

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

**Seventy-Fifth Session  
April 8, 2009**

The Committee on Commerce and Labor was called to order by Chairman Marcus Conklin at 1:49 p.m. on Wednesday, April 8, 2009, in Room 4100 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 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.leg.state.nv.us/75th2009/committees/](http://www.leg.state.nv.us/75th2009/committees/). In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: [publications@lcb.state.nv.us](mailto:publications@lcb.state.nv.us); telephone: 775-684-6835).

**COMMITTEE MEMBERS PRESENT:**

Assemblyman Marcus Conklin, Chairman  
Assemblyman Kelvin Atkinson, Vice Chairman  
Assemblyman Bernie Anderson  
Assemblyman Morse Arberry Jr.  
Assemblywoman Barbara E. Buckley  
Assemblyman Chad Christensen  
Assemblywoman Heidi S. Gansert  
Assemblyman Ed A. Goedhart  
Assemblyman William C. Horne  
Assemblywoman Marilyn K. Kirkpatrick  
Assemblyman Mark A. Manendo  
Assemblywoman Kathy McClain  
Assemblyman John Ocegüera  
Assemblyman James A. Settelmeyer

**COMMITTEE MEMBERS ABSENT:**

None

**GUEST LEGISLATORS PRESENT:**

Assemblywoman Peggy Pierce, Clark County Assembly District No. 3  
Senator David Parks, Clark County Senatorial District No. 7  
Assemblyman Jerry D. Claborn, Clark County Assembly District No. 19

**STAFF MEMBERS PRESENT:**

Dave Ziegler, Committee Policy Analyst  
Dan Yu, Committee Counsel  
Andrew Diss, Committee Manager  
Earlene Miller, Committee Secretary  
Sally Stoner, Committee Assistant

**OTHERS PRESENT:**

Elizabeth MacMenamin, representing the Retail Association of Nevada,  
Carson City, Nevada  
Lea Tauchen, representing the Retail Association of Nevada, Carson City,  
Nevada  
Peter Maheu, Managing Member, Global Intelligence Network, and  
representing the Nevada Society of Professional Investigators,  
Las Vegas, Nevada  
Mike Kirkman, Owner, Las Vegas Detectives, and representing the  
Nevada Society of Professional Investigators, Las Vegas, Nevada  
Bob Varallo, Vice President, Nevada Association of Manufactured Home  
Owners, Inc., Las Vegas, Nevada  
Doris Green, President, Nevada Association of Manufactured Home  
Owners, Inc., Las Vegas, Nevada  
Karl Braun, Private Citizen, Las Vegas, Nevada  
Michael Phillips, representing Manufactured Home Community Owners'  
Association, Las Vegas, Nevada  
Marolyn Mann, Executive Director, Manufactured Home Community  
Owners' Association, Las Vegas, Nevada  
Larry Schnell, Owner, Lone Mountain Mobile Home Park, Carson City,  
Nevada  
Frank Kujac, Owner, Mobilair Park, Reno, Nevada  
Jeanne Parrett, Manager, El Dorado Estates, Las Vegas, Nevada  
Scott Sabraw, representing Panther Valley RV Park, Reno, Nevada  
John E. Jeffrey, representing the International Union of Operating  
Engineers Local #12 and Local International Union of North  
America #872, Henderson, Nevada

Danny Thompson, representing the Nevada State AFL-CIO, Henderson, Nevada

Louis Loupias, Journeyman and Apprenticeship Training Coordinator, Southern Nevada Operating Engineers, Las Vegas, Nevada

Shawn Kinsey, Business Representative, Operating Engineers Local #12, Las Vegas, Nevada

Gary E. Milliken, representing the Associated General Contractors, Las Vegas Chapter, Las Vegas, Nevada

Berlyn Miller, representing the Nevada Contractors Association, Las Vegas, Nevada

Steve Rank, representing Ironworker Management Progressive Action Cooperative Trust Insurance Carriers, Sacramento, California

Ralph Shindler, Chief Executive Officer, Reno Iron Works, Reno, Nevada

Daniel J. Costella, Business Agent, International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers, AFL-CIO Local Union #18, Sparks, Nevada

Mary Cameron, Carson City, Chair, Certified Court Reporters' Board of Nevada, Las Vegas, Nevada

Mark Taylor, Assistant State Controller, Office of the State Controller

Larry Mosley, Director, Department of Employment, Training and Rehabilitation

**Chairman Conklin:**

[Roll called and meeting started as a subcommittee.] I will open the hearing on Assembly Bill 430.

**Assembly Bill 430:** Prohibits certain activity regarding unsafe cribs and other children's products. (BDR 52-464)

**Assemblywoman Peggy Pierce, Clark County Assembly District No. 3:**

This bill has to do with making sure our children are safe. We have toys, furniture, and everything else being imported, including from China. Some of it is wonderful and some may not be. This bill aims to help in the effort to make sure that our children are safe. This is a partnership between Senator David Parks and me.

**Senator David Parks, Clark County Senatorial District No. 7:**

Assembly Bill 430 is a bill that ended up with a fiscal note. A few years back, a retailer in southern Nevada was informed that he had car seats that were being recalled and were not repairable. They were given instructions to return the car seats to the warehouse. The seats were given to a nonprofit thrift store. This bill intends to make sure that if you are a retailer or a reseller like a thrift store, you have an obligation to verify whether there is a recall on an item.

We had hoped for some assistance through the Consumer Advocate of the Attorney General's Office. We did not anticipate a long fiscal note would be put on the bill. Hence, I do not see that it is necessary to include the involvement of the Attorney General's Office and the Consumer Advocate.

Usually the United States Consumer Product Safety Commission puts out a four-page document when they recall a product. This one talks about Stork Craft recalling more than 500,000 cribs because failure of the mattress support bracket creates risk of entrapment and suffocation. These things are readily available. The University of South Carolina has a service that puts out a list of all items that are recalled. It lists a manufacturer, a model name, a model number, the dates the product was manufactured, and the type of problem or the consumer action needed for the repair of the product. There are a number of other services like this including WalletPop which is a subscription service. They track what is being recalled and provide it as a service to retailers or resellers. When it is a subscription, a major chain would have it at its corporate level where they screen for recalls.

In addition to those services, the manufacturers have toll-free numbers to contact them about recalls. There are all kinds of processes in place, so I do not think we need section 8 of the bill. Sections 9 through 17 were not something that I had requested to be in the bill, but they include part of the federal Infant Crib Safety Act. I presume that Legal staff saw that there was a sufficient need to include that in this bill.

**Chairman Conklin:**

Are there any questions from the Committee? [There were none.]

**Assemblyman Settlemeyer:**

What section are you deleting?

**Senator Parks:**

It would be section 8 on page 4, lines 9 through 22. If the Attorney General's Office wants to be a resource to retailers and resellers, I certainly have no problem. To go to the extent they did on the fiscal note seems to be a lot of overkill given what is already in place.

**Assemblyman Settlemeyer:**

Does this apply to garage sales and thrift stores too?

**Senator Parks:**

It includes anyone who is a retailer of a new or used product intended for children under age 12. They have to make sure it is a safe product. I am

assuming a yard sale would not be included, but if somebody bought a product at a yard sale, it would be wise for them to check to see that there is no recall on it.

**Assemblyman Settlemeyer:**

I would like to have Legal look at that.

**Chairman Conklin:**

Mr. Yu, do you have any idea whether a garage sale would be included under the definition of retail sales?

**Daniel Yu, Committee Counsel:**

The bill would not include that within the scope of the definition.

**Chairman Conklin:**

Are there any questions from the Committee? [There were none.] Is there anyone else to testify in support of A.B. 430? [There was no one.] Is there anyone opposed to A.B. 430?

