

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON COMMERCE AND LABOR**

**Eighty-Second Session
May 19, 2023**

The Committee on Commerce and Labor was called to order by Chair Elaine Marzola at 1:14 p.m. on Friday, May 19, 2023, in Room 4100 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda [[Exhibit A](#)], the Attendance Roster [[Exhibit B](#)], and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.state.nv.us/App/NELIS/REL/82nd2023.

COMMITTEE MEMBERS PRESENT:

Assemblywoman Elaine Marzola, Chair
Assemblywoman Sandra Jauregui, Vice Chair
Assemblywoman Shea Backus
Assemblyman Max Carter
Assemblywoman Bea Duran
Assemblywoman Melissa Hardy
Assemblywoman Heidi Kasama
Assemblywoman Daniele Monroe-Moreno
Assemblyman P.K. O'Neill
Assemblywoman Selena Torres
Assemblyman Steve Yeager
Assemblyman Toby Yurek

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Senator Edgar Flores, Senate District No. 2

STAFF MEMBERS PRESENT:

Marjorie Paslov-Thomas, Committee Policy Analyst
Sam Quast, Committee Counsel
Joe Steigmeyer, Committee Counsel
Cyndi Latour, Committee Manager

Minutes ID: 1178



Spencer Wines, Committee Secretary
Garrett Kingen, Committee Assistant

OTHERS PRESENT:

Cynthia Moore, Environmental Justice Coordinator, Nevada Environmental Justice Coalition
Greg Esposito, Public Relations and Government Affairs Director, Plumbers, Pipefitters and Service Technicians Local 525
Thomas Morley, representing Laborers Local 872; Laborers Local 169; and Communication Workers of America Local 9413
Paul Catha, Political Director, Culinary Workers Union Local 226
Barry Cole, Private Citizen, Reno, Nevada
Will Adler, representing International Brotherhood of Electrical Workers Local 1245
Prince Cunanan Saruhan, Private Citizen, Reno, Nevada
Annette Magnus, Executive Director, Battle Born Progress
Marco Rauda, Private Citizen, Las Vegas, Nevada
Edith Duarte, representing Republic Services
Tony Ramirez, Government Affairs Manager, Make the Road Nevada
Izack Tenorio, representing Southern Nevada Building Trades Union
Juan Guardado, Community Organizer, Chispa Nevada
David Beltran Barajas, Immigrant Rights Organizer, Progressive Leadership Alliance of Nevada
Ivon Meneses, Private Citizen, Las Vegas, Nevada
Aria Flores, Las Vegas Voter Engagement Director, Chispa Nevada
Gerardo Velasquez, Private Citizen, Las Vegas, Nevada
Roberto Renteria, Private Citizen, Las Vegas, Nevada
Jollina Simpson, representing Make it Work Nevada
Alejandra Muñeton-Carrera, Health Equity Organizer, Make the Road Nevada
Nereida Bobadilla, Private Citizen, Las Vegas, Nevada
Andy Beltran Barajas, Private Citizen, Las Vegas, Nevada
Dwight George, Environmental Justice Program Coordinator, Native Voters Alliance Nevada; and Member, Fallon Paiute-Shoshone Tribe
Sean Navarro, Private Citizen, Las Vegas, Nevada
Karla Sanchez, Youth Organizer, Make the Road Nevada
Wendi Newman, Assistant Chapter Manager, Southern Nevada Chapter, National Electrical Contractors Association
Chasity Martinez, Community Organizer, Faith in Action Nevada
Janet Carter, representing Toiyabe Chapter, Sierra Club
Kassandra Lisenbee, representing Great Basin Resource Watch
Susie Martinez, Executive Secretary-Treasurer, Nevada State AFL-CIO
Angel Lazcano, Private Citizen, Las Vegas, Nevada
Paul J. Moradkhan, Senior Vice President, Government Affairs, Vegas Chamber
Misty Grimmer, representing Nevada Resort Association
Joshua Hicks, representing Nevada Home Builders Association

Lindsay Knox, representing Nevada Restaurant Association
Mac Bybee, President/CEO, Associated Builders and Contractors, Nevada Chapter
Paul J. Enos, Chief Executive Officer, Nevada Trucking Association
Glen Leavitt, Director, Government Affairs, Nevada Contractors Association
Andrew MacKay, Executive Director, Nevada Franchised Auto Dealers Association
Terry K. Graves, representing Nevada Manufacturers Association
Peter Krueger, representing Petroleum Marketers
Tray Abney, representing National Federation of Independent Businesses
Kerrie Kramer, representing NAIOP
Tom Clark, representing Reno + Sparks Chamber of Commerce
Bryan Wachter, Senior Vice President, Government and Public Affairs, Retail Association of Nevada
Chase Whittemore, representing Nevada Builders Alliance
Isaac Hardy, representing Urban Consortium
Ashley Cruz, representing Mechanical Contractors Association; and Sheet Metal and Air Conditioning Contractors' National Association of Southern Nevada
Connor Cain, representing Henderson Chamber of Commerce
Nick Vander Poel, representing American AVK
Alexander Avilas, Private Citizen, Las Vegas, Nevada

Chair Marzola:

[Roll was called and protocol was reviewed.] We will begin the work session with Senate Bill 57 (1st Reprint). Ms. Paslov-Thomas, you may begin when you are ready.

Senate Bill 57 (1st Reprint): Revises provisions relating to insurance. (BDR 57-272)

Marjorie Paslov-Thomas, Committee Policy Analyst:

[Read from [Exhibit C.](#)] Senate Bill 57 (1st Reprint) revises provisions relating to insurance. It is sponsored by the Senate Committee on Growth and Infrastructure on behalf of the Division of Insurance, Department of Business and Industry. It was heard on May 3, 2023, and there is one proposed amendment which is located in the work session document.

Chair Marzola:

Members, are there any questions? I do not see any. I will entertain a motion to amend and do pass Senate Bill 57 (1st Reprint).

ASSEMBLYWOMAN JAUREGUI MOVED TO AMEND AND DO PASS
SENATE BILL 57 (1ST REPRINT).

ASSEMBLYWOMAN TORRES SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

I will assign that floor statement to Assemblywoman Torres. Next will be Senate Bill 78 (1st Reprint). Ms. Paslov-Thomas, you may begin when you are ready.

Senate Bill 78 (1st Reprint): Makes various changes relating to property. (BDR 10-623)

Marjorie Paslov-Thomas, Committee Policy Analyst:

[Read from Exhibit D.] Senate Bill 78 (1st Reprint) makes various changes relating to property. It was heard on May 17, 2023. It is sponsored by Senator Doñate, and there are two proposed amendments which are attached to the work session document.

Chair Marzola:

Members, are there any questions? I do not see any. I will entertain a motion to amend and do pass Senate Bill 78 (1st Reprint).

ASSEMBLYWOMAN JAUREGUI MOVED TO AMEND AND DO PASS
SENATE BILL 78 (1ST REPRINT).

ASSEMBLYWOMAN TORRES SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED. (ASSEMBLYMEN HARDY, KASAMA,
O'NEILL, AND YUREK VOTED NO.)

I will assign the floor statement to Assemblywoman Duran. Next will be Senate Bill 106 (1st Reprint). Ms. Paslov-Thomas, you may begin when you are ready.

Senate Bill 106 (1st Reprint): Revises provisions relating to ophthalmic dispensing. (BDR 54-543)

Marjorie Paslov-Thomas, Committee Policy Analyst:

[Read from Exhibit E.] Senate Bill 106 (1st Reprint) revises provisions relating to ophthalmic dispensing. It is sponsored by Senator Seevers Gansert. It was heard on May 10, 2023, and there is one proposed amendment attached to the work session document.

Chair Marzola:

Are there any questions on Senate Bill 106 (1st Reprint)? I do not see any. I will entertain a motion to amend and do pass Senate Bill 106 (1st Reprint).

ASSEMBLYWOMAN JAUREGUI MOVED TO AMEND AND DO PASS
SENATE BILL 106 (1ST REPRINT).

ASSEMBLYWOMAN TORRES SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblywoman Hardy. Next, we will work session Senate Bill 134.

Senate Bill 134: Revises provisions relating to vision insurance. (BDR 57-642)

Marjorie Paslov-Thomas, Committee Policy Analyst:

[Read from [Exhibit F](#).] Senate Bill 134 revises provisions relating to vision insurance. It is sponsored by Senator SeEVERS Gansert. It was heard on May 10, 2023, and there is one proposed amendment in the work session document.

Chair Marzola:

Members, are there any questions? I do not see any. I will entertain a motion to amend and do pass Senate Bill 134.

ASSEMBLYWOMAN JAUREGUI MOVED TO AMEND AND DO PASS
SENATE BILL 134.

ASSEMBLYWOMAN TORRES SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblywoman Kasama. We will now move to Senate Bill 147 (1st Reprint). Ms. Paslov-Thomas, you may begin when you are ready.

Senate Bill 147 (1st Reprint): Makes changes relating to employment. (BDR 53-463)

Marjorie Paslov-Thomas, Committee Policy Analyst:

[Read from [Exhibit G](#).] Senate Bill 147 (1st Reprint) makes changes relating to employment. It is sponsored by Senator Lange. It was heard on May 5, 2023, and there are no proposed amendments.

Chair Marzola:

Members, are there any questions on Senate Bill 147 (1st Reprint)? I do not see any. I will entertain a motion to do pass Senate Bill 147 (1st Reprint).

ASSEMBLYWOMAN TORRES MADE A MOTION TO DO PASS
SENATE BILL 147 (1ST REPRINT).

ASSEMBLYWOMAN JAUREGUI SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblywoman Backus. Next, we will move to Senate Bill 194 (2nd Reprint).

Senate Bill 194 (2nd Reprint): Revises provisions relating to step therapy protocols. (BDR 57-885)

Marjorie Paslov-Thomas, Committee Policy Analyst:

[Read from Exhibit H.] Senate Bill 194 (2nd Reprint) revises provisions relating to step therapy protocols. It is sponsored by Senator Ohrenschaal and was heard on May 17, 2023. There are no proposed amendments.

Chair Marzola:

Members, are there any questions on Senate Bill 194 (2nd Reprint)? I do not see any. I will entertain a motion to do pass Senate Bill 194 (2nd Reprint).

ASSEMBLYWOMAN JAUREGUI MADE A MOTION TO DO PASS
SENATE BILL 194 (2ND REPRINT).

ASSEMBLYMAN YUREK SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblyman Yurek. Next, we will move to Senate Bill 249 (1st Reprint).

Senate Bill 249 (1st Reprint): Revises provisions relating to cosmetology. (BDR 54-829)

Marjorie Paslov-Thomas, Committee Policy Analyst:

[Read from Exhibit I.] Senate Bill 249 (1st Reprint) revises provisions relating to cosmetology. It is sponsored by Senator Lange and was heard on May 8, 2023. There are two proposed amendments provided in the work session document.

Chair Marzola:

Members, are there any questions on Senate Bill 249 (1st Reprint)? I do not see any. I will entertain a motion to amend and do pass Senate Bill 249 (1st Reprint).

ASSEMBLYWOMAN JAUREGUI MOVED TO AMEND AND DO PASS
SENATE BILL 249 (1ST REPRINT).

ASSEMBLYWOMAN HARDY SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblyman Carter. Next is Senate Bill 283 (1st Reprint).

Senate Bill 283 (1st Reprint): Revises certain provisions relating to health care records. (BDR 54-555)

Marjorie Paslov-Thomas, Committee Policy Analyst:

[Read from Exhibit J.] Senate Bill 283 (1st Reprint) revises certain provisions relating to health care records. It is sponsored by Senator Pazina. It was heard on April 28, 2023, and there are seven proposed amendments attached to the work session document.

Chair Marzola:

Members, are there any questions? I do not see any. I will entertain a motion to amend and do pass Senate Bill 283 (1st Reprint).

