

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

**Seventy-Sixth Session
May 20, 2011**

The Committee on Commerce and Labor was called to order by Chair Kelvin Atkinson at 2:02 p.m. on Friday, May 20, 2011, in Room 4100 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/76th2011/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; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblyman Kelvin Atkinson, Chair
Assemblyman Marcus Conklin, Vice Chair
Assemblywoman Irene Bustamante Adams
Assemblywoman Maggie Carlton
Assemblyman Richard (Skip) Daly
Assemblyman John Ellison
Assemblyman Ed A. Goedhart
Assemblyman Tom Grady
Assemblyman Crescent Hardy
Assemblyman Pat Hickey
Assemblyman William C. Horne
Assemblywoman Marilyn K. Kirkpatrick
Assemblyman Kelly Kite
Assemblyman John Ocegüera
Assemblyman James Ohrenschall
Assemblyman Tick Segerblom

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Senator Michael Schneider, Clark County Senatorial District No. 11

STAFF MEMBERS PRESENT:

Marji Paslov Thomas, Committee Policy Analyst
Sara Partida, Committee Counsel
Andrew Diss, Committee Manager
Earlene Miller, Committee Secretary
Sally Stone, Committee Assistant

OTHERS PRESENT:

Judy Stokey, representing NV Energy
Robert Compan, representing Farmers Insurance Group

Chair Atkinson:

[The roll was taken, and a quorum was present.] We have a work session and will start with Senate Bill 59 (1st Reprint).

[Senate Bill 59 \(1st Reprint\)](#): Increases the cumulative capacity of net metering systems operating in this State. (BDR 58-408)

Marji Paslov Thomas, Committee Policy Analyst:

This bill was sponsored on behalf of the Office of the Governor and heard by the Committee on May 13, 2011. The bill requires a utility to offer net metering to customer-generators operating within its service area until the cumulative capacity of all net metering systems operating in this state is equal to 2 percent of the total peak capacity of all utilities in this state. There are no proposed amendments ([Exhibit C](#)).

Chair Atkinson:

Are there any comments?

Assemblywoman Carlton:

Did this bill have the increase in the net metering fees?

Assemblywoman Kirkpatrick:

This is the bill that increases the net metering to 2 percent.

Assemblyman Conklin:

That is 2 percent of the entire grid peak load, which is 144 megawatts. What is the current capacity?

Judy Stokey, representing NV Energy:

Our current peak is 72 megawatts statewide. The 2 percent would take us to 144 megawatts. We are currently at 12 megawatts through our net metering program. There are another 5 or 6 megawatts that are not net metered. We have commitments, if everything is built, that would add another 25 megawatts.

Assemblyman Conklin:

What is the current net metering cap?

Judy Stokey:

The net metering cap is currently 72 megawatts, and it has taken us seven years to get to the 42 megawatts.

Assemblyman Conklin:

Does this cap allow anybody to participate up to the cap? Is it a hard cap?

Judy Stokey:

Anybody can participate if it is within the size of the program.

Assemblyman Conklin:

Do all of those people get an incentive or is it separate from the incentive?

Judy Stokey:

We do have some people who did not take the incentive, and they built anyway and are net meter customers. That contributes to the case, although they decided not to take a rebate.

Chair Atkinson:

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

ASSEMBLYMAN SEGERBLOM MOVED TO DO PASS
SENATE BILL 59 (1st REPRINT).

ASSEMBLYWOMAN KIRKPATRICK SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN KITE VOTED NO.)

Senate Bill 99 (1st Reprint): Makes various changes concerning consumer protection. (BDR 52-127)

Marji Paslov Thomas, Committee Policy Analyst:

This bill was sponsored by Senator Joe Hardy and was heard by the Committee on May 6, 2011. It provides for the regulation of grant writing services doing business in this state and provides various changes regarding that. There is one proposed amendment by Senator Hardy, and there is a mock-up attached to the work session document ([Exhibit D](#)).

Chair Atkinson:

Is there any discussion?

Assemblywoman Carlton:

I worked with Senator Hardy on this and reviewed the amendment. This is what we had discussed. It deletes some of the language and adds a provision to be added to each contract about where a complaint can be filed if there is a problem. We thought that was the best way to get consumers the information they needed.

Chair Atkinson:

I will entertain a motion.

ASSEMBLYWOMAN KIRKPATRICK MOVED TO AMEND AND DO
PASS SENATE BILL 99 (1st REPRINT).

ASSEMBLYMAN CONKLIN SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN GOEDHART
VOTED NO.)

