

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

**Seventy-Seventh Session
May 15, 2013**

The Senate Committee on Commerce, Labor and Energy was called to order by Chair Kelvin Atkinson at 1:47 p.m. on Wednesday, May 15, 2013, in Room 2134 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 of the Grant Sawyer State Office Building, 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 Kelvin Atkinson, Chair
Senator Moises (Mo) Denis, Vice Chair
Senator Justin C. Jones
Senator Joyce Woodhouse
Senator Joseph P. Hardy
Senator James A. Settelmeyer
Senator Mark Hutchison

GUEST LEGISLATORS PRESENT:

Assemblyman Pete Livermore, Assembly District No. 40

STAFF MEMBERS PRESENT:

Marji Paslov Thomas, Policy Analyst
Dan Yu, Counsel
Caitlin Brady, Committee Secretary

OTHERS PRESENT:

Danny Thompson, Nevada State AFL-CIO
Randy J. Brown, CPA, AT&T

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Chair Atkinson:

I will open the work session on Assembly Bill (A.B.) 72.

ASSEMBLY BILL 72: Revises provisions relating to the Nevada State Board of Veterinary Medical Examiners. (BDR 54-189)

Marji Paslov Thomas (Policy Analyst):

I will read the summary of the bill from the work session document ([Exhibit C](#)).

Chair Atkinson:

Hearing no discussion, I will close the work session on A.B. 72.

SENATOR SETTELMAYER MOVED TO DO PASS A.B. 72.

SENATOR HARDY SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Atkinson:

I will open the work session on A.B. 86.

ASSEMBLY BILL 86 (1st Reprint): Requires the State Contractors' Board to suspend or revoke the license of a contractor for failure to comply with certain provisions governing unemployment compensation, industrial insurance and insurance for occupational diseases. (BDR 54-276)

Ms. Paslov Thomas:

I will read the summary of the bill and amendment from the work session document ([Exhibit D](#)).

Senator Hutchison:

This is a helpful amendment. I was concerned with the immediacy language. I am in full support of the bill with the "as soon as practicable, but not more than 3 business days" language.

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Chair Atkinson:

I have similar concerns to those of Senator Hutchison. I am satisfied with the changes, too. I will close the work session on A.B. 86.

SENATOR HUTCHISON MOVED TO AMEND AND DO PASS AS AMENDED A.B. 86 WITH PROPOSED AMENDMENT 8816.

SENATOR SETTELMAYER SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Atkinson:

We will not hear A.B. 95 today.

[ASSEMBLY BILL 95 \(1st Reprint\)](#): Revises provisions governing prescription labels. (BDR 54-648)

I will open the work session on A.B. 120.

[ASSEMBLY BILL 120 \(1st Reprint\)](#): Revises provisions governing information provided to insurance policyholders. (BDR 57-802)

Ms. Paslov Thomas:

I will read the summary of the bill from the work session document ([Exhibit E](#)).

Chair Atkinson:

Hearing no discussion, I will close the work session on A.B. 120.

SENATOR JONES MOVED TO DO PASS A.B. 120.

SENATOR DENIS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Atkinson:

I will open the work session on A.B. 181.

ASSEMBLY BILL 181: Makes various changes to provisions governing employment practices. (BDR 53-48)

Ms. Paslov Thomas:

I will read summary of the bill and proposed amendments from the work session document ([Exhibit F](#)).

Senator Settlemeyer:

We had a discussion about changing the language to match what Senator Parks used in Senate Bill 127. Are you agreeable to using that language to ensure consistency?

SENATE BILL 127 (1st Reprint): Prohibits employers from conditioning employment on a consumer credit report or other credit information. (BDR 53-453)

Chair Atkinson:

We considered the language Senator Parks used, but there were issues trying to combine the bills. Mr. A. Alonso and Mr. Jackson drafted the amendments, and I think they help.

Senator Settlemeyer:

I agree with the proposed amendments. I wanted to prevent a conference committee.

