

ASSEMBLY
GOVERNMENT AFFAIRS
March 18, 1977
7:30am

MEMBERS PRESENT: Chairman Murphy
 Mr. May
 Mr. Craddock
 Mr. Jeffrey
 Mr. Mann
 Mr. Moody
 Mr. Robinson
 Mrs. Westall
 Mr. Jacobsen

GUESTS PRESENT: See attached list

COMMITTEE ACTION

ASSEMBLY BILL 146 - Mr. May moved to INDEFINITELY POSTPONE the measure, seconded by Mr. Mann, passed 8 to 1 with Mr. Craddock voting no.

ASSEMBLY BILL 263 - Mr. May moved to rescind the action of Amend and Do pass on March 9 by this committee, seconded by Mr. Jacobsen, passed unanimously. The reason for this was that there were no need for the technical changes that had been discussed and requested. Mr. May then moved for a DO PASS, seconded by Mr. Craddock, passed 7 to 2 with Mr. Jacobsen and Mr. Robinson voting no.

ASSEMBLY BILL 287 - Mr. Mann moved to INDEFINITELY POSTPONE, seconded by Mr. Jeffrey, passed unanimously.

SENATE BILL 34- Mr. Jeffrey moved for a DO PASS recommendation, seconded by Mr. Robinson, passed unanimously.

SENATE BILL 171- Mr. Mann moved to AMEND AND DO PASS, the amendment being to change 5 years to 2 years in line 15, seconded by Mr. Jacobsen, passed unanimously.

ASSEMBLY JOINT RESOLUTION 17- Mr. Mann moved to INDEFINITELY POSTPONE, seconded by Mrs. Westall, passed unanimously.

SENATE BILL 35 - After Mr. Earl Oliver, Audit Division, Legislative Counsel Bureau, clarified the bill for the committee, Mr. Jeffrey moved for a DO PASS, seconded by Mr. Robinson, passed 8 to 1 with Mr. Mann voting no.

Chairman Murphy then opened the meeting to discussion of

ASSEMBLY BILL 412

Assemblyman Dreyer, sponsor of the bill, testified in support of the measure. A copy of his remarks are attached as Exhibit 1.

Mr. Robinson and Mr. Mann commented on the \$800,000 fiscal impact.

Chairman Murphy said that since there were some other bills on the same subject, that they would all be considered together at a later date.

Mr. Gordon Harding, Administrator of Data Processing for the State, said that the fiscal analyst had asked him to put together a fiscal note for this bill. There is considerable fiscal impact because of the four agencies involved. The figure is above \$800,000 per year. Many problems with this bill. He urged its defeat.

Carl Soderblom, representing the Nevada Railroad Association, expressed his concern with the bill in its present form because there seems to be a conflict with NRS 704.190 which involves accident reports from all public utilities. In subparagraph 6 NRS says that these reports cannot be introduced as evidence in a court case and this bill would open a door so that a person could acquire this information and then use it as evidence. Some protection need be given to the companies and to the individuals.

Mr. Stan Warren, Nevada Bell, told the committee that he agreed with Mr. Soderblom and urged defeat of the measure.

SENATE BILL 244

No one came forward to testify.

ASSEMBLY BILL 434

Assemblyman Daniel Demers spoke in favor of his legislation. This bill is copied after a California statute and it encourages the superintendent of public buildings and the highway engineer to study the economies and utilization of sodium lamps. There are two kinds of sodium lamps, low pressure and high pressure. High pressure lamps give off a pinkish-orange tint. The reason they are important are because of the energy crisis; they use about a fifth of the energy of conventional lighting and the cost is less than that of traditional lighting. This bill will encourage a greater manufacturing of these fixtures to mass produce them and to research new methods of production. They can be used inside and outside they just give off a pink tint instead of a

ASSEMBLY
GOVERNMENT AFFAIRS
March 18, 1977
Page Three

white tint. They give off the same amount of light though. It doesn't inhibit ones seeing or reading. One of the problems with the lights is that you can't just put one or two of them up on the highway or start replacing conventional lights in order to make them effective; in terms of maximizing the light you have to have a series of lights. In Clark County, 25% of the County's utility budget is spent for street lighting so this might reduce the costs in the long run after the equipment is purchased. Mandating the use is not in the best interest, there needs to be some more study and work on them first.

Assemblyman Robinson commented that there are a number of companies that produce these lights, not just one or two.