ASSEMBLYWOMAN JAUREGUI MOVED TO AMEND AND DO PASS
SENATE BILL 283 (1ST REPRINT).

ASSEMBLYWOMAN TORRES SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblywoman Duran. Next, we will move to Senate Bill 302 (1st Reprint).

Senate Bill 302 (1st Reprint): Revises provisions relating to health care. (BDR 54-55)

Marjorie Paslov-Thomas, Committee Policy Analyst:

[Read from [Exhibit K.](#)] Senate Bill 302 (1st Reprint) revises provisions relating to health care. It is sponsored by Senator Ohrenschall and was heard on May 17, 2023. There are no proposed amendments.

Chair Marzola:

Members, are there any questions? I do not see any. I will entertain a motion to do pass Senate Bill 302 (1st Reprint).

ASSEMBLYWOMAN JAUREGUI MADE A MOTION TO DO PASS
SENATE BILL 302 (1ST REPRINT).

ASSEMBLYWOMAN TORRES SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED. (ASSEMBLYMEN HARDY, KASAMA,
O'NEILL, AND YUREK VOTED NO.)

I will assign the floor statement to Assemblywoman Torres. We will now move to Senate Bill 310 (1st Reprint).

Senate Bill 310 (1st Reprint): Establishes provisions relating to dentistry. (BDR 54-601)

Marjorie Paslov-Thomas, Committee Policy Analyst:

[Read from [Exhibit L.](#)] Senate Bill 310 (1st Reprint) establishes provisions relating to dentistry. It is sponsored by Senator Goicoechea and was heard on May 15, 2023. There are seven proposed amendments. I would like to point out that there is a mock-up attached that was prepared by the Legal Division. Amendments one through three were discussed during the hearing; amendments four through seven worked off the mock-up that was provided at the hearing.

Chair Marzola:

Members, are there any questions? I do not see any. I will entertain a motion to amend and do pass Senate Bill 310 (1st Reprint).

ASSEMBLYWOMAN JAUREGUI MOVED TO AMEND AND DO PASS
SENATE BILL 310 (1ST REPRINT).

ASSEMBLYMAN YUREK SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblyman Yurek. Next is Senate Bill 336 (1st Reprint).

Senate Bill 336 (1st Reprint): Revises provisions relating to the regulation of certain healing arts. (BDR 54-886)

Marjorie Paslov-Thomas, Committee Policy Analyst:

[Read from Exhibit M.] Senate Bill 336 (1st Reprint) revises provisions relating to the regulation of certain healing arts. It is sponsored by Senator Ohrenschall and was heard on May 12, 2023. There is one proposed amendment attached to the work session document.

Chair Marzola:

Members, are there any questions? I do not see any. I will entertain a motion to amend and do pass Senate Bill 336 (1st Reprint).

ASSEMBLYWOMAN JAUREGUI MOVED TO AMEND AND DO PASS
SENATE BILL 336 (1ST REPRINT).

ASSEMBLYWOMAN TORRES SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblywoman Kasama. Next is Senate Bill 355 (1st Reprint). Ms. Paslov-Thomas, you may begin when you are ready.

Senate Bill 355 (1st Reprint): Revises provisions relating to financial services. (BDR 55-59)

Marjorie Paslov-Thomas, Committee Policy Analyst:

[Read from Exhibit N.] Senate Bill 355 (1st Reprint) revises provisions relating to financial services. It is sponsored by Senator Lange. It was heard on May 3, 2023, and there is one proposed amendment which is attached to the work session document.

Chair Marzola:

Members, are there any questions on Senate Bill 355 (1st Reprint)? I do not see any. I will entertain a motion to amend and do pass Senate Bill 355 (1st Reprint).

ASSEMBLYWOMAN JAUREGUI MOVED TO AMEND AND DO PASS
SENATE BILL 355 (1ST REPRINT).

ASSEMBLYWOMAN TORRES SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblywoman Backus. Next is Senate Bill 370 (1st Reprint).

Senate Bill 370 (1st Reprint): Revises provisions relating to the protection of consumer information. (BDR 52-42)

Marjorie Paslov-Thomas, Committee Policy Analyst:

[Read from [Exhibit O](#).] Senate Bill 370 (1st Reprint) revises provisions relating to the protection of consumer information. It is sponsored by Senator Cannizzaro and was heard on May 17, 2023. There are ten proposed amendments. I would like to point out that the first eight are attached to the work session document and amendments nine and ten are not attached as a separate document but are provided in the work session page.

Chair Marzola:

Members, are there any questions? I do not see any. I will entertain a motion to amend and do pass Senate Bill 370 (1st Reprint).

ASSEMBLYWOMAN JAUREGUI MOVED TO AMEND AND DO PASS
SENATE BILL 370 (1ST REPRINT).

ASSEMBLYWOMAN TORRES SECONDED THE MOTION.

Is there any discussion on the motion?

Assemblyman O'Neill:

I will vote it out, but I am going to reserve the right to change it on the floor. These amendments just came in, and I really need some time to look at them more closely to see if they address the issues that were brought up in the original testimony. It is a very hesitant yes that I will give.

Chair Marzola:

That is completely understandable. Thank you for the discussion.

THE MOTION PASSED. (ASSEMBLYMEN HARDY, KASAMA, AND
YUREK VOTED NO.)

I will assign the floor statement to Assemblyman Carter. Next is Senate Bill 381 (1st Reprint).

Senate Bill 381 (1st Reprint): Prohibits a landlord from requiring a tenant to pay certain charges. (BDR 10-650)

Marjorie Paslov-Thomas, Committee Policy Analyst:

[Read from Exhibit P.] Senate Bill 381 (1st Reprint) prohibits a landlord from requiring a tenant to pay certain charges. It is sponsored by Senator Harris and was heard on May 5, 2023. There are no proposed amendments.

Chair Marzola:

Members, are there any questions on Senate Bill 381 (1st Reprint)? I do not see any. I will entertain a motion to do pass Senate Bill 381 (1st Reprint).

ASSEMBLYWOMAN JAUREGUI MADE A MOTION TO DO PASS
SENATE BILL 381 (1ST REPRINT).

ASSEMBLYWOMAN TORRES SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblywoman Hardy. Next is Senate Bill 386 (1st Reprint).

Senate Bill 386 (1st Reprint): Revises provisions related to barbering. (BDR 54-874)

Marjorie Paslov-Thomas, Committee Policy Analyst:

[Read from Exhibit Q.] Senate Bill 386 (1st Reprint) revises provisions related to barbering. It is sponsored by the Senate Committee on Commerce and Labor and was heard on May 3, 2023. There is one proposed amendment that was discussed at the hearing so there is no amendment attached to this.

Chair Marzola:

Members, are there any questions on Senate Bill 386 (1st Reprint)? I do not see any. I will entertain a motion to amend and do pass Senate Bill 386 (1st Reprint).

ASSEMBLYWOMAN JAUREGUI MOVED TO AMEND AND DO PASS
SENATE BILL 386 (1ST REPRINT).

ASSEMBLYWOMAN MONROE-MORENO SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblywoman Monroe-Moreno. Next is Senate Bill 393 (1st Reprint).

**Senate Bill 393 (1st Reprint): Revises provisions related to dental insurance.
(BDR 57-101)**

Marjorie Paslov-Thomas, Committee Policy Analyst:

[Read from Exhibit R.] Senate Bill 393 (1st Reprint) revises provisions related to dental insurance. It is sponsored by Senator SeEVERS Gansert. It was heard on May 8, 2023, and there are no proposed amendments.

Chair Marzola:

Members, are there any questions on Senate Bill 393 (1st Reprint)? I do not see any. I will entertain a motion to do pass Senate Bill 393 (1st Reprint).

ASSEMBLYWOMAN JAUREGUI MADE A MOTION TO DO PASS
SENATE BILL 393 (1ST REPRINT).

ASSEMBLYWOMAN TORRES SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblyman O'Neill. Our last Senate bill on our work session today for now is Senate Bill 436 (2nd Reprint).

**Senate Bill 436 (2nd Reprint): Revises provisions relating to service contracts.
(BDR 57-873)**

Marjorie Paslov-Thomas, Committee Policy Analyst:

[Read from [Exhibit S.](#)] Senate Bill 436 (2nd Reprint) revises provisions relating to service contracts. It is sponsored by the Senate Committee on Commerce and Labor. It was heard on May 8, 2023, and there are no proposed amendments.

Members, are there any questions on Senate Bill 436 (2nd Reprint)? I do not see any. I will entertain a motion to do pass Senate Bill 436 (2nd Reprint).

ASSEMBLYWOMAN JAUREGUI MADE A MOTION TO DO PASS
SENATE BILL 436 (2ND REPRINT).

ASSEMBLYWOMAN TORRES SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblyman Carter. That will conclude our work session as of right now. We will move to our bill hearing.

[The Committee recessed at 1:31 p.m. and reconvened at 1:32 p.m.]

Chair Marzola:

I will now open the hearing on Senate Bill 427 (1st Reprint), which revises provisions relating to occupational safety and health. Before you get started, Senator Flores, I want to give everybody a picture of the lay of the land for this bill. The Senator will present, and then we will do 30 minutes in support, 30 minutes in opposition, and 30 minutes in neutral. Before opposition starts, I will give the first person in opposition 10 minutes to present before opposition's 30 minutes start.

Senate Bill 427 (1st Reprint): Revises provisions relating to occupational safety and health. (BDR 53-682)

Senator Edgar Flores, Senate District No. 2:

Madam Chair, with your permission, if I may do the presentation, answer any questions that you may have, and then if I may be excused immediately after the questioning of the Committee, as the Senate Committee on Education is waiting for me to do a work session.

Chair Marzola:

Of course.

Senator Flores:

I want to be respectful and not feel that I am walking out on anybody speaking. I am here to proudly present Senate Bill 427 (1st Reprint). I am joined by Cinthia Moore, whom many of you have had an opportunity to work with now, but she is here representing the Nevada Environmental Justice Coalition (NEJC). It is a whole host of folk from a large range of organizations and nonprofits, including some of our labor organizations.

During the interim, as many of you did, I had an opportunity to meet with folk about issues that we thought were particularly important that we address this session. As we all know, we have been through some very difficult times in the state of Nevada, particularly our essential workers. We spent the last several years, namely during the pandemic, talking about creating safeguards and protections for our outdoor workers—folk who were being asked to stay at work while everybody else was going home—a lot of us know, have family members, and personal relationships with folk who are out there taking care of very essential work in this state. With that mission, we set out to create some parameters and safeguards to protect outdoor workers. That is the genesis of Senate Bill 427 (1st Reprint).

Madam Chair, I also wanted to say thank you. I know there are a whole host of folk who continue to be in opposition to this bill. I wanted to let you know we have amended this bill now five times. Even with all those amendments, unfortunately we still do not get the opposition there. There was a last-minute request for an amendment, but unfortunately, that still did not get the entire opposition there. This is as good as we could get it on our end. I am incredibly grateful for everybody who sat down with me and provided their concerns, and I will preemptively address those for the Committee.

The bill does three main things. First, it creates two triggers, and one trigger is activated when it is 105 degrees Fahrenheit. As we know, this will mostly apply to southern Nevada. When it is 105 degrees or worse, there is now a requirement that we provide hydration periods—water and when possible, some type of shade for our outdoor workers. I am presenting that after having amendments because there are other states that have similar requirements in place that are much lower. I am talking about 85, 90, and 95 degrees, depending on the state. Through compromise and trying to work with the opposition, we moved that to 105. That is only a few days out of the year. I can give you exact data on that in a second, Madam Chair. All we are saying is that in the state of Nevada, if you are going to be working in a condition where it is 105 degrees or worse, we provide drinking water to our workers.