**Elizabeth MacMenamin, representing the Retail Association of Nevada, Carson City, Nevada:**

We support the concept of this bill, but have some concerns about how it is written. We do not oppose safe products being distributed by our members. We are concerned with the deceptive trade practice component. There is no good faith provision within this language for the sale of a product after the recall. If you place an ad in the newspaper to sell a crib, the ad may go out before a recall is noticed. The way we interpreted the language, it looks like you would still be found guilty of a deceptive trade practice for offering this product for sale. Although our members are diligently trying to comply with all of the federal laws and recalls that happen, sometimes there may be a time frame difference where at 8 o'clock a recall is noticed, the retailers do not receive it, something is sold at 8:15, and technically they would be guilty of a deceptive trade practice.

We would be glad to work with the bill sponsors to make this something we can all live with.

**Chairman Conklin:**

Can you point me to the specific section or language that you are concerned with?

**Lea Tauchen, representing the Retail Association of Nevada, Carson City, Nevada:**

Section 18 concerns the deceptive trade practice and references section 7. Section 7 states that "A retailer shall not advertise, sell or offer for sale, lease, sublet or otherwise distribute a children's product. . . ." The point is that our retailers have policies and procedures in place to deal with recalls and notify their customers when a recall has been noticed. We are seeking a good faith provision to allow time from when the recall is put in place to when the product is removed from the stream of sale.

**Chairman Conklin:**

Are there any questions from the Committee? [There were none.] Is there anyone else to testify in opposition to A.B. 430? [There was no one.] Is there anyone to speak from a neutral position? [There was no one.] Staff thinks there is an easy remedy for this on page 8, line 4, which is to include the word "knowingly." I will have the parties work on that. I need to know before Friday. We will close the hearing on A.B. 430.

We will open the hearing on Assembly Bill 490.

**Assembly Bill 490:** Revises certain qualifications for the licensure of private investigators. (BDR 54-1102)

**Peter Maheu, Managing Member, Global Intelligence Network, and representing the Nevada Society of Professional Investigators, Las Vegas, Nevada:**

I am President of the Nevada Society of Professional Investigators. We are here to express our support for this bill. We introduced this bill because we felt the definition of private investigator needed to be better defined. We consider our profession to be one of great importance to the state and the citizens of the State of Nevada. We felt the definition of private investigator was unclear as to who could be licensed. We strongly support the bill as written.

**Vice Chairman Atkinson:**

Is there anyone else wishing to testify in favor of the bill?

**Mike Kirkman, Owner, Las Vegas Detectives, and representing the Nevada Society of Professional Investigators, Las Vegas, Nevada:**

I am the Vice President of the Nevada Society of Professional Investigators. I have been in this industry for 40 years, and there is a need to clarify the qualifications for someone to be licensed as an investigator. Therefore, I strongly urge you to support this bill.

**Vice Chairman Atkinson:**

Are there any questions from the Committee? [There were none.]

**Peter Maheu:**

We have a group of approximately ten independent private investigation companies that have signed in and indicated on the sign-in sheet that they are in support of the bill but will not testify because of today's lengthy schedule.

**Chairman Conklin:**

Could you tell us why you want the changes in section 1, subsection 2, paragraph (a), subparagraphs (1), (2), (3), (4), and (5)?

**Peter Maheu:**

Our Society of Professional Investigators has noticed that some people who have been granted private investigator licenses do not have the qualifications that we consider necessary, including the experience to properly conduct investigations. In one case, a woman who ran credit reports at a casino was given 10,000 hours of credit for her experience and given a private investigator's license because they considered her experience with running credit checks at a casino as investigative experience. We felt that was an inadequate use of that statute for the safety of the people of Nevada. We had a fireman who was granted a private investigator's license without the proper experience, and there are many other examples. We feel there are too many holes in the statute to ensure that qualified individuals are licensed and not people who are "skating the edge."

**Chairman Conklin:**

Is it possible that you are doing this to limit competition? The fireman may not be the best private investigator for stolen property, but he may be the best for arson cases. Does your licensing limit people to a field in which they have experience, or can they do anything?

**Peter Maheu:**

I used arson specifically because there is a section that allows a person who has done arson investigations to have those hours count. We are not trying to eliminate anyone. We are trying to make sure individuals who are licensed as private investigators have the experience as private investigators or as government investigators to conduct proper investigations. I own the largest mystery shopping company in the State of Nevada. Our company is controlled by the Private Investigators Licensing Board. A lot of the actions that my shoppers take result in people losing jobs, being written up by their supervisors, and being at high risk of having negative actions taken against them as employees. We monitor that and should have to monitor that. We feel the

Legislature should want to make sure that the people we employ report to someone responsible enough to make sure their reports are accurate and truthful. We affect a lot of lives in the State of Nevada. We feel the statute was unclear.

**Chairman Conklin:**

Are there any questions from the Committee? [There were none.]

**Assemblyman Settlemeyer:**

This will not affect anyone who is currently holding a license and will affect only new licensees?

**Peter Maheu:**

That is correct.

**Chairman Conklin:**

Are there any questions from the Committee? [There were none.] Is there anyone else wishing to get on the record in support of the bill? [There was no one.] Is there anyone opposed to the bill? [There was no one.] Is there anyone wishing to testify from a neutral position? [There was no one.]

**Peter Maheu:**

The Private Investigators Licensing Board did not oppose this bill.

**Chairman Conklin:**

I will close the hearing on A.B. 490. We will probably hear it during work session on Friday. I will open the hearing on Assembly Bill 423.

**Assembly Bill 423:** Makes various changes relating to manufactured home communities. (BDR 10-1026)

**Assemblyman Mark Manendo, Clark County Assembly District No. 18:**

My first session was in 1995, and we started a mobile home caucus. Some of the members, including Assemblywoman Buckley, former Assemblywoman Genie Ohrenschall, Assemblyman James Ohrenschall, and I remain on the caucus. We have been working for many years on various pieces of legislation. We have made great strides to give homeowners rights and protections. Many of us who represent these communities hear a wide variety of issues, but the one that always seems to come up is the topic of rents. The reason is that we have communities of predominantly retired people on fixed incomes.



The Nevada Association of Manufactured Homeowners (NAMH) has asked me to sponsor this piece of legislation on their behalf. Their hard work and dedication to the welfare of their resident homeowners is largely responsible for many of the pieces of legislation in Chapter 118B of the *Nevada Revised Statutes*. The association consists of outstanding volunteers, and I have been a member of the organization for 19 years even though I do not live in such a community.

There are park owners who have acted responsibly in their rent increases, and the mock-up of the amended bill ([Exhibit C](#)) should not impact them at all. It is the exorbitant rent increases that are the cause of concern.

**Chairman Conklin:**

Are you going to work from the mock-up, not the bill?

**Assemblyman Manendo:**

That is correct.

**Bob Varallo, Vice President, Nevada Association of Manufactured Home Owners, Inc., Las Vegas, Nevada:**

This bill is being presented on behalf of our members. For thirteen consecutive sessions, our organization has submitted some form of rent justification bill, fair rent bill, or rent equalization bill. In the last session, we did not have such a bill, and our members have urged us to get back into the issue of rent. We understand that the landowner has a right to make a profit and should do so. We know that the rent increases which average once per year are usually reasonable, but there are some exorbitant rent increases.

On page 1 of the mock-up, lines 4, 5, and 6 are self-explanatory. On page 2, in section 5, the definition for rent should include the word "lot" after "manufactured home."

Section 5.5 in the mock-up is the heart of the bill. On page 7, lines 39 and 40 were erroneously deleted and should be added back in. They are an existing part of Chapter 118B of NRS.

**Chairman Conklin:**

Are there any questions from the Committee? [There were none.]

**Doris Green, President, Nevada Association of Manufactured Home Owners, Inc., Las Vegas, Nevada:**

Our association was established 36 years ago as a nonprofit organization to help owners of a manufactured home that is situated on a rented lot in a

land lease community. We have a state board of volunteers who represent manufactured home communities all over the State of Nevada. There have not been any new communities built in Clark County since 1999. Therefore, there is no competition for community owners and no competition in the marketplace. On average, the lot rents are increased once per year. After rents reach a certain level, widows or widowers whose available funds have decreased by the death of a spouse, and people who retired long ago at a much lower pension than more recent pensioners, find they are unable to meet their monthly expenses and are left to prioritize and make choices between paying their rent, purchasing needed medications and food, or paying utility bills.

