



A recap of the 2021 Legislative Session including policy focus areas and member priorities.

#### 2021 HCC Legislative Report Card



As the premier business organization in the state representing more than 1,800 businesses of all sizes, industries and stages — we are one powerful, collective voice that supports a pro-business climate. The HCC takes pride and responsibility in its advocacy role on your behalf and is committed to its work with our elected officials to share your priorities, interests and concerns to help build a path for our future—this includes our work in Carson City during this legislative session.

The HCC legislative team, led by Amber Stidham, our Vice President of Government Affairs, was heavily invested in this year's session, focusing on issues and topics that impact our members daily. Much of this legislative work is a grinding affair with behind-the-scenes advocacy directly with legislators occurring throughout the session at all times of day. Our dedicated staff and legislative committee, working closely with our highly respected and influential lobbyist group Carrara Nevada, influenced a

myriad of bills on behalf of our membership.

I also thank you, our members, for your involvement in our organization and the legislative process. It's through your input, survey responses, questions and comments during our programming and other avenues that assists our board, staff, various policy committees and lobby group as it addresses regulatory matters that have the potential to impact your business. We truly do have the best members and your input provides us focus in our advocacy and programming.

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Scott Muelrath
President/CEO
Henderson Chamber of Commerce



The 2021 Legislative Session has been a challenging time for all businesses within Nevada. As is further detailed in this report, your Henderson Chamber of Commerce advocated on your behalf on myriad issues. Within this session we monitored, testified and worked with bill sponsors on amended bills more this session than in all previous combined. We ensured that the voice of our members' businesses was heard loud and clear. In so doing, we mitigated the adverse consequences of many bills and articulated the need for policies that assist rather than hinder business.

What was made clearer in this process is that the voice of our members is strong and persuasive. I cannot encourage you strongly enough to continue to support the Henderson Chamber of Commerce's advocacy efforts. The value to your business and our Chamber is immeasurable from your support.

Please know that our work here has been a heavy lift. It could not have been accomplished without the extraordinary dedication of time, energy and resources of our Legislative Committee: Vice Chair Natalie Buckel of I Want My Two Dollars; Chris Caluya of Turner Martin-Harris Construction; David Edelblute of Snell & Wilmer; Chuck Mohler of Eagle Corporate Advisors; Katie Ryan of Dignity Health-St. Rose Dominican; and John Wightman of Rich, Wightman & Company, CPAs. As the Chamber's contract lobby group, Carrara Nevada team's guidance, assistance and insights enhanced the work of our Committee. Finally, NONE of this would have been possible but for the dedication and devotion of our Vice President of Government Affairs, Amber Stidham.

Aviva Gordon, Esq.

Legislative Committee Chair, Henderson Chamber of Commerce Gordon Law Office



With 72 hours left until Sine Die, a magnitude 4.2 earthquake shook the Nevada Legislative building during live committee hearings in Carson City. Immediately following the tremor, Nevada Senator Julia Ratti continued her bill presentation during an Assembly Ways & Means committee stating there was important business to discuss. That moment affirmed how most business groups felt this session – serving as an earthquake of reality while majority legislators, in almost every instance, simply continued pushing forward without much of a passing thought as to how proposals would rattle the business community.

It is no surprise that our state's legislative process of 120 days relegates all parties involved to move proposals quickly and sometimes without full stakeholder engagement. However, as Nevada continues to be one of the hardest hit states in the U.S. due to the pandemic, government closures and restrictions, the chamber has been 100% committed since before the 2020 interim session began to ensure we

elevate our voice to champion for members by promoting economic growth and opportunity – a bipartisan focus we finally felt would be shared by our entire legislative body.

Aside from a few helpful pieces of legislation to support business (our economy) what we instead found were countless bills brought by big money legal activist groups seeking to challenge pro-business or deregulatory actions. In nearly every instance, these groups stand to directly benefit from the very legislation they worked with legislators to push through the session. Businesses throughout the state were, of course, at the table and in conversations with bill sponsors and committee members explaining the impact to business due to these proposals. For employers, the impact is extensive criminal penalties and excessive fines. For Nevadans, these policies come at a massive procedural cost to taxpayers and cost our state jobs. Headway was made in most cases, but these conversations and future ones will continue to prove challenging as national politics greatly influence state politics, and the money trail made by these groups grows as does their influence in legal reform as they are increasingly elected to office.

Of the 1,035 bills posted for the session, the chamber read nearly half, engaged on more than 130 during most of the spring and finished the session chasing down 75 bills until the final hours before it ended at midnight on May 31.