Every single one of you has water in front of you now, and we would think it is difficult that people would push back on that. I think it is a minimal standard. We should say, Look, we can abide by this. In fact, a lot of folk will tell you that it is already a common practice in their industry, and some of the opposition will say, We are already doing this, so what is the point of this bill? I respect that. What I want to do is mimic the good actors who are already doing these things and create uniformity across the board so individuals who are cutting grass, are on a construction site, or on some other site that exposes them to extreme heat, that we are protecting them too, and there is a minimal standard.

The second trigger is when the air quality index is at 201. That triggers a requirement that we provide some type of respirator mask to the outdoor worker in that scenario. The reason we want that is, again, we have seen some of the fires that have been happening in northern Nevada. In fact, I had an opportunity to speak with an employer and he confessed that during the fires, there were individuals working in very poor-quality air. As a consequence to that, while they worked one day, they missed the next two or three days because, unfortunately, they were breathing in that heavy smoke from the fire.

My point is, by creating this minimal safeguard to this trigger, in no way are we suggesting we are stopping work. We are only saying that if we are going to continue working, we are going to create a minimal standard across the board and create some minimal safeguards. I think it helps everyone. It helps the industry to say, Look, we are authorized to continue working; but at the same time, it protects employees. It is a middle ground and it is a great compromise. Again, it is very few days out of the year that this is applicable, because the air quality index is typically not that high. This number of 201 was based off best practices. Cinthia Moore will go into the data on how that number was selected in a moment.

The third thing is that we have a plan in place. You will see specifically in the bill that we want to make sure we are providing shade. Shade means a lot of things. For some industries, that means they will be able to go under a tree if it is an open-air area they are working in or maybe they will have a canopy. You will see that through compromise, we specifically put language in the bill that if the shade—or the canopy or whatever we are using to create that shade—creates a hazard, then we do not have to trigger. Obviously, the last thing we would want to do is to be on a jobsite or on a rooftop and putting that canopy or that shaded area would actually create a more dangerous hazard because it can fly off or be pushed off. Through compromise, we put specific language in the bill to ensure that if that is the case, then that rule does not trigger.

Everything else we left incredibly vague. You will see it is very vaguely written because we understand that every industry is different. What we did not want to do is pretend that one size fits all. What we asked was to create the minimal standard: protective gear if the air quality is 201 or worse, water provided with hydration periods if it is 105 degrees or worse. Everything else we left pretty broadly written so there is a mitigation plan in place.

Madam Chair, the only other thing I would like to address is, one of the requests that was made is that we punt this off to Occupational Safety and Health Administration (OSHA) and let them come up with regulations. Even if we would have accepted that amendment, it still would have kept about 80 percent of the opposition in opposition, because they still do not agree with the bill, and they did not agree with punting it down to OSHA in that way—which leads to my point that we did reach an impasse. The question that I am posing to you as a body today is, do we believe that we should create a minimal standard in the state of Nevada? The minimal standards we are starting with are a temperature of 105 degrees and 201 on the air quality index.

Madam Chair, I mentioned previously that I wanted to tell you how many times that is actually going to trigger. In other words, how many times a year—this is statistical data because we do not know how many days will be 105 degrees next year. Just to give you some numbers, in 2022 there was only one time that it was over 105 degrees in northern Nevada. In 2022, there were 38 days in southern Nevada that it hit about 105 or greater. In 2021, there were 57 days that hit 105 or worse in Las Vegas. In 2021, there was 1 day in Reno. In 2020 in Las Vegas, it was 60 days, and in 2020 in Reno, it was 0 days. That is just the heat; that is how many times this bill would even trigger.

You will hear from a lot of folk in the private sector who will tell you, Of course we give hydration periods to our folk who are working during very severe conditions. That is just good practice. That is just what a good employer does. I am asking that we make all employers abide by those good practices.

There is an amendment that is referring to emergency services. You will see on page 4 of the bill that we exempted anybody who is working in emergency services, including law enforcement, firefighters, et cetera, because obviously when they collectively bargain, they have a whole host of things that are much more stringent than this bill. We wanted to make sure that we were not getting in the way of somebody answering to a medical emergency that somehow these requirements would in any way limit them.

On top of that, you are also going to see that we included yet another amendment that says environmental service providers to include solid waste, recycling hazards, and hazardous waste are also being excluded. Again, that is not whom we were trying to capture. In good faith, we have amended that and they are exempt from this bill. With that, Madam Chair, if I may pass it over to Ms. Moore.

Cynthia Moore, Environmental Justice Coordinator, Nevada Environmental Justice Coalition:

We are a coalition of 14 Nevada-based organizations throughout the state. The NEJC has been working with Senator Flores on S.B. 427 (R1), the extreme weather working conditions bill, to help protect both our outdoor and indoor workers in uncontrolled climate environments. Current *Nevada Revised Statutes* (NRS) does not go far enough to ensure that these employees are able to do their job safely. The extreme weather working conditions bill wants to give additional and specific protection, not just for employees working directly under the sun, but also for those who are exposed to extreme heat and poor air quality while working indoors.

Nevada is home to two of the fastest-warming cities in the country, Reno and Las Vegas. It is important that we do everything possible to be able to protect our family, friends, and neighbors who are exposed to extreme weather working conditions. Many of us know from working either outdoors, in kitchens, or warehouses—we all have heard stories about how the extreme heat is affecting our friends, neighbors, and family. Last year, my 22-year-old neighbor who works in construction, during one of the extreme heat waves asked his

supervisor for a break because he was starting to feel ill. His supervisor refused to let him take this break, and as a result, my neighbor ended up passing out. He had heatstroke and ended up missing three days of work.

My uncle who works indoors in new-construction homes installing the kitchen and bathroom cabinets often finds himself working in homes that do not yet have the air conditioning installed. Oftentimes these homes feel much hotter than the temperature outdoors. He has been doing this type of work for many years but never felt ill until last summer; he had to go to the emergency room one day. He did not recognize the signs of heatstroke; nor did he know that because he is on high blood pressure medication that he was more prone to experience heat-related illnesses. Exposure to extreme heat of 95 degrees and above can result in heatstroke, heat exhaustion, cramps, rashes, and injuries. Heat is also responsible for more people dying in the United States than any other type of weather events, including hurricanes and tornadoes.

Current NRS says that water must be provided but does not specify how much. The Centers for Disease Control and Prevention (CDC) recommends drinking one quart of water per hour to avoid heat stress. That is how we arrived at the one quart of water per hour found in this bill. This also goes for the air quality piece that you find in this bill. The other thing this bill does is define what poor air quality is. Every year in Nevada we are seeing more wildfires, or we are getting smoke from other states that are experiencing a lot more wildfires, and our wildfire season is much longer. We arrived at the air quality index of 201 or higher because that is when it is considered very unhealthy for everyone. That is when they start making recommendations for people to take protections either to stay indoors or wear a mask if you have to be outdoors. It is also estimated that people who are exposed to poor air quality have to go to the doctor at a much higher rate, especially those who already have asthma or other breathing conditions.

Senate Bill 427 (1st Reprint) is a bill that will protect workers who are exposed to extreme weather conditions. This will allow them to continue to do their job safely. As our climate is getting warmer and we are seeing more bad air quality days, this will help ensure that our workers who keep our cities going are able to do their work safely.

Chair Marzola:

Are you going to walk us through the bill?

Senator Flores:

If you would like us to, Madam Chair. I am looking at page 2, section 1, subsection 2, paragraph (b), lines 11 through 15, and this is what triggers the requirement for the establishment of a heat mitigation program on this plan. It triggers when it is at 105 degrees or greater regardless of whether it is an indoor or an outdoor worker. The program must include that we provide drinkable water of one quart per employee for each hour that they are required to work.

Subparagraph (2): Access by an employee to an area with shade that is open to the air or provided with ventilation or cooling. What I am trying to capture there, if you are an outdoor worker and you are standing outside with some type of shade—a canopy or a tree—that works. A lot of industries will talk about how the workers will jump into their car, turn on the air conditioning for a little bit, cool down there, or have an opportunity to go to the restroom. Every industry will be able to address that in a way that makes sense to them.

Subparagraph (3): Allows for periods throughout the workday for employees to hydrate. Again, this is only in a scenario where it is 105 degrees or greater. This is normal now. Any good employer will tell you that it is very normal when folk are on their job and it is incredibly hot out. Folk will periodically go on a water break and throw some water on themselves. There are different ways of doing that. Some of them have these huge water tanks on site, and they will grab a hose to do that. Whatever works for that industry and company, they will continue to do what they do.

Subparagraph (4): A system for monitoring employees for signs of heat illness. I think these are just customary best practices. You should know if one of your employees has anything that is potentially going to put them in any type of danger. There should be some type of system so you will know that. I have seen it; I have been on many jobsites, and they will tell you to look for certain things, even the color of your urine. They will ask you to periodically take your temperature, and sometimes how you look.

These are just practices that every industry will implement that makes sense for them. Again, that is not always applicable across the board. I just want them to create something that will give some guidance on monitoring how an employee is doing. If they have any signs of heat illness, we have something in place.

Subparagraph (5): Procedures for responding to a medical emergency related to heat illness. Again, I cannot imagine any good employer who does not have that in place already. They probably have some rules, particularly for those folk who are sent to remote areas and they are by themselves. Maybe it is a two-, three-, or four-person job. I am sure there are procedures already in place that if somebody is feeling ill, here is what you are going to do, here is whom you are going to call, here is how your colleagues report it, et cetera. We just want them to create some type of plan. I am not dictating what that plan looks like.

Lines 27 through 29, paragraph (c): "The establishment of a training program for employees who may be affected by issues related to heat illness, which must include, without limitation, information regarding:

- (1) The different types of heat illness and the common signs and symptoms of heat illness;
- (2) Working conditions in which heat illness may occur;
- (3) The importance of acclimatization; and
- (4) Recovery procedures after experiencing heat illness."

Again, I believe that most good businesses do this. Paragraph (d) states, "The establishment of a program to mitigate exposure to poor air quality on any day employees are exposed to air with an Environmental Protection Agency Air Quality Index value of 201 or greater. The program must include, without limitation, the provision of: (1) Proper respiratory protection equipment, which may include, without limitation, disposable filtering facepiece respirators, half facepiece respirators or full facepiece respirators."

Again, we are making it incredibly broad because we understand that with poor air quality, not every mask is the same, right? We understand that when some folk are painting, they will use one type of mask; when folk are working with certain dangerous chemicals, they wear a different type of mask. If you are working with poor air quality outdoors, that may be a different mask. We are making it abundantly clear that we want you to provide a mask. We know good business practices already do this. We are trying to create uniformity and what we believe in the state of Nevada is the bare minimum you should do based on the best practices that are out there already.

I am looking at page 3 again, when the air quality index shows that poor quality, we again want to just make sure that we are providing folk with water that is drinkable. We want to ensure that an employee has access to an indoor environment with appropriate ventilation and air filtering. At some jobsites that may just mean being able to go to your car or your van and turn on the air conditioning for a bit; that may be going to the restroom. There is a whole host of things that it may look like. It is going to be on a case-by-case basis. We want the industry to be able to do that.

When it is incredibly hot, we want periods throughout the workday for an employee to hydrate just like when the air quality is horrible. We just want to make sure there are going to be hydration periods throughout the time an employee is working in a very horrible air quality scenario, and we are also making sure that we are taking care of them and they are monitoring their health.

Paragraph (d)(5): A system for monitoring employees for signs of health effects resulting from exposure to poor air quality. We want to make sure that folk have the understanding that if you are having these symptoms, they may be a consequence of being in poor air quality, and here are some of the safety precautions that should trigger. That is all it is. On page 4 is where we provided the carve-out to ensure that emergency services—which include law enforcement, firefighting agencies, and any providers of emergency medical services—are exempt from this requirement—again, because there was not the intent to capture them.

The added amendment also exempts environmental service providers to include solid waste, recycling, and hazardous waste. With that, Madam Chair, I will answer any questions you may have.

