

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

**Seventy-Seventh Session  
March 13, 2013**

The Senate Committee on Commerce, Labor and Energy was called to order by Chair Kelvin Atkinson at 1:42 p.m. on Wednesday, March 13, 2013, in Room 2134 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E 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

**STAFF MEMBERS PRESENT:**

Marji Paslov Thomas, Policy Analyst  
Caitlin Brady, Committee Secretary

**OTHERS PRESENT:**

Debrea Terwilliger, Assistant Staff Counsel, Office of the Staff Counsel, Public  
Utilities Commission of Nevada

**Chair Atkinson:**

We only have a work session today. We will start with Senate Bill (S.B.) 36.

**SENATE BILL 36**: Makes various changes concerning unemployment compensation. (BDR 53-371)

**Marji Paslov Thomas (Policy Analyst):**

Senate Bill 36 requires the administrator of the Employment Security Division (ESD), Department of Employment, Training and Rehabilitation (DETR) to create a work-sharing program. The bill establishes a method for ESD to collect fraudulently obtained benefits by attaching a person's paycheck if that person is not making reasonable effort to make restitution to the Unemployment Trust Fund. The measure adds the person must have been unemployed and otherwise eligible for benefits for a waiting period of one week within the person's current benefit year, during which time no benefits were paid as a condition for benefits. Also, S.B. 36 prohibits relieving an employer's account for benefits improperly paid if the employer fails to provide all relevant facts or to respond timely to a request for separation information. Finally, the measure provides that if the transferring employer is liable to ESD for unpaid contributions, interest or forfeits, a percentage of that liability must also be transferred to the successor employer. There are six amendments to this bill included in the work session document ([Exhibit C](#)).

Amendments number 1 through number 4 were proposed by Renee L. Olson, Administrator, ESD. Amendment number 1 would delete all sections establishing the authority for the work-sharing program. Amendment number 2 would clarify claimant eligibility due to the introduction of the waiting week. Amendment number 3 would clarify the penalties assessed to fraudulent overpayments. Amendment number 4 proposed to remove "or has established a pattern of failing to submit timely such facts" from section 25 subsection 7 of the bill.

Amendments number 5 and number 6 were proposed by Jon L. Sasser, Statewide Advocacy Coordinator, Legal Services. Amendment number 5 proposes to provide the wages garnished by ESD for repayment of fraudulently obtained benefits or to recover amounts owed to ESD by persons who commit unemployment insurance fraud are subject to limitations for withholding income. Amendment number 6 proposes to delete section 22 of the bill, which postpones payment of unemployment benefits for one week after a claim is filed.

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Amendment number 2 and amendment number 6 are contradictory. One proposes to retain the waiting week, and the other proposes to delete it. You cannot adopt both amendments.

**Senator Settelmeyer:**

I do not see adding "known" to the end of line 13 on page 21 in any of the amendments. We heard testimony that it is difficult to give all relevant facts, but it is possible to give all known relevant facts.

**Chair Atkinson:**

I do not have a problem with that addition. I will close the work session on S.B. 36.

**Senator Settelmeyer:**

I want to adopt amendments number 1 through number 5 and my verbal amendment.

SENATOR SETTELMEYER MOVED TO AMEND AND DO PASS AS AMENDED S.B. 36 WITH THE LISTED AMENDMENTS.

SENATOR HUTCHISON SECONDED THE MOTION.

**Senator Woodhouse:**

I do not support amendment number 2. I do support amendment number 6.

THE MOTION CARRIED. (SENATORS WOODHOUSE AND JONES VOTED NO.)

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**Chair Atkinson:**

I will open the work session on S.B. 41.

**SENATE BILL 41:** Revises certain provisions governing the regulation of certain providers of telecommunication services by the Public Utilities Commission of Nevada. (BDR 58-324)

**Ms. Paslov Thomas:**

The relevant information and amendments are included in the work session document ([Exhibit D](#)). Senate Bill 41 allows a small-scale provider of last resort to file proposed schedule changes using a letter of advice in lieu of an application with the Public Utilities Commission of Nevada (PUCN). The applicant must demonstrate the proposed change in schedule is required by or directly related to a regulation or order of the Federal Communications Commission and file the letter of advice not later than 5 years after the PUCN has issued a final order on an applicant's general rate application. The PUCN or any other interested party may file a request for the issuance of an order requiring the applicant to file a general rate application, and the PUCN may hold a hearing to consider such a request. The bill expands the applicability of the reduction in rates provided by Lifeline or tribal Link Up services included in bundled service offerings, which an eligible provider is required to offer pursuant to federal regulations. Two amendments are proposed by Debrea Terwilliger, Assistant Staff Counsel of the PUCN.

**Senator Settlemeyer:**

Are all the amendments from the same entity?

**Debrea Terwilliger (Assistant Staff Counsel, Office of the Staff Counsel, Public Utilities Commission of Nevada):**

We worked with the various stakeholders on both amendments. We worked with the Nevada Telecommunications Association representing the small-scale providers of last resort on the amendment to section 1. We worked with AT&T on the amendment to section 2.

**Senator Settlemeyer:**

Do either of the amendments conflict with each other?

**Ms. Terwilliger:**

No.

**Chair Atkinson:**

I am closing the work session on S.B. 41.