Mr. Ralph Phillips, State Highway Department, spoke in opposition to the bill. He explained the difference between the two types of sodium vapor lighting, low pressure sodium does save energy but gives off a very inferior light as far as visual tasks like viewing things under night time conditions. The Department had decided not to use low pressure lights. They are using high pressure lights with a pinkish cast. There is a problem in the Reno area because the lighting is maintained by Sierra Pacific Power Company and the rate for maintaining this type of lighting is much higher than mercury vapor used because they have to be mounted 10 feet higher than regular lights. This costs more. Since the Highway Department is already studying the subject he saw no need for the bill.

After a question from Assemblyman Craddock, Mr. Phillips said that the manufacturers had been after the Highway Department for a long time to use their product. The trend is toward this type of lighting. He said he didn't think it would be a big impact on the industry.

Assemblyman May asked if both types of lights gave off the same type of pinkish glow. Mr. Phillips said that the yellow-orangish glow given off by the low pressure lights is a difficult color because color perception is distorted, signs become different colors, identification of a car's color becomes different. He said that the Golden Gate Bridge was lighted with this type of lights.

Assemblyman Robinson asked if there was a big problem with vandalism since they explode very nicely and kids might think it was fun to hit them and break them. He also asked if there was any danger in (more than with conventional lighting if they break). He was told that they were no more dangerous but that there was a large amount of vandalism.

ASSEMBLY
GOVERNMENT AFFAIRS
March 18, 1977
Page Four

COMMITTEE ACTION

ASSEMBLY BILL 434 - Mr. Jeffrey motioned for a DO PASS, seconded by Mr. Craddock, passed unanimously.

Chairman Murphy then opened the meeting up for testimony on

SENATE BILL 237

No one came forward to testify.

There being no further business to come before the committee, the meeting was adjourned at 9:35am.

Respectfully submitted,


Kim Morgan, Committee Secretary

GOVERNMENT AFFAIRS COMMITTEE

GUEST REGISTER

DATE: 3/18

NAME, ADDRESS & PHONE NO.	REPRESENTING	TESTIFYING ON BILL NO.
Donald LaPlante Reno, 756-5210	Sigma Delta Chi	SB 103
Care A. Strubborn Reno 329-2492	New R.R. Assoc	AB 112
J. L. Fletcher	DMU	AB 412
Bill Fitzpatrick	State	No
Wilde	Commerce	SB 34 - B necessary
Bud Hubelmann	Housing	11
Raymond Phillips	St. Hwy Dept	#434
Dorell Dreyer, Assemblyman		# 412
Jimmy Jensen	State Assembly	A.B. 434

TESTIMONY ON AB 412

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THIS BILL MAKES LEGISLATIVE FINDING THAT THE RIGHT TO PRIVACY GUARANTEED UNDER THE STATE AND FEDERAL CONSTITUTIONS IS BEING THREATENED. TECHNOLOGY HAS GREATLY ~~MADE~~ MAGNIFIED THE POTENTIAL HARM TO THE RIGHT OF PRIVACY. THE GOVERNMENTS TENDS TO ENGAGE IN EXTENSIVE MANIPULATION OF PERSONAL DATA AND TO ASK INCREASINGLY MORE COMPLEX..PROBING AND SENSITIVE QUESTIONS..THEREFORE I FEEL IT IS NECESSARY TO REGULATE THE MAINTENANCE OF PERSONAL INFORMATION MAINTAINED BY STATE AGENCIES...AND I MIGHT POINT OUT THE BILL APPLIES ONLY TO STATE AGENCIES.

THE BILL REQUIRES THE SECRETARY OF STATE TO PUBLISH A INFORMATION PRACTICES DIRECTORY CONTAINING INFORMATION RELATIVE TO EACH SYSTEM OF RECORDS SUBJECT TO THE PROVISIONS OF THE BILL. THE BILL REQUIRES EACH AGENCY, AS DEFINED, TO SUBMIT TO THE SECRETARY OF STATE A REPORT DESCRIBING IN CONCISE TERMS ANY PROPOSED SYSTEM ~~OR~~ OR ANY SUBSTANTIAL MODIFICATION OF AN EXISTING SYSTEM OF RECORDS AT LEAST 60 DAYS BEFORE TAKING SUCH ACTION AND SPECIFIES THAT ALL SUCH REPORTS SHALL BE PERMANENT PUBLIC RECORDS.

