

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

**Seventy-fifth Session
April 20, 2009**

The Senate Committee on Commerce and Labor was called to order by Chair Maggie Carlton at 3:10 p.m. on Monday, April 20, 2009, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412E, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

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

COMMITTEE MEMBERS ABSENT:

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

STAFF MEMBERS PRESENT:

Kelly S. Gregory, Committee Policy Analyst
Daniel Peinado, Committee Counsel
Carol Allen, Committee Secretary

OTHERS PRESENT:

Barbara Smith Campbell, Nevada Certified Court Reporters Board; Consensus LLC
Mary Cameron, Chair, Nevada Certified Court Reporters Board; Owner, Capitol Reporters
Peter Maheu, President, Nevada Society of Professional Investigators; Owner, Global Intelligence Network

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Mike Kirkman, Vice President, Nevada Society of Professional Investigators;
Owner, Las Vegas Detectives
Rocky Finseth, Managing Partner, Carrara Nevada; Nevada Land Title
Association; PhRMA
Norma Spaeth, President, Title One; Nevada Land Title Association
Bill Uffelman, President and CEO, Nevada Bankers Association
Ernest Figueroa, Senior Deputy Attorney General, Bureau of Consumer
Protection, Office of the Attorney General

Chair Maggie Carlton opened the Committee meeting by announcing that Assembly Bill (A.B.) 151 and A.B. 152 would not be heard in today's meeting.

[ASSEMBLY BILL 151 \(1st Reprint\)](#): Makes various changes concerning mortgage lending. (BDR 54-567)

[ASSEMBLY BILL 152 \(1st Reprint\)](#): Makes various changes concerning mortgage lending and related professions. (BDR 54-787)

Chair Carlton opened the hearing on A.B. 509.

[ASSEMBLY BILL 509](#): Makes various changes to provisions governing certified court reporters. (BDR 54-1101)

Barbara Smith Campbell, Nevada Certified Court Reporters Board; Consensus LLC, introduced herself saying she and Mary Cameron were here to speak in favor of A.B. 509.

Mary Cameron, Chair, Nevada Certified Court Reporters Board; Owner, Capitol Reporters, said A.B. 509 was their Board's attempt to keep up with changes in their industry. She said on page 2 of the bill, subsection 4, the phrase "in this State" was added to allow them to have jurisdiction over any complaints arising from out-of-state companies calling upon Nevada court reporters to assist in jobs. She said the process was called 1-800-DEPOSET. Additionally, in subsection 8, paragraph (b), they added "with the exception of proceedings before a federal court," to lay out in their statutes that federal court is a unique jurisdictional animal, hiring their own court reporters. She said this will clarify that their Board does not have jurisdiction over federal employees. Ms. Cameron stated they omitted the phrase "an administrative" in favor of "any agency" in paragraph (d), meaning any agency that utilized the services of a certified court reporter.

Ms. Cameron then pointed out section 2, subsection 2, paragraph (c) adds “reporting procedures,” which is something they already test for. She continued on to section 3 whereby *Nevada Revised Statutes* (NRS) 656.240 is amended, adding “or license” where needed. She said their Board now recognized certified court reporters as well as licensed court reporters. When a firm is approved to operate in Nevada, it is given a license; an individual is given a certification.

She advised section 4, subsection 12, added “or deliver to an ordering party” to encompass situations when legal documents would be delivered to an attorney, rather than the courts. She said the addition of “verbal or written contract” and “within a reasonable time ...” was to accommodate the informal practice of accepting contracts for employment. Ms. Cameron concluded by saying section 5 and section 6 were adding language to clarify certificate holders and license holders.

Chair Carlton inquired why they did not have authority to revoke the privileges of licensed court reporters. Ms. Cameron said they did not have authority prior to the Seventy-fourth Legislative Session. She said a court reporter could hold a private certificate as well as her firm holding a license; the Board wants jurisdiction over both. Chair Carlton asked if the licensees had any concerns with the language. Ms. Cameron said no, their workshop went smoothly, with no opposition. Chair Carlton asked her to explain the 1-800-DEPOSET. She said it was when a court reporting firm in another state called a court reporter in Nevada to assist them. If any complaints arise, the Board wanted jurisdiction.

Senator Rhoads inquired if the Internet had changed court reporting much. Ms. Cameron replied court reporters now do live closed-caption television work. She said they could produce instant translations, faster than digital or audio recordings.

Daniel Peinado, Committee Counsel, advised NRS 656.240 and NRS 656.250, both set forth violations and acts allowing the Board to refuse to issue, renew, suspend or revoke a certificate of a court reporter, and NRS 656.253 already provides authority over the license. He said the authority already exists without the amendment. Senator Copening asked Mr. Peinado what he recommended. He said he did not believe the new language was required for sections 4 through 6. Ms. Campbell said the Board was looking for more clarity if a person was a dual certificate and license holder. Mr. Peinado repeated they already have that authority. Ms. Campbell sought crystal-clear clarification.

SENATOR SCHNEIDER MOVED TO DO PASS A.B. 509.

SENATOR RHOADS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Carlton opened the hearing on A.B. 490.

ASSEMBLY BILL 490: Revises certain qualifications for the licensure of private investigators. (BDR 54-1102)

Peter Maheu, President, Nevada Society of Professional Investigators; Owner, Global Intelligence Network, submitted written testimony in favor of A.B. 490 (Exhibit C). Mr. Maheu said the Nevada Private Investigator's Licensing Board met and agreed that adding this bill to our statute would be for the benefit of all private investigators. He said they want anyone removing material from a computer, verifying its authenticity, or testifying about it as evidence, to be licensed under NRS 648. He said he submitted an article from Sunblock Systems, forensic computer scientists, stating you need computer forensic people for internal investigations. He noted his Society had no problem with that theory.

