

SENATE
COMMERCE & LABOR
COMMITTEE

Minutes of Meeting
Friday, May 6, 1977

The meeting of the Commerce and Labor Committee was held on May 6, 1977, in Room 213 at 12:45 P.M.

Senator Thomas Wilson was in the chair.

PRESENT: Senator Wilson
Senator Blakemore
Senator Ashworth
Senator Bryan
Senator Close
Senator Hernstadt
Senator Young

OTHERS

PRESENT: Mr. Stan Jones
Mr. Bill Hancock
Mr. Rick Kuhlmeier
Mr. Virgil Anderson
Mr. George Ciapusci
Mr. Richard Garrod
Mr. Roland Westergard

The Committee considered the following:

A.B. 71 INCREASES MINIMUM WAGES FOR EMPLOYEES IN PRIVATE EMPLOYMENT. (BDR 53-146)

Mr. Stan Jones, Labor Commissioner, told the Committee about a new amendment. The verbage of the amendment would remain the same - the numbers would change. The numbers would be effective July 1, 1977. The minimum wage would increase from \$2.30 per hour to \$2.50 per hour. One year later, or July 1, 1978, the minimum wage would increase to \$2.75 per hour. He stated that it is his understanding that with this amendment it has the general support of the leadership in the Senate.

SENATOR YOUNG asked if it were 85% under 18 and Mr. Jones indicated that was correct. Further, he indicated it was a 9% increase on the first increase and 10% on the second increase over a three year period. If the Federal Wage does not move, this would not be triggered.

A.B. 687 REQUIRES CERTAIN PUBLIC ACCOMMODATIONS TO BE MADE
ACCESSIBLE TO PHYSICALLY HANDICAPPED. (BDR 54-1626)

Mr. Bill Hancock told the first reprint would direct the State Public Works Board by regulation to develop standards for making public buildings (it defines public buildings), curbs and sidewalks accessible and useable to the physically handicapped. The basic advantages that he sees in the bill over the original draft is that it allows the state to develop its own standards as opposed to using ASA Standards. The Public Works Board has developed a standard which applies to all state constructed buildings in cooperation with the Governor's Committee on the Handicapped. They found in doing that that the ASA (American Standards Assn.) standards were not uniformly acceptable. Under the redraft they would not be bound by the ASA standards. Under the existing law they are bound by ASA standards for ramps, telephones, toilet facilities. He stated that he didn't believe this bill would eliminate that.

He thought the cost would be less if we developed our own standards. The State law now only speaks to the basic things of public access to a building, which means a ramp, toilet facilities, telephones and something else. The disadvantage is the costs. HEW says it will add the ASA standards at 1% to the construction costs. The fiscal note that they applied to this bill is that it would add 1/2 to 1%. There is a cost of the public hearings which the Governor's Committee to the Handicapped have pledged to support to the Public Works Board would not have to pay that cost of approximately \$3,000-\$4,000.

In response to a question by SENATOR BRYAN, Mr. Hancock indicated that this would apply to all new structures, constructed after July 1, 1978. He directed the Committee to line 12.

He discussed the fiscal note with SENATOR HERNSTADT. He could not tell the Committee that there was no fiscal impact. He said they would not have to amend the capitol improvement program. Indicated there is no burden on state buildings under this particular program.

Mr. Rick Kuhlmei, 3104 Demetrius, Las Vegas, Nevada, Governor's Committee on Employment of the Handicapped, verified that the Governor's Committee is going to assist in raising the money to finance public hearings.

A.B. 725 REVISES LAND SALES REGULATIONS. (BDR 10-941)

The Chairman requested appetite on Committee on passing A.B. 725.
All in favor: Senators Ashworth, Hernstadt, Blakemore.
All opposed: Senators Wilson, Close, Young.
Absent: Senator Bryan.

A.B. 339 PROHIBITS INSURERS FROM USING DEMERIT POINTS FROM PRIOR YEARS AS BASIS FOR CANCELLATION OF POLICIES ON MOTOR VEHICLES. (BDR 57-985)

Mr. Virgil Anderson, AAA, stated he was concerned about the limitation that is contained in this bill that would limit the insurance company use of records to the preceding 12 months. He thought the bill started out intending to be a limitation on the 55 mile per hour speed limit and they had no position on that. He indicated that on a drunk driving violation every 13 months would preclude our using a pattern of a record of that type. He asked that the Committee do not give it "do pass".

