

MINUTES - COMMERCE COMMITTEE - 56TH ASSEMBLY - March 12, 1971

Present: Ashworth, Poggione, Hafen, McKissick, Lingenfelter,
Dini, Capurro, Hilbrecht, Branch

Others Present: Noel Clark, Public Service Commission
Bob Guinn, Nevada Transport Trade Ass'n.
Bob McAdams, Nevada Bell
John Peterson, Sierra Pacific Power
Clark Guild

A.B. 684 - Allows secretary of public service commission of Nevada to conduct public hearings. Noel Clark spoke in favor of this bill which is needed to allow the secretary of the commission to conduct small hearings at the request of the commissioners so they can be taken care of more quickly.

MOTION BY LINGENFELTER FOR A DO PASS ON AB-684, SECONDED BY ASHWORTH, CARRIED UNANIMOUSLY.

A.B. 409 -- Excludes certain contributions and fees from consideration in determining gross operating revenues of public utilities. Mr. Clark stated he thought the public service commission had enough control in this field and no state agency should be put into a "straight jacket". Hilbrecht asked how much of the contributions reflected in the consumer rate on utilities. He stated he didn't think the public should be subsidizing utility companies donations or contributions. Discussion was held on how much was spent for the various contributions, dues, political campaigns, etc. Mr. McAdam went over his company's expenditures along this line and stated that they were held to a minimal level. He stated that NRS 703.150 provides the Commerce Commission adequate control to regulate and supervise. Robert Quinn stated that the trucking trade association as well as other utilities should have the right to lobby for legislation for their benefit. He stated that they even go into labor negotiations on a collective basis. John Peterson also spoke against this bill as they too pay dues, etc. and as he stated, try to get their personnel to improve themselves as well as their operations of the company. He stated they must contribute for research and development and part of this must be reflected in the rates as they could not pay for it entirely. Mr. Hilbrecht then asked Mr. Clark if he thought the Commerce Commission had sufficient regulations which would limit the amount of money that would be reflected against the rate basis.

MOTION BY CAPURRO TO INDEFINITELY POSTPONE AB-409, SECONDED BY DINI AND CARRIED WITH BRANCH AND HILBRECHT DISSENTING.

A.B. 577 - Makes changes in public utility law relating to hearings of the Public Service Commission. Much discussion was held on proposed changes in this bill and Mr. Clark explained that there is a need for this legislation for the language in the present statute is very limited.

Mr. Guild concurred that there is need for this type of legislation.

MOTION BY HILBRECHT TO DRAFT A NEW BILL WITH AMENDMENTS AS SUGGESTED FOR AB-577, SECONDED BY ASHWORTH AND CARRIED.

Bob Guinn, Noel Clark are to work with McKissick on this bill.

AB-294 - Exempts certain activity for retrieval of property from public utility and motor carrier regulation. Mr. Clark stated he had tried to work out the language for this proposed legislation but wasn't having any luck. Mr. Hilbrecht suggested that perhaps this could be done by rules and regulations.

This concluded the regular meeting - 12 noon.

Discussion on pending bills:

AB-263 - Establishes Advisory Employment Agency Board new limitations on rates of employment agencies and new licensing requirements. Poggione went over the proposed amendments to this bill which he said was needed to give consistency to it.

MOTION BY CAPURRO FOR APPROVAL OF THE AMENDMENTS TO THE AMENDMENTS, SECONDED BY DINI AND CARRIED WITH POGGIONE ABSTAINING.

MOTION BY LINGENFELTER FOR A DO PASS OF AB-263 AS AMENDED, SECONDED BY DINI AND CARRIED WITH POGGIONE ABSTAINING.

AB-148 - Creates consumer protection responsibilities in office of Attorney General. Discussion was held that this bill should be one that gives enforcement to the Attorney General's Office and rules and regulations should come under Commerce. It was brought up by Lingenfelter that this should be amended to create a division of consumer protection. This bill is to be rewritten.

AB-434 Enacts unfair trade practices and consumer protection law to be administered. AB-635 - Enacts unfair trade practices and consumer protection law. MOTION BY LINGENFELTER TO INDEFINITELY POSTPONE AB-434 and 635, SECONDED BY CAPURRO AND CARRIED WITH DINI, BRANCH AND HILBRECHT DISSENTING.

AB-524 - Prohibits sales scheme requiring purchase of any item as prerequisite to winning prize. One small amendment of changing a word on line 5 to "other" was discussed. MOTION BY LINGENFELTER FOR A DO PASS AS AMENDED ON AB-524, SECONDED BY HILBRECHT AND CARRIED.

