

**MINUTES OF THE  
SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES**

**Eighty-first Session  
February 11, 2021**

The Senate Committee on Health and Human Services was called to order by Chair Julia Ratti at 3:30 p.m. on Thursday, February 11, 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 Julia Ratti, Chair  
Senator Pat Spearman, Vice Chair  
Senator Dallas Harris  
Senator Joseph P. Hardy  
Senator Ben Kieckhefer

**STAFF MEMBERS PRESENT:**

Megan Comlossy, Policy Analyst  
Eric Robbins, Counsel  
Norma Mallett, Committee Secretary

**OTHERS PRESENT:**

Shannon Chambers, Labor Commissioner, Department of Business and Industry  
Victoria Carreon, Administrator, Division of Industrial Relations, Department of  
Business and Industry  
Shelley Hendren, Administrator, Rehabilitation Division, Department of  
Employment, Training and Rehabilitation  
Richard Saperstein, Chair, Nevada Committee of Blind Vendors  
Ivan Delgado  
David Cherry, City of Henderson  
Joanna Jacob, Clark County  
David Dazlich, Vegas Chamber  
Chaunsey Chau-Duong, Las Vegas Valley Water District  
Kelly Crompton, City of Las Vegas  
Arielle Edwards, City of North Las Vegas  
Steven Cohen

CHAIR RATTI:

I will open the hearing on Senate Concurrent Resolution (S.C.R.) 1.

**SENATE CONCURRENT RESOLUTION 1**: Urges employers in this State to provide personal protective equipment to employees to prevent the spread of COVID-19. (BDR R-189)

SENATOR JOSEPH P. HARDY (Senatorial District No. 12):

This is a bill urging business owners to provide personal protective equipment (PPE) to their workers. If we can do something that prevents the spread of the coronavirus, also called SARS-CoV-2, which causes the Covid-19 disease, we will protect our businesses, families, and people who come into our businesses. There are many different ways we can enjoy protection, not just through the vaccines, that we can do now.

The bill provides businesses the opportunity to protect everyone, and for us, as a Legislature, by sending a copy of this resolution to the Labor Commissioner. At the Legislative Counsel Bureau, we have made an investment to ensure our employees and others are protected. Wearing a mask is an act of appreciation and love for other people. This resolution is urging business owners to protect their people and others and protect the economy of their own businesses by using masks, face shields, hand sanitizers and sanitized wipes. If we have a culture of protection, we will find it will pay benefits.

SHANNON CHAMBERS (Labor Commissioner, Department of Business and Industry): I fully support this resolution, and at the Office of the Labor Commissioner, we issue mandatory bulletins and guidance to employers who look to us for guidance on all types of issues including Covid-19. I think this is a wonderful idea, and to the extent it passes, I will make every effort to educate employers and make sure it is posted. The public health situation is an issue we all need to address, and it certainly impacts labor. Over the past 12 months, this has been a huge function of our Office. I support this resolution and will make every effort to do what is required once the resolution is passed.

VICTORIA CARREON (Administrator, Division of Industrial Relations, Department of Business and Industry):

Our agency includes Nevada OSHA which has been at the forefront of the Covid-19 enforcement effort. The Safety, Consultation and Training Section provides free safety, training and technical assistance to employers. Providing

PPE is a requirement under the *Code of Federal Regulations*. Face coverings are not technically considered PPE; however, Nevada OSHA is requiring employers to provide face coverings to employees as part of its guidelines to complement the Governor's directives.

Our Safety, Consultation and Training Section conducts monthly classes on PPE, has an outreach list of 2,500 people interested in safety issues for both employers and employees, and uses an email list from the SilverFlume Nevada's Business Portal database with over 32,000 people. We would be happy to comply with S.C.R. 1 and would like to ensure that Nevada employees receive all the PPE they should have to protect themselves and others.

SENATOR HARDY:

The Safety, Consultation and Training Section has three offices, in Reno, Elko and Las Vegas, which are reaching out to do what they can. It is admirable that we have made this decision to protect each other and our businesses and return ourselves to an economy as vibrant as it was before.

CHAIR RATTI:

Senator Hardy, are you open to cosponsors?

SENATOR HARDY:

I would be thrilled and complimented if anyone wants to sign on to this resolution. I do not think we can do enough. If we want to make a good decision and be a good example to people, I would invite anyone and everyone to sign on to this. Something that urges by example is a good idea.

SENATOR SPEARMAN:

I will sign on.

CHAIR RATTI:

I would also like to sign on as a cosponsor. Would anyone else? Since everyone has indicated agreement, we will send this resolution forward, first sponsored by Senator Hardy and the entire Senate Committee on Health and Human Services.

Hearing no public testimony, I will close the hearing on S.C.R. 1 and entertain a motion from Senator Spearman.

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SENATOR HARDY:

May I ask that S.C.R. 1 be amended to add all the cosponsors?