In too many cases, some are forced to walk away from their homes. Community owners can then obtain homes cheaply from desperate people and resell or rent them. There has been an increasing trend toward renting instead of selling over the past few years. The opinion of homeowners, especially in the communities for people over 55 years of age, is that renters do not show the pride in their homes that homeowners do. Thus, we see a deterioration of the state of the homes in the community and a decline in the quality of one's lifestyle. We ask for your favorable consideration of A.B. 423. We believe if lot rents are tied to the Consumer Price Index, rent increases would be more favorable to many needy residents and should be acceptable to the community owners. The Senior Coalition has issued a document that they are fully in favor of this bill.

**Vice Chairman Atkinson:**

Are there any questions from the Committee? [There were none.]

**Assemblyman Manendo:**

I appreciate the Committee's listening to our testimony.

**Vice Chairman Atkinson:**

Is there anyone else to testify in favor of the bill?

**Karl Braun, Private Citizen, Las Vegas, Nevada:**

I am a past president of NAMH. I was on the board of directors of the Manufactured Home Communities of America, a national organization. I currently serve as a member of the Manufactured Housing Consensus Committee, a subcommittee of the United States Department of Housing and Urban Development.

I moved to Nevada in 1995 into a manufactured home in a lease community and I like it. The greatest evil I have seen in the past 14 years is when a park owner determines he is going to close his park and convert the land to another use.

When that happens, he is responsible to pay the cost to move the residents to another park. Currently, that would cost about \$10,000 to \$12,000 per home. Park owners who are planning to convert their land try to reduce the number of residents in their parks so it does not cost so much when they close it. One example is Tahoe Shores, a park at Lake Tahoe. I believe the rents went up about \$250 per month in less than three years. I have seen it in several parks in Las Vegas. The tenants of Cactus Ridge are still fighting to try to remain in that park. Their rents have increased dramatically. Passage of this bill would at least afford a stopgap in that kind of action.

**Chairman Conklin:**

Are there any questions from the Committee? [There were none.] Is there anyone else in support of A.B. 423? [There was no one.] Is there anyone in opposition to the bill?

**Michael Phillips, representing Manufactured Home Community Owners' Association, Las Vegas, Nevada:**

We are opposed to rent control in any form. This afternoon was the first time we saw a copy of the amendment.

**Marolyn Mann, Executive Director, Manufactured Home Community Owners' Association, Las Vegas, Nevada:**

We represent 16,000 spaces or about 65 percent of the manufactured home communities in Nevada. We oppose A.B. 423 because we believe that whenever you stipulate at what price a free enterprise entrepreneur must sell his goods, this is price control. When the entrepreneur's product is rental real estate, it is rent control, and it is the taking of our property rights. We also believe that obligating one group of private citizens to assume the public burden to subsidize another group is wrong. There have been no out-of-line rent increases to warrant such a drastic move as imposing rent control in Nevada. This bill is going to hurt the very people it is supposed to help as it would condemn the residents to live in a downward spiral of deterioration as owners would be forced to defer maintenance because they would not be allowed to charge enough rent to recover those costs.

I would like to remind you that Nevada's mobile home parks have a sound landlord-tenant law, a good program of owner-manager continuing education, and a proven rental assistance program. These are tough economic times, but they are for the park owners as well.

**Chairman Conklin:**

Are there any questions from the Committee? [There were none.]

**Larry Schnell, Owner, Lone Mountain Mobile Home Park, Carson City, Nevada:**

I am here to speak out against A.B. 423 and its amendment. Historically rent controls create more problems than they solve. I have provided each of you with a handout ([Exhibit D](#)) to help establish that in your minds. We do not need more legislation to fix a problem which may not really exist. For those tenants who sincerely and honestly need financial support, our state already has a system in place. We are the only western state to have this. It is called the Lot Rent Subsidy Program. It is funded by every mobile home park owner doing business in this state. It is administered by the Manufactured Housing Division. Tenants qualify for this program on the basis of net worth and income. In its original form A.B. 423's qualifications for subsidy were based on income without regard to net worth. The revised proposal that ties rent increases to the Consumer Price Index (CPI) has some problems too.

Many mobile home parks do not bill separately for utilities. We include them in the base rent. We pay for hazard insurance on the infrastructure, liability insurance for occurrences within the park, electricity for street lights and common areas, garbage, water, sewer, property taxes, and the amenities in the park. Many of these costs rise faster than the CPI. The amended version of A.B. 423 attempted to simplify things a bit, but section 5, subsection 2, excludes those utilities that are separately metered and billed to the tenants. This would create disparity between parks like mine, which do not bill utilities separately, and parks that do. I do not think there is any need to clean up the wording and level the playing field; it would be far easier to vote no on this.

**Chairman Conklin:**

Are there any questions from the Committee? [There were none.]

**Frank Kujac, Owner, Mobilaire Park, Reno, Nevada:**

I have been a park owner since 1974 and a licensed real estate broker since 1971.

I just received the mock-up a few minutes ago. [Read from prepared statement ([Exhibit E](#)).]

I am a member of the Manufactured Home Community Owner's Association, and today I am told that we have paid approximately \$5.5 million for subsidies to the elderly.

As coincidence would have it, yesterday's *Reno Gazette-Journal* business section had a headline which said, "Recession Undoes Rentals." It said that there were rising vacancies and falling rent markets in the first quarter in the area's apartment industry which continues to feel the effects of burgeoning

unemployment, the housing market meltdown, and tough economic times. The vacancy rate for Reno and Sparks apartments was 10.87 percent in January. This addressed the apartment community in particular, but it also represented all rentals. The survey addressed 69 rental projects with 17,894 units and did not include low income, student, and senior housing projects. The economy is in terrible shape, and the county's unemployment rate is also high. Increasing vacancies and declining rents are the classic signs of a down market for the apartment sector. Vacancy rates have gone up for seven straight quarters in the Reno metropolitan area.

**Chairman Conklin:**

I am going to stop you here.

**Frank Kujac:**

My father told me "a wrong thing can never be done right." That is what this looks like it is trying to do. Any rent control is not right.

**Chairman Conklin:**

Are there any questions from the Committee? [There were none.]

**Assemblyman Goedhart:**

In the case where you had rent control that would arbitrarily diminish your ability to earn a rate of return on a property, could that have the unintended consequence of causing more mobile home parks to go out of business, sell the land for different types of development projects, and therefore, diminish the amount of affordable housing?

**Frank Kujac:**

I do not believe it would.

**Assemblyman Manendo:**

Why do you think that over the past 20 years there has been a steady increase in people actually losing their homes because they cannot afford the rent? We have a community in my district in which about 50 of the 300 units are either vacant, taken over by the park and rented, or up for sale because the owners cannot afford to live there anymore. Why do you think there has been a steady uprising of people wanting to leave a community such as yours?

**Frank Kujac:**

I have not found that to be true.

**Assemblyman Manendo:**

I know there is a different situation between Las Vegas and northern Nevada. How many spaces do you have?

**Frank Kujac:**

I have one with 47 spaces and one with 11 spaces.

**Assemblyman Manendo:**

You would probably not see this.

**Frank Kujac:**

You said it was predominantly affecting people aged 55 and older. That is not what I am seeing.

**Jeanne Parrett, Manager, El Dorado Estates, Las Vegas, Nevada:**

This is a free market society. Government regulation of prices a merchant can charge is considered a constraint of free trade. When a product is offered at a fair price, people will buy that product if it fits their needs and their budget. Our mobile home parks are our product. The government should not be in charge of how a merchant prices their product. The people should be in charge of what they buy. On behalf of my owners, I stand in opposition to this bill.