Still, there are success stories to share. Bills passed that support Nevada's economic development efforts that you can read within this report and certainly stories of behind-the-scenes measures of anti-business bills that never came to fruition. Those, of course, are more difficult to outline but are critically important "wins" for our members.

So, what does Nevada need moving forward to ensure our local businesses can return to their pre-2020 operations and that our state is still attractive to outside industry to help diversify our economy, an issue we were reminded (yet again) is of critical need during this pandemic? Checks and balances in government. As a bipartisan non-profit itself, the chamber is committed to conversations on both sides of the aisle. And yes, believe it or not, there are many instances in which legislators agree on policy. However, when it comes to business regulation, our state legislature needs only a simple majority vote to make any given bill Nevada law. As it stands, with an all-one-party majority in Nevada, regulatory policy can move quickly and with little to no input or change.

What our employers need most is certainty. One way to do this is by restoring balance and restraint in the regulatory process by ensuring the left hand speaks to the right hand – that there is not an all-one-party majority in Nevada politics. In the months to come, we will all need to consider what we want our community to look like. Nevada voters will ultimately drive this outcome.

Finally, as we end the 2021 regular session and prepare for a fall interim session, I want our members to know that the chamber remains committed to its advocacy work in representing and protecting you. We do this work with the never-ending support of the Legislative Committee under the fervent leadership of its chairwoman, Aviva Gordon. Esq. of Gordon Law. I would also like to thank our entire committee, my chamber team and the chamber's contract lobby group Carrara Nevada for doing yeoman's work on an undertaking of massive, exhausting amounts of complex policy pieces needing attention nightly and every weekend since December 2020. These volunteers represent the very people HCC advocates to protect – you. It is an extreme honor to serve with these business members and on your behalf.

Sincerely,

Amber D. Stidham

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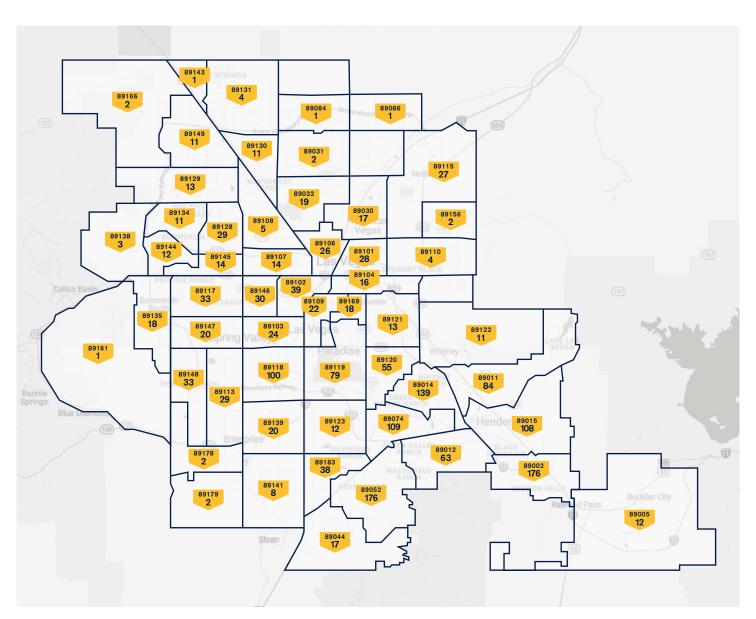
Vice President of Government Affairs Henderson Chamber of Commerce

### **MEMBER PRIORITIES**

As the business voice for Nevada's second largest and one of the nation's fastest growing cities, the Henderson Chamber of Commerce (HCC) advocates on behalf of its business members for policies that foster economic growth, jobs and new opportunities, which ultimately continue to create the diverse and dynamic community we love.

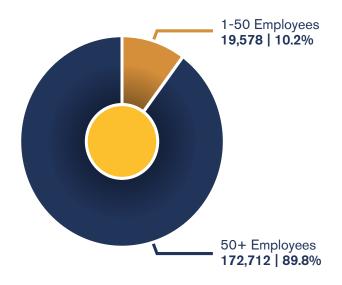
Currently, the HCC represents more than 1,800-member businesses throughout Clark County. Because of HCC's varied membership, it represents businesses of all sizes, industries and stages.

