

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

**Eighty-second Session
April 26, 2023**

The Senate Committee on Commerce and Labor was called to order by Chair Pat Spearman at 8:03 a.m. on Wednesday, April 26, 2023, in Room 2134 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Pat Spearman, Chair
Senator Roberta Lange, Vice Chair
Senator Melanie Scheible
Senator Skip Daly
Senator Julie Pazina
Senator Scott Hammond
Senator Carrie A. Buck
Senator Jeff Stone

GUEST LEGISLATORS PRESENT:

Assemblywoman Cecelia González, Assembly District No. 16
Assemblywoman Melissa Hardy, Assembly District No. 22
Assemblywoman Heidi Kasama, Assembly District No. 2
Assemblyman Cameron (C.H.) Miller, Assembly District No. 7

STAFF MEMBERS PRESENT:

Cesar Melgarejo, Policy Analyst
Bryan Fernley, Counsel
Veda Wooley, Counsel
Lynn Hendricks, Committee Secretary

OTHERS PRESENT:

Susan Fisher, State Board of Osteopathic Medicine

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Dylan Keith, Vegas Chamber
Chelsea Capurro, Zillow
Anna Boone, Zillow
Cathy Sheehy, Commissioner, Division of Mortgage Lending, Nevada
Department of Business and Industry
Al Rojas
Michael Stidham, Rocket Mortgage
Loretta Ponton, Executive Director, Board of Occupational Therapy
Serena Evans, Nevada Coalition to END Domestic and Sexual Violence
Barry Cole, M.D.
Ivet Aldaba, Licensed Social Worker
Amber Falgout, Battle Born Progress
Brett Harris, Labor Commissioner, Nevada Department of Business and Industry

CHAIR SPEARMAN:

I will open the hearing on Assembly Bill (A.B.) 124.

ASSEMBLY BILL 124: Revises provisions governing the renewal of a license as an osteopathic physician or physician assistant. (BDR 54-525)

ASSEMBLYWOMAN MELISSA HARDY (Assembly District No. 22):

Nevada statute requires all licensees of the State Board of Osteopathic Medicine to submit proof of completion of required continuing medical education (CME). In that regard, *Nevada Revised Statutes* (NRS) 633.471 currently requires the Board to audit no less than one-third of the applicants for license renewal. The Board has just four full-time employees, including the executive director, with one employee dedicated to licensing. Auditing one-third of the licenses for CME is time-consuming and reveals that licensees typically have a 98.8 percent compliance rate.

Section 1, subsection 3 of A.B. 124 revises NRS 633.471 to remove the statutory audit of one-third of license renewal applications for CME and adds language allowing the Board to determine what percentage of applications should be audited for CME compliance.

SUSAN FISHER (State Board of Osteopathic Medicine):

I would like to thank Assemblywoman Hardy for agreeing to introduce this bill for us. I am always reluctant to say it is a simple bill, but this really is a simple

bill. The only change is in section 1, subsection 3 of the bill, where it states the Board will verify "a percentage" of applicants' CMEs.

We surveyed other boards, particularly medical licensing boards, to find out how they confirm CME credits. Most said they do not have a requirement to do this in statute and shoot for an audit of about 10 percent of licensees. We have had a requirement that we audit the CMEs of a third of our applicants for a long time. Auditing CMEs means calling the licensees and asking them to submit proof of their CMEs. The computer system we use does not allow licensees to submit CMEs electronically. We are looking to streamline our processes, and cutting the number of verifications we do would save hours of staff time.

This bill would allow us to lower the percentage of licensees we audit. We currently have close to 2,200 licensees, and a third of that is a substantial number.

SENATOR STONE:

At the end of April, I will be retiring as a pharmacist licensed in California. One thing California does right is that pharmacists' CMEs are electronically transmitted to California's Board of Pharmacy. That means they do not have to waste staff time auditing the licenses of over 5,000 pharmacists. Just by running a simple computer program, they can quickly see who has and has not fulfilled those requirements.

This is a good bill, but I would like to see you organize an electronic database that keeps track of CMEs. It would streamline your auditing processes and make things easier and less expensive. It would be a benefit to all the medical boards, in fact, and allow them to focus more on enforcement and education. Does anything like that exist in Nevada now?

MS. FISHER:

I am not certain if any other board has something like that at the moment. Our system does not allow it to happen, and it is an expensive fix. We were hoping to get some upgrades, but it is going to be a while before we can get that done.

SENATOR STONE:

I just throw it out there as a possibility for future legislation.

SENATOR DALY:

You say you are going to shoot for a 10 percent audit, but it could be more or less. That means an honor system, because you do not check everybody. The people you do check are selected at random. Do you have a way to make sure you do not pick the same person every time? Is it a truly random selection?

MS. FISHER:

Yes, the selection is random, and we are on the honor system. It is in our statute that when licensees submit their renewal applications, they attest to having completed the required CMEs.

DYLAN KEITH (Vegas Chamber):

We come in support of A.B. 124. We believe that it will open up more opportunities and retain current doctors, and it will definitely help to fix the doctor shortage we are seeing in Nevada.