Senate Bill 106: Expands the purposes for which Nevada Magazine is authorized to trade its advertising services. (BDR 18-375)

Marji Paslov Thomas, Committee Policy Analyst:

This bill was sponsored by Senator Settelmeyer and was heard by the Committee on May 9, 2011. Senate Bill 106 expands the use of trading by *Nevada Magazine*. It allows trading for services or products that promote or benefit the magazine, including, without limitation, circulation services, sponsorship of awards, memberships, and entry fees for trade shows. There are no proposed amendments ([Exhibit E](#)).

Chair Atkinson:

Is there any discussion? [There was none.]

ASSEMBLYMAN OHRENSCHALL MOVED TO DO PASS
SENATE BILL 106.

ASSEMBLYMAN CONKLIN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Senate Bill 135 (1st Reprint): Revises provisions governing the presumption of eligibility for coverage for certain occupational diseases. (BDR 53-717)

Marji Paslov Thomas, Committee Policy Analyst:

This bill was sponsored by Senator Rhoads and was heard by the Committee on May 16, 2011. It makes changes to the eligibility of certain police officers and firefighters for industrial insurance coverage for certain occupational diseases. There is one proposed amendment made by Rusty McAllister, representing the Professional Fire Fighters of Nevada, which is attached to the work session document ([Exhibit F](#)).

Chair Atkinson:

Is there any discussion? [There was none.]

ASSEMBLYMAN CONKLIN MOVED TO AMEND AND DO PASS
SENATE BILL 135 (1st REPRINT).

ASSEMBLYMAN OHRENSCHALL SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYWOMAN CARLTON
VOTED NO.)

Senate Bill 136 (1st Reprint): Revises provisions governing certain real property held by banks. (BDR 55-737)

Marji Paslov Thomas, Committee Policy Analyst:

This bill was sponsored by Senator Rhoads and was heard by the Committee on May 4, 2011. It prohibits a bank that acquires real property through the collection of debts from holding the property for longer than five years.

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

There is a proposed amendment and a mock-up attached to the work session document.

Chair Atkinson:

Is there any discussion?

Assemblyman Grady:

Did Mr. Uffelman of the Nevada Bankers Association agree with the amendment?

Chair Atkinson:

The language that Assemblyman Conklin and I amended into this bill was language that came out of a different bill on which Mr. Uffelman testified, but we did not run our amendment by him.

Chair Atkinson:

Is there any discussion? [There was none.]

ASSEMBLYMAN CONKLIN MOVED TO AMEND AND DO PASS
SENATE BILL 136 (1st REPRINT).

ASSEMBLYWOMAN CARLTON SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Senate Bill 184 (1st Reprint): Requires the Public Utilities Commission of Nevada to establish the Renewable Energy Systems Development Program. (BDR 58-229)

We are going to digress from the work session to hear some comments from Senator Schneider regarding a bill we heard previously, Senate Bill 184 (1st Reprint), which is about the feed-in tariff (FIT).

Senator Michael Schneider, Clark County Senatorial District No. 11:

I am here to address Senate Bill 184 (R1). Even though I am a supporter of feed-in tariffs, I know they are tough calls. The bill proposed to have the Public Utility Commission of Nevada (PUCN) do a study and then enact a FIT. I would like the PUCN to do the study so we could see how a FIT would work. We would know the exact cost of implementation and the long-term costs and savings. The PUCN would not implement it, but they would report back to the Legislature next session. That way everyone would have time to look at it. We would know what would happen if a FIT were implemented so an appropriate decision could be made. It would be a fair way to do it. You would

have all of the numbers and all of the research done. Then everyone could evaluate it and make an informed judgment as to whether it would work for Nevada.

Chair Atkinson:

I support this, and we will have staff draft what the Committee deems appropriate.

Assemblywoman Carlton:

I have not been a supporter of feed-in tariffs. I think what Senator Schneider is asking is reasonable because it would provide the numbers we need to make decisions.

Assemblyman Grady:

Is it your intent to make this a stand-alone committee, or will it be an interim study committee?

Chair Atkinson:

I would hope that if it passes, this would be an interim study.

Senator Schneider:

The PUCN would do the study and report back on it to the Legislature next session, and a bill could be drafted at that time.

Assemblyman Hickey:

Would that generate a fiscal note?

Chair Atkinson:

If it does, it will be addressed by the Assembly Committee on Ways and Means. Is there further discussion?

ASSEMBLYWOMAN CARLTON MOVED TO AMEND AND DO PASS
SENATE BILL 184 (1st REPRINT).

ASSEMBLYMAN OHRENSCHALL SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN DALY, ELLISON,
GOEDHART, HARDY, KIRKPATRICK, AND KITE VOTED NO.)