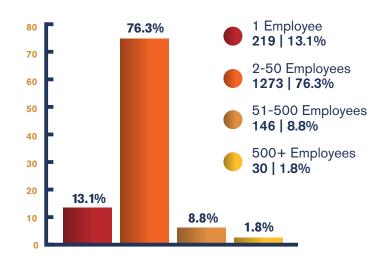
#### MEMBERS BY ZIP CODE



### EMPLOYMENT BY SMALL AND LARGE BUSINESSES

#### **MEMBER BUSINESS SIZE**





### **POLICY FOCUS AREAS**

Each year, surveys and focus groups take place to engage HCC members on policy issues, all of which aid in the creation of HCC's policy platform and how the organization serves as your voice in Carson City.

In supporting a pro-business climate, the HCC focuses its legislative work in the following areas:

**Economic Development**: Economic competitiveness through diversification, workforce development, access to capital, public-private collaboration and proper land-use policies to support a vibrant economy and ability to create an inclusive and welcoming environment for businesses.

**Taxes & Regulations:** Tax policies that stimulate growth, innovation, job creation and support regulations that provide businesses with certainty and flexibility.

**Education & Workforce Readiness:** Encourage enhanced education and skilled workforce efforts that aim to produce a well-educated, well-trained Nevada workforce for tomorrow's business needs while also supporting education measures that appeal to existing, expanding and relocating businesses.

**Infrastructure & Developable Lands:** Economic growth through diversification, workforce development, access to capital, public-private collaboration and proper land-use policies to support a vibrant economy and ability to create an inclusive and welcoming environment for businesses. The HCC supports projects and policies that develop and improve infrastructure in the areas of communication, energy, water and transportation as critical public assets that benefit all businesses and promote job growth and livability in Henderson.

**Healthcare:** Meaningful health care reform and education curricula support aimed at addressing better health outcomes, enhance individual experience of care, reduce per capita cost of care and support quality of life measures that appeal to existing, expanding and relocating businesses.



# HENDERSON CHAMBER OF COMMERCE PRIORITY BILLS

#### Content provided by Carrara Nevada

With the overwhelming control progressive Democrats had this session, small business was largely on the defensive. And the COVID-19 pandemic looming in the background of all policy decisions, businesses were desperately looking for liability protections of which the Legislature was hesitant to give. However, with the hard work of the HCC Legislative team and the lobbying core, many anti-business policies were either defeated outright, amended out of bills or significantly reduced, with liability protections extended to most businesses in the state. While every battle was not successful, the session as a whole was. Many threatening bills were killed early at First House Passage deadline and the Chamber had a seat at the table for critical conversations throughout the 120-day-session. In addition, there were multiple bills related to economic development that did pass and should provide aid to small businesses that are recovering in this post-pandemic atmosphere. Outlined below is a partial list of bills which HCC closely tracked throughout the session. While there were bills passed that were not overly business friendly, the lobbying team was quick to ensure that small business had exemptions or lessened responsibilities.

#### AB47: Revises Provisions Related to Unfair Trade Practices (PASSED) — Effective Oct. 1, 2021

The office of the Attorney General introduced AB47. The bill was intended to target the healthcare industry but was much more expansive. The Chamber's concern was that it limited non-compete agreements. Met with strong opposition from the business community, there was a workgroup that resulted in the AG's office amending the bill. The Chamber participated in the workgroup to try and make the language more palatable to the business community. As amended, AB47 prohibits a noncompetition covenant from applying to an employee who is paid solely on an hourly wage basis, exclusive of any tips or gratuities. Furthermore, it requires a court, in an action to enforce or challenge a noncompetition covenant, to award reasonable attorney's fees and costs to the employee if the court finds that the noncompetition covenant applies to an employee paid on an hourly wage basis or that the employer has impermissibly restricted or attempted to restrict the employee from providing services to a former customer or client. The bill passed on party line votes in both the Assembly and the Senate.

#### AB66: Economic Development (PASSED) — Effective July 1, 2021

AB66 was brought forward by the Governor's Office of Economic Development (GOED). It revises requirements for agreements between GOED and applicants for an abatement or partial abatement of certain taxes, requires the Department of Taxation to issue a document certifying an abatement or partial abatement of sales and use taxes to businesses for which the Office has approved certain abatements or partial abatements of sales and use taxes, and authorizes a business for which the Office has approved certain abatements or partial abatements of sales and use taxes to apply for a refund of sales and use taxes paid for which the business was entitled to an abatement or partial abatement. A supporter, the Chamber sees AB66 as a tool to encourage relocation and expansion to support Nevada's economic development efforts. AB66 passed both houses with no opposition.