**Scott Sabraw, representing Panther Valley RV Park, Reno, Nevada:**

I concur with all opposing views. This is just opening the door to rent control not only here, but on every rental property in Nevada. Nevada is not about rent control. It is about free enterprise. These things will work themselves out. A few bad apples are not going to spoil the bunch.

**Chairman Conklin:**

Are there any questions from the Committee? [There were none.] Is there anyone wishing to testify from a neutral position? [There was no one.] I will close the hearing on A.B. 423.

[Dennis and Doreen Mulcahey submitted a letter in opposition ([Exhibit F](#)).]

[Karen Werner submitted a letter in opposition ([Exhibit G](#)).]

[Richard Delaney submitted a letter in opposition ([Exhibit H](#)).]

We will go to the work session on Assembly Bill 144.

**Assembly Bill 144**: Revises various provisions relating to loans secured by liens on real property. (BDR 54-89)

**Dave Ziegler, Committee Policy Analyst:**  
[Read from work session document ([Exhibit I](#)).]

**Chairman Conklin:**

This bill is probably a pretty good step forward. There was no opposition to the bill. It works well with Assembly Bill 513 and Assembly Bill 486 which we will also take up today. Are there any questions on the mock-up?

**Assemblyman Arberry:**

Please note where it says "provides that the annual examination of a mortgage broker may be opened to the public after a period of time set by the Commissioner. . . ." What does that mean? Does it mean that a mortgage broker's books will be opened to anyone that decides they want to take a look at them?

**Dave Ziegler:**

On page 4 of the mock-up, in section 3, subsection 2, paragraph (c), the bill establishes the standards for making records open to public inspection. The bill says the records are open for public inspection; however, there are three conditions on which they can be withheld: if they would impede or otherwise interfere with an investigation or examination; if they would have an undesirable effect on the welfare of the public; or if they would reveal personal information in violation of *Nevada Revised Statutes* 239B.030.

**Assemblyman Arberry:**

My concern is how that will be determined. Anyone can look at your records.

**Chairman Conklin:**

If you look on page 4, line 18, it says, "the Commissioner may withhold from public inspection or refuse to disclose to a person, for such time as the Commissioner considers necessary. . . ." I wonder if all of those things listed protect from the types of things about which you are concerned.

**Assemblyman Arberry:**

Thank you.

**Assemblyman Anderson:**

My concerns have been addressed. Thank you.

**Assemblyman Arberry:**

I will disclose that I am a mortgage broker, and I will not be voting on this issue, but it will not affect me differently from anyone else.

**Chairman Conklin:**

Does anyone else need to disclose? [No one did.] Are there any other questions or concerns on the mock-up? [There were none.]

ASSEMBLYWOMAN MCCLAIN MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 144.

ASSEMBLYMAN MANENDO SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN ARBERRY ABSTAINED  
AND DID NOT VOTE ON THE BILL.)

We will open the hearing on Assembly Bill 208.

Assembly Bill 208: Revises provisions governing certification of crane operators. (BDR 53-114)

**Assemblyman Jerry D. Claborn, Clark County Assembly District No. 19:**

This bill is a construction safety bill and was passed into law in 2005. Unbeknownst to me, there was a sunset clause that went into effect in January of 2007 and deleted the requirement for certification regarding crane operators, which included a certain amount of crane-related experience as well as a set number of prior training hours. We are here today to correct this safety problem which is happening in Las Vegas and the State of Nevada.

**John E. Jeffrey, representing the International Union of Operating Engineers Local #12 and Local International Union of North America #872, Henderson, Nevada:**

The bill is set out in the Legislative Counsel's Digest. There is a grandfather clause that anyone who holds a certification can continue to operate until the new law goes into effect in July of 2011. It gives everyone two years to meet these requirements. There is a provision which allows trainees to operate cranes but only under the direct supervision of a certificate holder who is within sight and in communication. They will have to recertify every five years. This is a safety issue.

**Chairman Conklin:**

Are you speaking to the bill, or is there a mock-up?



**John Jeffrey:**

There is a mock-up ([Exhibit J](#)) which contains the amendment.

**Danny Thompson, representing the Nevada State AFL-CIO, Henderson, Nevada:**

This is in response to a situation that was created when a sunset provision was put on the tower crane bill that we agreed to last session. It took out the seat-time requirement so people are able to go out of state now and in 40 hours obtain a certification as a tower crane operator. We have had situations where someone went to another state, actually sat in the seat for four hours, and was dispatched to a very large project on a 60-some-story tower crane. He was not qualified. Because they were certified, but did not have the seat time, it put the residents of Nevada in a very precarious situation. When a tower crane fails it not only falls on the people on the job, but it could fall across the freeway or street. The situation that occurred last year in New York was the exact same thing. Someone was not qualified in that seat. I do not think there is any opposition to this bill.

**Chairman Conklin:**

Are there any questions from the Committee? [There were none.]

**Assemblyman Ocegura:**

From my professional view as a firefighter, we extensively studied these last couple of crane collapses. They do not just fall. The one in New York disintegrated the building it fell on. It is a major deal when someone does not know what they are doing on one of these cranes.

**Assemblyman Anderson:**

In the State of Nevada, are we trying to set a higher standard so the public here are protected to a higher level than elsewhere?

**John Jeffrey:**

The others present can better answer that question.

**Louis Loupias, Journeyman and Apprenticeship Training Coordinator, Southern Nevada Operating Engineers, Las Vegas, Nevada:**

We do the training at the training site. [Read from prepared statement ([Exhibit K](#)).]

**Chairman Conklin:**

Did that answer your questions Mr. Anderson?

**Assemblyman Anderson:**

I wanted to reassure myself that we were setting a higher standard in Nevada, as compared to the standards accepted elsewhere, and not creating something out of the ordinary.

**Louis Loupias:**

That would make Nevada one of the toughest crane licenses in the United States.

**John Jeffery:**

The program that is being used in Las Vegas is soon to be used around the country. There is talk about a national crane licensure; in the meantime this will do the job.

**Chairman Conklin:**

Are there any questions from the Committee? [There were none.]

**Shawn Kinsey, Business Representative, Operating Engineers Local #12,  
Las Vegas, Nevada:**

We are in support of this bill.

**Chairman Conklin:**

Are there any questions from the Committee? [There were none.] Are there any questions about the mock-up of A.B. 208? [There were none.] Is there anyone else to speak in support of the bill?

**Gary E. Milliken, representing the Associated General Contractors,  
Las Vegas Chapter, Las Vegas, Nevada:**

We worked on this bill with Assemblyman Claborn during the interim and on the original bill. We are definitely in favor of this and especially the requirement for crane-related experience.

**Chairman Conklin:**

Are there any questions from the Committee? [There were none.]

**Berlyn Miller, representing the Nevada Contractors Association, Las Vegas,  
Nevada:**

We are here in support of A.B. 208. There is no substitute for experience. When we initially put in the crane certification, it was never our intent to not require in-seat experience.

**Chairman Conklin:**

Are there any questions from the Committee? [There were none.] Is there anyone else wishing to testify in support of this bill? [There was no one.] Is there anyone opposed? [There was no one.] Is there anyone in the neutral position on A.B. 208? [There was no one.]

**Assemblyman Ocegüera:**

I know a lot of work was done on this during the interim, and it appears everyone is happy with the bill.

**Chairman Conklin:**

I would accept that motion. Are there any questions or concerns? [There were none.]

ASSEMBLYMAN OCEGUERA MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 208.

ASSEMBLYMAN HORNE SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Assemblyman Claborn will take this to the floor.

We will go to the work session on Assembly Bill 281.

[Assembly Bill 281](#): Makes various changes concerning workers' compensation.  
(BDR 53-57)

**Dave Ziegler, Committee Policy Analyst:**

[Read from work session document ([Exhibit L](#)).]