Senate Bill 142 (1st Reprint): Makes various changes concerning the towing and storage of motor vehicles. (BDR 58-924)

Marji Paslov Thomas, Committee Policy Analyst:

Senate Bill 142 (1st Reprint) was sponsored by the Senate Committee on Commerce, Labor, and Energy and was heard on May 2, 2011 by this Committee. It authorizes an insurer who has obtained consent from the vehicle owner or the owner's agent to obtain possession of a motor vehicle from a tow car operator.

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

Chair Atkinson:

Are there any questions or comments from the Committee on this bill?

Assemblywoman Bustamante Adams:

Was there any discussion on the four business days before the tow operator can impose an administrative fee? Four days seems to be an extremely short period of time if you have been in an accident. I think it should be at least seven days instead of four.

Robert Compan, representing Farmers Insurance Group:

In the original language of the bill, we had a 14-day lien processing time. We reverted back to language in Senate Bill No. 175 of the 73rd Session which was passed in 2005. At the pleasure of the Chair in the Senate we negotiated down with the tow operators to replace it with four business days, which would allow consumers to have more time to get their vehicles out of the tow lots.

Chair Atkinson:

Are there additional questions or comments?

ASSEMBLYWOMAN CARLTON MOVED TO DO PASS
SENATE BILL 142 (1st REPRINT).

ASSEMBLYMAN CONKLIN SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYWOMAN BUSTAMANTE
ADAMS VOTED NO.)

Senate Bill 143 (1st Reprint): Revises certain provisions governing insurance. (BDR 57-723)

Marji Paslov Thomas, Committee Policy Analyst:

This bill was sponsored by the Senate Committee on Commerce, Labor, and Energy and was heard by this Committee on April 27, 2011. It makes several changes to insurance industry practices, such as repealing the requirement that a resident insurance producer maintain a place of business in this state that is accessible to the public and at which the producer principally conducts transactions subject to the producer's license.

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

Chair Atkinson:

Is there any discussion? [There was none.]

ASSEMBLYWOMAN BUSTAMANTE ADAMS MOVED TO AMEND
AND DO PASS SENATE BILL 143 (1st REPRINT).

ASSEMBLYMAN KITE SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYWOMAN CARLTON VOTED
NO.)

Senate Bill 152 (2nd Reprint): Revises provisions governing insurance adjusters. (BDR 57-939)

Marji Paslov Thomas, Committee Policy Analyst:

This bill was sponsored by Senator Schneider and was heard by the Committee on May 18, 2011. It authorizes the use of an automated claims adjudication system with claims arising under an insurance contract for portable electronic insurance coverage, specifies additional persons who are not considered to be adjusters for purposes of the Nevada Insurance Code, and revises provisions concerning applications for licensure submitted by an applicant that is a firm or corporation rather than a natural person ([Exhibit J](#)). There are no proposed amendments.

Chair Atkinson:

Is there any discussion on this bill? [There was none.]

ASSEMBLYMAN GOEDHART MOVED TO DO PASS
SENATE BILL 152 (2nd REPRINT).

ASSEMBLYWOMAN CARLTON SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN ELLISON AND KITE
VOTED NO.)

Senate Bill 182 (1st Reprint): Makes various changes concerning renewable
energy systems. (BDR 58-286)

Marji Paslov Thomas, Committee Policy Analyst:

Senate Bill 182 (1st Reprint) was sponsored by Senator Schneider and was
heard by this Committee on May 13, 2011. It requires an installer of renewable
energy systems to possess an appropriate license issued by the
State Contractors' Board and removes a requirement that each solar thermal
system have a meter or other measuring device installed.

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

Chair Atkinson:

Is there any discussion on this bill? [There was none.]

ASSEMBLYMAN DALY MOVED TO DO PASS
SENATE BILL 182 (1st REPRINT).

ASSEMBLYMAN CONKLIN SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN ELLISON, GRADY,
HARDY, AND KITE VOTED NO.)

Senate Bill 190 (1st Reprint): Provides for the licensure of music therapists.
(BDR 54-377)

Marji Paslov Thomas, Committee Policy Analyst:

This bill was sponsored by Senator Denis and was heard by this Committee on
May 9, 2011. It provides for the licensure and regulation of music therapists by
the State Board of Health. There is one proposed amendment ([Exhibit L](#)).

Chair Atkinson:

Is there any discussion on the bill?

Assemblywoman Carlton:

This was the most tenacious bill this session. I believe Senator Denis's amendment has addressed a number of my concerns. I had a conversation with Michael Willden, Director of the Department of Health and Human Services. I am comfortable that the scope of practice about which we had concerns will be addressed in the regulatory process. The children will be protected in this process, and child protection services will be aware of it. We had discussed changing it to a three-year licensing period, and I would like to add that to the bill so that Mr. Willden can come back next session to tell us if the program is working, so we can make adjustments.