Assemblyman Yurek:

I have to say it sounds like your intentions are purely noble, and I think all of us here would want to have safe working conditions for our employees. I have not had a whole lot of time to read and really digest the bill, but you did a great job of presenting it. It seems somewhat paternalistic. From what I hear you say, it sounds like most employers are providing and taking care of their employees and doing all of this. Not every great idea has to be legislated. There are a lot of mechanisms in place to do this.

How widespread is the problem we are trying to address here and now put into legislation? We can get high level protection through the *Constitution*, we can get into legislation, obviously, we have state agencies with regulation. My question is, Why do we need to put this in legislation? I get you are trying to create this minimum standard, but why in legislation, in creating *Nevada Revised Statutes* that dictate these mandates can be somewhat difficult to change or modify under certain circumstances? Might not this be better left to agencies like OSHA or agencies that might not be regulated by OSHA directly, like mining, union contracts, or collective bargaining agreements, things like that? Can you help me understand that and help me figure out why we need to put this into NRS?

Senator Flores:

I apologize for not including this remark because it was important that I address that in the opening remarks, and I completely forgot. The Occupational Safety and Health Administration previously attempted to implement certain regulations before the Legislative Commission. They were specifically talking about issues like heat mitigation, illness, and air quality, et cetera. Unfortunately, it never went anywhere. It turned into more of a political dance and, as a consequence—as we are all accustomed to; we are in the Legislature, we understand how that works—none of that ever ended up moving.

Even if we amended the bill now and I said you have to send it to OSHA to create regulations on creating a heat mitigation plan and the air quality index plan that would trigger when it is excessively hot or the air quality is very poor, the majority of the opposition would still be in opposition with that amendment. I think if I went a little bit more vague than that and just said they have to address issues of heat mitigation, that would have gotten most of the folk there.

My point is that even with that type of direction, we would not have gotten all the opposition in support. My position of why that is, is I think ultimately folk want to leave it up to the industries, particularly those who represent—because I believe the majority of the folk here, if not all, represent the good actors in the industry. Through that logic, it absolutely makes sense that somebody would come here and say, Well, my employer does this, and in fact, we might even go above and beyond. It does not make sense that we are doing this. There are many other scenarios told by the folk who are represented in this room. I will let Ms. Moore speak about that.

You will hear stories about folk being refused a water break. You will hear stories about somebody working in very hot conditions, and as a consequence to that, suffering from a heat illness. You will hear about folk who worked during some of our fires and how they were exposed to some severe symptoms as a consequence to that and there was never anything really in place. Unfortunately, that is the issue we are having. When I realized we were not able to get it through in a conversation that I was not even involved with during the Legislative Commission, then I thought that we have a responsibility to maybe take it up as a bigger body and all of us collectively engage in this conversation.

I know it has turned a little bit into a partisan conversation for a whole host of reasons; namely, who is in opposition or who is in support, and that happens in this building. I think if we put all that aside and we just sat in a closed room—I do think that on many occasions as a body we have said we are trying to send a direct message, and I think that is how we do it through this bill collectively. I wish that we could do it in a bipartisan way, collectively, in saying Nevadans have gone through hell for the past years, particularly our essential workers.

I can assure you there is not a single person here who probably did not at some point in your campaign trail talk about essential workers and how we needed to take care of them. Just like we talked about taking care of gaming because that was an essential industry, just like we talked about doing things to protect and work with our miners. There are these huge industries in the state of Nevada that we have always talked about working with, and we have promised the same thing to small businesses. Some of us are small business owners ourselves, and we know how we stepped up. All of us were talking collectively about things we wanted to do for them. I do not think we necessarily hit that line with our essential workers who are out there grinding it out, particularly when most of us work indoors.

I said it before and I will say it again: I think all of us here would get angry if we were refused water in this building—in the comfort of this nice, beautifully climate-controlled room. I think we would probably say, Well, I think requiring water in this building is at a bare minimum, just bare minimum reasonable.

What I am saying is the luxuries that we can have in this room, I am asking that we try to create just a minimal standard that when it is 105 degrees, folk out there in excessive conditions can have the same. I would like to hand it over to Ms. Moore, because I think she could provide some specific testimony of some of the families and workers who have reached out in support of this bill, and you will hear from them in support as well for the record.

Cynthia Moore:

Doing the work that we do, we have 14 different member organizations. A lot of them are on the ground on a daily basis, talking to the community and hearing what is going on. The area in Las Vegas where I live, a lot of my neighbors work outdoors. Many are union members. A lot of these protections are already in place for them because they are union members.

There are a lot of them who are nonunion. Some of them do work for good actors. Some of them work for bad actors who are simply not providing them enough breaks to get water when they need it because they are on a time crunch to get the work done.

In Las Vegas, we are getting more extreme heat waves every summer, and like Senator Flores mentioned earlier, we do have some outdoor workers both here in Carson City and in the Grant Sawyer State Office Building and on the phone who can share more specific stories about their experiences working outdoors during extreme heat waves and poor air quality days, as well as working indoors in warehouses, and how this bill would help them.

Assemblywoman Kasama:

I certainly love the intent of the bill. We want to make sure that we take care of all our people as well, but I would have to echo some of the sentiment of my colleague of putting it in statute versus regulation in different departments or areas. I was just looking at not less than one quart of cool, potable drinking water. I am just thinking of people on construction sites and landscapers where you see the big multigallon jugs. I do not know how they would keep them cool all day unless they were expecting someone would bring them ice on a regular basis to put in the jugs. That is just an example of one area I would have concern with where we put it in statute, and we cannot fix it for two years versus we work with OSHA or someone else to come up with regulations. There are so many differences for each business and working with them directly. I think regulation versus statute might be better. That is my only comment, but the intent of helping all of our workers, of course is good.

Senator Flores:

I will briefly say, the reason we are more focused on cool, drinkable water versus how you keep it cool is because again, on some sites you will see someone carry a small ice chest with several water bottles in it. In another scenario, you will see the big jugs they will fill up with ice at the beginning. I know when I have done some outdoor work, I will freeze my one gallon of water and then take it with me. Then throughout the day it starts to melt, so I have done that. I know there is a whole host of ways to go about it. Obviously, we just want to make sure that it is something that somebody can drink.

It is not a scenario where there is water, but I think no one would agree that we should be giving anybody water that is 110 degrees because it has been sitting out there all day. I think we would agree there has to be some reasonable measure to keep it drinkable. That is why we have it written like that, but we still have it vague enough so each industry and each jobsite would address it in whatever way they like. I understand your sentiment.

Assemblywoman Hardy:

Thank you for having this conversation. As someone who has family members who have worked outside in various jobs in the Las Vegas heat, it is hard, so I appreciate this. My question is, since we are talking about the Division of Industrial Relations, are they developing the regulations, or does each employer and each business have these programs?

Senator Flores:

The way it would work is if this went into play—our staff in this room are more capable and could clarify if I am saying anything incorrectly—we would implement this and then OSHA would follow up on it. What is your heat mitigation plan? What is your air quality plan? How are you doing this? How are you doing that? They would go off of this. We sat down with OSHA and had very extensive conversations because I also did not want to put anything into the NRS, as Assemblyman Yurek previously mentioned, that would tie the hands and/or create confusion with OSHA. They said they understand the direction that we are going, and when enforcing this, the way they would approach it is just to make sure, What is your plan? They know it would be different across the board. They just want to make sure they have it in play.

Assemblywoman Hardy:

As you mentioned, there are hundreds of thousands of great employers and businesses that are good actors and know that it is hot and do what they can to help their employees. My other question is, for the bad actors or for those instances where someone is denied a chance to get water or go inside where it is cool, is there a way now where they could report that to somebody in the state or OSHA? When there are rare instances of it, is there a way they can address that now? If they do not want to go to the employer and complain, could they go somewhere else and say what is going on?

Senator Flores:

The short answer is yes, and it is not always going to be the same. Sometimes you will hear that some folk go directly to their unions, if one is applicable. Some people will go to the Labor Commissioner. Other folk will go to OSHA. You are 100 percent right. The only way any of this triggers would be based on somebody filing a complaint first. Occupational Safety and Health Administration only has 40 inspectors statewide. There is no possibility that they could somehow just randomly be going to all these jobsites. They just do not have the enforcement arm for that.

Most of this would be on the other side of it; the violation would have to take place and then they would have to file the complaint. I do agree with you, in some scenarios there might be individuals—you may not be saying this, but if you are alluding to it, I do agree that there are scenarios where maybe an employee will not say anything. But by our creating a standard across the board, we are now making it abundantly clear where Nevada stands, and that would become the campaign for allowing folk to know what rights they have and what is the minimal standard that is in play. That is my vision with the bill.

We know we often pass legislation that everybody becomes aware of. I am not suggesting that everyone will instantaneously know. But I do believe there will be enough energy and enough of a push that once we lay this minimal standard across the board, folk will start to realize this is what we are supposed to be doing. All the good actors will continue to do what they do. I assure you, good actors do not care if it is 105 degrees; they are providing water and face masks. Even in different conditions, if it is 90 degrees they just do it as a basic, everyday practice.

It is the bad actors whom we are really going to put on notice, and I am hopeful they will start to think twice about some of their practices. I believe we can achieve that through this bill and extend beyond what we have now. If an individual were to be refused a break now, I absolutely agree with you that there is a mechanism in place for them to file a complaint and they would follow one of those routes that we talked about. If somebody is being forced to work outdoors and no protection is being given to them, I believe they can also go to OSHA and the Labor Commissioner and have a discussion about that. I just think what we are doing here is providing very clear guidance on these two triggers.

Assemblyman O'Neill:

I understand what you are trying to do, and I think you are right. There are a majority of good actors and a few bad actors. It is almost like we are going to put more requirements on the majority of the good actors to take care of the few that are bad. Looking at subsection 2, from paragraph (b) all the way down, it has so many requirements. I almost see what an employer is going to have to do. They will have to hire an employee to do nothing but go monitor every jobsite that an employer may have—one employee just dedicated to providing water, to check on the employees, take temperatures, and asking if the employee is cool enough. It is somewhat overburdensome to me. Maybe I am reading it too literally, but to me, it really sounds like you are going to require the employer to have an employee on each jobsite they have. If it is construction, maybe on each floor depending on the number of workers, that person will do all this monitoring, handing out water, et cetera, which to me is a real challenge. Could you help me work through that, please?

Senator Flores:

I really do appreciate the sentiment of that. Just to make it clear, going back to your concern of whether or not this will require that we all of a sudden have a designated person to do this. I want to remind you that in 2022 in Las Vegas, there were only 38 days where it was 105 degrees or worse. Number one, you would not have to hire an individual for those 38 days in that scenario. Number two, and more important, I believe that by simply providing water and having a plan in place, you are achieving the objective that we are setting forth. I am not asking that through this bill, and I am willing to work with you on this to make it abundantly clear, somehow every single day we are creating some new plan; every single day we are checking everybody's temperature. I am saying that on days that it is 105 degrees or the air quality is 201, there is a plan in place and that plan gets designed once by each individual employer and industry. The industry as a whole may address it a certain way. Once you do that one time, that triggers it and it is in play and that is what you do.

Again, I wanted to make it clear that you might provide an employee a mask, but the employee may choose not to wear it on a day that the air quality index is 201 or worse. You might provide an employee water on a day that is 105 or worse and they choose not to drink it. You are not on the hook for that. You are on the hook for providing the resource and putting it there in front of them. We know that on the construction site you always have to wear a hard hat. You are supposed to wear steel-toed boots, and I can go on and on. We know that every once in a while, somebody gets a little clumsy or tired or uncomfortable and they may adjust their hat and take it off for a bit, or they might wear the wrong shoes to

the site. There might be somebody on the site already checking that. There is a whole host of things that sometimes can happen. On jobsites it is a little bit different because there is usually going to be somebody there making sure everybody is complying because they do not want anybody getting hurt, and safety is first.

