

MINUTES

ASSEMBLY COMMERCE COMMITTEE

MAY 2, 1977

MEMBERS PRESENT

Chairman Harmon
Vice Chairman Mello
Mr. Barengo
Mrs. Hayes
Mr. Price
Mr. Sena
Mr. Moody
Mr. Weise

MEMBERS ABSENT

Mr. Demers

GUESTS PRESENT

See Guest List Attached

The meeting was called to order at 4:45 p.m. by Chairman Harmon who announced that the following bills would not be heard: Senate Bill 423, Assembly Joint Resolution 60, Senate Bill 461 and Senate Bill 305.

Assembly Bill 708

Mr. Weise presented Chairman Harmon amendments to this bill. Assemblyman Lawrence Jacobsen appeared in support of A.B. 708. Mr. Jacobsen stated that one of the revisions would provide for a volume of the Public Service Commission's opinions to be published on a yearly basis and this would be very beneficial to the general public. Another provision calls for the Commission to make findings of fact and conclusions of law which would assist people in understanding the Commission's reasoning and also allow them to use their own judgment. This bill also prohibits the use of motions by the counsel for either party. Lastly, the bill provides that if a utility successfully defeats an order of the Commission in the District Court, then no stay can be placed on the District Court's order if there is a subsequent appeal by the PSC to the Supreme Court.

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Mr. Weise explained his proposed amendments to A.B. 708 to Chairman Harmon.

Noel Clark and Robert Crowell of the Public Service Commission appeared in opposition to A.B. 708.

Mr. Clark stated that when they previously testified on this bill they had not had an opportunity to study page 4, lines 13 through 16. They now feel that this section would put into effect an injunction and institute rates under bond from the time it went into the District Court until the matter was finally decided by the Supreme Court which could be as long as 4 years. Mr. Clark feels this provision is certainly not in the public interest. Further, Mr. Clark again stated that this bill should have a fiscal note. The last time the reports were printed it cost in excess of \$3,000 and over 100 copies are still sitting on the shelf since no one wanted them. The cost is \$100 each and the attorneys will not pay that much.

Mr. Weise felt that no fiscal note was needed since if a person requested a copy of the report he could be charged the cost of reproduction at the time.

Mr. Clark said they had no objection to Mr. Weise's proposed amendment.

Mr. Crowell said his impression of A.B. 708 is that it may well be unconstitutional, as well as unfair to both the utility and the ratepayer, particularly with respect to the appeal provisions.

Senate Bill 466

Dave Byington, Nevada State Life Underwriters' Association, stated this bill was introduced to allow the Insurance Commissioner to prescribe appropriate courses of study to improve the agent and to assist the consumer by getting more qualified agents. They are asking this continued education to be in the form of a regulation rather than by statute since it would give them more flexibility.

Gene Leverty, Chief Deputy Insurance Commissioner, stated that the Insurance Division is very much in favor of any program that provides for continuing education of the insurance agents of the state. They are in favor of S.B. 466.

Senate Bill 471

Gene Leverty explained that this bill is the administrative and accounting recommendations suggested by the Legislative Auditor after an audit.

Senate Bill 430

Dave Byington also appeared in support of S.B. 430. He said that this bill gives the Insurance Commissioner more flexibility in accepting other forms of security other than surety bonds.

Mr. Leverty said the Insurance Division was in favor of A.B. 642, previously passed out of the Committee, but since it is unknown whether or not it would pass the Senate, they are supporting S.B. 430.

Senate Bill 137

John Hawkins, Nevada Trial Lawyers' Association, appeared in support of S.B. 137. Mr. Hawkins explained that under the present law a person involved in an uninsured motorist accident must pay back to his insurance company up to the first \$10,000 that he recovers as an award. S.B. 137 would provide that a person does not have to pay back his own insurance company the added reparation benefits until he is made whole again, that is, he has recovered his noneconomic and economic benefits under the no-fault policy. Mr. Hawkins said S.B. 137 is a "people's bill" and would urge passage.