Assemblyman Hardy:

I think this is a good bill which we can look at and reevaluate later.

Chair Atkinson:

I will entertain a motion to include the original amendment and the additional amendment by Assemblywoman Carlton.

ASSEMBLYMAN OHRENSCHALL MOVED TO AMEND AND DO
PASS SENATE BILL 190 (1st REPRINT).

ASSEMBLYMAN HARDY SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN GOEDHART, HICKEY,
AND KITE VOTED NO.)

[Senate Bill 200 \(1st Reprint\)](#): Makes various changes relating to time shares.
(BDR 10-217)

Marji Paslov Thomas, Committee Policy Analyst:

This bill was sponsored by Senator Schneider and was heard by this Committee on May 2, 2011. This relates to time shares and requires the manager or board of an association of a time-share plan to maintain a complete list of the names and addresses of all time-share owners, which must be updated not less than quarterly.

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

Chair Atkinson:

Is there any discussion on the bill?

Assemblyman Hickey:

I support the main intent of the bill to deal with the unfair, and possibly illegal, sharing of names. I was not satisfied with the arguments that the postings of liens, et cetera, were going to be adequately addressed by Internet websites. Therefore, I will not vote for this bill.

Chair Atkinson:

Others have expressed that same concern. Someone could make a motion to include an amendment which expresses Assemblyman Hickey's concerns.

Assemblywoman Kirkpatrick:

I would like to leave it to be published in the newspaper. It was unclear about how that process would work. There are other parts to this bill besides the Internet portion. I think we need to leave the publishing in the newspaper so people can track. There are people who live out of state, so it should have a dual process in the newspaper and the Internet, not one or the other.

Chair Atkinson:

We will come back to this bill.

Senate Bill 213 (2nd Reprint): Revises provisions governing the registration requirements for employee leasing companies. (BDR 53-1018)

Marji Paslov Thomas, Committee Policy Analyst:

This bill was sponsored by Senator Schneider and was heard by the Committee on May 9, 2011. It changes several requirements relating to the financial statements required from an applicant for the issuance or renewal of a certificate of registration to operate an employee leasing company.

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

Chair Atkinson:

Is there any discussion on Senate Bill 213 (2nd Reprint)?

Assemblywoman Kirkpatrick:

Does this change the way that their Modified Business Tax is handled?

Assemblyman Conklin:

There is a bill in the Assembly Committee on Ways and Means that attempts to do that. That is not this bill. I asked Legal Counsel to confirm that.

Sara Partida, Committee Counsel:

On page 3 of the bill, you can see that all this does is change some issues relating to the financial statement and how that would be prepared. It says the financial statements must be prepared before the submission of the application. In paragraph (b) it amends the letter of credit or surety with a minimum market value equaling the maximum deficiency in working capital for the period covered by that financial statement plus \$100,000.

Assemblyman Conklin:

The bill in no way requires or allows the employee leasing company to articulate separate financial statements for each of its clients, is that correct?

Sara Partida:

Yes, I believe that is correct.

Chair Atkinson:

Are there additional questions or comments?

ASSEMBLYMAN OHRENSCHALL MOVED TO DO PASS
SENATE BILL 213 (2nd REPRINT).

ASSEMBLYWOMAN CARLTON SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

[Senate Bill 215 \(1st Reprint\)](#): Makes various changes concerning persons regulated by the Chiropractic Physicians' Board of Nevada. (BDR 54-834)

Marji Paslov Thomas, Committee Policy Analyst:

Senate Bill 215 (1st Reprint) was sponsored by Senator Hardy and heard by this Committee on May 16, 2011. It makes several changes to the manner in which the Chiropractic Physicians' Board of Nevada licenses practitioners.

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

Chair Atkinson:

Is there any discussion on this bill? [There was none.]

ASSEMBLYWOMAN CARLTON MOVED TO AMEND AND DO PASS
SENATE BILL 215 (1st REPRINT).

ASSEMBLYMAN GRADY SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYWOMAN KIRKPATRICK WAS ABSENT FOR THE VOTE.)

Senate Bill 266 (1st Reprint): Revises provisions governing the possession of pets by tenants of a manufactured home park. (BDR 10-960)

Marji Paslov Thomas, Committee Policy Analyst:

Senate Bill 266 (1st Reprint) was sponsored by Senator Manendo and was heard by the Committee on May 6, 2011. It prohibits a park landlord from requiring a tenant to pay a deposit as a prerequisite to keeping a pet in the park.

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

Chair Atkinson:

We will go over the amendment.

Marji Paslov Thomas:

Conceptually, Alisa Nave has proposed that a landlord may prohibit pets within a park where they have obtained a vote of three-quarters of all tenants in the park. The Manufactured Housing Division would be required to make regulations to set forth the requirements of that voting process.