Even in that scenario, somebody would be there taking care of that because that is what they do already. I am trying to capture the bad actors, which is probably not the folk who are represented in the room today. It is going to be very easy to identify whether or not they are compliant because they are not going to have any plan in place. The employees are going to say we have never gotten any water; we have never had an opportunity for shade; we have never been provided with a mask. We will realize they have not provided any type of training to anybody on symptoms they may be displaying as a consequence to being outside in horrible working heat conditions or air quality conditions. My point is, I really do believe the good actors are already doing everything, period. I do not think we are going beyond anything they are doing now. I believe that most of the good actors go beyond this now. What we are doing is creating a minimal standard for the bad actors who are not doing any of this. For them, we are now creating a mechanism for employees to be in a standardized, minimal line of protection that we are creating for workers. I believe that everything in this bill—even if somebody represented in this room is not providing this, I think they would be embarrassed to admit on the record that they do not provide this minimal standard to their employees. They would not. They are going to tell you we do this; we do it and we go beyond that, I assure you.

I am just trying to look at the best practices, even lowered a little bit and say, here is where all the good folk are at or above, and we are all going to make sure the bad actors are at that same line too.

Assemblyman O'Neill:

I appreciate that. You only had, I forget now how many days you said at 105 degrees and air quality 201. Where is that being taken versus where the jobsite is? I know personally when we have had the fires up here, we have had bad air days. I have had great air at my house, but the health department is telling those in Reno to stay indoors, et cetera. I am on the fourth floor, and it is not 105 versus 104 degrees. Where are the temperatures being taken? Is someone having to take them at each location to decide that it is 105 degrees at this workplace, but not that workplace? The air is 201 at this workplace, but not that workplace.

Senator Flores:

The intention is on the site. For the sake of clarity, this bill applies to both indoor and outdoor workers. For example, some of my really good friends do heating, ventilation, and air conditioning work, and they will tell you that it could be 100 to 101 degrees outside, but once they go into the attic, it is going to be well over 105. It is just horrible in there. It is intended to be on the site.

My intent with this bill is when it triggers, the plan has to be in place. The way I see it working is everybody will create a plan, the majority already have it, and on the days—for outdoor workers, if it is 100 degrees outside, it is 100 degrees outside. We know that in certain areas it will be hotter than others. Absolutely the intent is for the folks in that specific site. I would not want to hold an entire fleet of folk where they may be working on ten different job sites on a particular day, as we know they do. You send five here, eight here, seven here, three there, and I would hate for us to hold all of them under the same rules. We want to make sure that when we are triggering these scenarios the CDC says are dangerous, we are saying we are going to have these protections in place.

There are handheld devices that can be used now that are incredibly cheap; you can buy them on Amazon. That could help fulfill that responsibility. That is not something that is difficult to do now.

Assemblyman O'Neill:

It sounds like someone is constantly going to have to monitor, so maybe we will talk some more. Thank you for the time, Chair.

Assemblywoman Duran:

From my understanding, you are not implementing the same policy across the board for each job that somebody is doing. There may be different policies that are going, or are you basically stating they have to have the same policy? The way I am reading this bill is that if the temperature happens to go this high, you would like the company, or whoever is doing this, to have something in place to protect the workers?

Senator Flores:

That is correct with one exception. The only thing that is very specific in this bill is the requirement for some type of mask to be provided and a quart of water. Those are the only two things that are very specific; how you go about doing that is not. The mitigation plan itself is not. That is going to be completely broad.

I had a conversation with OSHA, and they said the way they would enforce this is they would go to the employer and say, What is your plan? What did you have in place? Did it meet the minimal requirements that you set here? The plan will be much more detailed. I am being overly broad because each company will have very detailed information that they will include in their plan for whatever makes sense for them, because no good employer wants an employee to get sick, ever. No good employer ever wants to have a scenario where one of their employees passes out or cannot breathe as a consequence of the jobsite they are on. No reasonable employer would ever even allow that to be contemplated. They are going to have a plan in place now, and whatever plan they have in place now is probably good enough. In fact, I am sure that most of them are good enough. This is now just requiring those bad actors to have a plan because no good actor would tell you they would ever do this without a plan. Now we are just making them have a plan as well.

Assemblywoman Duran:

So if I went to your office, for example, and I said, Okay, Mr. Flores, do you have a plan in place for something? Would you have to be able to put it in writing for me and show me and have your plan laid out right there?

Senator Flores:

You will see it differently because again, each industry is different. I have seen it on some jobsites where you just go to the restroom and they have put up postings which say, If you have X, Y, or Z symptoms, you should be careful and you should do X, Y, and Z. Some folk have it in an actual manual they hand out to all their employees. Some folk put it in the office; maybe they meet every morning in one location where it is all laid out and then you go to your respective site. For some folk, it may be something that you emailed to everybody and they have the heat mitigation and air quality index plan.

It is going to be very different for everybody. This bill is only a requirement that it be created, period. I do not want to dictate what is the best way for that plan to be presented to the employee. I simply want it to be presented in whatever way makes sense for that particular employer and that industry.

Chair Marzola:

Committee members, are there any additional questions? I do not see any. We will move to testimony in support of Senate Bill 427 (1st Reprint).

Greg Esposito, Public Relations and Government Affairs Director, Plumbers, Pipefitters and Service Technicians Local 525:

It has been painful sitting back there listening to the questions and not be able to jump up and answer them, because I have answers to everything you are asking. Before my union career, I worked nonunion as a plumber for a little over two years, and I was fired twice by very good actors. I keep hearing this word "good actors" and "bad actors." I was fired twice by very good actors who are part of the organizations that come up later, for having a heat emergency once and needing to sit in my car with the air conditioning and asking for water when I was doing undergrounds in Henderson. They had decided that since I was being too troublesome and wanted to rest and to hydrate, I was not worth it as an employee.

It is not good actors and bad actors, it is the foremen, it is the people on the jobs. It is the guys who are responsible for pushing the crews faster and harder. Yeah, every contractor that has a license does not want the people to get hurt, but the foremen do not care about you. A foreman will watch you drop as long as their productivity is going up.

To answer your question, Assemblyman Yurek, the difference between an OSHA regulation and the law is great. I can go on any jobsite right now and find a bunch of OSHA violations. I will not find very many laws being broken, because you violate OSHA, you fix it, you are cool. You violate a law, you get in trouble with the Nevada State Contractors' Board. Putting these regulations in OSHA—which by the way, there is already a document out there

that says they are going to come visit 70 jobsites or something like that, but it does not happen. But break the law, that is why this needs to be in law. That is why this does not suffice as a regulation because there are people's health and lives at risk.

I am looking around here, and I do not see very many people who have been jobscares in their lives. I have been jobscares. Tommy has been jobscares, because we knew if we said something about the messed-up situations, we would be fired and then we could not make rent that week. This is for all the people who are jobscares out there.

Thomas Morley, representing Laborers Local 872; Laborers Local 169; and Communication Workers of America Local 9413:

We are in support.

Paul Catha, Political Director, Culinary Workers Union Local 226:

It is not often I get to testify as an employer, but I do today. I ran our political campaign in 2022. We complied with all the provisions of this bill voluntarily, but I know that not all employers in the state will. I do not think it is overly burdensome to do so. I urge the Committee to support the bill.

Barry Cole, Private Citizen, Reno, Nevada:

As a physician, I am concerned about heat exposure and I am concerned about poor air. I am a member of a group called Nevada Clinicians for Climate Action. The requirements for water are so basic that Boy Scouts of America made this a standard in the mid-1990s. If I went backpacking with my troop from Las Vegas, we did drink a quart of water an hour and I checked to make sure my urine was clear, colorless, and copious, meaning that the amount of water was matching the amount of perspiration and dehydration. We went from sea level to 12,000 feet without ever having an illness.

As for air quality, the use of a mask is common sense. None of us would want to be outside when the air quality is above 201. These are commonsense measures. This is not going to be particularly onerous. Last year I hired a contracting team to come to my home, do a bunch of construction work, and I went around passing out bottles of water. When we had the smoke last summer, I was passing out masks. I do not think it is that hard to do this, and I hope you will support this bill.

Will Adler, representing International Brotherhood of Electrical Workers Local 1245:

We are in full support of Senate Bill 427 (1st Reprint). I want to thank the sponsor for bringing this bill forward.

Prince Cunanan Saruhan, Private Citizen, Reno, Nevada:

I am a resident of Assembly District 26 and Senate District 16. I am also a member of Faith in Action Nevada and Progressive Leadership Alliance of Nevada, but I come here as a warehouse employee. I have worked inside a warehouse, inside some walls, but I am right next to the door because I have always worked in receiving. I will tell you there is not much

difference between inside and outside when you are right next to those doors. We have offices inside the warehouse that are climate-controlled, and we can tell the difference when they are. Those people have the gall to look at us and tell us to work harder.

Since I was 18—I am 34 now—I have been working in a warehouse—Amazon when it was in Fernley; Baker and Taylor when it was in south Reno—and different warehouses have different infrastructures for whatever kind of climate control you can call it. I currently have heating elements for the winter, which break down most of the winter, and there is no cooling inside the warehouse. There is water, but some of it is cold and most of it is not.

The burden of protecting workers is with the legislators; OSHA does exist but from the very beginning of my working here, I have always heard of them but I have never seen them. I have never seen an employer scared of them, but they are afraid of laws. I encourage you to support this bill. I encourage you to protect future workers from future climate change because we can taste the air inside a warehouse. We can see the smoke when an order picker goes up on the third floor. We can feel it on the third floor when we are picking in a warehouse, which is an ever-growing industry in Nevada now. There are going to be more workers, more of my family members are going to be working in warehouses for sure, and I do not think it will stop. Please support this bill.

Annette Magnus, Executive Director, Battle Born Progress:

We stand in strong support of S.B. 427 (R1). Both Las Vegas and Reno have consistently ranked among the United States' fastest-warming cities, according to recent climate data. In 2020, employees filed 135 heat stress complaints in Nevada. By 2021, the number of complaints had risen to 202 statewide, according to state data. According to the National Weather Service, a 105-degree day is classified as excessive heat. With Las Vegas temperatures in the summer exceeding 110 degrees for more days out of the year thanks to climate change, it is imperative workers who do their jobs outdoors be given basic protections to avoid death and serious illness while doing their jobs.

My husband Nick is an OSHA safety and health professional for a national beverage manufacturer that is located in Henderson, Nevada, and has sites all over the country. As I prepared for this testimony, I asked him about S.B. 427 (R1), and he stated that heat stress monitoring and risk mitigation need to be taken as seriously as fall protection and confined space standards. There are jobs where even water availability is not enough; an employer should implement work/heat stress regimens. This is also the newest OSHA National Emphasis Program, and this alone proves how imperative heat stress education and management truly are.

It is his job to make sure that his business can thrive due to employees having adequate training and safety guardrails. His company already does this, and it is completely manageable. He told me that we should be the leaders in heat stress management proving how we can effectively make our workers' health and safety a priority. The trigger for his company is 80 degrees, taking humidity into account. For companies that forego essential protections for extreme heat and poor air quality for their employees who work outside, they

are risking their bottom line on top of the lives and livelihoods of those who work for them. He also stated it is needed in statute because clearly businesses skirt the rules every day and that this should already be being done, and the fact that this is not, is even more reason to legislate it. Please pass S.B. 427 (R1) to ensure that Nevada's workers are not at increased risk of death or illness.

Marco Rauda, Private Citizen, Las Vegas, Nevada:

I want to thank the Chair, the sponsor, and all the advocates on both sides for working on this bill. Ms. Magnus mentioned that Clark and Washoe Counties are the fastest-warming counties. I have traveled all over the country for work back when I used to work for United Food and Commercial Workers. I have seen mitigation of heat in worksites happening all over the country, including Phoenix, which has actually moved all of their construction operations to night shifts and overnight shifts when the sun is down in order for the workers to be protected from the heat. Air quality is an issue in the state. I mean, we already have the highest asthma rates for children. Wildfires are not helping with that.