ERIC ROBBINS (Counsel):

You can add the cosponsors as an amendment to the resolution.

SENATOR SPEARMAN MOVED TO AMEND AND DO PASS S.C.R. 1.

SENATOR KIECKHEFER SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR RATTI:

I will open the hearing on Senate Bill (S.B.) 61.

**SENATE BILL 61**: Revises provisions governing the program for the operation of vending facilities by licensees who are blind. (BDR 38-320)

SHELLEY HENDREN (Administrator, Rehabilitation Division, Department of Employment, Training and Rehabilitation):

I present S.B. 61 which proposes changes to *Nevada Revised Statutes* (NRS) 426, the statutes related to the Blind Business Enterprise of Nevada (BEN) Program. I will read from my written testimony ([Exhibit B](#)). I have also submitted the proposed amendments to the bill ([Exhibit C](#)).

SENATOR HARRIS:

I have a question about limiting it to two vending facilities as training sites. Can you explain why it is limited to two, and are you worried that it might affect who is able to participate?

MS. HENDREN:

We are limiting it to two because we do not want to have the Bureau of Services to Persons Who Are Blind or Visually Impaired take up too many sites that could be awarded to blind licensees. We see the benefit of having training sites and people being able to get specific on-the-job training. We offer this and some of our licensees host other trainees, but the idea of a training site is more controlled, and potential employees can get quality experience there. The limit

of two is because if we had viable sites, we want our licensees to own and operate them and reap the benefits.

SENATOR HARRIS:

My next question is about section 14 in S.B. 61. I understand there is a fee that will be paid, and it looks like the licensees will be paying now. Who paid the fees before? It looks like it is an incentive paid by the licensee?

MS. HENDREN:

Yes, it is an incentive, and we wanted to have flexibility where appropriate to pay incentives. The set-aside fund is strictly limited on what can be paid out; incentive is the only means to do so. We modeled this after Tennessee law where that state is doing this. Licensees cannot be charged typical fees such as rent, fees or assessments. We added the incentive to give ourselves flexibility with our partners, if appropriate. As this section says, this is optional and negotiable, and both parties must agree. The Bureau, upon opening a vending facility to a department or agency, cannot be contingent upon payment of an incentive.

RICHARD SAPERSTEIN (Chair, Nevada Committee of Blind Vendors):

I have been in the BEN Program for 33 years. The amendments to NRS 426 are important. They align the State Program to the federal program and help solidify the perpetuity of the BEN Program. I do not know how many Committee members know the history of the BEN Program. In 1985 when I began losing my sight, I had no idea what I was going to do. I was college-educated, a district manager for a pizza chain, and the food and beverage director at Circus Hotel Casino. This Program has helped me immensely to become successful and maintain my financial standing. The Program has done this for many others as well. I support the Program in every way I can, and I encourage the Committee to adopt these amendments so people in the future will have a solid BEN Program that will help them achieve the same things it helped me achieve.

IVAN DELGADO:

I am from Las Vegas and a blind business owner. I have been in the business for five years and it has been a blessing. I finished high school but had not much else going for myself. Luckily, I got to take advantage of the Program. These amendments are needed and I support the bill.

DAVID CHERRY (City of Henderson):

We met with the bill sponsors to discuss the City's concerns regarding proposed changes in S.B. 61. The amendment presented today begins to address some of the issues we outlined; however, we remain opposed at this time. We appreciate continuing to work with Administrator Hendren and her team. The City already offers blind entrepreneurs in the BEN Program business opportunities at multiple City facilities and recognizes the benefits of the Program for those it serves. Our main concern is to retain a system that maintains the consent-based framework in the statutes when determining if vending services are needed and, if so, what type.

We want to see stronger protections when it comes to existing leases obtaining waivers. There should be certainty when people make large investments or enter into partnership agreements to operate the facilities on City property. These waivers should enjoy statutory protection with a defined process in law.

There are also concerns regarding the authority to void contracts that is included in S.B. 61. We oppose the change away from the existing 30-day notice period. This has proven sufficient in the past, and moving to a further window does not provide adequate time to fulfill this requirement. The City appreciates the bill sponsor's amendment that defines an exception from NRS 426 requirements when a lease is granted to an operator for live entertainment purposes. The amendment offers a narrow definition that could preclude private entities that provide different types of activities and levels of service for sizable financial resources. The BEN Program cannot compete with their sizeable financial resources by its own acknowledgement.

We urge the Committee to review statute language preserved in the bill that makes it a misdemeanor crime if someone delivers a sandwich or pizza ordered by a worker in a building where there is a BEN Program operator who sells the same products. This is outdated and unnecessary. We feel it could also apply to a parent selling candy on behalf of a child's activity. We think at a minimum we should remove the misdemeanor penalty and handle it through an administrative process that does not rely on some type of a criminal penalty. The exceptions are limited to only certain types of entities that would qualify. While you already have some exceptions that you would think cover the candy sales I mentioned, it depends on the type of activity—let us say a dance team or sports activity. If these are not incorporated in a certain way under NRS, they would not enjoy that exemption.