Chair Atkinson:

Is there any discussion?

Assemblyman Hickey:

I have some problems with this bill even with the amendment. We heard testimony from property owners who have existing parks. I realize this amendment attempts to mitigate some of the challenges for them. Even in the instance of those parks, people entered them with the full knowledge and even with the desire to live in a pet-less environment. I think this bill would establish a chilling effect on property owners because it would say in effect that you could not create a property with obvious buy-in and choice by potential tenants that would exclude pets. In effect, it puts animal rights over property rights and, therefore, I will oppose it.

Assemblyman Ellison:

I have a lot of problems with this bill even with the amendment. I have spoken to the bill sponsor. One of my problems is that some of the older parks have very narrow spaces and the mobile homes are only about 15 feet apart. If the people work shifts and there is an animal barking, it causes a hardship for the neighbor. The bill needs some changes, and with the amendment maybe it can go back to the Senate and they can address the concerns.

Assemblywoman Carlton:

I look at this from an opposite viewpoint. The people in the mobile home park have no guarantee that if the park were sold, the new owners would not allow pets in the park. With this bill and the amendment, it would set guidelines on vicious dogs, size and numbers of pets, and the deposit. My problem was that these parks are located in a city or municipality that already has pet ordinances. This would be another layer of protection for the people in the parks.

Chair Atkinson:

Are there any additional comments about this bill?

ASSEMBLYMAN OHRENSCHALL MOVED TO AMEND AND DO
PASS SENATE BILL 266 (1st REPRINT).

ASSEMBLYWOMAN CARLTON SECONDED THE MOTION.

THE MOTION FAILED. (ASSEMBLYMEN BUSTAMANTE ADAMS,
CONKLIN, ELLISON, GOEDHART, GRADY, HARDY, HICKEY,
HORNE, KITE, AND OCEGUERA VOTED NO.)

Senate Bill 267 (1st Reprint): Revises provisions governing personal
information. (BDR 52-110)

Marji Paslov Thomas, Committee Policy Analyst:

This bill was sponsored by Senator Wiener and was heard by the Committee on May 6, 2011. The bill modifies existing data security provisions to protect sensitive personal information stored on multifunctional devices, including printers, copiers, scanners, facsimile machines, and electronic mail terminals.

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

Chair Atkinson:

Is there any discussion on the bill?

Assemblywoman Carlton:

This is an important bill and we want to make sure that these devices are scrubbed clean. It seemed to me in the conversation that they were looking at one way of handling this and not allowing the flexibility for some of the businesses to do it in a way that they thought was best for them. We have some very intelligent businesses, and if we say that it will be done only one way, someone will be able to break that encryption and be able to still get the information. I do not understand limiting the ways this can be accomplished if that is true or if there will be flexibility.

Assemblywoman Kirkpatrick:

In 2009 we included the Payment Card Industry (PCI) Data Security Standard in an amendment in Senate Bill No. 227 of the 75th Session to allow for other companies but I do not see it here. It has since been brought to the attention of the Office of the Attorney General that it precludes other groups from participating, and we are now limiting ourselves to another brand. I believe they are two separate issues, but the regulations should be amended so they can allow for other groups to do this. There has to be a standard and that is why they had offered to do regulations. Scrubbing the machines is an entirely different process. The Payment Card Industry Data Security Standard is a national standard when it comes to data, as is the National Institute of Standards and Technology, and those are federal standards that are used. I would like to make an amendment to present on the floor.

Assemblywoman Carlton:

My concern is that if you have one way of doing this, and you ask everyone to do it the same way, if someone cracks the code, we are back where we started. Technology changes so fast that I think some of these businesses should have some flexibility. As long as they get where we ask them to be in getting scrubbed, we should not say how to get there.

Assemblywoman Kirkpatrick:

I do not disagree. *Nevada Revised Statutes* Chapter 603A talks about data and how we collect it. We have one of the highest-level security codes in the nation. Perhaps these businesses could be allowed to adopt regulations for additional companies based on our standards. Either way, this bill is necessary to protect the data about our state.

Chair Atkinson:

Is there further discussion? I believe the Attorney General wanted the bill the way it is.

Assemblywoman Kirkpatrick:

I think the amendment from the Attorney General was not worked out in the Senate. I spoke with the Attorney General and she agreed that we are limiting ourselves. There are additional issues that are engrossed in this, but the Attorney General said that through the regulation process we had a standard in our state.

Chair Atkinson:

The reason we did not include the last-minute amendment from the Attorney General was because she was just trying to provide compromise with the Senate. Since that did not happen, the bill was going to go forward.

