

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

**Seventy-Sixth Session
April 11, 2011**

The Committee on Commerce and Labor was called to order by Chair Kelvin Atkinson at 3:04 p.m. on Monday, April 11, 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:

None

STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

None

Chair Atkinson:

[The roll was taken, and a quorum was present.] We will start our work session with the bills related to energy.

Marji Paslov Thomas, Committee Policy Analyst:

On the bills relating to energy there are two reports from the Energy Subcommittee. The first report ([Exhibit C](#)) was for Assembly Bill 215 and Assembly Bill 287. They were heard on March 30, 2011, and all of the Subcommittee members were present. The Subcommittee did not take any action on the bills but recommended that they be brought back to the full Committee.

[Assembly Bill 215](#): Revises provisions governing utilities. (BDR 58-593)

Marji Paslov Thomas, Committee Policy Analyst:

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

Chair Atkinson:

Are there any questions from the Committee?

Assemblywoman Kirkpatrick:

That bill was heard with no opposition. Both utilities came together to work, and we felt that all of the issues had been worked out.

Chair Atkinson:

As a Subcommittee member, I would agree with that. The Subcommittee dealt with the bills, and we are bringing it back to the full Committee for its consideration.

Assemblywoman Kirkpatrick:

We spent many hours on the energy bills. The utilities told us that this would give them a quicker avenue to get utility ratepayers' money back to them if there were an excess. Both utilities worked for the good of the entire state to stabilize utility rates for our constituents. I believe the people of Nevada will benefit from this more consistent system.

Chair Atkinson:

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

ASSEMBLYWOMAN KIRKPATRICK MOVED TO AMEND AND DO
PASS ASSEMBLY BILL 215.

ASSEMBLYMAN GOEDHART SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN DALY VOTED NO.
ASSEMBLYMAN CONKLIN WAS ABSENT FOR THE VOTE.).

Assembly Bill 287: Creates the Nevada Renewable Energy Transmission Authority. (BDR 58-520)

Marji Paslov Thomas, Committee Policy Analyst:

The next bill that was heard was Assembly Bill 287. There is an error on the work session document. There were two proposed amendments. One was proposed by NV Energy and the other by Lisa Foster, representing Boulder City. The recommendation of the Subcommittee was to not process the amendments but to possibly consider them at a later point. Therefore, the work session document is accurate in that there are no proposed amendments.

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

Assemblywoman Kirkpatrick:

As the bill sponsor, I was happy to send this bill to the Assembly Committee on Ways and Means because it has a fiscal note for the fee that is collected.

Assemblyman Goedhart:

On that bill it was a mechanism to raise money for the Renewable Energy Transmission Authority. What amounts are we talking about per biennium?

Assemblywoman Kirkpatrick:

I did not have that information and thought that the Ways and Means Committee could determine that.

Assemblywoman Carlton:

Do you want to send it with or without recommendation?

Assemblywoman Kirkpatrick:

Without recommendation is fine, but like all energy bills there needs to be time to make sure that it does match. We did not have the information about the fiscal note at that time. There are about \$4.1 billion in transmission needs within our state and for our ability to export energy. There were many people at the hearing who wanted to participate. I have committed to set up a working group. Without recommendation is fine.

Chair Atkinson:

We could do it either way as a Committee.

ASSEMBLYWOMAN CARLTON MOVED TO REREFER WITHOUT RECOMMENDATION TO THE ASSEMBLY COMMITTEE ON WAYS AND MEANS ASSEMBLY BILL 287.

ASSEMBLYMAN HICKEY SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN DALY VOTED NO.)

Marji Paslov Thomas, Committee Policy Analyst:

The next report of the Energy Subcommittee was on Assembly Bill 390 and Assembly Bill 432, which were heard on April 6, 2011 ([Exhibit F](#)). All of the members were present. There were no votes in the Subcommittee and the bills were referred to the Committee for consideration.

[Assembly Bill 390](#): Revises provisions relating to energy assistance.
(BDR 58-801)

Marji Paslov Thomas, Committee Policy Analyst:

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

Assemblywoman Kirkpatrick:

There is an issue with mass metering in mobile home areas. We attempted to correct this last session. There was no opposition to this bill. When you are in a mass metering system in a mobile home park, you are unable to receive low-income power assistance. This will clarify the situation so that mobile home park residents can get assistance with their power bills. Manufactured homes are our least energy efficient homes.