SENATOR DENIS MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 41.

SENATOR JONES SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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**Chair Atkinson:**

I will open the work session on S.B. 47.

**SENATE BILL 47**: Makes various changes to provisions governing the regulation of the mortgage industry. (BDR 54-361)

**Ms. Paslov Thomas:**

Senate Bill 47 conforms the definition of "employee" with the federal definition in the context of mortgage lending. A nonprofit agency or organization that otherwise would be subject to the provisions of statutes governing mortgage brokers and mortgage agents is exempt from such provisions if, in addition to existing requirements, it also maintains tax exempt status under section 501(c)(3) of the *Internal Revenue Code of 1986*. The bill requires mortgage brokers and bankers to establish written policies and procedures for the mortgage agents. The measure provides that attorneys must be licensed to practice in Nevada and not be engaged in a practice comprised primarily of providing a covered service to his or her clients. There are two amendments included in the work session document ([Exhibit E](#)).

James Westin, Commissioner, Division of Mortgage Lending, Department of Business and Industry (DBI), and Charles A. Mohler, Chairman, Advisory Council on Mortgage Investments and Mortgage Lending, DBI, proposed the amendments. Amendment number 1 proposes that two or more mortgage brokers who are properly licensed in the State of Nevada are not prohibited from working in conjunction with one another (co-brokering) with respect to commercial loan transactions. However, each broker may only compensate, where applicable, his or her own mortgage agent who assists in such a transaction. Amendment number 2 proposes to include the language "maintains tax-exempt status under section 501(c)(3) of the *Internal Revenue Code of 1986*" in line 13 on page 12 of the bill.

**Senator Jones:**

Were both amendments proposed by both Mr. Westin and Mr. Mohler?

**Ms. Paslov Thomas:**

Yes.

**Chair Atkinson:**

I will close the work session on S.B. 47.

SENATOR SETTELMAYER MOVED TO AMEND AND DO PASS AS  
AMENDED S.B. 47.

SENATOR DENIS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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**Chair Atkinson:**

I am opening the work session on S.B. 153.

**SENATE BILL 153**: Revises provisions relating to occupational therapy. (BDR 54-568)

**Ms. Paslov Thomas:**

The work session document for S.B. 153 is included ([Exhibit F](#)). Senate Bill 153 includes an occupational therapist as a provider of health care. The bill proposes to revise the definition of the term "occupational therapy" (OT). The measure would make provisions of existing law governing OT applicable to certain persons practicing OT in association with a licensed occupational therapist. The bill would clarify certain duties of the Board of Occupational Therapy and makes changes to its composition. The measure would revise the qualifications of a person to whom the Board may issue a license without examination.

**Chair Atkinson:**

I will close the work session on S.B. 153.

SENATOR HARDY MOVED TO DO PASS S.B. 153.

SENATOR JONES SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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**Chair Atkinson:**

I will open the work session on S.B. 154.

**SENATE BILL 154**: Revises certain provisions governing manufactured home parks. (BDR 10-23)

**Ms. Paslov Thomas:**

Senate Bill 154 requires a landlord of a manufactured home park to maintain any utility service apparatus located on each manufactured home lot up to the disconnection point. Maintenance is not required on any such apparatus damaged by the tenant. There is one amendment to the bill proposed by Eric C. Smith, Chief Inspector, Board for the Regulation of Liquefied Petroleum Gas, State Department of Agriculture. The amendment, included in the work session document ([Exhibit G](#)), proposes that a person must be properly licensed under the applicable provisions of *Nevada Revised Statutes* to perform any maintenance required under section 1 of the bill.

**Chair Atkinson:**

I will close the work session on S.B. 154.

SENATOR DENIS MOVED TO AMEND AND DO PASS AS AMENDED S.B. 154.

SENATOR SETTELMAYER SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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**Chair Atkinson:**

We have two bill draft requests (BDRs) to introduce. I am requesting Committee introduction of BDR 9-74.

**BILL DRAFT REQUEST 9-74:** Revises provisions governing contracts. (Later introduced as [Senate Bill 251](#).)

SENATOR DENIS MOVED TO INTRODUCE BDR 9-74.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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**Chair Atkinson:**

I am requesting Committee introduction of BDR 58-775.

**BILL DRAFT REQUEST 58-775:** Makes various changes to the renewable portfolio standard. (Later introduced as [Senate Bill 252](#).)

SENATOR DENIS MOVED TO INTRODUCE BDR 58-775.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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**Chair Atkinson:**

The meeting is adjourned at 2:02 p.m.

RESPECTFULLY SUBMITTED:

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Caitlin Brady,  
Committee Secretary

APPROVED BY:

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Senator Kelvin Atkinson, Chair

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

<b><u>EXHIBITS</u></b>				
<b>Bill</b>	<b>Exhibit</b>		<b>Witness / Agency</b>	<b>Description</b>
	A	1		Agenda
	B	3		Attendance Roster
S.B. 36	C	12	Marji Paslov Thomas	Work Session Document
S.B. 41	D	7	Marji Paslov Thomas	Work Session Document
S.B. 47	E	1	Marji Paslov Thomas	Work Session Document
S.B. 153	F	1	Marji Paslov Thomas	Work Session Document
S.B. 154	G	1	Marji Paslov Thomas	Work Session Document