#### AB124: Revises Provisions Relating to Employment (FAILED)

AB124, introduced by Assemblywoman Bea Duran, would have prohibited an employer from seeking the wage history of a prospective employee and would have prohibited employers from discriminating against employees on the basis of sex by taking certain actions relating to the employment opportunities of an employee. The bill sponsor believed this to be an effective in helping to reduce the gender wage gap. AB124 failed to meet the deadline and did not advance.SB166 – Revises provisions relating to employment.

# AB184: Creates the Office of Small Business Advocacy (PASSED) Effective May 31, 2021 | Certain provisions expire June 30, 2023

AB184 was brought forward by Speaker Frierson and Majority Leader Teresa Benitez-Thompson. AB184 temporarily creates the Office of Small Business Advocacy within the Office of the Lieutenant Governor, sets forth the powers and duties of the Office of Small Business Advocacy to accept gifts, grants and contributions, providing that the records of the Office of Small Business Advocacy are confidential. The Chamber has been a proponent of this measure since 2019 and actively advocated for this bill to support the needs of its small businesses. The bill passed the Assembly 31 to 11 and the Senate 16 to 4 with one excused.

#### AB190: Sick Leave (PASSED) — Effective Oct. 1, 2021

AB190 is a bill that was brought forward by AARP. The bill requires a private employer that provides employees with sick leave to allow an employee to use accrued sick leave for an absence due to an illness, injury, medical appointment or other authorized medical need of a member of the employee's immediate family. The employer may limit the amount of sick leave an employee may use to an amount that is equal or not less than what an employee accrues for sick leave in a 6-month period. AB190 passed out of the Assembly with 30 to 12 approval and the Senate 20 to 0 with one excused.

#### AB207: Internet Regulations; Online Forums (PASSED) — Effective Jan. 1, 2022

AB207 expands the definition of "place of public accommodation" to include a business which offers goods or services to the general public in this state through an internet website, mobile application or other electronic medium and which is not operated in conjunction with a physical location which is open to the public. This bill exempts a private online discussion forum, which is defined to mean an online forum with not more than 1,000 members that is operated for the primary purpose of allowing its members to exercise their constitutionally protected right of expressive association and whose operator does not regularly receive certain payments from nonmembers. AB207 passed the Assembly 26 to 16 and the Senate 12 to 8 with one excused.

#### AB222: Revises Provisions Governing Employment Practices. (PASSED) — Effective now

Assemblywoman Selena Torres brought this bill forward; it will revise the provisions governing periods of limitation in certain civil actions concerning unlawful employment practices. After numerous discussions with the bill sponsor and Legislative Leadership, the bill was amended to only codify in statute the court's ruling. The problematic sections of the bill were amended out. The bill was voted out of the Senate 21 to 0 and the Assembly 26 to 16 with Assembly members Black, Dickman, Ellison, Hafen, Hansen, Hardy, Kasama, Krasner, Leavitt, Matthews, McArthur, O'Neill, Roberts, Titus, Tolles and Wheeler voting against it.

#### AB246: Employment practices relating to employee safety (FAILED)

AB246, brought forward by Assemblyman Flores, would have required an employer to notify certain employees, principal contractors, subcontractors and independent contractors of a potential exposure to COVID 19, would have required the notice to be provided within 1 business day and include certain information, would have prohibited an employer from taking retaliatory actions against an employee who is diagnosed with COVID-19 or who has to quarantine or isolate himself or herself, would have authorized an employee to file a complaint with the Labor Commissioner regarding a retaliatory action, would have required an employer to establish, implement and maintain a written COVID-19 prevention program that complies with certain standards, would have required the prevention program to be provided to employees upon employment and upon request, would have required the employer to train its employees on the prevention program, would have authorized an employee to file a complaint with the Division of Industrial Relations of the Department of Business and Industry for certain violations by an employer, and would have required the Division to review the prevention program. The bill would have placed a significant burden on businesses and faced a lot of opposition from the business community. It was heard in Assembly Commerce and Labor but never voted out of committee. It failed to meet the deadline and no further action was allowed.

#### AB280: Single-Stall Public Restroom (PASSED) — Effective July 1, 2021

AB280 requires places of public accommodation, public buildings and facilities owned by a public body, certain areas leased by or on behalf of a public body and certain leased areas within a state park that provide a single-stall restroom to the public to make the single-stall restroom as inclusive and accessible as possible to a person of any gender identity or expression, revises provisions relating to the signage for such single-stall restrooms, and requires certain governmental entities to include in their building codes or, if applicable, adopt by ordinance a requirement that certain buildings and facilities used by the public that contain a single-stall restroom (restroom for individual use) which is available to the public be as inclusive and accessible as possible to a person of any gender identity or expression and prohibiting certain signage on such restrooms. The bill does not establish a private right of action or authorize the filing of a complaint with the Nevada Equal Rights Commission. AB280 passed the Assembly 36 to 5 with one excused and passed the Senate 15 to 6.