Mr. George Ciapusci, State Farm, stated he agreed with Mr. Anderson. Stated the bill undermines the underwriting the principles of the automobile insurance business. He stated he is in opposition to the bill.

Mr. Richard Garrod, Farmers Insurance, stated he agreed with previous testimony.

SENATOR HERNSTADT suggested that the Committee not consider any more bills at this late date. SENATOR BLAKEMORE indicated a lot of trouble had gone into the processing of the bills. A decision was postponed for the moment.

A.B. 438 AUTHORIZES PUBLIC SERVICE COMMISSION OF NEVADA TO
REQUIRE CERTAIN PUBLIC UTILITIES TO INSTALL AND
USE WATER METERS. (BDR 58-1445)

CHAIRMAN WILSON furnished Committee members copies of an amendment provided by Senator Young. See attached Exhibit A.

SENATOR YOUNG indicated the amendment would repeal the prohibition against meters and explained how it would affect negotiations for water for pumping of water from Lake Tahoe and in meeting the needs of the people of Reno and Sparks and incorporated areas for reasonable domestic use. He stated that he and Senator Wilson felt the days of non-metering are past. He stated even if the meters are put on they couldn't be metered for the next 3-4 years probably. Would like to get some little thrust to negotiations to indicate that we are giving up the right to not have meters and these other assurances.

SENATOR YOUNG indicated there are two triggers in the amendment. One is permission to pump from Tahoe and the other is negotiating the right to store in Prosser and Stampede.

SENATOR WILSON stated that however this works it has to be clean and it has to be practical. There is also the issue as to whether we have the right to store now - whether the Secretary of Interior exercises jurisdiction over our ability to store in those reservoirs and whether or not an act and condition upon negotiating the right to compromise in the lawsuit on Stampede now.

Mr. Roland Westergard told the Committee that he had not seen the amendment prior to the meeting.

The Committee discussed the bill. SENATOR ASHWORTH stated that the intent of the repealer is that any water saved may be stored in existing or to be constructed reservoirs.

Mr. Westergard expressed concern about what effect an amendment like this would have on the litigation on the Truckee River. With everything so indeterminate, numerous lawsuits before the courts, and the way this is phrased, he was not sure that the State Engineer could accomplish what he would be charged to do.

Mr. Westergard stated that through the efforts of the Governor they were able in the Stampede situation, with the help of Sierra Pacific and others to get some assurances from the Secretary of the Interior that some of the water would be conserved there. The matter of how that should be operated in the future is the subject of a current lawsuit and he is concerned about the practicality of implementing these amendments.

He said Boca is operated by the Conservancy District in cooperation with the power company and the Truckee Carson Irrigation District. The storage of water is fairly well committed for use for those entities. His interpretation of the decree is that storage space is available at Tahoe for any water that is not necessary to meet the demands on downstream. Independence and Donner are private reservoirs controlled by Sierra Pacific Power Company. Prosser is under the authorizing act which was primarily for flood control purposes and there is some fishery benefits assigned to Prosser. He believes the storage space is fairly well committed for flood control purposes. He thinks that with everything in such an indeterminate status on the Truckee River Stream System, as far as litigation is concerned, he wonders if anything could be accomplished under this proposed amendment.

The Committee discussed the fact that even if the meters were put in it would not help the current situation for several years.

Mr. Westergard stated the longer the authority to install meters is put off, the further we are from the actual installation and the further we are from conserving any water through the use of those meters.

SENATOR WILSON indicated there are really two problems that relate to pumping. One is the trigger on the pumping and the other one is to store the water saved.

SENATOR WILSON stated that perhaps the answer is a declaration of intent, or mandates to explore and exhaust the possibilities of, coupled with committing in advance in exchange utmost pressure on things in exchange, namely pumping out of Tahoe during periods of critical need and storing in the reservoirs so we can contain and manage the water upstream that is stored.

Senate

Mr. Westergard stated in regard to the suggestion as a one liner to repeal with some Legislative direction for the appropriate agencies to pursue these various things. He indicated his office would not require money. He stated the Public Service Commission would probably be involved to a degree, the Attorney General's Office and certainly Roger Troundy's agency, Health, because by the very Truckee River Agreement it designates his agency as the one to make a finding with California.

SENATOR WILSON stated we are going to have to move quickly.

Mr. Westergard indicated it would be an investigation of best effort to accomplish.