Chair Atkinson:

I will entertain a motion.

ASSEMBLYWOMAN KIRKPATRICK MOVED TO DO PASS
ASSEMBLY BILL 390.

ASSEMBLYMAN GOEDHART SECONDED THE MOTION.

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

[Assembly Bill 432](#): Enacts provisions relating to energy auditors. (BDR 54-136)

Marji Paslov Thomas, Committee Policy Analyst:

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

Assemblywoman Kirkpatrick:

We have spent a lot of time in this Committee's Subcommittee on Energy working on the energy bills and the information is posted on the Nevada Electronic Legislative Information System (NELIS). This was a bill that was passed before and mandated energy audits. However, the Legislature did not do the bill justice. In Senate Bill No. 358 of the 75th Legislature we changed the role of the Energy Director to the Energy Commissioner. At that time the role of an energy auditor was murky, as was the authority the Energy Commissioner had to implement regulations. I committed during the Committee to Conduct an Interim Study on the Production and Use of Energy to work with all of the proponents of the energy audit. There were energy auditors, conservationists, and labor and real estate representatives who were part of this discussion. It was very tense for well over seven or eight months. We had to put a regulation in place because it was effective January 1, 2011. The regulation we have in place is not good. We did not give the Energy Commissioner any authority to do his job correctly. We had to have certainty for our Real Estate Division and for our constituents. We need to fix ineffective legislation. Assemblywoman Benitez-Thompson worked many hours

to find a program that will work for Nevada. We think we have a program that will work for the long term and bring a market to our state.

Assemblyman Hickey:

I had initial reservations about the previous legislation because of the problems that home buyers and sellers have. I was heartened to see that Realtors were involved in the revision of this bill and feel satisfied that we have rectified problems.

Assemblyman Ellison:

Did you consider older homes?

Assemblyman Hickey:

These auditors will now come under the category of inspectors. I think the buyers will pay for the inspections.

Assemblywoman Kirkpatrick:

I also represent older homes in my district. This no longer mandates inspections, but it is market driven, so people can get a quality energy audit and use it as a marketing tool. This brings value and comfort to your home.

Assemblyman Goedhart:

I support this bill because it gives a consumer a good approximation of how much his energy will cost, and helps a potential buyer evaluate if he can afford to pay his utility costs.

Assemblywoman Carlton:

I have a few concerns because I am not sure of the qualifications of the auditor. I want to be sure the person doing the audit is not going to adversely affect the value of my home.

Assemblywoman Kirkpatrick:

Currently, local governments are requiring foreclosed homes to have an energy audit. These people will be very skilled and licensed. There are two programs, and the federal government is in the process of combining them. They are doing some pilot tests to see what works. The hope is that we will adopt some basic standards. There is a place on your appraisal form that says, "Did you do any green energy?" The seller can use it as a marketing tool to sell his house. It is no longer a mandate. It allows the consumer to benefit from an audit. There are homes that will never be 100 percent energy efficient because you have to replace too much of the structure. An energy audit can also contribute to the health and safety of the residents. There was a constituent who was very ill, and her energy audit revealed that her ventilation was dysfunctional.

When it was replaced, many of her health issues disappeared. This can be used by consumers to know who the auditor is, to make sure the auditor is properly licensed, and to have a set standard. There is a second license that an auditor can get that allows them to do small pieces. There are green mortgages that are just starting around the country. The energy audit is the seller's choice to use as a marketing tool. This does not mandate the energy audit, as it was in Senate Bill 437 of the 74th Legislature, which could negatively impact the value of a person's home. People are looking to make changes, and this will do that without mandating the audit.

Assemblywoman Carlton:

Is the same person going to do both of these styles of audits? Or are there two different classification levels of an auditor?

Assemblywoman Kirkpatrick:

It is one license for everyone, but there are some people who can do only certain portions of the energy audit. I think there are about 20 components.

Assemblywoman Carlton:

How are we going to delineate between the different levels of auditors?