AB-251 - Prohibits issuance of gaming licenses to individuals, corporations with gaming interests outside Nevada. MOTION BY HILBRECHT TO INDEFINITELY POSTPONE AB-251, SECONDED BY CAPURRO AND CARRIED WITH DINI AND ASHWORTH DISSENTING.

AB-230 - Permits enforcement of gambling obligations in the courts. McKissick went over proposed amendments. MOTION BY LINGENFELTER FOR A DO PASS AS AMENDED FOR AB-230, SECONDED BY BRANCH AND CARRIED WITH

ASHWORTH ABSTAINING.

AB-198 - Allows Nevada Real Estate Advisory Commission more time for conducting hearings and rendering decisions. Lingenfelter explained that more time is needed for real estate hearings and stated that examinations are given but twice a year to pass the board.

MOTION BY ASHWORTH FOR A DO PASS ON AB-198, SECONDED BY HILBRECHT AND CARRIED.

AB-248 - Defines authority of Real Estate Advisory Commission.

AB-481 - Revises structure of real estate division. Both bills were discussed in conjunction. MOTION BY ASHWORTH FOR A DO PASS ON AB-248, SECONDED BY POGGIONE AND CARRIED WITH CAPURRO DISSENTING.

MOTION BY POGGIONE TO INDEFINITELY POSTPONE AB-481, SECONDED BY ASHWORTH, AND CARRIED WITH BRANCH AND HILBRECHT DISSENTING.

AB-249 - Provides for professional development of real estate brokers. Hilbrecht stated he would like to see the present brokers to also work towards their degree. They will have 16 years to do this. Lingenfelter stated that most brokers are going for continuing educations to keep up with the profession. Ashworth stated he wouldn't like to see the old-timers have to get a degree when they have already become successful in the real estate field and they should be a "grandfather clause" in the bill (which there is) to take care of them.

MOTION BY ASHWORTH FOR A DO PASS AS AMENDED ON AB-249, SECONDED BY POGGIONE AND CARRIED.

The Chairman asked for clarification of those who want the grandfather clause left in AB-249 and all were in favor except Hilbrecht.

Meeting recessed until the Assembly adjourns for the day.

Regarding the land sales bills, Capurro, Lingenfelter and McKissick will meet in Reno on Sunday to amend bills and present them to the committee. 117

AB-362 - Enacts Land Sale Law - The policy of the committee regarding this is they request a HUD filing, broker in the office and registration of the salesmen. It also was decided that the amount of land in the bill would be changed to 50 parcels.

McKissick brought up the resolution that Clark County Commissioners have made regarding land sales promotion.

MOTION BY HILBRECHT TO LEGALIZE LAND SALES PROMOTION ORDINANCE PASSED BY CLARK COUNTY COMMISSIONERS, SECONDED BY ASHWORTH AND CARRIED.

AB-555 = Reduces interest rate for retail charge agreements. MOTION BY ASHWORTH TO INDEFINITELY POSTPONE AB-555, SECONDED BY LINGENFELTER, AND CARRIED WITH MCKISSICK DISSENTING.

AB-287 - Declares certain acceleration clauses in deeds of trust unenforcible and void against public policy.

MOTION BY ASHWORTH TO INDEFINITELY POSTPONE AB-287, SECONDED BY CAPURRO AND CARRIED.

AB-66 - Increases licensing requirements for real estate brokers. MOTION BY CAPURRO, SECONDED BY LINGENFELTER FOR AN INDEFINITELY POSTPONE ON AB-66. MOTION CARRIED.

AB-72 = Requires assumption fee to be stated in deed of trust. MOTION BY LINGENFELTER, SECONDED BY CAPURRO FOR A DO PASS ON AB-72. MOTION CARRIED. ASHWORTH DISSENTED.

AB-252 - Clarifies classes of property owners excluded from real estate regulations - MOTION BY ASHWORTH FOR AN INDEFINITELY POSTPONE ON AB-252, SECONDED BY CAPURRO AND CARRIED WITH LINGENFELTER DISSENTING.

AB-269 - Authorizes issuance of limited real estate brokers' licenses to sell, lease, exchange divided lands subject to federal Interstate Land Sales - MOTION BY POGGIONE TO INDEFINITELY POSTPONE AB-269, SECONDED BY ASHWORTH AND CARRIED.

AB-270 - Enacts Nevada Land Sales Act to regulate business of selling and conveying parcels of land from real estate subdivisions - MOTION BY LINGENFELTER, SECONDED BY ASHWORTH TO INDEFINITELY POSTPONE AB-270. MOTION CARRIED.

AB-32 - Permits private carriers to write industrial insurance. This was left in committee.