#### AB307: Employment Practices (PASSED) — Effective Oct. 1, 2021

AB307 requires the Department of Employment, Training and Rehabilitation to prepare one or more notices concerning job training or employment programs conducted by the Department and to provide each notice to the Labor Commissioner. It further requires the Labor Commissioner to make each notice available to each employer in private employment in this state and require each employer to post and maintain each notice in a conspicuous location at the workplace. The Chamber opposed the bill based on the redundancy of the posting requirements. The bill passed the Assembly 29 to 12 with one excused and passed the Senate 21 to 0.

#### AB312: Independent Contractor Benefits Program (FAILED)

AB312 would have created the Independent Contractor Benefits Program, required that the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation administer the Program, set forth certain requirements for the operation of the Program, required a participant in the Program to pay certain contributions, provided for the payment of benefits to participants in the Program who are out of work, and created the Independent Contractor Benefits Fund. This bill had a fiscal impact of over \$4M per year for the next two fiscal years. The bill did not get voted out of committee by the deadline therefore no further action was allowed.

# AB330: Establishes Provisions Governing Occupational Training and Licensing (PASSED) Effective Oct. 1, 2021

AB330, introduced by Assemblyman John Ellison, provides that persons who complete certain training programs for occupational, vocational, career, trade or technical education and receive certificates for the completion of such programs shall be eligible to receive equivalent credit towards related professional and occupational licenses and certifications. It also authorizes the State Apprenticeship Council to determine the number of hours, if any, completed in a training program, which may count towards the number of hours required for an approved apprenticeship program pursuant to chapter 610 of NRS. AB330 passed both houses unanimously.

#### AB359: Deceptive Trade Practices (PASSED) — Effective Oct. 1, 2021

AB359 was brought forward by Assemblywoman Considine. It requires that, if a business advertises and negotiates certain transactions in a language other than English, the business provide a translation of the contract in the language used to the person who is party to the contract. Failure to do so would be considered a deceptive trade practice. AB359 passed both houses unanimously.

#### AB380: Revises Provisions Relating to Utilities (FAILED)

Sponsored by Assemblywoman Lesley Cohen, this bill would have declared the policy of this state that a statewide reduction in net greenhouse gas emissions be achieved, which ultimately would have allowed for the electrification of the state while phasing out natural gas. AB380 received a large amount of opposition prior to the start of session. A large coalition of stakeholders was put together by Southwest Gas. Weekly calls and assignments were made which ultimately helped kill the bill. The discussions for electrification will continue and will resurface next session. AB380 failed to meet the deadline and died.

#### AB440: Minor Crime Citation (PASSED) — Effective July 1, 2023

AB440 was brought forward by the Interim Committee on Pretrial Release. The bill, as passed, defines the terms "repeat offense," "prohibited offense" and "crime of violence," and requires certain persons to issue misdemeanor citations, traffic citations, vessel citations and wildlife citations under certain circumstances for offenses punishable as misdemeanors that do not constitute repeat offenses, crimes of violence or certain other prohibited offenses under certain circumstances. There was broad opposition from the business community and law enforcement. Ultimately, the bill was amended in conference committee to address the concerns of business owners and law enforcement if a person is trespassing and will continue to pose a threat, then that individual can be arrested. The bill passed out on a party line vote.

#### SB24: Workforce Development Program (PASSED) — Effective July 1, 2021

SB24, brought forward by the Governor's Office of Economic Development, revises the information which must be included in an application for approval to provide a program of workforce recruitment, assessment and training and specifies that such a program must be a program for the training of incumbent employees of the business that will result in certain credentials or identifiable occupational skills being obtained by the incumbent employees in an effort to accelerate new workforce training options. SB24 passed the Senate 21 to 0 and the Assembly 38 to 4.