THE BILL ALSO REQUIRES THAT ANY AGENCY WHICH HEREAFTER ESTABLISHES OR MODIFIES A SYSTEM OF RECORDS MUST FILE A NOTICE WITH THE SECRETARY OF STATE OF THE EXISTENCE AND CHARACTER OF SUCH SYSTEM WITHIN 15 DAYS AFTER SUCH ESTABLISHMENT OR MODIFICATION. THE SECRETARY OF STATE IS AUTHORIZED TO PRESCRIBE THE FORM OF SUCH NOTICE AND TO CHARGE A FILING FEE THEREFOR.

THE BILL REQUIRES EACH AGENCY TO RESTRICT ITS RECORD KEEPING FUNCTION TO INFORMATION WHICH IS RELEVANT AND NECESSARY TO ACCOMPLISH A PURPOSE OF THE AGENCY REEQUIRED OR AUTHORIZED BY STATUTE, TO COLLECT INFORMATION DIRECTLY FROM SUBJECT INDIVIDUALS TO THE GREATEST EXTENT PRACTICABLE AND TO INFORM EACH INDIVIDUAL WHO IT ASKS TO SUPPLY INFORMATION CONCERNING SUCH INDIVIDUAL ~~HOWEVER~~ REGARDING USES AND PURPOSES OF SUCH INFORMATION AND TO INFORM EACH INDIVIDUAL WHO IS SUBJECT OF A RECORD OF PURPOSES OF SUCH INFORMATION.

THE BILL PROHIBITS DESTRUCTION OR MODIFICATION OF RECORDS TO AVOID COMPLIANCE WITH THE BILL...

IT PERMITS INDIVIDUALS TO GAIN ACCESS TO RECORDS OR INFORMATION ON WHICH SUCH INDIVIDUALS REQUEST FOR ACCESS TO REQUEST AMENDMENT OF RECORDS AND TO APPEAL A REFUSAL BY AN AGENCY TO SO AMEND...THE BILL ALSO REQUIRES AGENCIES TO KEEP AN ACCURATE ACCOUNTING OF DISCLOSURES TO OTHER AGENCIES.

THE BILL PERMITS AN INDIVIDUAL TO BRING A CIVIL ACTION AGAINST AN AGENCY WHERE AN AGENCY FAILED TO MAKE A REVIEW OF AN INDIVIDUALS REQUEST THAT A RECORD BE AMENDED...WHERE AN AGENCY REFUSES TO PERMIT AN INDIVIDUAL ACCESS TO ANY RECORD PERTAINING TO SUCH INDIVIDUAL..AND WHERE AGENCY FAILURE TO COMPLY WITH THIS BILL RESULTS IN AN ADVERSE EFFECT UPON THE INDIVIDUAL.

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THE BILL SPECIFIES RECOVERABLE DAMAGES, INCLUDING MANDATORY OR TREBEL OR PUNATIVE DAMAGES UNDER CERTAIN CIRCUMSTANCES AND PROVIDES THAT THE RIGHTS AND REMEDIES SET FORTH IN THE BILL ARE NON EXCLUSIVE AND ARE IN ADDITION TO ALL THOSE RIGHTS AND REMEDIES WHICH ARE OTHERWISE AVAILABLE. THE BILL SPECIFIES PENALTIES FOR CERTAIN WILLFUL VIOLATIONS OF THE BILL.

IT PERMITS AGENCY HEADS TO EXEMPT CERTAIN RECORDS WITHIN THE AGENCY FROM CERTAIN REQUIREMENTS OF THE BILL IF SUCH RECORDS, AMONG OTHER THINGS, RELATE TO SPECIFIED LAW ENFORCEMENT & ACTIVITIES, INVOLVE CIVIL SERVICE TESTING OR EXAMINATION MATERIALS, CONSIST SOLEY OF INVESTIGATIVE MATERIAL MAINTAINED AS SPECIFIED BY THE FRANCHISE TAX BOARD OR ARE REQUIRED BY STATUTE TO BE MAINTAINED AND USED SOLEY AS STASTICAL RECORDS

THE BILL PROVIDES THAT NO APPROPRIATION IS MADE FOR REIMBURSEMENT OF LOCAL AGENCIES FOR COSTS INCURRED BY THEM PURSUANT THERETO BECAUSE THE LEGISLATURE ~~HEM~~ RECOGNIZES THAT DURING ANY LEGISLATIVE SESSION A VARIETY OF CHANGES TO LAWS RELATING TO CRIMES AND INFRACTIONS MAY CAUSE BOTH INCREASED AND DECREASED COSTS TO LOCAL GOVERNMENT ENTITIES, WHICH IN THE AGGREGATE, DO NOT RESULT IN SIGNIFICANT IDENTIFABLE COST CHANGES.