CHAIR SPEARMAN:

I will close the hearing on A.B. 124 and open the hearing on A.B. 284.

ASSEMBLY BILL 284: Authorizes the business of a mortgage company to be conducted from a remote location under certain circumstances. (BDR 54-941)

ASSEMBLYWOMAN HEIDI KASAMA (Assembly District No. 2):

This bill allows for remote work for mortgage loan originators (MLOs) as the Country and the mortgage lending industry have emerged from the height of the pandemic. A total of 34 states have now permanently authorized remote work for loan originators. Mortgage lending companies now have the resources, policies and procedures to interact with customers and manage regular compliance from anywhere.

During the COVID-19 pandemic, from March 2020 to June 2021, Nevada MLOs were allowed to work from home. This bill will simply put that practice into statute. The bill includes parameters to ensure that Nevadans and their information are safe and secure while providing consumers with a more flexible and convenient process.

CHELSEA CAPURRO (Zillow):

As we all know, the COVID-19 pandemic changed the world we operate in, and some of those changes have modernized our day-to-day life. This bill is a perfect example of that.

ANNA BOONE (Zillow):

Assembly Bill 284 would enable a more seamless real estate experience for Nevadans by authorizing MLOs to work remotely. As Assemblywoman Kasama mentioned in her opening remarks, there are now 34 states that have permanently authorized remote work for loan originators. Permanent authorization of remote MLOs will allow them to be more responsive and available to Nevada home shoppers by utilizing the location flexibility technology now available.

Currently, MLOs are required to conduct business from licensed branch locations. This limits their ability to respond to homebuyers outside of business hours or when they are away from the office. Technology and consumer expectations have evolved over the last several years, accelerated by the pandemic. During the pandemic and the associated stay-at-home orders, the mortgage lending industry, in partnership with regulators, adapted its operations to facilitate remote work to deliver critical financial services to consumers. This shift demonstrated that the mortgage industry can operate safely, efficiently and effectively in a digital remote environment.

Permanent remote work for MLOs modernizes the mortgage lending industry to the benefit of consumers, employees and employers. Consumers experience a more convenient process. Loan originators are able to respond to inquiries and provide updates outside of business hours without having to commute into an office to do so. Employees are able to access the flexibility many other industries already provide. Mortgage lenders will be more easily able to recruit and retain talented MLOs. By making our remote MLOs permanent, Nevada will enable a more seamless and convenient real estate transaction for its residents.

In addition to authorizing remote work, this bill includes protections such as prohibiting an employee from interacting with the customer in person at the employee's residence. It also prohibits the maintenance of physical records at a remote location. Finally, section 1 of the bill gives full authority to the Commissioner of the Division of Mortgage Lending to adopt regulations governing the business of a mortgage company at a remote location.

SENATOR LANGE:

How many states are currently allowing remote work since COVID-19?

Ms. CAPURRO:

There are currently 34.

SENATOR SCHEIBLE:

This is not my field, so I have a general question about mortgage licensing. I am reading NRS 645B.020, which is our mortgage lender licensing statute. Does a company like Zillow have to get licensed in every state where it does business, or is it able to interact with Nevada customers through some other licensing scheme?

Ms. BOONE:

Mortgage lending companies and MLOs need to be licensed in each state where they do business,

SENATOR DALY:

As I understand it, the remote location can be anywhere; it does not necessarily have to be in Nevada. If they are doing loans in Nevada and the remote location is out of state, they have to be licensed in both states, even if they are not doing work in the other state. Is that right?

Ms. BOONE:

Yes, they can be working in another state and licensed to work in Nevada. This bill is not changing the requirement that mortgage companies maintain licensed branch locations in Nevada. Rather, it is just allowing them to conduct work outside of that licensed branch location. There still is a requirement that a licensed branch be maintained here.

Ms. CAPURRO:

There is a provision in the bill that the Commissioner can add regulations in this area. I imagine they will put in something about working from a secure server, making sure that they are not doing this type of work on a public or unsecured computer. I am sure that is something they will be handling through regulations.

ASSEMBLYWOMAN KASAMA:

I would like to add some context. If you go back five years or so, a person who wanted to get a loan would walk into the lender's office with a stack of their

tax returns, proof of their income and other sensitive information. That is why these laws were originally created, because people had to go into these offices with the sensitive information. But the world has changed. Now, clients upload their tax returns themselves; they scan them in, they put them on the website, and they do not have to go into the offices. If for some reason they were still to bring sensitive documents in a physical form, they have to be brought into the physical office location that is still on record here with the lending industry.

But the world has changed. Now, it is all pretty much done online. They can meet in a coffee shop, or they can be in their own home. It is just a matter of regulations keeping up with the way we currently do business.

SENATOR DALY:

The provision seems to say the MLO and the client cannot interact at the MLO's residence. Is there an anticipation that they would interact in a remote location, an office space or a coffee shop? I am just curious if you think this may be an issue.