Senator Jones:

Did the sponsors accept Mr. Alonso's amendment?

Chair Atkinson:

Mr. Alonso indicated so.

Senator Hutchison:

I was concerned about regulatory bodies requiring employers to have access to social media accounts. The proposed amendment by Mr. Alonso satisfies the concerns I had.

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Chair Atkinson:

I am closing the work session on A.B. 181.

SENATOR JONES MOVED TO AMEND AND DO PASS AS AMENDED
A.B. 181 WITH ALL PROPOSED AMENDMENTS LISTED IN THE WORK
SESSION DOCUMENT, [EXHIBIT F](#).

SENATOR DENIS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Atkinson:

I will open the work session on A.B. 185.

[ASSEMBLY BILL 185 \(1st Reprint\)](#): Revises provisions to increase the
cooperation between the Labor Commissioner and the United States
Department of Labor to promote compliance with labor laws of common
concern. (BDR 53-795)

Ms. Paslov Thomas:

I will read the summary of the bill from the work session document ([Exhibit G](#)).

Chair Atkinson:

Hearing no discussion, I will close the work session on A.B. 185.

SENATOR DENIS MOVED TO DO PASS A.B. 185.

SENATOR HARDY SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Atkinson:

I will open the work session on A.B. 199.

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ASSEMBLY BILL 199 (1st Reprint): Revises provisions governing the sale of electricity and provision of transmission service and distribution service by the Colorado River Commission of Nevada. (BDR 58-206)

Ms. Paslov Thomas:

I will read the summary of the bill from the work session document ([Exhibit H](#)).

Chair Atkinson:

Hearing no discussion, I will close the work session on A.B. 199.

SENATOR DENIS MOVED TO DO PASS A.B. 199.

SENATOR HUTCHISON SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Atkinson:

I will open the work session on A.B. 306.

ASSEMBLY BILL 306 (1st Reprint): Revises provisions relating to private investigators and related professions. (BDR 54-677)

Ms. Paslov Thomas:

I will read the summary of the bill and proposed amendment from the work session document ([Exhibit I](#)).

Chair Atkinson:

Hearing no discussion, I will close the work session on A.B. 306.

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SENATOR JONES MOVED TO AMEND AND DO PASS AS AMENDED
A.B. 306 WITH THE PROPOSED AMENDMENT FROM
JOHN ARRASCADA.

SENATOR DENIS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Atkinson:

I will open the work session on A.B. 322.

ASSEMBLY BILL 322: Revises provisions concerning casualty insurance.
(BDR 57-1038)

Ms. Paslov Thomas:

I will read the summary of the bill from the work session document ([Exhibit J](#)).

Chair Atkinson:

Hearing no discussion, I will close the work session on A.B. 322.

SENATOR HARDY MOVED TO DO PASS A.B. 322.

SENATOR JONES SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Atkinson:

I will open the work session on A.B. 339.

ASSEMBLY BILL 339 (1st Reprint): Revises provisions governing compensation
for overtime. (BDR 53-968)

Ms. Paslov Thomas:

I will read the summary of the bill from the work session document ([Exhibit K](#)).

Chair Atkinson:

There is a proposed amendment ([Exhibit L](#)) from Danny Thompson with the Nevada State AFL-CIO.

Danny Thompson (Nevada State AFL-CIO):

This is a friendly amendment. We have this language in our contracts with the exception of "inclement weather" and "any other circumstance." If an employee agrees to work four 10-hour days and he or she does not, the employer cannot be charged for overtime. Nevada State AFL-CIO contracts do not include "inclement weather" or "any other circumstance" language. We support the bill because it is in our contracts.

Chair Atkinson:

I wanted to ensure we did not do anything to take your contracts out of compliance.

Assemblyman Pete Livermore (Assembly District No. 40):

I am comfortable with the proposed amendment.

Senator Denis:

The amendment deletes "inclement weather." Would it then read "made by the employee, a natural disaster, the tardiness of the employee, an illness of the employee?"