The proposed amendments in the mock-up were worked out between the Professional Fire Fighters of Nevada and others who testified at the hearing. The amendments are found on pages 4 and 5 of the mock-up.

**Chairman Conklin:**

Are there any questions from the Committee? [There were none.]

**Assemblyman Settlemeyer:**

On page 5, line 22, concerning the concept of not letting new information come in at the hearing, why was that included?

**Assemblyman Conklin:**

There was some testimony from Mr. Ross on this bill and some compromise. This language allows enough time for the free exchange of information before a case actually goes before the appeals judge. This is the compromise language the parties agreed to after the hearing.

**Vice Chairman Atkinson:**

Are there any questions from the Committee? [There were none.]

ASSEMBLYMAN ANDERSON MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 281.

It has been moved to amend and do pass as per the mock-up.

ASSEMBLYWOMAN MCCLAIN SECONDED THE MOTION.

**Assemblyman Ocegueda:**

I will disclose that I am a professional firefighter, but I do not think this bill will affect me any differently than any other firefighter, so I will vote.

THE MOTION PASSED UNANIMOUSLY.

**Chairman Conklin:**

We will open the work session on Assembly Bill 472.

[Assembly Bill 472](#): Revises provisions concerning the collection of credit card debt. (BDR 8-1137)

**Dave Ziegler, Committee Policy Analyst:**

[Read from work session document ([Exhibit M](#)).]

The amendments are seen at the beginning of the bill on page 1 and in a new section of the bill toward the end on the bottom of page 2.

**Chairman Conklin:**

This gets at the issue of proof prior to a default judgment. Mr. Alfredo Alonso and Mr. William Uffelman had concerns which I believe have been alleviated. This would be consensus language from the parties who had concerns at the hearing. Mr. Ernest Nielsen said he was in agreement. Are there any questions from the Committee? [There were none.]

**Assemblywoman Buckley:**

Is the term "financial institution" defined somewhere else under *Nevada Revised Statutes* (NRS)?

**Dave Ziegler:**

It is defined in this same chapter.

**Assemblywoman Buckley:**

Do you know what the definition is?

**Dave Ziegler:**

I do not know it from memory, but the language provided as the consensus amendment did refer to the exact section. When we prepared the mock-up, that exact section was immediately adjacent to the section that this amends, so I did not feel the cross-reference was necessary.

**Assemblywoman Buckley:**

Are there any financial institutions that purchase debt?

**Chairman Conklin:**

The definition is in NRS 97A.080. It says a "financial institution" is defined to mean:

1. A bank, commercial bank or banking corporation as defined in NRS 657.016;
2. A banking institution which is authorized to issue credit cards pursuant to federal or state law;
3. A banking subsidiary owned by a bank holding company pursuant to 12 U.S.C. §1841, or by a savings and loan holding company pursuant to 12 U.S.C. §1467a (a)(1)(D); and
4. Any other federally regulated banking institution.

**Assemblywoman Buckley:**

You would not get licensed as a bank and go through all of that if you were only collecting debt. I think the mock-up is good, and I will make a motion.

**Chairman Conklin:**

I will accept the motion.

ASSEMBLYWOMAN BUCKLEY MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 472.

ASSEMBLYMAN OCEGUERA SECONDED THE MOTION.

Are there any questions on the motion? [There were none.]

THE MOTION PASSED UNANIMOUSLY.

We will open the hearing on Assembly Bill 410.

**Assembly Bill 410: Makes various changes concerning workers' compensation.  
(BDR 53-90)**

**Assemblyman Jerry D. Claborn, Clark County Assembly District No. 19:**

This is an act relating to industrial insurance allowing the provisions of certain collective bargaining agreements to supersede various statutory provisions relating to the industrial insurance.

**Danny Thompson, representing the Nevada State AFL-CIO, Henderson, Nevada:**

For years we have talked about a workers' compensation collectively bargained system. There have been bills in the past that did not go anywhere, but California has enacted this law specifically for ironworkers. Ironworkers have the highest modification factor of any worker in workers' compensation of which I am aware. The last number I heard was \$34 per \$100 of payroll which is extremely high because it is extremely dangerous work. In California they enacted this collectively bargained workers' compensation system that is controlled by a joint labor and management group. They have had great success. This is a duplication of what they have done there. Steve Rank runs the California program and was instrumental in getting it off the ground.

**Steve Rank, representing Ironworker Management Progressive Action Cooperative Trust Insurance Carriers, Sacramento, California:**

I am here today to ask for your support to pass Assembly Bill 410. I want to stress strongly that this is a voluntary program designed to improve the delivery of medical benefits to injured workers. As outlined in the Legislative Counsel's Digest, this bill allows very simple, fundamental items. It allows for the establishment and process of the alternative dispute resolution system also known as ADR programs, medical evaluators, medical providers, medical treatment, joint safety committees, and programs that allow for light-duty or return-to-work modified duties. These are all good things that labor, management, and insurance carriers are all working together to do under these collectively bargained workers' compensation programs.

We have found, historically, that the same ten problems always come up on work-related claims. People who make claims always complain that they get their checks late, they do not get calls, and they are told they have to go to a specific doctor. It is the top ten things that lead to a lot of the higher medical

cost for workers' compensation, which is out of control. In the last six years this program in California has substantially reduced the cost to employers. More importantly, it helps injured workers get back into the work place.

Typically, when someone is hurt in a workers' compensation system, the insured says, "That is what my insurance carrier is for, to take care of the injured workers; they are supposed to be monitoring that claim." In the meantime, the worker is sitting at home, does not have a check, a call, or anything. Sometimes all he wants is to feel like he is not being left out. This program utilizes a good communication system. It holds everyone's feet to the fire. The contractor, labor representatives, and the insurance carriers all agree to this process. It does not cost anything, it is voluntary, and it utilizes the alternative dispute resolution program.

We have an ombudsman chosen by this group. All three of the participants, the contractor, labor, and the insurance carrier, choose this person. When an employee gets hurt on the job, he is contacted by this ombudsman or program representative who says he is there to answer any questions the employee has and to get him back from his injury. The system also employs an independent medical provider or a case nurse manager. This person is not on the payroll of the insurance company but is an independent expert in medical advice. This has proven effective to get cooperation from injured workers, labor, management, and insurance carriers. Claims adjusters sometimes have 200 to 300 different cases that they are working on.

We have worked very hard to try to get this program in Nevada. I have some published reports ([Exhibit N](#)) from the State of Minnesota that show statistics and data over a six-year period. They show a substantial cost savings and also time saved in getting workers back on the job site. We need more control from medical; we need more cooperation from the parties. And this type of system will not cost anything, but we desperately need it for the workers' compensation crisis.

We have been enjoying a soft insurance market for a number of years, but we are entering into a harder market. Some states have already filed for 25 percent increases in workers' compensation rates. When you have a claim and the worker goes to any doctor and not to a specialist designated by labor and management, you will lose control of the medical costs. All those things enter into an employer's experience modification rating. There is a lot that can be done on the side of safety, but we have to do a better job in getting the delivery of benefits to the injured worker. This type of program will do it. I urge your support in the passage of this bill.

**Chairman Conklin:**

Are there any questions from the Committee? [There were none.]

**Assemblywoman Gansert:**

When you talk about a list of providers, is that the providers when you set up a plan for someone, or are you talking about where they originally go when they are injured?

**Steve Rank:**

Labor, management, and insurance carriers all agree to a list of medical providers—a network. Inside that network, they will have specialists. If you need an orthopedic surgeon, they have a list approved by the board. Also they pick the people who do the disability ratings. There will be a time that you need an independent medical evaluation, so labor, management, and insurance carriers agree on who these people are going to be so they are not fighting about it for three years while the worker is left at home wondering what is going on with his workers' compensation claim. The whole system is expedited, and the mediation and arbitration happens within a 7-day period, a 30-day period, and a 90-day period. If it does not get resolved in that short period of time, it can go to the statutory system.