MS. BOONE:

The intention here is not to dramatically change the ways folks are interacting with their MLOs. Given that this bill authorizes remote work and working from home, we thought it was important to include a prohibition on meeting in an MLO's residence. The intent here is to allow those MLOs to do things like verify that someone's documents have been uploaded correctly or respond to a customer about the status of his or her application after hours or on the weekend. Currently, they would need to be physically in their office to do so. The intent is not to change where folks interact with their MLO. That could be at an office, standing on the sideline of a sports game or any other place. I hope that answers your question.

SENATOR PAZINA:

I absolutely believe in modernization. Do you have an idea of what percentage of people still want to meet in person these days and do not want to do this remotely?

MS. BOONE:

No, I do not know. From Zillow's perspective, we are focused on delivering a seamless online transaction for the customers who seek it. Many people still want to have that in-person interaction, but I do not have any data that shows

the number of people. The goal with this bill is to allow that flexibility for the entire industry without doing away with the ability to meet folks in person.

ASSEMBLYWOMAN KASAMA:

I am part of a large real estate organization in Las Vegas. We have a lender who can be in the office working with people on the phone and his computer, but it does not happen that often. I see people actually coming in and sitting with him, but a lot of the time it is on the phone and through the computer.

SENATOR PAZINA:

That is what I would imagine. I know when I have either refinanced or financed a new loan, I have done everything over the phone remotely.

SENATOR STONE:

I want to be sure that the information, which can be sensitive information like social security numbers and income dependence, is well protected, perhaps through a virtual private network (VPN). We need to be sure MLOs are not using private servers that can be hacked.

One big cost that consumers have in a mortgage is the origination cost. Are you finding that utilizing these remote scanning, technologically advanced processes for processing applications reduces the cost for consumers?

Ms. CAPURRO:

Let me answer the first part of that question, and then I will pass it over to Ms. Boone to answer the second part.

The bill says the Commissioner shall adopt regulations. One of the things they will need to regulate are requirements for keeping and maintaining complete and suitable records of all mortgage transactions. I hope that addresses your concerns about making sure homebuyers' information is not just sitting around somewhere unsafe. The Mortgage Lending Division has to promulgate regulations around this, and there are parameters in A.B. 284 that direct them to cover some of those issues.

SENATOR STONE:

I want to make sure that the companies doing this underwriting cannot sell the borrower's data to a third party without the express permission of the borrower. I hope that is something you might consider.

Ms. CAPURRO:

That is not currently part of the bill, but I am guessing it is something they are not allowed to do.

CATHY SHEEHY (Commissioner, Division of Mortgage Lending, Nevada Department of Business and Industry):

Could you repeat the question?

SENATOR STONE:

I expressed concern about the security of the information to be transmitted online. I have already received assurances that the borrower's financial information will be kept confidential. However, I also want to make sure that the information is not going to be sold to a third party. I want to make sure that all the data is going to be protected and can only be released with the permission of the person seeking a loan.

Ms. SHEEHY:

That would be more of a company policy. We would have the company follow its own policy and procedures about privacy, data security and what info it does and does not share. A company will have policies and disclosures that it provides to the consumer, ensuring that the consumer understands how and when this information is shared.

SENATOR STONE:

It should be the State that drives the process, not the company making the loans. The protection of personal data is very important. I would encourage the author to add some language saying that any information provided in a loan application, including financial information, demographic information, phone numbers and so on, cannot be sold to a third party without the express written consent of the person seeking the loan.

Ms. BOONE:

I appreciate that feedback. I will be happy to follow up. I will go back and have some conversations internally to make sure I give the most accurate answer.

I want to go back to the questions about data security. It is standard practice in the industry, and certainly at Zillow, to ensure that all communications with customers, including phone calls and text messages, take place through a secure encrypted platform. That includes a VPN and other security measures to

ensure that the information is not easily accessible to someone who is not entitled to it. We want to ensure that this bill is flexible and empowers the Commissioner to make rules to make sure the industry meets the highest standards possible. It is a priority for us at Zillow and certainly for the industry to ensure that all of this information is kept secure and that we are maintaining the trust of consumers throughout the process.

ASSEMBLYWOMAN KASAMA:

Before you submit any loan application, there is always a disclosure that your information can be used for the loans. There is usually quite a lengthy disclosure that says where your information is being used. If you want more than that, perhaps that is a bill you and I can build together in a future session.

CHAIR SPEARMAN:

When I was at the Pentagon, we had two computers, and they did not communicate at all—information could not cross between the two machines. Will employees working remotely be restricted to having those electronic conversations on a separate computer? A lot of times, that is better than commingling work information with personal information. That is also a good way to aggregate the data.

ASSEMBLYWOMAN KASAMA:

That is something governed by company policy and not dictated by any statute. These programs are not computer-based but web-based, so the information will never be in the MLO's personal computer.

Ms. BOONE:

Yes, that is how it works at Zillow. We issue company devices for company work. We also use web-based platforms to capture employee contact.

This bill requires that each company have a security plan in place. This is something we can look at through the rulemaking process with feedback from other members of the industry. The Commissioner might want to include something about commingling devices in that rulemaking.

CHAIR SPEARMAN:

I understand about web-based platforms. However, I got a letter the other day informing me that some of my information had been breached. Is there anything

more we should be doing that should be included in this bill? I am just trying to make sure this bill has no unintended consequences.