Assemblywoman Kirkpatrick:

I can work on an amendment for the floor with the permission of the Chair. I think this affects more people than the one side.

Chair Atkinson:

You have the Chair's permission to work with the Office of the Attorney General on an amendment to present on the floor.

ASSEMBLYMAN CONKLIN MOVED TO DO PASS
SENATE BILL 267 (1st REPRINT).

ASSEMBLYWOMAN KIRKPATRICK SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN HICKEY VOTED NO.)

Senate Bill 281: Requires the Public Utilities Commission of Nevada to establish the Electric Vehicle Demonstration Program. (BDR 58-1019)

Marji Paslov Thomas, Committee Policy Analyst:

Senate Bill 281 was sponsored by Senator Schneider and was heard by this Committee on May 13, 2011. It requires the Public Utilities Commission of Nevada (PUCN) to establish the Electric Vehicle Demonstration Program to carry out the legislative intent of registering at least 1,500 electric vehicles in Nevada before January 1, 2016.

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

Chair Atkinson:

Is there any discussion on this bill?

Assemblyman Goedhart:

Is there a limit or a threshold on the number of cars that could apply for the incentives? Is the amount of the rebate and the number of cars still to be determined?

Chair Atkinson:

It was the amount of money, not the number of cars.

Assemblywoman Carlton:

I believe the amount was a little over \$4 million, which when you spread it across the consumers and the rate base, it was going to be pennies. There was discussion about the tax credit versus the tax rebate. The federal government

is looking at doing something with electric cars the way we dealt with "Cash for Clunkers" (Car Allowance Rebate System).

Chair Atkinson:

Are there any questions or comments from the Committee? I see none.

ASSEMBLYWOMAN CARLTON MOVED TO AMEND AND DO PASS
SENATE BILL 281.

ASSEMBLYMAN OHRENSCHALL SECONDED THE MOTION.

THE MOTION FAILED. (ASSEMBLYMEN DALY, ELLISON,
GOEDHART, GRADY, HARDY, HICKEY, HORNE, KIRKPATRICK,
AND KITE VOTED NO.)

Senate Bill 294 (1st Reprint): Establishes provisions governing medical
assistants. (BDR 40-16)

Marji Paslov Thomas, Committee Policy Analyst:

Senate Bill 294 (1st Reprint) was submitted by Senator Cegavske and Senator Leslie and was heard by this Committee on May 6, 2011. It establishes provisions governing medical assistants. It defines a "medical assistant" and authorizes a medical assistant who is supervised by a physician or physician assistant to possess and administer a dangerous drug.

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

Chair Atkinson:

Is there any discussion?

Assemblywoman Carlton:

I understand the importance of this legislation, especially regarding immunizations, but I am still uncomfortable with the lack of certification and licensures for the medical assistants. I still reflect on the hepatitis C incident in 2008 in Las Vegas and the use of one needle and one vial. Those mistakes were made by highly trained professionals. I am concerned with the public safety.

Chair Atkinson:

Is there any more discussion on Senate Bill 294 (R1)?

ASSEMBLYMAN HARDY MOVED TO DO PASS
SENATE BILL 294 (1st REPRINT).

ASSEMBLYMAN HICKEY SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN BUSTAMANTE ADAMS,
CARLTON, AND OHRENSCHALL VOTED NO.)

Senate Bill 314 (1st Reprint): Revises various provisions relating to real
property. (BDR 54-631)

Marji Paslov Thomas, Committee Policy Analyst:

Senate Bill 314 (1st Reprint) was sponsored by Senator Lee. It was heard by
the Committee on May 16, 2011. It establishes a process for the registration of
an asset management company by the Real Estate Division, including
requirements for qualification and for the renewal of registration.

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

The mock-up of the proposed amendment by Senator Lee is attached to the
work session document.

Chair Atkinson:

Is there any discussion on the bill?

ASSEMBLYMAN HARDY MOVED TO AMEND AND DO PASS
SENATE BILL 314 (1st REPRINT).

ASSEMBLYMAN HICKEY SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN OCEGUERA WAS
ABSENT FOR THE VOTE.)

Assemblyman Conklin:

I reserve the right to change my vote on the floor.

Senate Bill 329 (1st Reprint): Revises provisions governing prescriptions.
(BDR 54-904)

Marji Paslov Thomas, Committee Policy Analyst:

Senate Bill 329 (1st Reprint) was sponsored by Senator Breeden and Senator Wiener and was heard by this Committee on May 11, 2011. It makes changes concerning the dispensing of prescription medication.

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

Chair Atkinson:

Is there any discussion on Senate Bill 329 (R1)?

ASSEMBLYMAN SEGERBLOM MOVED TO DO PASS
SENATE BILL 329 (1st REPRINT).