#### SB107: Statute of Limitations for Wrongful Termination (PASSED) — Effective May 27, 2021

SB107, brought forward by Senator Ohrenschall, establishes a two-year statute of limitations for commencing an action in tort for common-law wrongful termination of employment and provides that the statute of limitations for such an action is tolled from the date that an administrative complaint relating to the termination of employment is filed with a federal or state agency until 93 days after the conclusion of the administrative proceedings concerning the complaint. This bill requires the default statute of limitations to apply to certain causes of action whose statute of limitations is not otherwise prescribed by law, regardless of whether the underlying cause of action is analogous to any other cause of action with a statute of limitations expressly prescribed by law and provides that the amendatory provisions of this bill apply to an action commenced on or after the effective date of this bill. This bill was met with extreme opposition from the business community, particularly during this past year when businesses were already struggling. SB107 was voted out of the Senate 16 to 5 and the Assembly 26 to 15 with one absent.

# SB209: Revises Provisions Relating to Employment. (PASSED) Effective June 6, 2021 | Expires Dec. 31, 2023

Senator Fabian Doñate sponsored the bill; it will require an employer in private employment to provide paid leave for the purpose of receiving a vaccination for COVID-19. It was voted out of the Senate 19 to 2 with Senators Hansen and Kieckhefer voting against it and the Assembly voted it out 30 to 11 with Assembly members Dickman, Ellison, Hafen, Hansen, Kasama, Krasner, Matthews, McArthur, O'Neill, Titus and Wheeler voting against it. Senator Doñate provided a statement on the record to clarify that the intent is for employers who make an effort to provide access to a mobile vaccination clinic for their employees, located where work is being done and while employees are working, fall under the exemption under Section 1(6).

#### SB310: NV Grow Program (PASSED) — Effective July 1, 2021

SB310, brought forward by Senator Dina Neal, makes an appropriation to the Nevada System of Higher Education and requires the disbursement of certain federal money to assist the NV Grow Program. The Chamber is a long-time supporter and partner in NV Grow as it supports small businesses and start-ups in Southern Nevada. SB310 passed the Senate 21 to 0 and the Assembly 36 to 6.

#### SB386: Right to Return (PASSED) — Effective June 1, 2021 | Expires Aug 31, 2022

The Senate Committee on Commerce and Labor brought this bill forward, which will require certain employers to provide written notices to employees containing information regarding a laid off employee and require the employer to offer job positions back to the laid off employees. After a push from the business community, including the Henderson Chamber of Commerce, asking for a small business exemption of 50 employees or less, the Assembly amended the bill and added an exemption for 30 employees or less. The bill was pushed by the Culinary Union in order to get their members back to work but inadvertently brought in other businesses that are housed in hospitality locations. The bill was voted out to the Senate 12 to 9 with Senators Buck, Goicoechea, Hammond, Hansen, Hardy, Kieckhefer, Pickard, Seevers Gansert and Settelmeyer voting against it. The Assembly voted the bill our 26 to 16 with Assembly members Black, Dickman, Ellison, Hafen, Hansen, Hardy, Kasama, Krasner, Leavitt, Matthews, McArthur, O'Neill, Roberts, Titus, Tolles and Wheeler voting against it.

#### SB420: Public Option (PASSED) — Effective Jan. 1, 2026

SB420, introduced as an emergency measure by Senate Majority Leader Nicole Cannizzaro, provides for the establishment of a public health benefit plan. The bill prescribes certain goals and requirements relating to the plan and requires certain health carriers to participate in a competitive bidding process to administer the plan. It further requires certain providers of health care to participate in the plan, requires the Executive Director of the Silver State Health Insurance Exchange to apply for a federal waiver to allow certain policies to be offered on the Exchange, and requires the establishment of a statewide Medicaid managed care program if money is available. The bill was met with strong opposition from the Henderson Chamber of Commerce as it will have a direct impact on the Association Health Plan provided by the Chamber. Doctors, hospitals, and health insurance providers also came out in heavy opposition of the bill. The concern is that this will create significant barriers to receiving affordable health insurance for many Nevadans, as well as affecting association health plans (AHPs) that many Nevadans rely on for quality care (geographic AHP plans are currently on hold pending a court decision, but should this bill be implemented, AHPs would no longer be available). The bill passed Senate 12 to 9 and the Assembly 26 to 15 with 1 excused.







### CHAMPIONS OF BUSINESS

#### **LEGISLATIVE COMMITTEE (81st Session)**

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**Chuck Mohler** 

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John Wightman

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**Scott Muelrath** 

Henderson Chamber of Commerce

**Amber Stidham** 

Henderson Chamber of Commerce

**Amy Palmeri** 

Henderson Chamber of Commerce

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Carrara Nevada

Isabelle Beaumont-Frenette

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