Assemblywoman Kirkpatrick:

The Real Estate Division believes they can make that clarification.

Assemblyman Daly:

In section 5, did any of the amendments address the language where it says, "Holds a certification or accreditation from an organization approved by the Administrator"? Is there anything in the bill about how you get approved by the Administrator? What is the accreditation? What is the standard to get accredited, or is the Administrator the sole source to get the accreditation?

Assemblywoman Kirkpatrick:

There was discussion about that. Randy Soltero of the Sheet Metal Workers Union came to the table because his organization has trained about 70 people. We believe that the standards that are set would allow his people to be qualified, because the standards we used are basic standards of both the Building Performance Institute (BPI) and Residential Standards Network (RESNET), but they are not listed as such because when you use one brand name, it ties everyone's hands for the long term. The Real Estate Division is working with different groups. There are homebuilders in northern Nevada that have been doing licensing. There are a lot of American Recovery and Reinvestment Act (ARRA) funds that were used to get these auditors in place.

The Real Estate Division is going to work with them to streamline the process. This is the most difficult bill I have ever worked on.

Assemblyman Daly:

It says the Administrator is going to be able to recognize organizations, and the organizations will hand out certifications. How do the organizations get accredited? I did not see or hear a standard.

Assemblywoman Kirkpatrick:

The Administrator will refer it to the Real Estate Division because they are the people who will be licensing and doing the testing. Mr. Soltero, who represented the labor organizations, and some of the homebuilders are working specifically with the Real Estate Division Administrator, Gail J. Anderson. The Building Performance Institute said we need to ensure is that everybody is working off the same standard. If you are looking for specific wording in the bill, it is not there, but it was in the discussion. There may be 150 people who have this certification, but they were all doing their own thing on this. We did not think we had to start over because the groups that came before us said they had been working off the BPI standards. Regarding the people who said they were energy auditors, we were unsure if they had taken an examination and been licensed.

Assemblyman Ellison:

For a real estate agent to sell a house, for any type of financing, an inspection has to be done on the house. There are inspections that are good, but some of the language in this bill could be devastating for older homes.

Assemblywoman Kirkpatrick:

I am willing to bring this bill back to the Committee and try to answer all of the questions. Currently, everybody is doing their own thing, and there is no clear standard on what we are looking for. The consumer is at risk. The law currently says that the inspection is mandated and an energy use consumption report has to be completed. It is very cumbersome. This bill was a way to remove a mandate for an energy audit because the people who were affected the most were the people who lived in older homes. This bill also intended to set a standard. If we are going to have an energy auditor in our state who is going to make money off the consumer, then we should have a standard. I have been present at three audits, and they were all over the board. I am happy to get what we currently have with our weatherization program. This is an attempt to have a statewide basic group. We either keep status quo or we protect the consumer and make a market for this service in our state.

Chair Atkinson:

Because there are still many questions, we will bring this bill back to the Committee.

Assembly Bill 211: Prohibits discriminatory employment practices based upon gender identity or expression. (BDR 53-272)

Marji Paslov Thomas, Committee Policy Analyst:

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

Chair Atkinson:

Are there any questions from the Committee?

Assemblyman Grady:

I do not think we ever heard that a person went to court and was harmed.

Assemblyman Horne:

I think the problem is that they do not have a cause of action. If they go into an attorney's office with a discrimination complaint, an attorney will tell them they do not have a cause of action. It does not get to a court for the court to tell them they have no claim. The problem is that people are being discriminated against and they have no recourse to seek a remedy because our laws do not allow it. That is why we have this bill.

Assemblyman Segerblom:

I do this for a living and I have to tell people they cannot go to court. There are a lot of these cases.

Assemblyman Ellison:

It seems the law covers this. There seems to be enough information in the law to cover anybody in the world. I think there is protection under the laws of this country.

Assemblyman Conklin:

If you think these people are already protected, then what is the harm in making it perfectly clear? We are making it clear that equality counts for everybody. Changing the definition to make sure that it is inclusive of everybody, if you think it is already there, that is not a reason to oppose the bill; it is a reason to support the bill.

Chair Atkinson:

Are there any other questions from the Committee?