ASSEMBLYMAN OHRENSCHALL SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN OCEGUERA WAS
ABSENT FOR THE VOTE.)

Senate Bill 411 (1st Reprint): Provides for the regulation of medication aides.
(BDR 54-1104)

Marji Paslov Thomas, Committee Policy Analyst:

Senate Bill 411 (1st Reprint) was sponsored by the Senate Committee on Commerce, Labor, and Energy and was heard by this Committee on May 11, 2011. The bill provides for the certification and regulation of a nursing assistant as a medication aide certified by the State Board of Nursing.

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

Chair Atkinson:

Is there any discussion?

Assemblywoman Carlton:

I think this is an excellent bill. It has all of the safeguards built into it, and it would be excellent public policy for the state.

Chair Atkinson:

If there is no further discussion, I will entertain a motion.

ASSEMBLYWOMAN CARLTON MOVED TO DO PASS
SENATE BILL 411 (1st REPRINT).

ASSEMBLYWOMAN KIRKPATRICK SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN ELLISON VOTED NO.
ASSEMBLYMAN OCEGUERA WAS ABSENT FOR THE VOTE.)

Senate Bill 414 (1st Reprint): Revises provisions relating to financial
institutions. (BDR 55-1107)

Marji Paslov Thomas, Committee Policy Analyst:

This bill was sponsored by the Senate Committee on Commerce, Labor, and Energy and was heard by this Committee on May 4, 2011. It prohibits a financial institution from unreasonably delaying a response to an offer of a short sale on real property secured by a residential mortgage.

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

There is a mock-up attached to the work session document.

Chair Atkinson:

Is there any discussion? [There was none.]

ASSEMBLYMAN GOEDHART MOVED TO AMEND AND DO PASS
SENATE BILL 414 (1st REPRINT).

ASSEMBLYMAN HORNE SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN OCEGUERA WAS
ABSENT FOR THE VOTE.)

Assemblyman Conklin:

I will support the concept of the bill, but I reserve the right to change my vote on the floor.

Senate Bill 488: Revises provisions relating to energy. (BDR 58-1274)

Marji Paslov Thomas, Committee Policy Analyst:

This bill was sponsored by the Senate Committee on Commerce, Labor, and Energy and was heard by this Committee on May 13, 2011. The bill provides that the Public Utilities Commission of Nevada shall require a utility that supplies electricity in this state to include certain provisions relating to transmission facilities in its triennial resource plan.

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

There is one amendment attached to the work session document.

Assemblyman Conklin:

This is a complicated issue. Assemblywoman Kirkpatrick has worked tirelessly on this issue, and many others, for the betterment of all of the policy that has come out of the Legislature relative to energy, and the Chair has worked tirelessly as well. I cannot support the bill in its current form or with amendments. I would prefer to refer this bill without recommendation to the Assembly Committee on Ways and Means, where our colleagues will have an opportunity to work on it. The Chair of the Assembly Committee on Ways and Means said this bill has an exemption and is eligible to go to her committee.

Chair Atkinson:

Is there any other discussion?

Assemblywoman Carlton:

I also have some very serious concerns about this bill.

Chair Atkinson:

Is there any other discussion on this bill? Seeing none, I will entertain a motion.

ASSEMBLYMAN CONKLIN MOVED TO REREFER WITHOUT RECOMMENDATION SENATE BILL 488 TO THE ASSEMBLY COMMITTEE ON WAYS AND MEANS.

ASSEMBLYWOMAN CARLTON SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN HICKEY AND KIRKPATRICK VOTED NO. ASSEMBLYMAN OCEGUERA WAS ABSENT FOR THE VOTE.)

Chair Atkinson:

We will move to Senate Bill 200 (1st Reprint), which we heard earlier.

Senate Bill 200 (1st Reprint): Makes various changes relating to time shares.
(BDR 10-217)

Assemblywoman Kirkpatrick:

I reviewed the bill and I would like to make a motion with an amendment if you will allow. My motion would be to amend and do pass, deleting section 4, subsection 3, paragraph (b), and section 5, subsection 4, paragraph (c). Both sections relate to the Internet posting, and this would put it back to where it was.

Chair Atkinson:

That addresses concerns of the Committee and me. Will staff be able to prepare that?

Sara Partida, Committee Counsel:

I understand the intent of the Committee, and we will make sure that it is done throughout the bill.

Chair Atkinson:

Are there additional questions or comments on the proposed motion?

Assemblyman Hardy:

Would you please repeat the proposed amendment?

Assemblywoman Kirkpatrick:

My motion would be to amend and do pass, with deleting section 4, subsection 3, paragraph (b), which pertains to the notice of the sale in the newspaper. The amendment would also delete section 5, subsection 4, paragraph (c). I was trying to take out the issues that I had with the Internet and leave the publishing in the newspaper.