Mr. Thompson:

Yes. Our contracts are written so that if an employee who works four 10-hour days misses work because of a natural disaster or for a reason caused by the employee, the employer does not have to pay overtime for the time over 8 hours per day worked. Other circumstances could include a supplier not getting material in time. That is not the employee's fault.

Senator Denis:

Is the intent not only to delete the words "any other circumstance" but the whole of line 12, page 2, of the bill?

Mr. Thompson:

Yes.

Senator Denis:

Is the intent to delete "or any other circumstance beyond the control of the employer?"

Mr. Thompson:

Yes.

Assemblyman Livermore:

I am bringing this bill on behalf of an automobile dealership that employs service workers for four 10-hour days. Mr. Thompson saw this might fit the AFL-CIO's needs. I do not know if there is any detriment to my constituent with the amendment. I think the proposed amendment will work, though.

Chair Atkinson:

You will have time before the Assembly has to concur to discuss with your constituent to see if this still works for him.

Senator Settlemeyer:

I would like to know the response from the constituent after your discussion.

Chair Atkinson:

Assemblyman Livermore, are you comfortable with this?

Assemblyman Livermore:

I have had about half an hour to look at the amendment. I am as comfortable as can be in half an hour.

Chair Atkinson:

Are you comfortable that you will still have time before needing to concur?

Assemblyman Livermore:

Yes.

Chair Atkinson:

I am closing the work session on A.B. 339.

SENATOR HARDY MOVED TO AMEND AND DO PASS AS AMENDED
A.B. 339 WITH THE AMENDMENT PROPOSED BY DANNY THOMPSON.

SENATOR DENIS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Atkinson:

I will open the work session on A.B. 432.

[ASSEMBLY BILL 432](#): Revises provisions governing intoxicating liquor. (BDR 32-980)

Ms. Paslov Thomas:

I will read the summary of the bill from the work session document ([Exhibit M](#)).

Chair Atkinson:

Hearing no discussion, I will close the work session on A.B. 432.

SENATOR SETTELMAYER MOVED TO DO PASS A.B. 432.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Atkinson:

I will open the work session on A.B. 437.

[ASSEMBLY BILL 437 \(1st Reprint\)](#): Revises provisions governing title insurers.
(BDR 57-1173)

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Ms. Paslov Thomas:

I will read the summary of the bill from the work session document ([Exhibit N](#)).

Chair Atkinson:

Hearing no discussion, I will close the work session on A.B. 437.

SENATOR DENIS MOVED TO DO PASS A.B. 437.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Atkinson:

I will open the work session on A.B. 486.

ASSEMBLY BILL 486 (1st Reprint): Revises provisions relating to telecommunication providers. (BDR 58-970)

Ms. Paslov Thomas:

I will read the summary of the bill and proposed amendment from the work session document ([Exhibit O](#)).

Senator Denis:

I would like clarification on whether the Public Utilities Commission of Nevada (PUCN) regulates voice over Internet protocol (VoIP).

Randy J. Brown, CPA (AT&T):

This does not remove any existing authority regarding VoIP service. The VoIP service is an interstate service that is handled at the federal level. The PUCN does not regulate VoIP service, and this bill does not add jurisdiction.

Senator Denis:

In emergency situations, the PUCN would not regulate VoIP service because it is regulated federally. Correct?

Mr. Brown:

If existing providers leave an area and the PUCN declares an emergency, there would be a type of reverse auction. The PUCN would ask who is willing to come into the area, serve the territory and at what price. The PUCN would use the Nevada Universal Service Fund to compensate the carrier. The emergency provisions provide for obligations that must be met if a carrier accepts money from the Nevada Universal Service Fund. The obligations are not spelled out in statute, but it is left to the PUCN to determine those.

Senator Hutchison:

Are you happy with the nationwide consistency this will provide so companies will invest infrastructure resources in Nevada?