I grew up with construction workers, and believe it or not, I was actually a construction worker myself with my uncles. That was over 20 years ago. My uncles used to be kind enough to let me take summers off, and I am pretty sure it was a way for them to protect me from the heat as well. Workers do not trust OSHA; my uncles did not trust OSHA. A lot of that is because OSHA is underfunded, and they do not have the staff to go out and help workers and take a look at all these sites. I would urge you as a Committee to think about finding ways to be able to help OSHA provide the essential safety we need for our workers. That is their job. That is what we task them with.

Edith Duarte, representing Republic Services:

I do want to thank the sponsors and also the proponents of the bill for working with us with the amendment. We are in support unless there are any other amendments that negatively impact our operations.

Tony Ramirez, Government Affairs Manager, Make the Road Nevada:

I want to point out that vulnerable and essential workers brought this state back from the pandemic and they continue to be essential in Nevada's continued recovery. In my view, S.B. 427 (R1) provides protections to those workers who do not have a collective bargaining agreement. On a personal level, I was a former outdoor worker myself. I was a farm worker. I picked cherries and pears, and I worked in the hop fields for several seasons, and we were not given water regularly. Water was attached to the back of a truck that would depart for a couple of hours to other farms. We had people falling over in fields. Nevada has 8,000 farm workers, and they do not have anyone really advocating for them. My dad is also a truck driver. He is a naturalized citizen. He is shy and fears retaliation, as he tells me. As a truck driver, he would not complain to his supervisors. Please support this bill.

Izack Tenorio, representing Southern Nevada Building Trades Union:

We are in full support of the bill, as well as in my personal capacity. My first job ever was in landscaping. I worked the summers, and I know how difficult it is to work in the heat. I urge you to support this bill.

Juan Guardado, Community Organizer, Chispa Nevada:

[Read from [Exhibit T.](#)] I would like to remark that [Senate Bill 427 \(1st Reprint\)](#) would require companies to create a written safety program and trainings for its employees, both full-time or part-time, to make sure they are well informed about the hazards and effects of working under extreme heat and how to recover from heat illness. In order to support our community, please support [S.B. 427 \(R1\)](#).

David Beltran Barajas, Immigrant Rights Organizer, Progressive Leadership Alliance of Nevada:

I want to start by personally thanking you, Chair Marzola. As one of your constituents down here in the Las Vegas Valley, I truly appreciate your providing a bill hearing. It may be just me speaking right now, but with me I carry the voices of all the coworkers who have and will continue to struggle with the heat we face down here in the south. I am fortunate that I am now working in a different field, but my own personal experiences in 11 years as an ironworker are some of the reasons why I am here today fighting to support this bill.

I remember the days I would be out on the jobsite with my coworkers on 110-degree days talking about how cool it would be if there were laws that protected workers like us from the oppressive heat we would face. Now I am here advocating for such a thing. Simple stuff like water, shade, and guaranteed hydration breaks when it is extremely hot outside could be the difference between a trip to the emergency room and making it home at the end of the day to spend time with your family.

This bill is not asking for a lot, but the difference it would make in improving day-to-day conditions for workers would be tremendous. I hope all of you on the Committee choose to fight for Nevadans and our outdoor workers who will continue to face these extreme conditions. Please support and pass [S.B. 247 \(R1\)](#) out of Committee and please provide a work session for it.

Ivon Meneses, Private Citizen, Las Vegas, Nevada:

[Read from [Exhibit U.](#)] Thank you for letting me testify on [S.B. 427 \(R1\)](#). I am a volunteer for Chispa Nevada. I personally have seen people and family members working under the sun without proper gear, equipment, or hydration. Some of them have suffered heatstroke. They have been admitted to the hospital due to severe dehydration and not just that, some of them have lost their lives. By supporting [S.B. 427 \(R1\)](#), you will provide protection not only for employees who work directly under the sun, but also it will benefit those working indoors who are exposed to extreme heat and poor air quality.

I have sent a video, but I just want to do it in person and that is why I am here to support [S.B. 427 \(R1\)](#). I am counting on your support for [S.B. 427 \(R1\)](#).

Aria Flores, Las Vegas Voter Engagement Director, Chispa Nevada:

I am in support of S.B. 427 (R1). This issue hits close to home for me as I have witnessed the toll it takes on individuals firsthand. My parents worked tirelessly outdoors during the scorching summers of Las Vegas for over 15 years. The current law's failure to define extreme heat and heat-related illnesses gives employers too much discretion in determining safety measures for their employees. This loophole allows for inconsistent standards and puts workers like my parents in harm's way. Senate Bill 427 (1st Reprint) is setting a plan in place to protect the safety of our fellow Nevadans.

The Clark County School District actually already has a precautionary plan in place for our children. Clark County School District Policy 6114 states, "Extreme heat exposure, inclement weather conditions, and outdoor air quality may have a negative impact on the health and safety of children and adults. Through implementation of this policy and related procedures, the staff will incorporate precautions which will minimalize, to the greatest extent possible, any risk associated with extreme heat exposure, inclement weather, and air quality conditions." By enacting S.B. 427 (R1), we are taking a crucial step towards safeguarding the well-being of our outdoor workers who, like my parents, dedicate themselves to their jobs despite the harsh conditions they face. No one should have to compromise their health in the pursuit of their livelihood. I urge you to support S.B. 427 (R1).

Gerardo Velasquez, Private Citizen, Las Vegas, Nevada:

[Translation provided by Jose Rivera.] I am a member with Make the Road Nevada, and I am an outdoor worker. When I am talking about heat-related days, one of the disadvantages in the workspace is that a lot of companies do not have adequate procedures and strategies in place. Breaks are not provided when we talk about 100-plus degree weather. For this reason, I am in support of S.B. 427 (R1) to make sure that all workers have strategies in place at the workplace. Thank you so much for your time, Committee.

Roberto Renteria, Private Citizen, Las Vegas, Nevada:

[Translation provided by Jose Rivera.] [Read from [Exhibit V](#).] Thank you for giving me the opportunity to testify in support of the proposed bill S.B. 427 (R1). Workers deserve a suitable work environment, especially during the summer. The reality of today is that workers like me stop asking for help because of being criminalized after seeking help. The climate conditions are affecting our communities after the ignorance of not proposing strategies that come from our leaders. Your attention is appreciated.

Jollina Simpson, representing Make it Work Nevada:

Make it Work Nevada strongly supports this bill because we believe the climate impacts of high heat will affect not only the outdoor workers but their families in the long run who will have to deal with hospitalization and, of course, long-term job loss. I implore you to support this bill and pass it out of the Committee.

Alejandra Muñeton-Carrera, Health Equity Organizer, Make the Road Nevada:

I would like to ditto all the commentary in support.

Nereida Bobadilla, Private Citizen, Las Vegas, Nevada:

I ditto the above comments.

Andy Beltran Barajas, Private Citizen, Las Vegas, Nevada:

I want to say I am a member of the Progressive Leadership Alliance of Nevada. I wanted to say hello, Chair and members of the Committee, I am also a constituent of yours, Chair Marzola, and like my brother, I am currently an ironworker. I currently work out in extreme heat conditions and know firsthand that workers need clearly stated definitions for what extreme heat is in order to provide adequate protection. It is only May, and the temperature is in the mid-90s now. Soon we will be starting summer, and I will once again be facing severe heat conditions. I hope you all as legislators can understand that workers like me need adequate protection so we can continue to strengthen and build Nevada.

Dwight George, Environmental Justice Program Coordinator, Native Voters Alliance Nevada; and Member, Fallon Paiute-Shoshone Tribe:

I am a former construction worker. Having done that work, I can say for a fact that the environmental factors described in this bill have an enormous effect on everything you do. The necessity of working outside in the heat, especially with the summers proving to be getting hotter, makes providing the proper amount of cool water and a break not only needed but necessary for any worker to do the job safely. Also, if you have lived in Nevada, you have not only seen but smelled and probably tasted the dangerous amount of smoke fire season brings. For our state's outdoor workers, the effects of this can be not just immediate but long lasting with the potential for long-term damage to their heart and lungs due to overexposure.

The necessity and importance of these jobs should not be discounted, and having to deal with these types of extreme outside factors could make an already hard job impossible to do while remaining healthy. Any good employers should know that good workers are what make a successful job, and good workers are healthy workers. To care about the job is to care for your employees, and this bill is a necessary step in making sure that is being done. The NEJC [Nevada Environmental Justice Coalition] and plenty of your outdoor working constituents would appreciate your support of this bill.

Sean Navarro, Private Citizen, Las Vegas, Nevada:

I want to strongly urge you to pass S.B. 427 (R1). As a lot of folks are speaking to today, working outside in Las Vegas is very difficult, and these folks need these very basic protections. I have spoken about this a lot in many communities, especially Latino communities. A lot of folks do their job without speaking up. As previously mentioned, folks are afraid to speak up on the job for fear they might lose their jobs. It is so important for us to protect these very essential workers who have literally built our great communities here in Nevada.

Karla Sanchez, Youth Organizer, Make the Road Nevada:

Today I am calling on behalf of my father, my mother, my grandfather, and my uncle. My family members have been outdoor workers all my life, and I have seen firsthand the

extreme conditions they have to work in and how it impacts their health. Like the people before me have said, a lot of these workers do not have anyone advocating for them, and a lot of them are afraid of retaliation, especially immigrant workers. I urge you to support S.B. 427 (R1).

Wendi Newman, Assistant Chapter Manager, Southern Nevada Chapter, National Electrical Contractors Association:

We are in support of S.B. 427 (R1).

Chasity Martinez, Community Organizer, Faith in Action Nevada:

I want to say ditto and offer our support for S.B. 427 (R1), and also I just want to state that we all know Nevada is home to the fastest-warming cities in the U.S., and both cities received a failing grade for air quality. It is really essential that we have these protections for our workers. I urge your support.

Janet Carter, representing Toiyabe Chapter, Sierra Club:

The Sierra Club is a very proud member of the Nevada Environmental Justice Coalition, and we strongly support S.B. 427 (R1). This bill would help protect workers from exposure to excessive heat and poor air quality. I will keep my comments brief. We all know that rising temperatures and poor air quality are increasingly becoming major problems in Nevada. Few of you would tolerate working in temperatures greater than 105 without shade and water. Why should we expect the Nevada workers who are our greatest resource to do so? All of us can agree that workers can be provided simple remedies such as shade, water, protective clothing, and the like. This is simply the humane thing to do. It is time to recognize that climate change can be a killer and that its effects are hardest on working people in disadvantaged communities. All Nevadans deserve a comfortable and safe working environment. Again, we thank you for your strong support of S.B. 427 (R1) so this will happen, and we thank you for your time and consideration.

Kassandra Lisenbee, representing Great Basin Resource Watch:

We are also a member group of the Nevada Environmental Justice Coalition, and I would like to testify and just say a big ditto in support of S.B. 427 (R1).

Susie Martinez, Executive Secretary-Treasurer, Nevada State AFL-CIO:

On behalf of over 150,000 members and more than 120 unions, the Nevada State AFL-CIO proudly supports Senate Bill 427 (1st Reprint). I would also like to say thank you to Senator Edgar Flores for bringing light to such a serious subject. Thank you for trying to take care of our community members.