Assemblyman Ohrenschall:

I think there was some compelling testimony during the hearing about how, in the limited jurisdictions that have enacted laws like this, there has not been a flood of litigation and it has not been abused. Any kind of discrimination hurts us all because it means that qualified people are not able to make their contributions to society. Any kind of discrimination hurts every member of society.

Chair Atkinson:

I will entertain a motion.

ASSEMBLYMAN OHRENSCHALL MOVED TO DO PASS
ASSEMBLY BILL 211.

ASSEMBLYMAN HORNE SECONDED THE MOTION.

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

[Assembly Bill 251](#): Provides penalties for certain actions by contractors against persons who are older or vulnerable. (BDR 54-670)

Marji Paslov Thomas, Committee Policy Analyst:

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

Chair Atkinson:

Are there any questions from the Committee?

Assemblyman Ohrenschall:

I want to reserve my right to change my vote on the floor. I laud the sponsor's motives in this, but I question if creating a new crime is a wise use of the prosecutorial, judicial, and prison resources, and I want some more information.

Assemblyman Goedhart:

I have a concern that someone who is 60 years old would be treated differently and looked at as someone who has more protections than someone who is 59 years old. I think people who are just out of high school or college on their first job and talking to a contractor would be more vulnerable than someone who is 60 years old or over and who has more experience. My concern is that we are setting one class to be more protected than another, although I applaud the protection sentiment in the bill.

Assemblywoman Carlton:

I too had some of those concerns but then learned about other protections we give senior citizens as far as different types of crimes. Seniors are sometimes carved out for different levels of protection because of their vulnerability. I have some concerns about the implementation of the bill. I would hate to see a senior citizen be taken advantage of, and I am happy to support the bill.

Chair Atkinson:

Are there any questions from the Committee?

ASSEMBLYWOMAN CARLTON MOVED TO DO PASS
ASSEMBLY BILL 251.

ASSEMBLYWOMAN KIRKPATRICK SECONDED THE MOTION.

THE MOTION FAILED. (ASSEMBLYMEN ELLISON, GOEDHART, GRADY, HARDY, HICKEY, KITE, OHRENSCHALL, AND SEGERBLOM VOTED NO. ASSEMBLYMAN HORNE WAS ABSENT FOR THE VOTE.)

Assemblyman Segerblom:

I would like to rescind the motion and amend the bill to remove the "60 years of age or older" wording and keep the "vulnerable person" portion.

Assemblyman Hardy:

What is the definition of a vulnerable person? Anyone who loses could be a vulnerable person.

Assemblyman Segerblom:

There is a legal definition in statute.

ASSEMBLYMAN SEGERBLOM MOVED TO RESCIND THE VOTE ON
ASSEMBLY BILL 251.

ASSEMBLYMAN OHRENSCHALL SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Atkinson:

We are going to take this bill and try to bring it to the Committee again.

Marji Paslov Thomas, Committee Policy Analyst:

The next three bills for your consideration are Assembly Bill 253, Assembly Bill 254, and Assembly Bill 255, which were all sponsored by the Legislative Commission's Subcommittee to Review the United States Department of Labor's Report on the Nevada Occupational Safety and Health Program. The three bills were heard at the same hearing on March 16, 2011.

Assembly Bill 253: Makes various changes concerning fines and settlement agreements relating to occupational safety and health. (BDR 53-100)

Assembly Bill 253 provides that a violation of any provision of a settlement agreement entered into that relates to the Nevada Occupational Safety and Health Act may trigger certain fines or punishments.

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

Chair Atkinson:

Are there any questions from the Committee?

Assemblyman Daly:

I am confused about the amounts in the Division of Industrial Relations' amendment number 4.

Assemblywoman Carlton:

There are two different sections. Under section 2 there was a fining structure. The minimum fine stayed the same and the maximum fine was changed. Under section 4 it is the willful violation that results in a death. The fine is not more than \$100,000 and not less than \$50,000. On a willful death it is not more than \$250,000 and not less than \$50,000. The Division starts at the highest amount and works its way down.

Chair Atkinson:

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

ASSEMBLYMAN SEGERBLOM MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 253.

ASSEMBLYMAN CONKLIN SECONDED THE MOTION.