AB-197 - Requires bond of new real estate brokers. MOTION BY ASHWORTH, SECONDED BY HILBRECHT TO INDEFINITELY POSTPONE AB-197. MOTION CARRIED WITH LINGENFELTER DISSENTING.

AB-201 - Requires explanatory material to accompany insurance policies. MOTION BY CAPURRO, SECONDED BY ASHWORTH FOR AN INDEFINITELY POSTPONE ON AB-201. MOTION CARRIED.

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AB-431 - Requires collection agency credit bureaus to destroy certain information. MOTION BY ASHWORTH FOR AN INDEFINITELY POSTPONE ON AB-431, SECONDED BY BRANCH AND CARRIED.

NIC matters and bills were taken up. Discussion was held on the need for a commissioner in the Las Vegas office, possible salary increases and to amend AB-32 (private insurance carriers) and have it become effective July 1, 1973.

MOTION BY ASHWORTH FOR AN AMEND AND DO PASS ON AB-32, SECONDED BY HILBRECHT AND CARRIED.

AB-580 - Requires use of rating service by Nevada Industrial Commission - MOTION BY HILBRECHT FOR A DO PASS ON AB-580, SECONDED BY BRANCH AND CARRIED WITH MCKISSICK DISSENTING.

AB-234 - Requires Nevada Industrial Commission to pay legal costs when claimant perfects successful appeal or succeeds in civil action against commission. MOTION BY CAPURRO, SECONDED BY BRANCH FOR A DO PASS ON AB-234. MOTION CARRIED WITH HAFEN AND ASHWORTH DISSENTING.

AB-239 - Provides for reemployment and retraining opportunities for victims of industrial accidents and diseases.- MOTION BY ASHWORTH, SECONDED BY HAFEN to leave in minority.

AB-268 - Restricts investments of Nevada Industrial Commission. MOTION BY HILBRECHT, SECONDED BY CAPURRO FOR AN INDEFINITELY POSTPONE ON AB-268. MOTION CARRIED.

AB-583 - Requires industrial insurance coverage of any employee who receives travel compensation. Discussion was held on this bill regarding compensation and the bill is to be amended to show this compensation is his hourly wage. MOTION BY LINGENFELTER FOR AN AMEND AND DO PASS ON AB-583, SECONDED BY HAFEN AND CARRIED.

AB-239 - Provides for reemployment and retraining opportunities for victims of industrial accidents and diseases. MOTION BY ASHWORTH, SECONDED BY HAFEN FOR AN INDEFINITELY POSTPONE ON AB-239, CARRIED WITH HILBRECHT, CAPURRO AND BRANCH DISSENTING.

AB-584 - Removes maximum limit for compensation under Nevada industrial insurance for permanent total disability. This bill is comparable to SB-479. Discussion was held on the salary which this would be based upon. It was decided to amend by making the salary \$800 maximum upon which this would be based. Also, if there is any additional insurance premium, the employee and employer would each pay half. MOTION BY HILBRECHT FOR AN AMEND AND DO PASS ON AB-584, SECONDED BY ASHWORTH AND CARRIED. This bill will be held until SB-479 comes through and then it will be amended.

AB-582 - Requires explanation of settlements to injured employees under Nevada industrial insurance. MOTION BY MCKISSICK FOR AN AMEND AND DO PASS OF AB-582, SECONDED BY BRANCH AND CARRIED.

AB-586 - Authorizes industrial insurance compensation for emergency treatment prior to application for such compensation.

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MOTION BY BRANCH FOR A DO PASS ON AB-586, SECONDED BY ASHWORTH AND CARRIED.

AB-674 - Repeals statute declaring firefighters' heart diseases as occupational and compensable as such. MOTION BY CAPURRO, SECONDED BY BRANCH TO INDEFINITELY POSTPONE. HAFEN AMENDED THE MOTION TO LEAVE THE BILL IN COMMITTEE WITH SB-50, SECONDED BY ASHWORTH AND CARRIED WITH BRANCH, CAPURRO AND HILBRECHT DISSENTING.

AB-581 - Establishes additional medical board for Nevada Industrial Commission. MOTION BY HILBRECHT FOR A DO PASS ON AB-581, SECONDED BY ASHWORTH AND CARRIED.

AB-585 - Permits those whose cases are pending to receive increases in benefits under Nevada industrial insurance. MOTION BY ASHWORTH TO CLARIFY AMOUNT AND A DO PASS ON AB-585, SECONDED BY LINGENFELTER AND CARRIED.

AB-690 - Makes technical amendments to the Nevada Industrial Insurance Act. MOTION BY LINGENFELTER FOR A DO PASS ON AB-690, SECONDED BY BRANCH AND CARRIED.

Meeting adjourned 6:30 P.M.

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