Angel Lazcano, Private Citizen, Las Vegas, Nevada:

I am formerly an outdoor worker myself. I would like to ditto what everyone has spoken and elaborate on the time I used to work outside. I was a carwash attendant as one of my first jobs, and I remember the hot, blistering days working in the heat and how sick I would feel and the number of days I would miss during those times because I would be working in the 110-plus degree heat. My job at the time did not really elaborate on what were best practices

or anything like that. While I do not work in those conditions anymore, I fear for the future of outdoor workers as our summers get hotter and climate change takes greater effect on our most vulnerable communities. This bill would establish a bare minimum to help our most hardworking families get the protection that they need, and I urge you to pass this bill.

[[Exhibit W](#) was submitted but not discussed and will become part of the record.]

Chair Marzola:

We will move to testimony in opposition to Senate Bill 427 (1st Reprint). Just as a reminder, I will give the initial opposition 10 minutes to speak and then we will begin the 30 minutes. You may begin when you are ready.

Paul J. Moradkhan, Senior Vice President, Government Affairs, Vegas Chamber:

As the state's largest and broadest business organization in Nevada, the Chamber is opposed to Senate Bill 427 (1st Reprint) in its original print and its current revised print and several different amendments that have been proposed during this process. We look at each piece of legislation and we see how it will impact the 70 sectors and industries that we represent that drive Nevada's economy. Our members, the job creators of the state, employ approximately a half-million Nevadans. We have significant concerns with Senate Bill 427 (1st Reprint) since it was introduced, the intent of the bill, and what policy solutions it is trying to solve.

I do want to acknowledge that several proponents have reached out to the business community on this bill and the conversations we have had in the last several weeks and months. In regard to the policy discussion, we have asked which industries have not been addressing employee safety so we can properly address those concerns either through this bill or through regulations. Unfortunately, I do not think we will be able to truly understand which industries are concerned as it relates to heat mitigation and how we can properly address those concerns. Therefore, it leads the employer community to ponder the viability of establishing such a broad policy when it comes to these employment conditions and the unintended consequences that we believe they will create.

These provisions are not simple. Attempting to have one uniform approach for Nevada, we believe, is not the best approach from the Chamber perspective. This bill will create a whole new plan also for air quality that was not part of the original bill, which we also believe will create additional challenges for compliance and for interpretation by regulations and by the business community how to properly fulfill it. Also in subsection 2 of the bill are requirements listed which are broad-based concerning how the business community complies with both components in regard to heat mitigation and air quality. While these requirements may appear to be common sense, we do believe these regulations can be complicated, egregious, burdensome, and confusing because each industry in Nevada's sector is different and they need to respond differently in order to comply and protect their workers. For example, industries like construction, landscaping, pool maintenance, restaurants with outdoor seating, outdoor entertainment venues, agriculture, utilities, and transportation each have different needs and require flexibility to best protect their employees and to effectively address heat and air quality mitigation concerns.

In the data provided in the February 28, 2022, memo from the Division of Industrial Relations, they reported last full data in 2021 that 49 workers' compensation claims were accepted and 20 denied for a total of 69 claims. Based on the data, the workers' compensation trends have remained relatively consistent throughout the last four years of that reporting period. In that same year, there were 202 heat stress complaints filed statewide. To put that in perspective, Nevada has approximately 1.5 million workers in the workforce. That percentage is 0.01346 of all Nevada workers who filed a complaint about heat mitigation. The reason that number is low, in the Chamber's opinion, is employers are proactive and do the right thing to protect their employees in Nevada's arid climate. Our members simply do not believe in willfully endangering his or her employee. It does not make sense to do so, and I know no business plan of our members that incorporates that into it.

If employers do not take this issue seriously, you would probably see thousands and thousands more complaints filed, but that is not the case, again because the Nevada businesses that we represent understand the importance of worker health and safety; it is common sense. It also leads to the question of how these policies will overlay with existing requirements as well as collective bargaining agreements between the employer and the organized labor community.

It is also important to note that federal OSHA is currently in the rulemaking process regarding heat mitigation standards. Federal OSHA is actively working on the development of standards to this heat mitigation conversation for the entire country. Many of our members' industries and partners are concerned the provisions of this bill could potentially conflict with any rules that may be issued by federal OSHA. We know, of course, federal regulation and guidance will take precedence, but if these rules do not match up, it will create confusion for employers. Also, many times collective bargaining agreements address worker safety concerns that negotiate specifically to the industry, and that is where we believe these belong—in the collective bargaining agreements.

We also have industries that of course are heavily regulated for their outdoor activities as well. That is why the Chamber believes that such a wide approach is not the best approach for Nevada. We believe Senate Bill 427 (1st Reprint) will cause confusion and safety issues for workers with this broad approach towards worker safety regulations. We do not believe this bill will foster economic activity with burdens and regulations that are excessive in nature, but rather will hinder it.

I should note that there is a revised fiscal note from the state that indicates a cost of almost \$700,000 for the biennium for new positions for enforcement. The Occupational Safety and Health Administration does inspect businesses, and I think we saw that very clearly during COVID-19—the inspection rates occurring with COVID-19 standards that we saw during that period. Also, our employers, our members, take OSHA regulations and state labor laws exceptionally seriously. There is no question about that from our membership. We are

committed to preserving a business climate and work safety climate that are successful for both employer and employee. We also, of course, support and believe in worker safety and health standards and protecting our employees. Senate Bill 427 (1st Reprint) is not the right approach, and we urge this body not to support this bill today.

Misty Grimmer, representing Nevada Resort Association:

Mr. Moradkhan put the vast majority of our concerns on the record. I would note that it has been a confusing process trying to understand exactly what version of the bill we are looking at. If you moved the bill today, I am not actually sure what you are moving. However, I do want to put on the record that the casino resort industry is the largest employer in the state, and we do take the safety of our employees extremely seriously. We have a huge array of different types of jobs at our hotels, in our pool areas, and in the maintenance areas. To Mr. Moradkhan's point, a blanket approach that is going to fit the entire industry and fit every type of situation is really not that workable. We would also echo his comments that federal OSHA is looking at this and it might be wise for the state to take a minute and wait and see what they are going to do, and also take a minute and look and really see who the problem players are. We are huge employers. I believe we pay through assessment for the cost of OSHA. If there are bad actors, let us target the bad actors.

Joshua Hicks, representing Nevada Home Builders Association:

This is an industry that builds homes and advocates for homes throughout the state. It is certainly an industry that knows something about building homes in Nevada. They have been doing it for decades in our hot climate and have found some good ways to do it. I wanted to talk a little bit about what you heard regarding the regulatory process that was undertaken in late 2021 and early 2022. That was a look at some regulations. There was a lot of opposition, including from the home builders. I would put that is because those regulations were very technical; they were very prescriptive. One good thing that came out of that process is that OSHA provided some data to stakeholders. You heard Mr. Moradkhan talk a little bit about that during his testimony, but there is a process to file a heat illness complaint with OSHA. There have been complaints filed, and I will focus just on the construction industry side of those complaints.

There was a five-year period that OSHA provided data on and in the construction industry, there were 30 heat-related complaints throughout the state. That is about six per year. To give you some context, in that same time frame there were 453,733 construction jobs in the state over that same five-year period. That is an average of 90,745 construction jobs per year. That number, and you heard Mr. Moradkhan provide one as well, is 0.0067; that is the percentage of construction employees who had a heat illness complaint.

Now I bring all that up not to suggest that this is not an important subject by any means, but I bring it up because it shows that contractors and home builders are diligent and careful about their employees, and they do look out for that. For those reasons, we oppose the bill. We see it as prescriptive, overly broad, and something that should be done in a more deliberative fashion.

Lindsay Knox, representing Nevada Restaurant Association:

Throughout Nevada, restaurants and food service outlets employ almost 220,000 Nevadans. Over a five-year period, which Mr. Hicks mentioned, specific to restaurants and food service outlets, 202 complaints were filed with OSHA, which equals 0.09 percent of restaurant and food service outlet employees. Occupational Safety and Health Administration already has the authority to require training, signage, and acknowledgement of existing standards of heat prevention strategies. We believe S.B. 427 (R1) is an overreach of the restaurant industry which takes great pride in educating its members on matters such as heat mitigation.

Mac Bybee, President/CEO, Associated Builders and Contractors, Nevada Chapter:

There is no higher priority for Associated Builders and Contractors members than to ensure the health and safety of their employees on the jobsite. Associated Builders and Contractors considers itself an organization that promotes world-class safety practices in the construction industry, and our members take pride in their safety culture. The construction industry has developed best practices for mitigating heat stress and protecting individuals on the jobsite. Current industry practices have been successful in mitigating the effects of heat exposure, and employee awareness efforts are currently made. The truth is that OSHA already has the ability to regulate heat illness through what is known as the General Duty Clause in existing law. Employers can be cited under the General Duty Clause for any recognized hazard that exists in the workplace and the employer does not take reasonable steps to prevent or abate those hazards. Heat illness is a known hazard on the jobsite.

It is my fear that this legislation will interfere with current industry practices that have proven to be effective in exchange for an arbitrary punch list. There are a couple of items that were brought up about breaks. I am going to go off script here. Breaks are actually in the law. Anybody who has employees or is an employer understands that your employees have required breaks. Those individuals who are not allowing breaks are breaking the law. The Labor Commissioner exists for wage complaints and for labor law complaints. There are avenues that exist to try to protect those employees. I believe an education effort to let those individuals know there are protections in place would be a better avenue. For those reasons, we oppose this legislation.

Paul J. Enos, Chief Executive Officer, Nevada Trucking Association:

We are in opposition to Senate Bill 427 (1st Reprint) because it is broad and prescriptive. I do not think it contemplates what a lot of those real-world impacts and challenges are with some of that very prescriptive language. I represent a very diverse industry, not just in terms of large companies that provide uniforms that have cooling fabric technology built into them, but also small ones whose employees may not be showing up to the same place every day. They may not be ending their day at the same place. It is very diverse in terms of what we do. We have a guy who could be in an air-conditioned cab, getting an ocean container, putting on a chassis, and then later that day be up on top of the truck putting on some bales of hay and securing that load where he or she could be exposed to heat.

Trying to determine when that is going to happen is difficult for our members. Once again, by the nature of the job, truckers are remote employees and it is very difficult to say, Hey, truck driver, you are going to be going into this area that could meet this specific criteria and you need to have water for every hour that you are going to be out there. Sometimes you may not know how long you are going to be out securing a load, securing a piece of equipment, or securing that big bale of hay that I am talking about. That is a challenge.

Providing shade at a customer's facility that we do not own, that we do not control, that could be a challenge. Monitoring employees' health when, once again, they are remote is another issue we have. This is why we oppose this piece of legislation.

Glen Leavitt, Director, Government Affairs, Nevada Contractors Association:

We represent over 450 contractors, subcontractors, and industry affiliates primarily in southern Nevada. The Nevada Contractors Association (NCA) considers safety a top priority, and the health and welfare of its employees is paramount. The craft professionals who show up to the construction site every day are the lifeblood of our industry. Ensuring the safest work environment possible is critical to operating a successful construction company. Unfortunately, this bill does not further the goal of jobsite safety. Instead, it creates a punch list of perceived problems and creates a prescriptive, inflexible statutory construct.

Las Vegas is hot in the summertime; I think we can all agree on that. As such, the potential for heat illnesses is a known hazard that is currently addressed in the worksite safety process. The NCA and its members will continue to provide a safe environment for their workforce. Unfortunately, this legislation does not increase that effort. For these reasons and those stated, we are in opposition.

Andrew MacKay, Executive Director, Nevada Franchised Auto Dealers Association:

We make up approximately 20 percent of the retail economy. We are at the table obviously in opposition to Senate Bill 427 (1st Reprint). We take our employees' safety very seriously. Businesses are not successful enough unless you have good employees, happy employees, and safe employees. I want to make sure that is on the record.