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

Assembly Bill 254: Revises provisions relating to the issuance of a citation for certain occupational safety and health violations. (BDR 53-101)

Marji Paslov Thomas, Committee Policy Analyst:
[Read from work session document ([Exhibit L](#)).]

[Chair Atkinson turned the gavel over to Vice Chair Conklin.]

Vice Chair Conklin:
Are there any comments?

Assemblywoman Carlton:

We had many people submit different interpretations of the language to deal with this issue and to remind the Committee that this is about access to a hazard in the place of employment. This bill could save people's lives. The "not by way of limitation" language is not needed. The language would read, "A citation issued under this section may be based upon the Administrator's determination or the Administrator's authorized representative's determination that one or more employees have access to a hazard." The new language would be in conformance with almost 35 years of Occupational Safety and Health Administration (OSHA) legal opinions handed down through the Federal OSHA Commission. Access is a legal theory that exists in the federal and Nevada operations manual but has not been codified. We are codifying it. Access is one of the four elements that a compliance officer must prove in order to propose an OSHA citation. The four elements are: a hazardous condition exists, there is actual or constructive employer knowledge of the hazard, there is employee access to the hazard, and there is a regulation that covers the hazardous condition. If we have no regulation to say it is bad, we should not hold the contractor liable.

Placing access into *Nevada Revised Statutes* (NRS) Chapter 618 will give OSHA policy the strength of law and give a more compelling requirement for the Nevada OSHA review board in courts when hearing a contested case. An employee access is established by the compliance and safety officers when they witness, observe, or monitor the proximity of an employee to a hazard or potentially hazardous condition. Most of the parties to this bill agree with this, although there are some concerns. If we keep an employee from being injured, then we have accomplished our job.

[Chair Atkinson reassumed the gavel.]

Chair Atkinson:
Are there any questions from the Committee?

Assemblyman Hickey:

Was the Associated General Contractors of America (AGC) Las Vegas Chapter's amendment accepted?

Assemblywoman Carlton:

This particular AGC amendment was submitted before we came up with the final language. We tried to come up with something that everyone was comfortable with. I shared the language, and this is what made everyone feel comfortable and would allow the Division of Industrial Relations to do its job and protect the employees from hazards.

Assemblyman Daly:

I thought the element was the exposure to a hazard, not merely access, that got you a citation. There are a lot of ways to restrict access.

Assemblywoman Carlton:

If an employer knows that an employee could have access to something that is citable, that can be pointed out to them. We are going beyond exposure to access. Hopefully the hazard will be rectified, but if they do not work with the inspectors, it will be a citable offense.

Chair Atkinson:

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

ASSEMBLYMAN SEGERBLOM MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 254.

ASSEMBLYMAN OHRENSCHALL SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN ELLISON AND KITE
VOTED NO. ASSEMBLYMAN HORNE WAS ABSENT FOR THE
VOTE.)

Assemblyman Grady:

I reserve my right to change my vote on the floor until I see a clean mock-up.

[Assembly Bill 255](#): Revises procedures relating to certain accidents occurring in the course of employment. (BDR 53-102)

Marji Paslov Thomas, Committee Policy Analyst:

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

Chair Atkinson:

Are there any comments?

Assemblywoman Carlton:

This was a very passionate issue for the family members who lost a loved one on a job site. We thought we could give the families more involvement beyond what we did in Senate Bill No. 288 of the 75th Legislature. If we did that we would eliminate there even being an informal conference to address the issues. Therefore, I believe that informing the family of the results of the informal conference is the best way to do this. An issue was brought up to have Nevada Occupational Safety and Health Administration (OSHA) and the workers' compensation people reach out to an employee's family to get all of the information they would need to complete the investigation of a death.

Chair Atkinson:

Are there any questions or comments from the Committee?

Assemblyman Grady:

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

Assemblyman Ellison:

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

Assemblyman Hardy:

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

ASSEMBLYMAN SEGERBLOM MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 255.

ASSEMBLYMAN OHRENSCHALL SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN KITE VOTED NO.
ASSEMBLYMEN HORNE AND OCEGUERA WERE ABSENT FOR THE
VOTE.)

