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## WORK SESSION DOCUMENT

### ASSEMBLY COMMITTEE ON COMMERCE AND LABOR

FRIDAY, MARCH 7, 2003

*The following measures will be considered for action during the work session of Friday, March 7, 2003. Possible amendments are noted; these were either suggested during testimony or submitted in writing and do not necessarily have the approval of the Committee, but are merely compiled here to assist the Committee in its deliberations.*

#### • Assembly Bill 48 (Heard in Committee on 2/26/03—NACT) ¶

*Provides expressly that certain provisions related to labor include persons unlawfully employed. (BDR 53-601)*

The following proposed amendments were discussed during the hearing on this bill:

1. Amend the title of the bill to provide that the bill clarify instead of "providing expressly" that the duties of the Labor Commissioner include the enforcement of certain provisions related to labor without regard to whether a person is lawfully or unlawfully employed.
2. Amend Section 1 to make the provision of this section more generally applicable to all labor laws under the jurisdiction of the Labor Commissioner.
3. Amend Section 4 of the bill, on page 5, line 7, to avoid the use of the word "employer" and to refer instead to contractor or subcontractor.
4. Make the bill effective upon passage and approval.

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Assembly Commerce & Labor  
Date 3/7/03 Room 4100 Exhibit C  
Submitted By: Vana Hughey

C-10F6

• **Assembly Bill 49 (Heard in Committee on 2/17/03—NACT)**

*Revises definition of renewable energy to include waterpower for certain purposes. (BDR 58-920)*

The following amendments to A.B. 49 have been proposed:

1. Assemblymen Griffin, Hardy, and Geddes proposed amending the bill as indicated in Exhibit A (page 6 of this work session document).
2. Assemblyman Knecht suggested that the definition of waterpower be narrowed.
3. Bob Cooper and Timothy Hay, representing the Bureau of Consumer Protection, Office of the Attorney General, proposed amending the bill as indicated in Exhibit B (page 10 of this work session document).

• **Assembly Bill 70 (Heard in Committee on 2/17/03—NACT)**

*Limits certain fees which providers of health services that accept insurance payments may collect from patients. (BDR 40-33)*

Assemblywoman Chris Giunchigliani proposed the following amendments to A.B. 70:

1. On page 1, line 6, insert the word "covered" before the word "health."  
On page 1, line 9, insert the word "covered" before the word "health."

These changes are designed to clarify that balanced billing prohibitions in this bill apply only to health services covered by the written agreement between the practitioner and the insurer.

2. On page 2, delete lines 4 through 9.

The deleted provision on page 2 currently requires that a practitioner or health facility that has not entered into a written agreement to accept payment or reimbursement from an insurer for a particular health service, must, whenever practicable, except in an emergency, inform the patient of that fact before providing that service.

• **Assembly Bill 89 (Heard in Committee on 2/26/03—NACT)**

*Removes exemption for landlords who own and personally manage four or fewer residential dwellings from provisions relating to landlords and tenants. (BDR 10-952)*

There are no proposed amendments to this bill.

• **Assembly Bill 139 (Heard in Committee on 2/24/03—NACT)**

*Makes various changes concerning certain providers of utility service. (BDR 58-494)*

The following amendments to A.B. 139 have been proposed:

1. Timothy Hay, Bureau of Consumer Protection, Office of the Attorney General, submitted a letter on behalf of Attorney General Brian Sandoval (Exhibit C on page 11 of this work session document), which states that he reviewed the agreement between Desert Inn Improvement Company (DIIC) and Desert Inn Country Club Estates. According to Mr. Hay, the homeowners would have adequate remedy under the contract if DIIC should fail to meet its obligations.
2. Chairman Goldwater proposed that the bill be amended as follows:

Provide that, in an action to enforce the terms of an agreement to furnish water or dispose of sewage, if the customer is the prevailing party he is entitled to reasonable attorney fees and court costs if the agreement is between:

  - (a) A business exempted from the definition of "public utility" pursuant to subsection 3 of Section 1 of the bill; and
  - (b) A customer of that business.
3. Assemblywoman Buckley asked Fred Schmidt, representing Valvino Lamore LLC, to work with the Public Utilities Commission of Nevada (PUCN) to determine whether a hybrid regulatory scheme could be developed that would satisfy the needs of both DIIC and the Desert Inn Country Club Estates.

Mr. Schmidt offered the following proposed amendment to exempt certain water utilities from PUCN oversight of various financial requirements and changes in control. He indicated that this proposal is acceptable to the PUCN and the DIIC.

Replace Sections 1, 2, and 5 of A.B. 139, renumber Section 6, and add a new section as follows to Chapter 704 of NRS:

The provisions of NRS 704.322 to 704.326, inclusive, NRS 704.329, and NRS 704.668 shall not apply to persons engaged in the business of furnishing, for compensation, water or services for the disposal of sewage, or both, to persons within this state if:

- (a) They serve 15 persons or less; and
- (b) They operate in a county whose population is 400,000 or more.

Included as Exhibit D on page 18 of this work session document are copies of the sections of NRS referenced in this proposed amendment

4. Judy Stokey and Kathleen Drakulich, representing Sierra Pacific/Nevada Power, proposed the following amendments (see Exhibit E on page 21 of this work session document).
  - A. Allow a customer that is currently purchasing energy, capacity, or ancillary services from a provider of new electric resources and who decides to switch providers, to not have to repeat the application process. (Page 23 of this work session document.)
  - B. Add a provision that the PUCN would establish a new regulation outlining compliance of the customer. (Page 24 of this work session document.)
  - C. Add a provision that if an eligible customer complies with the PUCN regulation sooner than the 180-day waiting period, the customer is allowed to leave the system. (Page 26 of this work session document.)
5. Susan Fisher, representing Barrett Gold Strike Mines, proposed that the time allowed for the entry of a final order for an application relating to the sale of energy (currently included on page 5, Section 3, line 27 of the bill) remain at 90 days.
6. Stephanie Swain, resident of Desert Inn Country Club Estates, suggested that the Committee either:
  - A. Take no action on A. B. 139; or
  - B. Amend the bill such that it only increases the time allowed for the entry of a final order for an application relating to the sale of energy (currently included on page 5, Section 3, line 27 of the bill).

• **Assembly Bill 145 (Heard in Committee on 2/24/03—NACT)**

*Revises procedure for distribution of assessments collected on behalf of Consumer's Advocate of Bureau of Consumer Protection in Office of Attorney General. (BDR 58-486)*

Dave Noble, representing the Public Service Commission of Nevada, requested that the bill be amended to make it effective July 1, 2003.

Assembly Committee on Commerce and Labor  
WS-307

C50F6



**ADDENDUM TO THE  
WORK SESSION DOCUMENT  
ASSEMBLY COMMITTEE ON COMMERCE AND LABOR  
FRIDAY, MARCH 7, 2003**

**• Assembly Bill 49 (Heard in Committee on 2/17/03—NACT)**

*Revises definition of renewable energy to include waterpower for certain purposes.  
(BDR 58-920)*

Assemblyman Knecht proposed that for purposes of NRS 704.7811 waterpower be defined as follows:

Waterpower is any method of generating electricity using a turbine or wheel arrangement in which the working fluid is water in its liquid form driven by the effect of gravity.

Assembly Committee on Commerce and Labor  
WS-307a