**Assemblywoman Gansert:**

Are you referring to ongoing care of someone after they are injured versus when they are originally injured?

**Steve Rank:**

When they are originally injured that network is established. We do not want employees going to bad doctors. We need to send these workers to people who can diagnose them and get them the treatment they need to get back to work. When they get lost in the system, you absorb unnecessary medical costs that are the bottom line in a lot of the increased workers' compensation rates. It is a cooperative effort.

**Assemblywoman Kirkpatrick:**

Are there any other states that do this, and how long has the process been in place?

**Steve Rank:**

There are ten states that have permissive language to allow for collectively bargained workers' compensation programs. They include Hawaii, California, and eight others. Minnesota has very good data from an independent study on all trades. California was the acid test, and for six years the program has been up and running. We have over 68 large, steel erection, high hazard contractors



in the program. The insurance carriers back this, and they perform in accordance with the terms and conditions of the program, or we will not allow them to participate.

We have had some pretty stern meetings with insurance carriers who wanted to handle claims on a statutory basis. We had claims adjustors saying, "Why do I need to consult with your ombudsman and the independent case nurse? I have been handling claims for 20 years." It is because we do not want the workers to slip between the cracks. Adjustors will work with us or their insurance company will not participate in the program. That is the power that the labor, management, and insurance carriers have by working together under this system. They have to agree on how it is going to flow. Some of the major insurance carriers were really rooted in the old ways of doing business where it was six weeks before an injured worker could see a doctor. That is unacceptable. Why should there be a difference in treatment on a job versus if your child gets hurt at home. There have been a lot of inadequacies in the system.

**Assemblywoman Kirkpatrick:**

I would like to see the differences among the states.

**Assemblyman Goedhart:**

Have the programs that the other states have been primarily for ironworkers?

**Steve Rank:**

No, they have been multi-trade programs. To correct what Mr. Thompson said, it is not primarily an ironworkers program in California. We have had the cement masons, the pipe fitters, the laborers, the carpenters, and the operating engineers in the variable crafts program. It is a very successful program. They see the same results that we saw in our ironworkers program.

**Assemblyman Goedhart:**

Are there a wide variety of the building trades in the states where the programs exist?

**Steve Rank:**

Yes.

**Assemblyman Anderson:**

When we first took up this issue in 1991 and 1993, one of the major issues was the timeliness of people who have been hurt on the job getting into the program. Is one of the benefits of this program to speed the injured worker into a program that is clearly recognized, so he can get treated and back to work as

quickly as possible? Because all of the parameters and the front work have already been done, there is less emphasis on trying to prove the claim and more emphasis on solving the medical problem. Is that what this is about?

**Steve Rank:**

Yes, it improves the delivery of those medical benefits. It expedites the process, and there is a clear-cut procedure.

**Danny Thompson:**

If you look at some of the issues you have heard in this Committee, it is clear what happens in that process. The treatment that is denied or delayed creates a whole host of problems which include other injuries, over which it is then argued whether or not they happened in relation to the original injury. The value of timely treatment is that it takes care of a host of problems that you have already heard.

**Steve Rank:**

Sometimes injured workers get a message that they do not like. They want to go to their own doctors who are outside of the system. They are not allowed to do that. They are allowed to go to the doctors provided, to maintain control of medical costs. That was important when we agreed to this, and we are going to stick to the plan. There are doctors who are added to the list, but no one can abuse the system. It has proven to be an effective way to control costs.

**Chairman Conklin:**

Are there any questions from the Committee? [There were none.]

**Ralph Shindler, Chief Executive Officer, Reno Iron Works, Reno, Nevada:**

I am representing management in this discussion. I think that this is an important issue. The program is going to add another layer of safety services and monitoring to the companies that volunteer to become part of it. We will have another set of eyes looking over our safety programs. I think this is the second phase of the Ironworker Management Progressive Action Cooperative Trust (IMPACT). The first phase was mandatory drug testing which was put into effect approximately two years ago. Every ironworker in the nation is required to have mandatory drug testing annually; random drug testing is performed for up to 25 percent; and on-demand drug testing is performed if a person is using alcohol or drugs on the job site and creating safety problems. The IMPACT group sends the drug testing unit to the job site, and everyone involved, including management, is tested. The mandatory drug testing has reduced accidents substantially across-the-board for iron workers.

The statement that Nevada's workers' compensation rates are the highest in the nation is true. The standard modification rate for high rise construction is over 33 percent now. If there has been an accident or if you have someone who has been on long-term disability, your modification rate is increased. You can see costs in workers' compensation that are 100 percent of the wage. The company's ability to compete is impacted by that, but the cost to the public is also increased. Anything that can decrease our workers' compensation rates is going to be a savings to the company, but in the end it will be a savings to the public and our other customers. This will not only reduce costs for the companies, but it will reduce costs for all of our clients including the State of Nevada which is a large client.

California is already using this plan, and our competitors who do work in our state are already benefitting from this reduced cost. It is putting us at an unfair disadvantage because we are not seeing those savings. I know when I hire people that they are citizens of our state, but when our competitors come from out of state, they typically bring 50 percent of their workforce with them. We are not getting the benefit here that we should for having Nevadans work in Nevada.

I have a foreman who is a very competent individual who just set the V&T Railroad Bridge over U.S. Highway 50 the other night in half the time that it should have taken to get it done. He had an injury in his wrist and got into the workers' compensation program. It took over six weeks for him to get approval to have an operation. By that time, healing in his ligaments and tendons had already started to occur. He now has a permanent, 15-percent disability in his right hand. This program would have eliminated that. He would have had timely surgery and total use of his hand.

**Chairman Conklin:**

Are there any questions from the Committee? [There were none.]

**Danny Thompson:**

This does not change anything. If someone disagrees with all of this, they still have the right of appeal. We think this is a win-win situation, and we would urge the Committee to pass this bill to give us the opportunity to enjoy those savings in a better workers' compensation system than we have now.

**Chairman Conklin:**

This allows a collective bargaining unit to establish guidelines in which management and labor will work together to resolve workers' compensation claims prior to a dispute. If there is a dispute, no rights on either side have

been diminished, and employees can still get into the system. This is just trying to get them before they get into the system.

**Danny Thompson:**

And get them back to work. I used to have an office in the ironworker dispatch hall in Las Vegas, and all they wanted to do was get back to work. It is frustrating for them.

**Daniel J. Costella, Business Agent, International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers, AFL-CIO Local Union #18, Sparks, Nevada:**

I am a delegate to the District Council which includes the locals in Las Vegas and Local 155 in the mid-part of the state. Ironworkers want to go back to work. This will get us back into the system quicker. It is a proven system, and we need it.

**Chairman Conklin:**

Are there any questions from the Committee? [There were none.] Is there anyone else wishing to get on the record in support of A.B. 410? [There was no one.] Is there anyone in opposition? [There was no one.] Is there anyone in the neutral position? [There was no one.] We will close the hearing on A.B. 410.

I will open the hearing on Assembly Bill 509.

**Assembly Bill 509:** Makes various changes to provisions governing certified court reporters. (BDR 54-1101)

**Mary Cameron, Carson City, Chair, Certified Court Reporters' Board of Nevada, Las Vegas, Nevada:**

This bill is a housekeeping bill. I will suggest one minor amendment. On page 5 of the bill, line 11, the word "or" should be deleted.

**Chairman Conklin:**

I do not believe so. As this reads, it means you can do these actions pursuant to any of these three statutes.

**Mary Cameron:**

Thank you, that is very good. I will go through the changes in the bill.

**Chairman Conklin:**

Please briefly go through the bill and give the Committee a sense of what you are trying to accomplish.

**Mary Cameron:**

In section 1, at the end of subsection 4, we want to add "in this State." This will help our licensing board have jurisdiction over national court reporting firms who are trying to do business in our state. In subsection 8, the addition of "in this State" has the same objective. The next change is in paragraph (b) of the same subsection where we want to add "with the exception of proceedings before a federal court." We do not have jurisdiction over anything in federal court. Our legal counsel, based on a New Jersey case, has advised us to add that language. In paragraph (d) we wish to change "an administrative" to "any agency."