MS. SHEEHY:

We will be glad to talk to the stakeholders about this. We will be looking at promulgating regulations so we can include anything that is necessary and should be included.

ASSEMBLYWOMAN KASAMA:

Section 1, subsection 4 of the bill says any physical records of a mortgage company must not be maintained in remote locations. It also directs the Commissioner to make regulations regarding security and safety. Section 1, subsection 5 of the bill directs the Commissioner to maintain those regulations.

CHAIR SPEARMAN:

I will also ask counsel to look at this. I know that California has something like that as well. When you fill out any type of application and list your state as CA, a box pops up to give you the option to say, "I do not want my information sold."

AL ROJAS:

I am in favor of A.B. 284. However, you can always have more data security. My personal information has been breached twice, and once was in California. I was applying for a loan, and another lender contacted me. He had my social security number and my application and offered me a better deal. Another time, I was applying for a loan, and I had an outstanding balance on my tax returns. Somebody in India got hold of my tax returns and wanted me to send them money. I called the IRS, and they told me it was a fraud.

Applying for a loan is scary because your information is out there. I personally would like some provisions in there that you cannot use your personal computer, that it has to be a system on a network, there has to be security and you cannot sell the information to other people. There is a lot of money and a lot of data involved, and one bad transaction can wipe you out. Please take that into consideration.

MICHAEL STIDHAM (Rocket Mortgage):

I appreciate the opportunity to testify regarding A.B. 284 and support the amendments it proposes to the NRS that would set forth the conditions by

which licensed MLOs may work from a remote location. Under Nevada's current statute, MLOs are required to establish a branch location and may conduct mortgage loan origination activity even in their homes. In the wake of the COVID-19 pandemic, many states, including Nevada, provided guidance and/or codified remote work standards into their laws and/or regulations. This modernization of mortgage lending requirements allowed mortgage companies to continue to provide important financial services to consumers during the pandemic. By codifying the standards for permissible remote work, MLOs can be available to assist consumers during future events. Mortgage lender licensees are operating under this remote work model in many states already, as noted, while also ensuring compliance with applicable federal, state and local laws.

This bill establishes specific standards for remote work that are in use in multiple other states, which are also expressly supported by the American Association of Residential Mortgage Regulators to facilitate remote work. These standards will provide consistency among licensees and will reduce the need for the Division to examine residential branches. Moreover, this amendment streamlines the regulatory process for the Division and ensures that consumer protections are maintained no matter where MLO activity occurs.

Remote work is critical for the modernization of mortgage licensing. The standards set forth support Rocket Mortgage's desire to ensure consumer ease, protection and proper oversight of mortgage activity.

CHAIR SPEARMAN:

You mentioned an amendment. Is this an amendment the sponsor has seen, or is this a new amendment you are suggesting?

MR. STIDHAM:

Neither. We are in agreement with the bill as written.

SENATOR HAMMOND:

I share similar concerns to some of those concerns you have heard about making sure we are not selling data. I agree that it needs to be State led, so it would be nice to see something like that in the bill.

At the same time, if you as a consumer are worried about data security, you can still conduct this entire process in person; there is nothing in this bill that prevents that. You still have a branch. If you are not ready to do everything

online and you still want to go in, meet the person and hand them your physical paperwork, you can still do that. Is that right?

ASSEMBLYWOMAN KASAMA:

Yes. Mortgage companies are still required to have a branch location in Nevada. You can still sit down with your loan officer and have a face-to-face meeting.

SENATOR HAMMOND:

Thank you. I just wanted to make sure that was confirmed so people would know.

ASSEMBLYWOMAN KASAMA:

Absolutely. They still have the opportunity to deal with people in person.

We could make this question bigger and say more about safety and selling of data, and frankly that goes for any industry. How we do that is a broader question. This bill gives the Commissioner the authority to promulgate regulations to do that. I assure you, data security is a concern for all of us in this industry.

MS. CAPURRO:

As we mentioned earlier, 34 states are doing this. We are happy to take a look at what other states have done. Some may have good provisions related to data, security and safety of consumers' information. We will take a look at that and let you know what we find.

CHAIR SPEARMAN:

I will close the hearing on A.B. 248 and open the hearing on A.B. 343.

ASSEMBLY BILL 343 (1st Reprint): Revises provisions relating to occupational therapy. (BDR 54-737)

ASSEMBLYMAN CAMERON (C.H.) MILLER (Assembly District No. 7):

I am here today to present A.B. 343, which revises provisions relating to the Board of Occupational Therapy.

Occupational therapists (OTs) are healthcare professionals who help patients maximize their quality of life. They work with people of all ages and with various health issues to adapt to their surroundings. They help people live better

with disabilities, injuries and illnesses. Occupational therapists work in many different settings, such as clinics, hospitals, nursing facilities and private homes. In Nevada, the Board of Occupational Therapy licenses and regulates OTs and OT assistants.

This bill makes several changes to the Board's law, including issuing a license by reciprocity, a provisional license or a temporary license; issuing a citation to a licensee who commits certain violations of the provisions of existing law governing occupational therapy; revising the qualifications for a person to obtain a license as an OT or an OT assistant; and providing for a salary for members of the Board.

