar Melgarejo	Work Session Document