Our next change is in section 2, subsection 2, paragraph (c), and refers to the testing requirements given to applicants seeking licensure in this state. The addition of the words "reporting procedures" really is to encompass what we already test for. The other changes on page 3 all add the phrase "or license." A few years ago the Certified Court Reporters' Board added under their jurisdiction the licensing of court reporting firms. When you license an individual court reporter it is called a certification, and when you license a court reporting firm it is called a license. This change is to incorporate our jurisdiction over court reporting firms.

In section 4, subsection 12, we added the phrase "or deliver to an ordering party." This would encompass instances of transcripts not being delivered. Our rules do not require that depositions be filed with the court but require us to deliver them to the ordering party. That gives us jurisdiction in case we have an instance involving a refusal of a delivery of a transcript. That also explains the change we want in paragraph (a) to add "verbal or written." In the freelance environment in our industry, a vast majority of our agreements are verbal. We want to add at paragraph (c) "within a reasonable time required for delivery of the transcript." That also incorporates more verbiage to cover depositions that are required to be delivered.

In section 5, we will add wording to include certificates. What we want on lines 9 and 10 is self-explanatory.

**Chairman Conklin:**

Are there any questions from the Committee? [There were none.]

**Assemblywoman Kirkpatrick:**

What is the difference between a license and a certificate?

**Mary Cameron:**

A certificate refers to the individual court reporter, and the license is for a firm. We have jurisdiction over the licensure of firms also.

**Chairman Conklin:**

Are there any questions from the Committee? [There were none.] Is there anyone else wishing to testify in support of Assembly Bill 509 at this time? [There was no one.] Is there anyone in opposition? [There was no one.] Is there anyone to testify in the neutral position? [There was none.] We will close the hearing on A.B. 509.

I will open the work session on Assembly Bill 402.

**Assembly Bill 402:** Revises provisions related to resource planning by public utilities. (BDR 58-888)

**Dave Ziegler, Committee Policy Analyst:**

[Read from work session document ([Exhibit O](#)).]

The attached amendments proposed by Mr. Bobzien change the terminology of who the parties to the hearings are and what the process is for becoming a party to the hearing. They start at the bottom of the first page and continue on the top of page 2 of the mock-up.

**Chairman Conklin:**

The amendment that Mr. Bobzien provided results from a concern I had and also had heard from others. We were just making sure that the people who were in resource planning had to have some sort of standing and there were some guidelines for the Public Utilities Commission (PUC) to follow so we were not opening it up to anyone. I think this amendment gets us there. Are there any questions?

**Assemblywoman Gansert:**

I was thinking that they already had this authority when we had the testimony. The Commission had the discretion to allow someone to intervene.

**Chairman Conklin:**

We did have testimony. One side said, "We never get in under any circumstance." The other side was the utility companies who said they could get in if they had standing. The question is, do we choose to put more in here to clearly delineate what needs to be considered in determining whether they have standing?

**Assemblywoman Gansert:**

This planning process was every three years, and they could get really bogged down.

**Chairman Conklin:**

That is why I asked for the amendment to be drafted so it gave the PUC more direction on what to consider but did not take their discretion away. If there are interveners who are substantially the same, they will let in only one. The PUC has the right to remove them from intervention if they feel the issue they have is not pertinent to the case.

**Assemblywoman Buckley:**

The language seems to state what our intent has been all along. What will change?

**Chairman Conklin:**

I guess the question becomes: how do we enforce it?

**Assemblywoman Buckley:**

We have dealt with this issue many times in the past. I think we have been clear that we want to favor intervention to allow relevant information to be considered. A better decision can be made if information is presented. At the same time, there have to be some controls because you do not want a hearing to bog down or get lengthy. These are important issues to people so you want to be able to have the Commission consider the relevant evidence. I think this clearly states the standard and creates a good balance, but I think it is the balance we arrived at last session.

**Chairman Conklin:**

I think it is a good point, but I do not know if it has a fix.

**Assemblyman Settlemeyer:**

I am still concerned that a person may want to put in a windmill and the person next to them, who might live across the state line, may want to put in solar which might block the wind. I wish we could limit it to Nevada corporations, domestic entities, or individuals only, but interstate commerce does not allow that. I do not feel right supporting the bill because I am not sure it does anything that we do not already do. It does not go far enough to address my concerns.

**Chairman Conklin:**

Is there anyone else to comment? [There was no one.] We will leave that bill on the work session document. We will move to Assembly Bill 521.

**Assembly Bill 521:** Revises provisions governing coverage for cancer as an occupational disease of firefighters. (BDR 53-278)

**Dave Ziegler, Committee Policy Analyst:**  
[Read from work session document ([Exhibit P](#)).]

The amendments are in the form of a mock-up and were provided to staff by the Chairman and the parties. They changed the five-year rule to two years. They make some clarifications in the area of the physical examinations, on top of page 3 of the mock-up.

**Assemblyman Ocegura:**  
I would like to make the same disclosure that I am a firefighter.

**Chairman Conklin:**  
I think the mock-up accurately reflects questions and concerns of the Committee during the hearing. It puts back in the time frame of two years which the expert witness testimony said was ample time. It puts in the baseline testing provision. Are there any questions from the Committee? [There were none.]

**Assemblywoman Gansert:**  
I think the baseline testing is extremely important, but when I look at the expansion to skin cancers and prostate cancer, I think that is pretty broad. I am also concerned about moving to two years because of the fiscal impact on local governments.

**Chairman Conklin:**  
The baseline testing is for both the time line and those other things. I am not sure that it makes a point to have one without the other.

**Assemblywoman Gansert:**  
The baseline testing is important, but when you move from five to two years that concerns me as does the addition of the skin and prostate cancer. The probability of getting prostate cancer is almost 100 percent if you live to a certain age, and skin cancer is very prevalent especially in Nevada.

**Chairman Conklin:**  
Are there any questions from the Committee? [There were none.]



**Assemblyman Settelmeyer:**

I think the baseline testing needs to go ahead, and the inclusions of skin and prostate cancers do not bother me. The change to two years does bother me because we are putting a lot on the local governments.

**Assemblywoman Buckley:**

I will never forget the testimony of that firefighter who was near death when he came here and was fighting against his workers' compensation carrier until he weighed 90 pounds. Whether a firefighter contracts the disease in year one or in year five, if it is associated with his employment, I think it needs to be covered. With regard to skin cancer, in paragraph (h) of subsection 2 of section 1 of the bill, the rest of the line is diesel exhaust, soot, and the other things that are reasonably associated with. . . . It is not for sun-exposure skin cancers, but the dangerous chemical exposures. If you have baseline testing and a person is cancer-free, and then he is exposed to hazardous materials which leads to cancer, he has no remedy because it was contracted in the course and scope of his employment. This is the only access these firefighters have. I support the amended bill. I think baseline testing is the key to ensuring that it is not being used as another form of health insurance. That protection is critical in the evaluation of it.

**Chairman Conklin:**

Are there additional questions or concerns from the Committee? [There were none.]

ASSEMBLYWOMAN MCCLAIN MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 521.

ASSEMBLYMAN MANENDO SECONDED THE MOTION.

Are there any questions on the motion? Is there any discussion? [There were none.]

THE MOTION PASSED. (ASSEMBLYMEN CHRISTENSEN,  
GANSERT, GOEDHART, AND SETTELMAYER VOTED NO.)

We will take up Assembly Bill 513.