Mr. Virgil Anderson, Triple A, spoke in opposition to the bill. Mr. Anderson felt this would be stacking of benefits available under both the no-fault benefits required in the amount of \$10,000 and the uninsured motorist insurance available under the typical policy in the amount of \$15,000. The effect of S.B. 137 would be to make the \$15,000 policy become a \$25,000 policy. According to Mr. Anderson, this would result in additional premium costs to the policy holder.

Mr. Daryl E. Capurro, Nevada Franchised Auto Dealers Association, agreed with Mr. Anderson that S.B. 137 would result in increased premium costs and was opposed to the bill.

Dick Garrod, Farmers Insurance Group, stated that he agreed with the statements of Mr. Anderson and Mr. Capurro in opposition to S.B. 137.

COMMITTEE ACTION

S.B. 322: Mr. Barengo moved Do Pass, seconded by Mr. Moody. Unanimously carried with Mr. Demers and Mr. Mello not present.

S.B. 430: Mr. Weise moved Do Pass. Seconded by Mr. Sena. Motion carried. Mr. Demers and Mr. Mello not present.

S.B. 471: Mr. Sena moved Do Pass, seconded by Mr. Barengo. Motion carried. Messrs. Demers and Mello not present.

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S.B. 466: Mr. Barengo moved Do Pass, seconded by Mr. Weise. Motion carried with Mr. Price voting no. Mr. Demers and Mr. Mello not present.

S.B. 308: Mr. Weise moved Amend and Do Pass in accordance with the suggested amendments contained in the Minutes of April 15, 1977. Seconded by Mrs. Hayes. Motion carried. Demers and Mello absent.

S.B. 313: After discussion among the Committee, Mr. Weise moved Amend and Do Pass in accordance with the amendment submitted as Exhibit 1 of Minutes of April 6, 1977, which is to be added to S.B. 313. Mr. Price seconded the motion. Motion carried unanimously. Demers and Mello absent.

A.B. 708: Mr. Weise moved Do Pass as Amended in accordance with the amendments that had previously been discussed. Mr. Moody seconded. After Committee discussion, the following vote was taken:

Aye votes: Weise, Moody, Hayes
No vote: Harmon, Price, Barengo, Sena
Motion failed.

S.B. 137: Mrs. Hayes moved Do Pass. Motion died for lack of a second.

Mr. Moody moved Indefinitely Postpone, seconded by Mr. Sena.
Aye votes: Moody, Sena, Mr. Weise abstaining
No votes: Barengo, Price, Harmon, Hayes
Motion failed.

The meeting was adjourned at 5:30 p.m.

Jane Dunne
Assembly Attache

59TH NEVADA LEGISLATURE

COMMERCE COMMITTEE
LEGISLATIVE ACTION

DATE May 2, 1977

SUBJECT S.B. 322

MOTION: _____

Do Pass Amend _____ Indefinitely Postpone _____ Reconsider _____

Moved by Mr. Barengo Seconded by Mr. Moody

AMENDMENT _____

Moved by _____ Seconded by _____

AMENDMENT _____

Moved by _____ Seconded by _____

VOTE:	<u>MOTION</u>		<u>AMEND</u>		<u>AMEND</u>	
	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>
Harmon	<u>x</u>	_____	_____	_____	_____	_____
Mello	<u>Not present</u>	_____	_____	_____	_____	_____
Barengo	<u>x</u>	_____	_____	_____	_____	_____
Demers	<u>Not present</u>	_____	_____	_____	_____	_____
Hayes	<u>x</u>	_____	_____	_____	_____	_____
Moody	<u>x</u>	_____	_____	_____	_____	_____
Price	<u>x</u>	_____	_____	_____	_____	_____
Sena	<u>x</u>	_____	_____	_____	_____	_____
Weise	<u>x</u>	_____	_____	_____	_____	_____

TALLY:

Original Motion: Passed Defeated _____ Withdrawn _____

Amended & Passed _____ Amended & Defeated _____

Amended & Passed _____ Amended & Defeated _____

Attach to Minutes May 2, 1977
Date

59TH NEVADA LEGISLATURE

COMMERCE COMMITTEE
LEGISLATIVE ACTION

DATE May 2, 1977

SUBJECT S.B. 430

MOTION: _____

Do Pass Amend _____ Indefinitely Postpone _____ Reconsiderer _____

Moved by _____ Seconded by _____

AMENDMENT _____

Moved by _____ Seconded by _____

AMENDMENT _____

Moved by _____ Seconded by _____

VOTE:	MOTION		AMEND		AMEND	
	Yes	No	Yes	No	Yes	No
Harmon	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Mello	<u>Not present</u>	_____	_____	_____	_____	_____
Barengo	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Demers	<u>Not present</u>	_____	_____	_____	_____	_____
Hayes	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Moody	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Price	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Sena	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Weise	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____

TALLY:

Original Motion: Passed Defeated _____ Withdrawn _____

Amended & Passed _____ Amended & Defeated _____

Amended & Passed _____ Amended & Defeated _____

Attach to Minutes May 2, 1977
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59TH NEVADA LEGISLATURE

COMMERCE COMMITTEE
LEGISLATIVE ACTION

DATE May 2, 1977

SUBJECT S.B. 471

MOTION: _____

Do Pass Amend _____ Indefinitely Postpone _____ Reconsider _____

Moved by Mr. Sena Seconded by Mr. Barengo

AMENDMENT _____

Moved by _____ Seconded by _____

AMENDMENT _____

Moved by _____ Seconded by _____

VOTE:	MOTION		AMEND		AMEND	
	Yes	No	Yes	No	Yes	No
Harmon	<u>x</u>	_____	_____	_____	_____	_____
Mello	<u>Not present</u>	_____	_____	_____	_____	_____
Barengo	<u>x</u>	_____	_____	_____	_____	_____
Demers	<u>Not present</u>	_____	_____	_____	_____	_____
Hayes	<u>x</u>	_____	_____	_____	_____	_____
Moody	<u>x</u>	_____	_____	_____	_____	_____
Price	<u>x</u>	_____	_____	_____	_____	_____
Sena	<u>x</u>	_____	_____	_____	_____	_____
Weise	<u>x</u>	_____	_____	_____	_____	_____

TALLY:

Original Motion: Passed Defeated _____ Withdrawn _____

Amended & Passed _____ Amended & Defeated _____

Amended & Passed _____ Amended & Defeated _____

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59TH NEVADA LEGISLATURE

COMMERCE COMMITTEE
LEGISLATIVE ACTION

DATE May 2, 1977

SUBJECT S.B. 466

MOTION: _____

Do Pass Amend _____ Indefinitely Postpone _____ Reconsider _____

Moved by Mr. Barengo Seconded by Mr. Weise

AMENDMENT _____

Moved by _____ Seconded by _____

AMENDMENT _____

Moved by _____ Seconded by _____

VOTE:	MOTION		AMEND		AMEND	
	Yes	No	Yes	No	Yes	No
Harmon	<u>x</u>	_____	_____	_____	_____	_____
Mello	<u>Not present</u>	_____	_____	_____	_____	_____
Barengo	<u>x</u>	_____	_____	_____	_____	_____
Demers	<u>Not present</u>	_____	_____	_____	_____	_____
Hayes	<u>x</u>	_____	_____	_____	_____	_____
Moody	<u>x</u>	_____	_____	_____	_____	_____
Price	_____	<u>x</u>	_____	_____	_____	_____
Sena	<u>x</u>	_____	_____	_____	_____	_____
Weise	<u>x</u>	_____	_____	_____	_____	_____

TALLY: 6 1

Original Motion: Passed Defeated _____ Withdrawn _____

Amended & Passed _____ Amended & Defeated _____

Amended & Passed _____ Amended & Defeated _____

Attach to Minutes May 2, 1977
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59TH NEVADA LEGISLATURE