Mr. Brown:

We are satisfied with the proposed amendment. We worked with the PUCN to craft it and shared it with a subcommittee of the Assembly Committee on Commerce and Labor to make sure they were comfortable with it. What you are referencing are the concerns we had with section 3 about inconsistency arising from changes to that section. Section 3 is related to VoIP. The amendment today is related to providers of last resort.

Senator Hutchison:

Are you still concerned about nationwide consistency? Will this be a problem for companies looking to invest in Nevada?

Mr. Brown:

We prefer the way section 3 is currently written. It is consistent with what is happening in other states.

Senator Settelmeyer:

Did AT&T talk to the sponsor of the bill about the amendment?

Mr. Brown:

Yes. We included the Assembly Committee on Commerce and Labor subcommittee members—Assemblywoman Diaz, Assemblyman Hansen and Speaker Kirkpatrick—as well as the PUCN. They all concurred with the amendment.

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Chair Atkinson:

I am closing the work session on A.B. 486.

SENATOR SETTELMAYER MOVED TO AMEND AND DO PASS AS AMENDED A.B. 486 WITH THE PROPOSED AMENDMENT LISTED IN THE WORK SESSION DOCUMENT, [EXHIBIT O](#).

SENATOR HUTCHISON SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Atkinson:

I will open the work session on A.B. 494.

[ASSEMBLY BILL 494 \(1st Reprint\)](#): Revises provisions governing the Nevada State Funeral Board. (BDR 54-573)

Ms. Paslov Thomas:

The work session document ([Exhibit P](#)) includes a comprehensive summary of the bill. I will read the summary of the proposed amendments from the work session document. Proposed amendment 2 is included in the mock-up, Proposed Amendment 8770, included in [Exhibit P](#).

Senator Settelmeyer:

The proposed amendments help the bill. I served on the Sunset Subcommittee of the Legislative Commission, and we had a lot of discussion about the Nevada State Funeral Board, especially about why it does not need to exist any longer. I do not like the concept of this tax. I cannot support the bill in any fashion because of all the testimony heard in the Subcommittee on this topic. The purpose of the Subcommittee was to eliminate unnecessary boards. This is an unnecessary board that was revived instead.

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Chair Atkinson:

I am closing the work session on A.B. 494.

SENATOR JONES MOVED TO AMEND AND DO PASS AS AMENDED
A.B. 494 WITH ALL AMENDMENTS LISTED IN THE WORK SESSION
DOCUMENT, [EXHIBIT P](#).

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION PASSED. (SENATOR SETTELMAYER VOTED NO.)

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Chair Atkinson:

The meeting is adjourned at 2:21 p.m.

RESPECTFULLY SUBMITTED:

Caitlin Brady,
Committee Secretary

APPROVED BY:

Senator Kelvin Atkinson, Chair

DATE: _____

<u>EXHIBITS</u>				
Bill	Exhibit		Witness / Agency	Description
	A	2		Agenda
	B	4		Attendance Roster
A.B. 72	C	1	Marji Paslov Thomas	Work session document
A.B. 86	D	9	Marji Paslov Thomas	Work session document
A.B. 120	E	1	Marji Paslov Thomas	Work session document
A.B. 181	F	3	Marji Paslov Thomas	Work session document
A.B. 185	G	1	Marji Paslov Thomas	Work session document
A.B. 199	H	1	Marji Paslov Thomas	Work session document
A.B. 306	I	2	Marji Paslov Thomas	Work session document
A.B. 322	J	1	Marji Paslov Thomas	Work session document
A.B. 339	K	1	Marji Paslov Thomas	Work session document
A.B. 339	L	1	Danny Thompson	Proposed amendment
A.B. 432	M	1	Marji Paslov Thomas	Work session document
A.B. 437	N	1	Marji Paslov Thomas	Work session document
A.B. 486	O	2	Marji Paslov Thomas	Work session document
A.B. 494	P	3	Marji Paslov Thomas	Work session document