

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

**Seventy-fifth Session
May 8, 2009**

The Senate Committee on Commerce and Labor was called to order by Chair Maggie Carlton at 1:07 p.m. on Friday, May 8, 2009, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412E, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Maggie Carlton, Chair
Senator Michael A. Schneider, Vice Chair
Senator David R. Parks
Senator Allison Copening

COMMITTEE MEMBERS ABSENT:

Senator Dean A. Rhoads (Excused)
Senator Mark E. Amodei (Excused)
Senator Warren B. Hardy II (Excused)

STAFF MEMBERS PRESENT:

Kelly S. Gregory, Committee Policy Analyst
Daniel Peinado, Committee Counsel
Vicki Folster, Committee Secretary

CHAIR CARLTON:

Madam Secretary, please note that Senators Rhoads, Amodei and Hardy are absent and excused. We will start with Assembly Bill (A.B.) 90.

ASSEMBLY BILL 90 (1st Reprint): Revises certain provisions concerning the investigation and prosecution of deceptive trade practices. (BDR 52-269)

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CHAIR CARLTON:

Committee, please review A.B. 90 and proposed amendment 4822 ([Exhibit C](#)) that was proposed in Committee by Rocky Finseth of PhRMA. The parties discussed the amendment and developed a new proposal agreed upon by the Office of the Attorney General and PhRMA which resulted in the amendment you have before you. Mr. Finseth, do you have anything you would like to put on the record? Madam Secretary, please note that Mr. Finseth shook his head in the negative.

SENATOR COPENING MOVED TO AMEND AND DO PASS A.B. 90.

SENATOR SCHNEIDER SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

CHAIR CARLTON:

Ms. Gregory, please make sure that Senator Rhoads, Senator Amodei and Senator Hardy all get a copy of this proposed amendment with the notation. We will move on to A.B. 141 with the proposed amendment submitted by Assemblyman Conklin ([Exhibit D](#)). The amendment we are referring to is on the top of page 2. Assemblyman Conklin is well aware that an additional fee will give this bill a two-thirds notation. As I recall from the discussions, he thought it was better to have people pay that additional fee off to the side, rather than try to stretch the money in the account as it currently stood.

ASSEMBLY BILL 141: Establishes a recovery fund for persons defrauded by mortgage brokers, mortgage agents or mortgage bankers. (BDR 54-229)

SENATOR COPENING MOVED TO AMEND AND DO PASS A.B. 141.

SENATOR PARKS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

CHAIR CARLTON:

Staff, again be sure the absent members receive a copy of the amendment. We will move to A.B. 144 which was presented on April 27, 2009, by Assemblyman Hogan. It establishes standards for the appraisal of real property securing a loan in which an investor is acquiring an interest. The appraisal must comply with the Uniform Standards of Professional Appraisal Practice, must have been completed no more than six months before the mortgage broker first solicited the loan and it must be performed by an appraiser authorized to perform appraisals in Nevada or in the state where the real property is located. If the mortgage broker obtains a waiver of the appraisal, he must provide a disclosure of the relevant valuation methods and techniques before accepting any money. The bill revises the authority of the commissioner of the Division of Mortgage Lending providing additional investigative and enforcement powers. Does the Committee have any concerns or questions? Seeing none, are you comfortable with moving the bill at this time? There are no amendments on this bill.

[ASSEMBLY BILL 144 \(1st Reprint\)](#): Revises various provisions relating to loans secured by liens on real property. (BDR 54-89)

DANIEL PEINADO (Committee Counsel):

During the discussions on this bill, Mr. Waltuch brought up the possibility or suggestion to delete language on page 4 of A.B. 144, 1st Reprint, section 2, on lines 21 and 22. It said, "including without limitation a member of the news media."

SENATOR COPENING:

We did have discussion about that because we did not want to single out the news media, as they are not singled out in other references. I believe we were going to strike that.

CHAIR CARLTON:

Right, because by listing someone then we create ...

SENATOR COPENING:

Yes.

CHAIR CARLTON:

If you leave it open, then everyone gets it.

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SENATOR COPENING:

Yes, the Nevada Press Association, as I recall, was in agreement with striking that as well.

CHAIR CARLTON:

That looks fine. Committee, what is your pleasure?

SENATOR SCHNEIDER:

I will make the motion after removing the language on page 4 of A.B. 144, section 2, on lines 21 and 22, "including, without limitation, a member of the news media."

SENATOR SCHNEIDER MOVED TO AMEND AND DO PASS A.B. 144 WITH THE VERBAL AMENDMENT.

SENATOR PARKS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR CARLTON:

We will move to discussion of A.B. 173, the arson investigator bill. Assemblywoman Mastroluca said she was comfortable in moving forward with this bill. However, with just four Committee members present today, we should wait until we have members from the other side. Mr. McAllister, would you agree? Madam Secretary, please note Mr. McAllister answered in the affirmative. I think this is one that needs more discussion. We will hold A.B. 173 for next week's work session.

ASSEMBLY BILL 173: Makes various changes relating to occupational diseases.
(BDR 53-898)

CHAIR CARLTON:

We will now move our discussion to A.B. 208, the crane bill presented by Assemblyman Claborn. There is one small amendment that Mr. Jeffrey mentioned in his testimony about the enactment date. Other than the effective date change, I believe the bill is ready to go. Are there any questions or concerns from the Committee?

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[ASSEMBLY BILL 208 \(1st Reprint\)](#): Revises provisions governing certification of crane operators. (BDR 53-114)

SENATOR COPENING:
What would the new effective date be?

CHAIR CARLTON:
Staff, do we have a date?

KELLY S. GREGORY (Committee Policy Analyst):
The change to the effective date is that instead of saying, "... upon the later of:" it would say, "... upon the sooner of:" and that is the only change.

SENATOR COPENING MOVED TO AMEND AND DO PASS
A.B. 208 WITH THE CHANGE IN THE EFFECTIVE DATE.

SENATOR PARKS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR CARLTON:
We will now move discussion to A.B. 486, Assemblyman Conklin's bill. This bill refers to administrative fines and penalties for those who conduct unlicensed activity. It increases the maximum of the administrative fine. It authorizes the Division of Mortgage Lending, Department of Business and Industry, to order a licensee to pay restitution to a consumer. I do not believe there are any proposed amendments to this bill. Are there any questions from the Committee?

[ASSEMBLY BILL 486 \(1st Reprint\)](#): Makes various changes to provisions relating to mortgage lending. (BDR 54-230)

SENATOR COPENING:
I do not know if staff has record of this, but I thought we had opposition to this bill. Do you recall any opposition to this bill?

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MS. GREGORY:

Looking at my notes, Mr. Uffelman, Mr. Nielsen and Mr. Waltuch all testified in support of the bill. There was no testimony in opposition to the bill.

SENATOR COPENING MOVED TO DO PASS A.B. 486.

SENATOR PARKS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

CHAIR CARLTON:

Please, staff, make sure that Senators Hardy, Rhoads and Amodei have copies of the work session analysis sheet and the amendments we passed.

There being no further business, the Senate Committee on Commerce and Labor will adjourn the meeting at 1:22 p.m.

RESPECTFULLY SUBMITTED:

Vicki Folster,
Committee Secretary

APPROVED BY:

Senator Maggie Carlton, Chair

DATE: _____