JOANNA JACOB (Clark County):

We oppose this bill and have had conversations with the Division of Employment, Training and Rehabilitation (DETR) regarding our concerns. Clark County partners with DETR on the BEN Program, and is working to expand access within the County wherever we can. Something unique to the County we need to work through are questions from McCarran International Airport, which falls under our County Department of Aviation. The Airport has input from the Federal Aviation Administration on this bill. There are concerns raised that we were not able to work through about federal regulations and requirements. Particularly, preemptions are in place with different transportation guidelines and concerns because airports are supported by user fees, which are usually prohibited from diversion to other purposes.

We believe we can work this through and have already raised these concerns with Ms. Hendren. We are concerned section 7 was drafted a little broadly, but it could be interpreted to apply to existing contracts. We understand it was not the sponsor's intent, and we presented an idea to make that section applicable to contracts entered into after this bill passes.

We also have concerns about the use of third-party vendors. The way section 11, subsection 7 was drafted, the language looks like it was going to allow third-party vendors to take on licensee responsibilities. We now understand DETR is looking to narrow third-party vendors, and this section is not intended to open up opportunities to a whole host of third-party vendors. We are going to work on clarification and bring it back to this Committee.

DAVID DAZLICH (Vegas Chamber):

I oppose this bill. My colleagues at Clark County and the City of Henderson have illustrated well the objections that the Vegas Chamber has with this bill. Our concern is for those private entities operating leases on public property, and we too would like to see stronger language protecting the waivers in statute. Ms. Hendren's amendments are going in the right direction. We look forward to removing our opposition as we work through this bill.

CHAUNSEY CHAU-DUONG (Las Vegas Valley Water District):

I want to share comments regarding our opposition to S.B. 61. We recently signed an agreement with the DETR BEN Program to provide services for employees, and that process went well. A conceptual amendment provided by DETR addresses some of the concerns we have. We want to work with DETR

regarding section 7, which could still grant DETR exclusive discretion regarding what locations are appropriate for vending facilities. Section 11, which requires public entities to cooperate with DETR, makes such a determination. As a public entity, we should be able to make these determinations ourselves, particularly in instances when the vending facility exclusively serves employees. The language should be clarified responding to Covid-19; we appreciate the ability to make changes to our limited food service options and to adapt to the pandemic. We would be happy to work with DETR to obtain answers to our questions and address our concerns.

KELLY CROMPTON (City of Las Vegas):

The City of Las Vegas opposes S.B. 61 but supports the Program since we have been a partner and gone through the process during the construction of City Hall. We believe the proposed amendment is a good starting point. The majority of our concerns have been addressed by the City of Henderson and Clark County, so I will leave our opposition at that.

ARIELLE EDWARDS (City of North Las Vegas):

The City of North Las Vegas opposes S.B. 61 and echoes the remarks made by our colleagues from Clark County and the City of Henderson.

STEVE COHEN:

I am testifying in a neutral position. Granted this argument is made in a policy committee, but during Covid-19, most of the government facilities that would be a beneficiary of this Program are closed to the public. I fully support the inclusion of people with disabilities in the general workforce.

MS. HENDREN:

I appreciate the comments and am open to and available to work with those entities and hopefully find a solution that works for everyone. Our position is to promote the Program and opportunities it provides for individuals who are blind to be entrepreneurs Statewide. This is an old Program, having been on the books for 85 years federally and over 60 years in Nevada. Certainly, I would not like to make changes that do not benefit the Program or blind licensees. There are areas we could clear up and compromises we could make, such as waivers and potentially NRS 426.715 regarding misdemeanors.



CHAIR RATTI:

I did hear from people who were in opposition in advance of the hearing. I want to note this hearing was scheduled early in the Session on relatively short notice. I appreciate the interest and the stakeholders working together to move this bill. It is an important Program, and we want to make sure we get it right. I have asked the local government representatives to work together. Perhaps there could be one group voice as opposed to six or seven separate conversations. I hope to help our team at DETR make it through the amendment process. We look forward to hearing back on your resolutions.

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CHAIR RATTI:

There being no further questions, we will close the meeting on S.B. 61.

Hearing no public comment, the meeting is adjourned at 4:34 p.m.

RESPECTFULLY SUBMITTED:

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Norma Mallett,  
Committee Secretary

APPROVED BY:

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Senator Julia Ratti, Chair

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

EXHIBIT SUMMARY				
Bill	Exhibit Letter	Begins on Page	Witness / Entity	Description
	A	1		Agenda
S.B. 61	B	1	Shelley Hendren/ Department of Employment, Training and Rehabilitation	Presentation
S.B. 61	C	1	Shelley Hendren/ Department of Employment, Training and Rehabilitation	Proposed Amendment