He said the changes made to the bill enforce the statutes and define what a private investigator should or should not be. Mr. Maheu stated the Investigator's Board agrees there have been people licensed who should not have been because they did not have proper qualifications. Certification hours were given for any number of things not inclusive of investigation work. He recalled people have been terminated and bonuses cancelled due to their investigations and it was important that investigators were properly identified.

Chair Carlton asked who proposed the bill. Mr. Maheu said the Nevada Society of Professional Investigators proposed the bill, and then brought it before the Nevada Private Investigator's Licensing Board, and they indicated they had no opposition to the bill passing. Chair Carlton asked if they were raising professional standards. Mr. Maheu said they were clarifying them. Chair Carlton disagreed, saying they were raising the standard of what was required within the five years of experience.

Mike Kirkman, Vice President, Nevada Society of Professional Investigators; Owner, Las Vegas Detectives, spoke about the experience level saying the number of years has not changed, but the methods to gain the five years' experience have. He said the bill was better at defining how the experience could be obtained. Chair Carlton questioned the new language stating "must consist of not less than two years experience" Mr. Kirkman said it was not an additional qualifier, it allows for the remaining three years to be taken a couple of different ways. Mr. Maheu gave the example of a pit clerk who ran credit checks and was given 10,000 hours of investigative experience. He said that person should not have been granted an investigator's license; that was not a professional.

Chair Carlton asked if this was for new licensees only. Mr. Maheu answered yes. Senator Parks questioned what the difference was between a private investigator and a professional investigator. Mr. Kirkman pointed out their Society calls itself Professional Investigators but they are in fact, private investigators.

Senator Parks noted the president for the Investigators' Board was not in attendance. Two letters were submitted without testimony ([Exhibit D](#) and [Exhibit E](#)).

Chair Carlton closed the hearing on [A.B. 490](#), holding it over for a later work session. She then opened the hearing on [A.B. 133](#).

[ASSEMBLY BILL 133](#): Establishes provisions concerning the disbursement of escrow money in real estate transactions. (BDR 54-647)

Rocky Finseth, Managing Partner, Carrara Nevada; Nevada Land Title Association, spoke in favor of [A.B. 133](#). He said it outlines the terms in which an escrow agent may disperse funds from an escrow account at the close of a real estate transaction and the form of which those funds must be in to assure a same-day closing. He said they included cash, electronic transfer, money order, a cashier's check or a certified check.

Norma Spaeth, President, Title One; Nevada Land Title Association, said the bill was important to the title industry and ultimately for the consumer. She said it was also known as the Good Funds Legislation, and it establishes provisions for the disbursement of funds during the real estate transaction. She added escrow cannot be disbursed unless the deposits are equal in value to the disbursements.

She outlined the bill's list of monies acceptable for the same-day closing of the transaction. Ms. Spaeth said Good Funds Legislation is found in states across the region and is long overdue in Nevada; it is common sense in this day and age. She added the collapse of the housing sector has brought out several unscrupulous practices to cheat people out of funds. She closed saying A.B. 133 is good, sound public policy.

Bill Uffelman, President and CEO, Nevada Bankers Association, spoke in support of the bill. A letter from the Division of Mortgage Lending, Department of Business and Industry was submitted without testimony ([Exhibit F](#)).

SENATOR SCHNEIDER MOVED TO DO PASS A.B. 133.

SENATOR COPENING SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Carlton opened the hearing on A.B. 90.

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

Ernest Figueroa, Senior Deputy Attorney General, Bureau of Consumer Protection, Office of the Attorney General, submitted written testimony in support of A.B. 90 ([Exhibit G](#) and [Exhibit H](#)). He said the intent of A.B. 90 is to clarify handling and sharing of confidential documentation with other states and the federal government; they want the ability to retain the documents as confidential. He said they currently enter confidentiality agreements with other states on a case-by-case basis and this bill will give them the ability to retain the documents as confidential without further negotiations. It will also protect against public-record requests and avoid duplication of efforts with other states and the federal government.

Chair Carlton asked for elaboration on why they did not want something disclosed to the public. Mr. Figueroa explained they wanted to protect confidentiality, mainly trade secrets that they subpoena from businesses. He said they were trade secrets covered under NRS 50 that needed clarifying. He said under deceptive-trade practices, they would seek a court order to lift the confidentiality.

Senator Copening inquired if the Office of the Attorney General had ever experienced a trade secret being revealed before. Mr. Figueroa answered no, but they have gone to great lengths to protect their agreements. Chair Carlton asked about the language in section 1, subsection 1, if it was only in the deceptive-trade chapter. Mr. Figueroa said the change is only applicable to NRS 598. He added PhRMA would be testifying in opposition and he supported their concept but needed time to read their proposal.

Rocky Finseth, PhRMA, submitted written testimony in opposition to A.B. 90 ([Exhibit I](#)). He said their opposition was to proprietary trade secrets and confidential information shared with other states that may disclose information to the general public. Chair Carlton said the Committee will allow the Attorney General's Office to look at the proposal and bring it back in a work session.

There being no further business, the Committee meeting of the Senate Commerce and Labor was adjourned at 3:50 p.m.

RESPECTFULLY SUBMITTED:

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Carol Allen,
Committee Secretary

APPROVED BY:

Senator Maggie Carlton, Chair

DATE: _____