AB-412

704.185

PUBLIC UTILITY REGULATION

4. The commission may at any time call for desired information omitted from such reports or not provided for therein, when in the judgment of the commission such information is necessary.

5. Any commissioner or any commission personnel authorized by the commission may examine, at any time during the business hours of the day, the books, accounts, records, minutes, papers and property of any public utility doing business in this state.

6. The fact that such books, accounts, records, minutes and papers are not maintained in this state shall not cause the commissioner or such authorized commission personnel to lose any right of examination under this chapter when and where such books, accounts, records, minutes, papers and property are maintained.

[10:109:1919; A 1955, 407]—(NRS A 1969, 1158; 1971, 1117; 1973, 457)

704.185 Use of deferred accounting to reflect changes in costs of fuels, purchased power; refund of recovered amounts exceeding authorized rate of return.

1. A public utility which purchases fuel, including natural gas for resale, or power may record upon its books and records all cost increases or decreases in such fuels or purchased power in deferred accounts. Any public utility which utilizes deferred accounting to reflect changes in costs of fuels and purchased power shall include in its annual report to the commission a statement showing the allocated rate of return for each of its operating departments in Nevada which uses such deferred accounting.

2. If the rate of return for any department using deferred accounting is greater than the rate of return allowed by the commission in the last rate proceeding, the commission shall order the utility which recovered any deferred fuel and purchased power costs through rates during the reported period to refund that portion of such recovered amounts which exceeds the authorized rate of return.

(Added to NRS by 1975, 1560)

704.190 Accident reports; investigation of accidents; regulations of commission.

1. Every public utility operating in this state shall, whenever an accident occurs in the conduct of its operation causing death, give prompt notice thereof to the commission, in such manner and within such time as the commission may prescribe. If in its judgment the public interest requires it, the commission may cause an investigation to be made forthwith of any accident, at such place and in such manner as the commission shall deem best.

2. Every such public utility shall report to the commission, at the time, in the manner and on such forms as the commission shall by its

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24800

printed rules and regulations prescribe, all accidents happening in this state and occurring in, on or about the premises, plant, instrumentality or facility used by any such utility in the conduct of its business.

3. The commission shall promulgate and adopt all reasonable rules and regulations necessary for the administration and enforcement of this section. Such rules and regulations shall in any event require that all accidents required to be reported herein shall be reported to the commission at least once every calendar month by such officer or officers of the utility as the commission shall direct.

4. The commission shall adopt and utilize all accident report forms, which forms shall be so designed as to provide a concise and accurate report of the accident and which report shall in any event show the true cause of the accident. The accident report forms adopted for the reporting of railroad accidents shall be the same in design as near as may be as the railroad accident report forms provided and used by the Interstate Commerce Commission.

5. If any accident reported to the commission shall be reported by the utility as being caused by or through the negligence of an employee and thereafter such employee is absolved from such negligence by the utility and found not to be responsible for the accident, such fact shall be reported by the utility to the commission.

6. All accident reports herein required shall be filed in the office of the commission and there preserved. Notwithstanding any other provisions of law, neither any accident report made as required by this chapter, nor any report of the commission made pursuant to any accident investigation made by it, shall be open to public inspection or disclosed to any person, except upon order of the commission, nor shall either or any of the reports, or any portion thereof, be admitted as evidence or used for any purpose in any suit or action for damages growing out of any matter mentioned in the accident report or report of any such investigation.

[34:109:1919; A 1937, 404; 1931 NCL § 6134]—(NRS A 1967, 1384)

704.200 Reports, statements to be sworn to; penalty for false oath.

1. Every annual report, record or statement required by this chapter to be made to the commission shall be sworn to by the proper officer, agent or person in charge of such public utility.

2. Any person swearing to such report, record or statement who makes any false or fraudulent statement in any such report, record or statement with intent to defeat or evade any provision of this chapter is guilty of a gross misdemeanor.

[36:109:1919; 1919 RL p. 3165; NCL § 6136]—(NRS A 1971, 1118)