LORETTA PONTON (Executive Director, Board of Occupational Therapy):

This bill has two primary purposes. The first is to eliminate barriers to licensure. Along that line, we are establishing licensure reciprocity in Nevada for individuals residing and licensed in a member state of the Occupational Therapy Licensure Compact (OTLC). After holding meetings and public workshops soliciting stakeholder input, the Board is embracing a tiered strategy preparatory to joining the OTLC.

Section 2 of this bill is the first step by providing reciprocity to occupational therapy practitioners who reside in a state that is a member of the OTLC. The OTLC was ratified in 2022 with 10 states, and it now has 23 states as members. The first organizational meeting of the Compact Commission was held in August 2022. The organizational structure, staffing, database rules, fees and reporting requirements remain to be determined.

The first compact privilege to practice through the OTLC is slated for 2024 after the structure and rules have been finalized. The availability of reciprocity will provide baseline data for determining the impact of compact-privileged practice on the availability of services, the number of individuals seeking a license in Nevada from compact states who potentially would be eligible for a compact privilege, and potential fiscal impact to the Board.

The Board will continue to monitor the implementation of the OTLC to determine whether to recommend legislation to join the OTLC at a future session. At this time, there is little solid information on the requirements, financial obligations and impacts the OTLC may have on Nevada. Currently, licensure by endorsement remains available for out-of-state applicants.

Expedited licenses with reduced fees for military veterans and spouses are available through the provisions of NRS 640.

The second goal of A.B. 343 is to establish national certification and testing standards for licensure eligibility, as you can see in section 8 of the bill. The National Board for Certification in Occupational Therapy (NBCOT) certifies qualified occupational therapy practitioners. Current NBCOT certification is required for licensure in Nevada. The Nevada Jurisprudence Exam is required of new applicants for licensure. This web-based examination is accessible on the Board's website at no cost and is the only State-required element of license applications.

Section 8 of the bill establishes the eligibility criteria for licensure in Nevada as certification by the NBCOT and passage of the Nevada Jurisprudence examination on Nevada state law and regulations. The NBCOT has established criteria for eligibility for testing and certification, which includes graduation from educational programs accredited by the Accreditation Council for Occupational Therapy Education. The NBCOT evaluates transcripts of applicants, including foreign-educated applicants, to ensure educational requirements are met to take the certification examination. Stringent eligibility and examination criteria are established by NBCOT to obtain national certification in occupational therapy, eliminating duplication at the State level, thereby furthering the elimination of barriers to licensure.

This bill also creates a provisional license to practice under the supervision of a licensed OT for individuals in the process of obtaining their national certification to align with the national testing and licensure eligibility requirements in section 3 of the bill. A new graduate who has been determined eligible to take the examination will be able to enter the workforce immediately. A new graduate licensee must be under the supervision of a licensed occupational therapist and must pass the national certification examination within one year.

The remaining goal for this legislation is administrative in nature. The first is to establish criteria for administrative citations for certain violations, remedial action and administrative fines. That is in section 4 of the bill. Currently, all violations, whether administrative or practice-related, must be handled through the formal complaints and disciplinary action process. The ability to issue citations and fines will expedite resolution in a cost-effective manner for both the Board and practitioners in resolving administrative violations, such as

updating their legal name, contact information, displaying their license or providing proof of continuing education.

Secondly, we would like to authorize a salary for our Board members who have been serving without compensation. That is in section 7 of the bill. The Board members' salaries will be funded solely by licensure fees with no funding from the General Fund. The Board has sufficient funding to cover these expenses, which are estimated to be less than \$6,000 a year.

Finally, we are making various changes to update language, make conforming revisions and repeal various provisions that are duplicative or will no longer be the responsibility of the Board for the adoption of national certification and eligibility standards.

SENATOR DALY:

I note that you are not currently part of the OTLC; you are still just thinking about it. For the record, I do not like compacts.

I am sure you always get asked about this, but can we assume that the incoming people will be required to meet the existing standards of education and so on that we already require? Also, you mentioned a national certification exam. Is that the same one all the states use?

Ms. PONTON:

Yes, that exam is the national standard. All 50 states use that certification process.

SENATOR DALY:

Is everyone going to meet the same standards if you are recognizing someone through reciprocity?

Ms. PONTON:

Yes.

SENATOR DALY:

Regarding the Board members' salaries, how often do they meet? I believe they were getting a per diem before.

Ms. PONTON:

I think they have to meet at least twice a year.

SENATOR DALY:

Do they meet by Zoom, or do they actually meet in person?

Ms. PONTON:

We do hybrid meetings, so they can attend either in person or by Zoom. We have meetings quarterly, and we are getting back to having at least one meeting per year in person. The in-person meeting is usually a planning session to go over where we have been and where we want to go for the next period of time.

Regarding the per diem, when they do travel, they receive reimbursement for travel expenses. They do not receive any type of reimbursement for their time. Some disciplinary cases can be time-consuming and take many days. We have an excellent board, and the members have been volunteering their time up until now, so we would like to compensate them, if only minimally.