COMMERCE COMMITTEE
LEGISLATIVE ACTION

DATE May 2, 1977

SUBJECT S.B. 308

MOTION: Amend and Do Pass

Do Pass Amend Indefinitely Postpone Reconsider

Moved by Mr. Weise Seconded by Mrs. Hayes

AMENDMENT _____

Moved by _____ Seconded by _____

AMENDMENT _____

Moved by _____ Seconded by _____

VOTE:	MOTION		AMEND		AMEND	
	Yes	No	Yes	No	Yes	No
Harmon	x					
Mello	Not present					
Barengo	x					
Demers	Not present					
Hayes	x					
Moody	x					
Price	x					
Sena	x					
Weise	x					

TALLY:

Original Motion: Passed x Defeated Withdrawn

Amended & Passed Amended & Defeated

Amended & Passed Amended & Defeated

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59TH NEVADA LEGISLATURE

COMMERCE COMMITTEE
LEGISLATIVE ACTION

DATE May 2, 1977

SUBJECT S.B. 313

MOTION: Amend & Do Pass

Do Pass Amend Indefinitely Postpone Reconsider

Moved by Mr. Weise Seconded by Mr. Price

AMENDMENT
.....
.....

Moved by _____ Seconded by _____

AMENDMENT
.....
.....

Moved by _____ Seconded by _____

VOTE:	<u>MOTION</u>		<u>AMEND</u>		<u>AMEND</u>	
	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>
Harmon	x					
Mello	Not present					
Barengo	x					
Demers	Not present					
Hayes	x					
Moody	x					
Price	x					
Sena	x					
Weise	x					

TALLY:

Original Motion: Passed Defeated Withdrawn

Amended & Passed _____ Amended & Defeated _____

Amended & Passed _____ Amended & Defeated _____

Attach to Minutes May 2, 1977
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59TH NEVADA LEGISLATURE

COMMERCE COMMITTEE
LEGISLATIVE ACTION

DATE May 2, 1977

SUBJECT A.B. 708

MOTION: Amend and Do Pass

Do Pass Amend Indefinitely Postpone Reconsider

Moved by Mr. Weise Seconded by Mr. Moody

AMENDMENT _____

Moved by _____ Seconded by _____

AMENDMENT _____

Moved by _____ Seconded by _____

VOTE:	MOTION		AMEND		AMEND	
	Yes	No	Yes	No	Yes	No
Harmon		<u>x</u>				
Mello	<u>Not present</u>					
Barengo		<u>x</u>				
Demers	<u>Not present</u>					
Hayes	<u>x</u>					
Moody	<u>x</u>					
Price		<u>x</u>				
Sena		<u>x</u>				
Weise	<u>x</u>					

TALLY: 3 4

Original Motion: Passed Defeated Withdrawn
Amended & Passed _____ Amended & Defeated _____
Amended & Passed _____ Amended & Defeated _____

Attach to Minutes May 2, 1977
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59TH NEVADA LEGISLATURE

COMMERCE COMMITTEE
LEGISLATIVE ACTION

DATE May 2, 1977

SUBJECT S.B. 137

MOTION: _____

Do Pass Amend Indefinitely Postpone Reconsider

Moved by Mr. Moody Seconded by Mr. Sena

AMENDMENT _____

Moved by _____ Seconded by _____

AMENDMENT _____

Moved by _____ Seconded by _____

VOTE:	MOTION		AMEND		AMEND	
	Yes	No	Yes	No	Yes	No
Harmon		<u>x</u>				
Mello	<u>Not present</u>					
Barengo		<u>x</u>				
Demers	<u>Not present</u>					
Hayes		<u>x</u>				
Moody	<u>x</u>					
Price		<u>x</u>				
Sena	<u>x</u>					
Weise	<u>Abstaining</u>					

TALLY: 2 4

Original Motion: Passed Defeated Withdrawn

Amended & Passed _____ Amended & Defeated _____

Amended & Passed _____ Amended & Defeated _____

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