Chair Atkinson:

Are you satisfied, Assemblyman Hardy?

Assemblyman Hardy:

Yes.

Chair Atkinson:

Is there any other discussion? [There was none.]

ASSEMBLYWOMAN KIRKPATRICK MOVED TO AMEND AND DO PASS SENATE BILL 200 (1st REPRINT).

ASSEMBLYWOMAN CARLTON SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN OCEGUERA WAS ABSENT FOR THE VOTE.)

Senate Bill 273 (1st Reprint): Revises various provisions governing the practice of osteopathic medicine. (BDR 54-959)

Marji Paslov Thomas, Committee Policy Analyst:

Senate Bill 273 (1st Reprint) was sponsored by Senator Copenig and was heard by the Committee on May 2, 2011. The bill authorizes the practice of telemedicine under specified conditions.

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

A proposed amendment by Assemblywoman Carlton is attached to the work session document.

Assemblywoman Carlton:

I had some concerns about the autopsy provision in this bill. I discussed it with the Coroner and others. I feel that taking this provision out is reasonable. The osteopathic physicians' representative agreed that it could come out.

ASSEMBLYWOMAN CARLTON MOVED TO AMEND AND DO PASS SENATE BILL 273 (1st REPRINT).

ASSEMBLYWOMAN KIRKPATRICK SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN OCEGUERA WAS ABSENT FOR THE VOTE.)

Senate Bill 289: Makes various changes relating to insurance. (BDR 57-521)

Marji Paslov Thomas, Committee Policy Analyst:

Senate Bill 289 was sponsored by Senator Copenig and was heard by the Committee on May 2, 2011. It authorizes the Commissioner of Insurance on behalf of the State of Nevada to enter into the Nonadmitted Insurance

Multi-State Agreement, or any other multistate agreement, to preserve the ability of Nevada to collect premium tax on multistate risks.

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

There is an amendment from the Commissioner of Insurance attached to the work session document.

Chair Atkinson:

Are there any questions or comments from the Committee? I see none.

ASSEMBLYMAN CONKLIN MOVED TO AMEND AND DO PASS
SENATE BILL 289.

ASSEMBLYMAN GOEDHART SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN OCEGUERA WAS
ABSENT FOR THE VOTE.)

Chair Atkinson:

Is there any public comment? I see none. The meeting is adjourned
[at 3:32 p.m.].

RESPECTFULLY SUBMITTED:

Earlene Miller
Committee Secretary

APPROVED BY:

Assemblyman Kelvin Atkinson, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Commerce and Labor

Date: May 20, 2011

Time of Meeting: 2:02 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
S.B. 59 (R1)	C	Marji Paslov Thomas	Work Session Document
S.B. 99 (R1)	D	Marji Paslov Thomas	Work Session Document
S.B. 106	E	Marji Paslov Thomas	Work Session Document
S.B. 135 (R1)	F	Marji Paslov Thomas	Work Session Document
S.B. 136 (R1)	G	Marji Paslov Thomas	Work Session Document
S.B. 142 (R1)	H	Marji Paslov Thomas	Work Session Document
S.B. 143 (R1)	I	Marji Paslov Thomas	Work Session Document
S.B. 152 (R2)	J	Marji Paslov Thomas	Work Session Document
S.B. 182 (R1)	K	Marji Paslov Thomas	Work Session Document
S.B. 190 (R1)	L	Marji Paslov Thomas	Work Session Document
S.B. 200 (R1)	M	Marji Paslov Thomas	Work Session Document
S.B. 213 (R2)	N	Marji Paslov Thomas	Work Session Document
S.B. 215 (R1)	O	Marji Paslov Thomas	Work Session Document
S.B. 266 (R1)	P	Marji Paslov Thomas	Work Session Document
S.B. 267 (R1)	Q	Marji Paslov Thomas	Work Session Document
S.B. 281	R	Marji Paslov Thomas	Work Session Document
S.B. 294 (R1)	S	Marji Paslov Thomas	Work Session Document
S.B. 314 (R1)	T	Marji Paslov Thomas	Work Session Document
S.B. 329 (R1)	U	Marji Paslov Thomas	Work Session Document
S.B. 411 (R1)	V	Marji Paslov Thomas	Work Session Document

S.B. 414 (R1)	W	Marji Paslov Thomas	Work Session Document
S.B. 488	X	Marji Paslov Thomas	Work Session Document
S.B. 273 (R1)	Y	Marji Paslov Thomas	Work Session Document
S.B. 289	Z	Marji Paslov Thomas	Work Session Document