During our first working stakeholders group, we were discussing—you heard statistics in terms of the complaints that were filed with the Division of Industrial Relations. I am pulling off of memory here, so I may be off. If I am, please somebody correct me. When you look at the complaints for 2021, which were 202, they dropped precipitously in 2022 by about 30 percent. It is directly attributable to the campaigns referenced by Mr. Moradkhan and Ms. Magnus. Those are public awareness campaigns with respect to heat illness and heat mitigation. It was recommended from the stakeholders' group that that becomes basically the main meat and potatoes of the bill. It worked, and I think it will work, in fact, when you look at what OSHA is doing right now.

We are here because we believe that is a simple, commonsense, effective improvement solution to this issue that everybody is trying to address further and taking into consideration that federal OSHA is putting this together. We want to be able to avoid any conflict with federal law that may come down the pike and then couple with S.B. 427 (R1).

Terry K. Graves, representing Nevada Manufacturers Association:

We share the same concerns that have already been spoken to on the specificities of this proposed legislation. We do not think it ought to be in statute, and those items ought to be in regulation where they can be dealt with in a flexible manner. Manufacturing has a wide variety of operations and occupational safety issues. Having worked in an industry for 30-some years, I know we pay a great deal of attention to safety issues, not just heat but all other possible safety hazards within manufacturing operations. With that experience, I do not think this bill is a good idea and we do, as a manufacturers association, oppose it.

Peter Krueger, representing Petroleum Marketers:

For the most part these are our wholesale members that operate in terminals of which there are three in Las Vegas where we deal with hazardous material and all the requirements where this one-size-fits-all bill makes it very difficult, in our judgment. Since two years ago when OSHA proposed the regulations, our group, and I am sure other industries, immediately adopted those proposed regulations and continue to use those to this day. We believe that what this bill is trying to do is already in place. It is being used by what has been referred to as good employers. We expect that to continue. We believe this type of prescriptive, one-size-fits-all requirement belongs in regulation.

Tray Abney, representing National Federation of Independent Businesses:

I want to thank Senator Flores and my friend Ms. Moore for bringing this bill forward, and even though we could not get there, we appreciate working with them. The 2,000 member businesses of the National Federation of Independent Businesses (NFIB) have 2,000 different ways of doing business every day; different challenges they face and different regulations they face. Their average employee count for a Nevada NFIB member is four to eight people. As you know, Madam Chair, small businesses already struggle with not just the state agencies they have to deal with, but at the federal level as well. Especially now if we are talking about, as mentioned earlier, that federal OSHA is coming up with its own standards, and for the smallest of the small to have to deal with something else that we think can already be addressed in current statute, is a bridge too far for us. For those reasons, we oppose this bill.

Kerrie Kramer, representing NAIOP:

With more than 663 members statewide and over 288 affiliated businesses in the commercial development, construction, and property management fields, our members represent the largest nongaming economic driver in the state of Nevada. We are here today in opposition to S.B. 427 (R1). I will not repeat all the points already made by my colleagues but will echo them and their concerns with this legislation.

Tom Clark, representing Reno + Sparks Chamber of Commerce:

I really appreciate Senator Flores bringing this bill forward, especially in the southern part of our state where you do have the heat-related issues. If we get to 105 in northern Nevada, we are going to take the day off anyway; it is time to go to the lake. We recognize the importance of the issue. We think that it is a centralized issue. You have heard from a lot of the industries that are our members, and we echo their responses.

Bryan Wachter, Senior Vice President, Government and Public Affairs, Retail Association of Nevada:

We, too, are in opposition to Senate Bill 427 (1st Reprint) for many of the same reasons that have been stated by my colleagues there in Carson City. We also heard a lot about the different environments in which we found ourselves. For instance, with COVID-19 from the retail industry standpoint, we were one of the few industries that continued working throughout the entirety of that COVID-19 period. Interestingly enough, one of the OSHA requirements for the retail industry during the summer of 2020 was that we physically had to have an employee standing outside monitoring the social distancing line as well as trying to regulate the mask situation before they go into our stores. You can see how all of this intertwined.

Putting it into statute in NRS would make it difficult to be flexible. I would also note that amongst our membership we have many landscapers, pool service companies, and home cleaning services that are not actually in possession or ownership of the different locations that their employees are in. They really have no way of knowing what the conditions are going to be inside a particular home. We certainly have very mobile businesses that are in different parts of the Las Vegas Valley in Clark County, where it may not be 105 anywhere but Spring Valley or anywhere but Paradise. That will make it very difficult for our mobile members to be able to figure out what exactly those requirements are.

In addition, most of our members are actually small mom-and-pop-owned outfits. This is going to greatly increase some costs for them to make sure they are in compliance, make sure they have covered their legal bases to make sure they are not liable for any issues. That is going to take away from their being able to continue to grow their business and continue to hire employees in Nevada. For those reasons, we are opposed to Senate Bill 427 (1st Reprint).

Chase Whittemore, representing Nevada Builders Alliance:

We are also opposed.

Isaac Hardy, representing Urban Consortium:

The Urban Consortium is made up of Reno, Sparks, Henderson, Las Vegas, and North Las Vegas. I also will keep it brief and just echo the comments of my colleagues.

Ashley Cruz, representing Mechanical Contractors Association; and Sheet Metal and Air Conditioning Contractors' National Association of Southern Nevada:

In the interest of time, I will just echo the comments of the people before me.

Connor Cain, representing Henderson Chamber of Commerce:

On behalf of the Henderson Chamber of Commerce and its over 1,800 members, most of which are small businesses, we are also in opposition.

Nick Vander Poel, representing American AVK:

Ditto my colleagues' comments.

Chair Marzola:

We will move to testimony in neutral on Senate Bill 427 (1st Reprint).

Alexander Avilas, Private Citizen, Las Vegas, Nevada:

I am actually testifying in support of the bill. I just could not call earlier. I got pretty busy, but I just want to express my support for it just what it means to me personally, and my family— [Chair ended testimony due to relevance.]

[[Exhibit X](#) was submitted but not discussed and will become part of the record.]

Chair Marzola:

Senator Flores, would you like to give any closing remarks?

Senator Flores:

Thank you, Madam Chair, and I appreciate the Committee's indulgence. I wanted to get a couple of things clarified for the Committee. I realize that there were a lot of conversations about really small businesses and the potential impact to them. Presently under NRS 618.383, if I direct your attention to specifically page 3 of the bill, it says "an employer who has 10 or fewer employees is exempted from the provisions of this section unless the employer has employees engaged in the manufacture of explosives." I wanted to make it clear that we are not capturing those folk. The record needed to reflect that.

As I specifically spoke to at the very beginning of the bill presentation, I understand the concern from industries suggesting that they are already doing it so the bill is not necessary, and I respect that. I get it. I would never just bring something that has some type of metaphorical and/or good-feel value, particularly on this eve of a deadline. I think this conversation needed to be had. Other states have implemented similar measures, and that is not to suggest that Nevada is identical to them or that we have to do it because they are doing it. It is to suggest that this notion that this only belongs in regulations but not in statute is not actually true because we have seen that in other states.

I believe when you put something in statute and do not punt it to regulations, it will do two things. Number one, it is going to move away from the political football that we have seen happen already. Regulations have been tried, and unfortunately they did not come through. We avoid that. Number two, we are sending a message to folk who work in these extreme heat conditions, in horrible air quality conditions, a very clear message that we as a state have

made it abundantly clear that we have a responsibility and a requirement to protect them. Saying that we should just punt this over to the regulations unfortunately has not been a solution. It has been tried and it has failed.

What I am asking is that we consider, like other states in a bipartisan manner, to approach and create a minimal standard that every person here says they do anyways, so they are not impacted. Their opposition is we just do not need it, but we already do it. In that lens and in that respect and in that regard, we are not going against or going to impact any of them because they are doing it already. They just told you that. The really small businesses that they were concerned about, we are not impacting—those are not touched by this bill. I am just saying that maybe as a state we could take a position of saying thank you to the folk who have stepped up in the most difficult times and have done the jobs that are so incredibly difficult.

Every single one of you when you are out there knocking on doors, you know how hard it is just to get from one door to another when it is that hot, particularly in the south. I am asking you now to imagine if that job is the only way you can feed your family. Maybe we can collectively send a message to every worker who has endured the most difficult times during the pandemic and continues to take on these responsibilities that we got your back. That is what I am asking you to do.

Chair Marzola:

I will close the hearing on Senate Bill 427 (1st Reprint). I will now open for public comment. [There was none.] We will not adjourn at this moment; we are going into recess. [The Committee recessed at 3:31 p.m. and reconvened at 7:36 p.m.]

[The meeting was adjourned at 7:36 p.m.]

RESPECTFULLY SUBMITTED:

Spencer Wines
Committee Secretary

APPROVED BY:

Assemblywoman Elaine Marzola, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is the Work Session Document for [Senate Bill 57 \(1st Reprint\)](#), presented by Marjorie Paslov-Thomas, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit D](#) is the Work Session Document for [Senate Bill 78 \(1st Reprint\)](#), presented by Marjorie Paslov-Thomas, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit E](#) is the Work Session Document for [Senate Bill 106 \(1st Reprint\)](#), presented by Marjorie Paslov-Thomas, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit F](#) is the Work Session Document for [Senate Bill 134](#), presented by Marjorie Paslov-Thomas, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit G](#) is the Work Session Document for [Senate Bill 147 \(1st Reprint\)](#), presented by Marjorie Paslov-Thomas, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit H](#) is the Work Session Document for [Senate Bill 194 \(2nd Reprint\)](#), presented by Marjorie Paslov-Thomas, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit I](#) is the Work Session Document for [Senate Bill 249 \(1st Reprint\)](#), presented by Marjorie Paslov-Thomas, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit J](#) is the Work Session Document for [Senate Bill 283 \(1st Reprint\)](#), presented by Marjorie Paslov-Thomas, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit K](#) is the Work Session Document for [Senate Bill 302 \(1st Reprint\)](#), presented by Marjorie Paslov-Thomas, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit L](#) is the Work Session Document for [Senate Bill 310 \(1st Reprint\)](#), presented by Marjorie Paslov-Thomas, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit M](#) is the Work Session Document for [Senate Bill 336 \(1st Reprint\)](#), presented by Marjorie Paslov-Thomas, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit N](#) is the Work Session Document for [Senate Bill 355 \(1st Reprint\)](#), presented by Marjorie Paslov-Thomas, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit O](#) is the Work Session Document for [Senate Bill 370 \(1st Reprint\)](#), presented by Marjorie Paslov-Thomas, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit P](#) is the Work Session Document for [Senate Bill 381 \(1st Reprint\)](#), presented by Marjorie Paslov-Thomas, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit Q](#) is the Work Session Document for [Senate Bill 386 \(1st Reprint\)](#), presented by Marjorie Paslov-Thomas, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit R](#) is the Work Session Document for [Senate Bill 393 \(1st Reprint\)](#), presented by Marjorie Paslov-Thomas, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit S](#) is the Work Session Document for [Senate Bill 436 \(2nd Reprint\)](#), presented by Marjorie Paslov-Thomas, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit T](#) is a letter dated May 19, 2023, presented by Juan Guardado, Community Organizer, Chispa Nevada, in support of [Senate Bill 427 \(1st Reprint\)](#).

[Exhibit U](#) is a letter dated May 19, 2023, presented by Ivon Meneses, Private Citizen, Las Vegas, Nevada, in support of [Senate Bill 427 \(1st Reprint\)](#).

[Exhibit V](#) is a letter dated May 19, 2023, presented by Roberto Renteria, Private Citizen, Las Vegas, Nevada, in support of [Senate Bill 427 \(1st Reprint\)](#).

[Exhibit W](#) is a letter dated May 8, 2023, presented by Estefany Carrasco-González, Chispa National Director, Chispa Nevada, in support of [Senate Bill 427 \(1st Reprint\)](#).

[Exhibit X](#) is a copy of an email dated May 19, 2023, presented by Sarah Collins, representing the National Electrical Contractors Association of Northern Nevada, neutral on [Senate Bill 427 \(1st Reprint\)](#).