MR. ROJAS:

I support this bill, though I am not a therapist. We need a lot more therapy as a society. It may be a bit of a stretch, but I am hopeful that it can help with our homelessness problem. A lot of the people are homeless because of health issues; they cannot get back to work. Maybe it can help our school-age children; I am hearing that a lot of those kids need therapy. They get into trouble, they get thrown out of school, they cannot get back in, and that increases crime and homelessness. I am a crusader to bring security to our neighborhoods through law enforcement—to reduce homelessness and crime in our schools. Those are the biggest problems we have here in Nevada, especially in Clark County and Washoe County.

I hope the Committee will look into how this bill could help our homeless problem and our schools. Some of our police officers also need therapy because they have a high suicide rate.

CHAIR SPEARMAN:

I will close the hearing on A.B. 343 and open the hearing on A.B. 163.

ASSEMBLY BILL 163: Revises provisions governing employment. (BDR 53-834)

ASSEMBLYWOMAN CECELIA GONZÁLEZ (Assembly District No. 16):

Sexual violence profoundly impacts the lifelong health and well-being of victims. Sexual violence impacts every community and affects people of all genders, sexual orientations and ages. It can affect many aspects of survivors' lives, including safety, health, family and work situations. The trauma resulting from sexual violence can have an impact on the survivors' employment in terms of time off work, job loss or being unable to work. This can have long-term effects on the economic well-being of survivors and their families.

In 2017, the Nevada Legislature enacted legislation to require Nevada employers to provide leave to employees who are victims of domestic violence or whose family or household members are victims of domestic violence. Assembly Bill 163 would extend such leave to employees whose family or household members are victims of sexual assault.

I am going to walk through the bill. Assembly Bill 163 requires an employer to provide certain hours of leave to an employee who is a victim of sexual assault. This bill uses the definition of sexual assault from NRS 200.366.

Section 1 of the bill authorizes an employee who has been employed by his or her employer for at least 90 days and is a victim of sexual assault, or whose family or household member is a victim of sexual assault, to use leave for certain purposes such as diagnosis, care and treatment for health conditions related to the assault, obtaining counseling or assistance, participating in any court proceedings and establishing a safety plan to increase the safety of the employee, family or household member. An employee is not entitled to this type of leave when a family or household member is the victim and the employee is the alleged perpetrator. An eligible employee may take up to 160 hours of leave within a 12-month period immediately following the date on which the assault occurred. Leave may be paid or unpaid and may be used consecutively or intermittently.

Section 2 of the bill prohibits the Administrator of the Employment Security Division of the Nevada Department of Employment, Training and Rehabilitation from denying a person in these circumstances unemployment compensation benefits if the Administrator finds that the person left unemployment to protect himself or herself or his or her family or household member from an act that constitutes sexual violence and is actively engaged in pursuing employment.

The Administrator may request evidence from the person to support their claim of benefits, such as a police report, a doctor's note or things of that nature.

Section 3 of the bill requires an employer to provide reasonable accommodations for an employee who is a victim-survivor of sexual assault and/or whose family member or household member is a victim-survivor. Potential accommodations include transferring, reassigning, modifying the schedule, assigning a new work phone number or other reasonable accommodations that do not create an undue hardship and that are necessary to ensure the safety of the employee, the employer and the workplace. The employer may require documentation that supports the requests, such as a police report or a letter from a counselor or healthcare provider.

Section 4 prohibits the employer from conditioning the employment of an employee or prospective employee or taking certain employment actions because a person is a victim of sexual assault and/or survivor in other circumstances that may be related to the assault.

SERENA EVANS (Nevada Coalition to END Domestic and Sexual Violence):

Before I begin today, I want to acknowledge the importance of Denim Day and Sexual Assault Awareness Month. For those of you who do not know, Denim Day originated in 1999 when an Italian judge ruled that because the victim's jeans were so tight, she must have assisted her perpetrator in taking them off, therefore consenting to her assault. The next day, all women members of the Italian Parliament came to work in their tightest denim in solidarity with the victim. Today, we continue this tradition, and it truly is an honor to celebrate alongside all of you.

While standing in solidarity is significant, as policymakers, you have the opportunity to pass meaningful legislation that will directly impact the lives of victim-survivors. As Assemblywoman González mentioned, A.B. 163 builds upon the employee protections established by S.B. No. 361 of the 79th Session. That bill continues to be one of the most comprehensive for victim-survivor employee protections.

During the passage of the original bill, it was not intentional to leave out victim-survivors of sexual assault. Rather, because this type of legislation was so new, it was just not thought of at the time.

The data shows that 1 in 6 women and 1 in 33 men have experienced attempted or completed rape. Even more harrowing is the fact that Nevada ranks fifth in the Nation for sexual assault, which yields a higher rate of sexual violence per capita. Each victim-survivor's experience and reaction to sexual violence is personal and unique. Some may pursue criminal charges; others seek healing and comfort through counseling. Others find solace in working with a victim advocate. There is no right way to respond to sexual assault.

One common thing across the board is that healing takes time and resources, with many of these resources only being available during what we would consider normal business hours. Victim-survivors of sexual assault are often pushed out of the workforce or penalized for needing to take time off following an assault.