Assembly Bill 299: Creates the Low-Cost Automobile Insurance Pilot Program.
(BDR 57-178)

Marji Paslov Thomas:

Assembly Bill 299 was sponsored by Assemblyman Atkinson and was heard on April 1, 2011.

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

Chair Atkinson:

Is there any discussion?

Assemblyman Ellison:

My biggest concern is that the funds collected by the insurance will be used only in Clark County.

Assemblywoman Kirkpatrick:

I understand that it is difficult for the entire state to pay into this when only Clark County will benefit.

Chair Atkinson:

This is a pilot program, and if it is successful, it will include other jurisdictions. If we are going to be paying for uninsured motorists, I would rather pay for them on this end.

Assemblyman Hickey:

I question the public policy in this bill. I can see this being expanded to other areas of the state, and I am not convinced that we can afford it.

Chair Atkinson:

The bill specifically says that if we are going to expand the program, we have to bring it back to the Legislature.

Assemblywoman Carlton:

Is there a limit of how many people can participate in the pilot program?

Chair Atkinson:

There is no limit. Is there any discussion?

ASSEMBLYWOMAN CARLTON MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 299.

ASSEMBLYWOMAN KIRKPATRICK SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN GOEDHART, HICKEY,
AND KITE VOTED NO. ASSEMBLYMEN HORNE AND OCEGUERA
WERE ABSENT FOR THE VOTE.)

Assemblyman Grady:

I will reserve my right to change my vote on the floor until I see the mock-up.

Assemblyman Hardy:

I reserve my right to change my vote.

Assembly Bill 323: Requires the establishment and maintenance of an Internet website to provide information concerning consumer fraud in this State.
(BDR 52-313)

Marji Paslov Thomas, Committee Policy Analyst:

Assembly Bill 323 was sponsored by Assemblyman Conklin and was heard on April 4, 2011.

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

Chair Atkinson:

Is there any discussion?

Assemblyman Goedhart:

Does this also include complaints before they are adjudicated?

Assemblyman Conklin:

Almost every board has its own process. I will use the State Contractors' Board as an example because they are the largest and most vocal about problems. Most of the time when somebody has been charged with a violation, that information does not become public until it is adjudicated. Once it is adjudicated, it becomes public. I am not sure if all boards have the same procedure.

Assemblywoman Carlton:

I believe most boards do not list inaccurate information on their websites. All of the boards are required to submit a disciplinary report and submit it to the Legislative Counsel Bureau, and you can find it on the website. We do have some that do not comply, but they do list all of the disciplinary cases during a quarter.

Chair Atkinson:

Are there any questions or comments from the Committee?

Assemblyman Ohrenschall:

I would like to reserve my right to change my vote.

ASSEMBLYWOMAN KIRKPATRICK MOVED TO AMEND AND DO
PASS ASSEMBLY BILL 323.

ASSEMBLYMAN SEGERBLOM SECONDED THE MOTION.

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

Chair Atkinson:

Is there any further discussion from the Committee members? I see none. Is
there any public comment? [There was none.]

The meeting is adjourned [at 4:42 p.m.].

RESPECTFULLY SUBMITTED:

Earlene Miller
Committee Secretary

APPROVED BY:

Assemblyman Kelvin Atkinson, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Commerce and Labor

Date: April 11, 2011

Time of Meeting: 3:04 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 215 A.B. 287	C	Marji Paslov Thomas	Report
A.B. 215	D	Marji Paslov Thomas	Work Session Document
A.B. 287	E	Marji Paslov Thomas	Work Session Document
A.B. 390 A.B. 432	F	Marji Paslov Thomas	Report
A.B. 390	G	Marji Paslov Thomas	Work Session Document
A.B. 432	H	Marji Paslov Thomas	Work Session Document
A.B. 211	I	Marji Paslov Thomas	Work Session Document
A.B. 251	J	Marji Paslov Thomas	Work Session Document
A.B. 253	K	Marji Paslov Thomas	Work Session Document
A.B. 254	L	Marji Paslov Thomas	Work Session Document
A.B. 255	M	Marji Paslov Thomas	Work Session Document
A.B. 299	N	Marji Paslov Thomas	Work Session Document
A.B. 323	O	Marji Paslov Thomas	Work Session Document