**Assembly Bill 513:** Makes various changes to provisions governing licensing of escrow agencies and mortgage brokers, agents and bankers. (BDR 54-1136)

**Dave Ziegler, Committee Policy Analyst:**  
[Read from work session document ([Exhibit Q](#)).]

**Chairman Conklin:**

There was testimony that section 19 should be removed. Subsequently, the provisions that were testified to were in the *Nevada Administrative Code*. Section 20 was added to clarify that "the Commissioner shall adopt regulations establishing guidelines and limitations for the servicing or arranging of loans of which an investor has ownership of or beneficial interest in." I think that clarifies that provision. Are there any questions or concerns from the Committee? [There were none.]

ASSEMBLYWOMAN BUCKLEY MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 513.

ASSEMBLYWOMAN KIRKPATRICK SECONDED THE MOTION.

Is there any discussion? [There was none.]

THE MOTION PASSED UNANAMOUSLY.

**Chairman Conklin:**

We will go to the work session on Assembly Bill 486.

**Assembly Bill 486:** Makes various changes to provisions relating to mortgage lending. (BDR 54-230)

**Dave Ziegler, Committee Policy Analyst:**  
[Read from work session document ([Exhibit R](#)).]

**Chairman Conklin:**

We considered some of the Mortgage Lending Commissioner's amendments. Are there any questions from the Committee? [There are none.]

ASSEMBLYMAN ANDERSON MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 486.

ASSEMBLYWOMAN BUCKLEY SECONDED THE MOTION.

Are there any questions, comments, or concerns? [There were none.]

THE MOTION PASSED UNANIMOUSLY.

We will open the hearing on Assembly Bill 338.

[Assembly Bill 338](#): Makes various changes concerning small business start-ups for veterans and senior citizens. (BDR 18-123)

**Vice Chairman Atkinson:**

We will start with Mrs. McClain's testimony.

**Assemblywoman Kathy McClain, Clark County Assembly District No. 15:**

Assembly Bill 338 has been totally changed. I came up with the idea for this bill because it sets up a fund to provide seed money for veterans or senior citizens who would like to start their own small businesses. There have been many articles through AARP and other groups that show how many seniors over certain ages are still working or are semiretired. The issue of unemployment when our veterans come back and possibility for senior citizens to do something entrepreneurial gave me the thought of finding some money to provide seed money for them to start their own small businesses. The Unemployment Compensation Administration Fund administers an employment training program to foster job creation, minimize unemployment costs to employers, and meet the needs of employers for skilled workers by providing training to unemployed persons. It also provides training for people who are working to help better their lives. I thought what better place to establish a program than under that fund?

That is all the bill does. In the mock-up ([Exhibit S](#)) on page 3, it adds "Establish a program to make grants of money to a nonprofit private entity for the purpose of allowing that entity to make loans of money to veterans and senior citizens to start small businesses. The Administrator shall adopt regulations establishing criteria and standards relating to the eligibility for and use of any grants made pursuant to this paragraph." That is basically all it is—it is authority to establish a third program within that fund.

**Chairman Conklin:**

Are there any questions from the Committee? [There were none.]

**Assemblywoman Kirkpatrick:**

We have two of these bills in Government Affairs, and 50 has been the number for small businesses to employ. Is there a reason this states fewer than 150 full-time or part-time employees?

**Assemblywoman McClain:**

I think this is a number chosen by bill drafting.

**Chairman Conklin:**

Are you comfortable in changing the number to 50 employees?

**Assemblywoman McClain:**

Yes, I am.

**Assemblyman Settelmeyer:**

I think the other two bills indicated no more than 50 employees, and they also included that if the business had a net worth of more than \$5 million, it would no longer be considered a small business.

**Assemblywoman McClain:**

That is fine because I am looking for small businesses. We should see if "small business" has a standard definition in the *Nevada Revised Statutes* (NRS).

**Assemblyman Settelmeyer:**

There is no definition in the NRS. Even if you go to the Small Business Administration (SBA) Region 9 Ombudsman, there is no good definition. It is dependent on each individual trade, and there are subcategories within trades. The number varies anywhere from 150 to as high as 500 in Wisconsin. Each state seems to be different, and there is no consistency except from the SBA within certain trades. So we were trying to create something consistent for Nevada.

**Assemblywoman McClain:**

I do not care what the limits are. This is seed money for a start-up business; it is not to keep them in business when they are making \$1 million. It is to cover start-up costs.

**Assemblywoman Kirkpatrick:**

I brought it up because it establishes for Nevada what we believe to be a small business.

**Chairman Conklin:**

Are there any questions for the bill sponsor from the Committee? [There were none.] Is there anyone else wishing to testify in support of this bill? [There was no one.]

**Danny Thompson, representing the Nevada State AFL-CIO, Henderson, Nevada:**  
We would like to go on record in support of this bill. Given the unemployment we are facing in this state, which is only going to get worse by the end of this year, it is incumbent on all of us to do everything we can to create any kind of jobs. This is a step in the right direction.

**Chairman Conklin:**

Are there any questions from the Committee? [There were none.] Is there anyone else in support of A.B. 338? [There was no one.] Is there anyone in opposition? [There was no one.] Is there anyone to speak from a neutral position? [There was no one.]

**Mark Taylor, Assistant State Controller, Office of the State Controller:**

We had originally submitted some language in the fiscal note. We were concerned about some of the original language that was proposed. We have no problems or concerns with the new language.

**Chairman Conklin:**

Are there any questions from the Committee? [There were none.]

**Larry Mosley, Director, Department of Employment, Training and Rehabilitation:**

We are not in opposition to the bill, and we appreciate the new language.

**Chairman Conklin:**

Are there any questions from the Committee? [There were none.] Is there anyone else to testify from a neutral position? [There was no one.]

**Assemblyman Goedhart:**

I was told by people from the Commission on Economic Development that it is merely transferring money from one pocket to another.

**Assemblywoman McClain:**

No, we took all of that out.

**Assemblyman Goedhart:**

Then, I am fine with the bill.

**Chairman Conklin:**

ASSEMBLYMAN SETTELMAYER MOVED TO AMEND AND DO  
PASS ASSEMBLY BILL 338.

ASSEMBLYMAN GOEDHART SECONDED THE MOTION.

We are going to amend and do pass with the mock-up, and it is going to read, "no more than 50 employees and a net worth under \$5 million." Is there any discussion? [There was none.]

THE MOTION PASSED. (ASSEMBLYMEN ATKINSON, BUCKLEY, GANSERT, HORNE, KIRKPATRICK AND OCEGUERA WERE ABSENT FOR THE VOTE.)

Mrs. McClain will take the bill to the floor. I will give it to Mr. Settlemeyer and Mrs. Kirkpatrick to make sure it meets the standards passed in the other committee.

The meeting is adjourned [at 4:26 p.m.]

RESPECTFULLY SUBMITTED:

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Earlene Miller  
Committee Secretary

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Editing Secretary  
Cheryl Williams

APPROVED BY:

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Assemblyman Marcus Conklin, Chairman

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

## EXHIBITS

**Committee Name:** Committee on Commerce and Labor

**Date:** April 8, 2009

**Time of Meeting:** 1:49 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 423	C	Assemblyman Mark Manendo	Proposed Amendment
A.B. 423	D	Larry Schnell	Supporting Documents
A.B. 423	E	Frank Kujac	Prepared testimony
A.B. 423	F	Dennis and Doreen Mulcahey	Letter of opposition
A.B. 423	G	Karen Werner	Letter of opposition
A.B. 423	H	Richard Delaney	Letter of opposition
A.B. 144	I	Dave Ziegler	Work session document
A.B. 208	J	John Jeffrey	Mock-up
A.B. 208	K	Louis Loupias	Prepared testimony
A.B. 281	L	Dave Ziegler	Work session document
A.B. 472	M	Dave Ziegler	Work session document
A.B. 410	N	Steve Rank	Supporting documents
A.B. 402	O	Dave Ziegler	Work session document
A.B. 521	P	Dave Ziegler	Work session document
A.B. 513	Q	Dave Ziegler	Work session document
A.B. 486	R	Dave Ziegler	Work session document
A.B. 338	S	Assemblywoman Kathy McClain	Mock-up