To paint a picture of what the aftermath of an assault might look like, here is one scenario. A woman is assaulted by someone she knows in her own home. Following the immediate response of the attack, the victim-survivor obtains a protection order against her perpetrator and seeks criminal actions. This requires the victim-survivor to work with an advocate to submit a protection order application, meet with law enforcement for investigations and potentially meet with the district attorney for investigations and court proceedings, since the assault occurred in her home. She now has to work with an advocate to craft a well-thought-out safety plan, including moving. In addition, since the perpetrator did not use protection during the assault, the victim-survivor has to be checked for sexually transmitted diseases and HIV routinely. This particular victim-survivor also notices that her mental health is severely impacted, so she seeks out a counselor to help with healing.

This scenario is the reality that many individuals face. As you can see, it places a significant burden on victim-survivors. The intent of this bill is to relieve some of the burden and barriers placed upon victim-survivors. We routinely hear that individuals cannot take time off of work to deal with these appointments and therefore forgo these critical services, or that they are forced out of their job for taking too much time off. Victim-survivors should not have to suffer more than they already have.

In addition to not further penalizing victim-survivors, the Centers for Disease Control and Prevention state that access to economic support is one of the best

ways to reduce victimization. Maintaining employment is essential for victim-survivors to heal and live healthy and stable lives.

In addition to time off and access to unemployment insurance, this bill also aims to provide reasonable accommodations for victim-survivors of sexual violence. More often than not, sexual assaults are committed by someone the victim-survivor knows intimately. This means the perpetrator often knows where the victim-survivor works. Unfortunately, sometimes perpetrators are relentless, and victim-survivors may have to leave their jobs to protect themselves and their families. They should not have to suffer economic loss and instability due to the actions of another.

Many of our systems place blame, shame and guilt upon victim-survivors. By adopting these small yet impactful changes, we have the opportunity to show that we believe victim-survivors, prioritize their well-being and honor and respect their employment and financial self-sufficiency.

I know all of us in this room love Nevada, but we know all too well that we do not often get to brag about leading the way. However, our existing policies are some of the most robust in the Nation. By expanding these employee protections to include victim-survivors of sexual assault, Nevada will continue to lead the way.

We have a minor proposed amendment ([Exhibit C](#)) that corrects a typo in section 2, subsection 3, paragraph (b), subparagraph (4) of the bill.

SENATOR SCHEIBLE:

Do we have any data on how much this is being used?

Ms. EVANS:

I have reached out to the Office of the Labor Commissioner to get some data on how much this is being utilized. The bill says they can audit employers, but to my understanding there has not been an audit yet, so we do not have any concrete data. We do know that it is not being used as much as we would like. A big part of this is education outreach to employers and businesses, as well as spreading education to victim-survivors. The policy does have to be posted on a bulletin board in the workplace where employees can see it.

SENATOR SCHEIBLE:

I can imagine a situation in which victim-survivors want to avail themselves of the protections in the statute, and the manager or employer refuses because they are not versed in the law. I am hoping this is not happening. Have you found that employers understand the purpose of the law and will allow people to take that leave? Are they asking for unreasonable proof, like subpoenas or arrest reports or things like that, or does the statute seem to be functioning as intended?

Ms. EVANS:

We have not heard any horror stories of employers saying, "Absolutely not!" or asking for unfair proof. The bill says that employers have to follow the confidentiality rules laid out in the Family and Medical Leave Act. As far as we have heard, it is not creating horrible situations. We are hoping to do more outreach in the coming years and make this a functional piece of legislation.

SENATOR SCHEIBLE:

This is a good bill, and I look forward to working with you on it.

ASSEMBLYWOMAN GONZÁLEZ:

We know that not every victim-survivor reports the assault or goes through the official processes. I hope we are doing our duty and educating employers to not create more stress on victim-survivors.

CHAIR SPEARMAN:

You will be seeing Senate Bill (S.B.) 363 in the Assembly soon, and I hope I have your support on that bill. Something like 38 percent of all victims of domestic violence end up homeless, and this bill is another tool we can use.

SENATE BILL 363: Revises provisions relating to affordable housing. (BDR 25-1029)

Up until about four or five years ago, the U.S. Department of Defense did not do a good job with what it calls military sexual trauma, which is really sexual assault, often by a superior officer. Are you doing anything to track that, like working with the U.S. Department of Veterans Affairs (VA)?

Ms. EVANS:

We are in strong support of S.B. 363.

Yes, the Coalition has been working with the Nevada National Guard, which has a sexual assault response team. We work closely with their advocates. I do not have the numbers in front of me, but they have seen an increase in the number of reports being made. That is encouraging; we know that these types of assault are happening, but they have not been reported.

CHAIR SPEARMAN:

I suggest you reach out to the Nevada Department of Veterans Services as well. Some veterans may go to the VA looking for that kind of support, and I am a huge proponent of that.

BARRY COLE, M.D.:

I am here in support of A.B. 163. As a psychiatrist, I have been dealing with these issues for most of my career. The acute stress response includes everything, including dissociation. Over time, loss of reality testing moves to post-traumatic stress disorder. Depression, sleep issues, anxiety, being fearful in the workplace, all of these are possible.

Hopefully, 160 hours in a year would be enough. I saw somebody in a therapy environment twice a week for a year, which is 104 hours, so 160 hours seems to be generous enough for a year. This is an adequate starting point, and I hope you will support A.B. 163.

IVET ALDABA (Licensed Social Worker):

Four years ago, my world flipped upside down. You see, I am not supposed to be here. I am a survivor of domestic violence and a single mother of two daughters. I am not supposed to be here, but I am here today because in 2017, S.B. No. 361 of the 79th Session established employee protections for victim-survivors of domestic violence. These provisions allowed me to take the time to attend court hearings, meet with my attorney and attend therapy sessions. I do not know what would have happened if I had not been given those opportunities and the reassurance that I would not be penalized at work or risk losing my job.

Today, I help survivors of sexual violence with their healing journey. Often, they report difficulty with their employer when they ask to take time off to attend to matters related to their case or their therapy appointments. Maintaining financial security is a critical component of their survival and reduces the risk of future victimization.

Survivors should not have to continue to live in fear, and they should not have to endure the fear of losing their jobs. They fight every day to heal from the trauma they have endured. Healing does not happen overnight; it requires time and commitment. Today, I ask for your commitment for survivors of sexual violence to reclaim their lives by supporting A.B. 163.

MR. ROJAS:

I am a crusader for reducing crime in our communities and schools and homelessness. I have been doing some research on the problem of homelessness, and a lot of it has to do with people losing their jobs. People who have been sexually assaulted can end up homeless. A lot of the problem is that they do not have the proper therapy or the proper support from the law to keep their jobs and fight back. Many times, a victim has to go find a place to stay apart from the predator.

We need a bill like A.B. 163. It is going to reduce homelessness, violence in schools and violence in the streets. I encourage the Committee to look into that and see how it can reduce homelessness and crime in our schools and get therapy even for children, because children do need therapy.

AMBER FALGOUT (Battle Born Progress):

I am here today to show support for A.B. 163. As a survivor of sexual assault and domestic violence, I know all too well how time-consuming doctor's appointments, court visits and therapy appointments can be. This bill helps survivors address the trauma they have experienced without being in fear of losing their employment or incurring significant financial costs due to not being able to work. Survivors should not be concerned that they will lose their jobs or that there will be retribution from their employers for taking time to see the doctor, go to the therapist or attend a court hearing related to the incident they experienced. Thank you, Assemblywoman González, for bringing this bill and standing up for all survivors of sexual trauma. We urge the Committee to pass A.B. 163.

BRETT HARRIS (Labor Commissioner, Nevada Department of Business and Industry):

We will be enforcing this bill if it passes. I am here to answer any questions.

CHAIR SPEARMAN:

Do you do any sort of a public service announcement (PSA) on this topic? I am thinking of something along the lines of, "If this is happening to you, here is where you can go for more information." You could also put something like that on the front page of your website so people do not have to fish around to find the information. A PSA does not have to be a full radio or television commercial; it could just be an announcement on social media.

MS. HARRIS:

We do not currently do anything like that, no. One idea that I had is perhaps doing some sort of letter, maybe in conjunction with prosecutors, so they can make victims aware.

CHAIR SPEARMAN:

That sounds good. Social media would probably work too.

One thing we have to brace ourselves for is the fact that Las Vegas will host the Super Bowl in 2024. This is good news economically, but the bad news is that sometimes such events escalate domestic violence. I am thinking of ways to make sure that the message is out there before that happens. People should be fully aware of their options, and employers need to understand the consequences.

MS. HARRIS:

We will see to it.

CHAIR SPEARMAN:

I will close the hearing on A.B. 163. Is there any public comment?

MR. ROJAS:

Since this Committee will be looking at rent control, there is an idea that developers will be exempt for 15 years and can raise the rents to any limit they want. Other homeowners cannot do this, and I consider that to be segregation. That is a strong word. Anyone who supports an agenda like that is ensuring that people who are renters will not be able to rent a home that is less than 15 years old. The developers who develop that property are going to jack up the rents on year 14. It is segregation, and it is going to run down our communities. Rent control might work in a limited region with a cap of 8 percent to 10 percent. In addition, if you do any repairs, you would be able to depreciate

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that. I am not in support of rent control, especially giving exempt status to these developers that are actually causing the problem. It is causing segregation. You ought to look at the testimony very closely, especially the one from Senator Stone. He is talking a lot of sense. I do not think whoever did this bill is doing the research on how rent control has affected other states and how it does not really help the community at all. So let us not do segregation.

CHAIR SPEARMAN:

Is there any further public comment? Hearing none, we are adjourned at 9:36 a.m.

RESPECTFULLY SUBMITTED:

Lynn Hendricks,
Committee Secretary

APPROVED BY:

Senator Pat Spearman, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit Letter	Introduced on Minute Report Page No.	Witness / Entity	Description
	A	1		Agenda
	B	1		Attendance Roster
A.B. 163	C	21	Serena Evans / Nevada Coalition to END Domestic and Sexual Violence	Proposed amendment