SENATOR WILSON indicated they would repeal and issue a mandate to accomplish permission to pump from Tahoe, mandated to acquire storage in available basins and facilities, and to report back to next session of the Legislature the success of those efforts and any recommendations you have for further action.

SENATOR BRYAN moved to amend and do pass.
Seconded by SENATOR ASHWORTH.
Vote: Unanimous.

A.B. 642 ESTABLISHES INSURANCE RECOVERY FUND TO REPLACE BONDS FILED BY INSURANCE BROKERS, AGENTS AND OTHERS. (BDR 57-1616)

Dr. Dick Rottman, Insurance Commissioner, asked the Committee for an amend and do pass on A.B. 642, with one additional amendment to raise the maximum amount of the recovery funds to \$40,000.00. Refer to minutes on 5-5-77 for amendment.

SENATOR ASHWORTH moved to amend and do pass.
Seconded by SENATOR YOUNG.
Vote: Unanimous.

A.B. 687 REQUIRES CERTAIN PUBLIC ACCOMMODATIONS TO BE MADE ACCESSIBLE TO PHYSICALLY HANDICAPPED. (BDR 54-1626)

The Committee felt that more study was required. SENATOR YOUNG stated the impact of this type of legislation is great. Wanted further testimony. Meeting

Senate

was scheduled for later in the afternoon to consider this bill. The Secretary was instructed to contact Bob Warren and Bob Broadbent.

In discussion the Committee decided not to take any more testimony on any other bills.

S.B. 308 REQUIRES CONTINUING EDUCATION FOR REAL ESTATE BROKERS AND SALESMEN. (BDR 54-1022)

CHAIRMAN WILSON submitted an amendment offered by the Assembly to the Committee for concurrence. See attached Exhibit B.

S.B. 281 PERMITS LUMP SUM PAYMENTS OF WORKMEN'S COMPENSATION PERMANENT PARTIAL DISABILITY AWARDS. (BDR 53-827)

SENATOR YOUNG moved to concur with Assembly amendment, Exhibit C.
Seconded by SENATOR HERNSTADT.
Vote: Unanimous.

S.B. 128 AMENDS CITIZENSHIP REQUIREMENTS FOR PROFESSIONAL LICENSES TO INCLUDE PERSONS LEGALLY ENTITLED TO WORK IN UNITED STATES. (BDR 54-337)

SENATOR BRYAN moved to concur with Assembly amendment, Exhibit D.
Seconded by SENATOR BLAKEMORE.
Vote: Unanimous.

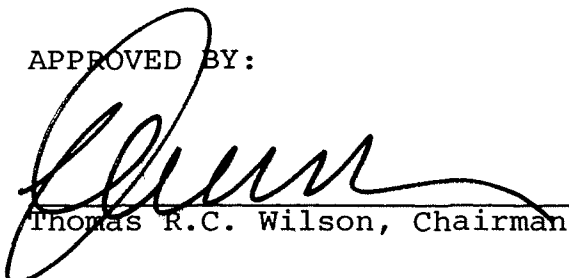
NOTE: Afternoon meeting was not held. Senators unanimously concurred with amendment on S.B. 308 on the Floor of the House, 5-6-77. The Secretary was advised by CHAIRMAN WILSON.

There being no further business the meeting was adjourned at 1:50 P.M.

Respectfully submitted,


Lynd Lee Payne, Secretary

APPROVED BY:


Thomas R.C. Wilson, Chairman

Senate

2780

ASSEMBLY ACTION

SENATE ACTION

~~ASSEMBLY~~ / SENATE AMENDMENT BLANK

Adopted
 Lost
 Date:
 Initial:
 Concurred in
 Not concurred in
 Date:
 Initial:

Adopted
 Lost
 Date:
 Initial:
 Concurred in
 Not concurred in
 Date:
 Initial:

Amendments to Assembly / ~~Senate~~
 Bill / ~~Joint Resolution~~ No. 438 (BDR58-1445)
 Proposed by Committee on Commerce & Labor
Exhibit A

1977 Amendment N^o 246



Amend section 2, pages 1 and 2, delete lines 2 through 22 on page 1 and lines 1 through 5 on page 2 and insert:

"Sec. 2. The state engineer shall promptly negotiate with the appropriate authorities, public or private or both, to obtain assurance that:

1. In general, water saved by the installation of watermeters or similar devices can be stored in available reservoirs or other facilities for the later use of the inhabitants of the watershed in which the saving was accomplished. Upon obtaining such assurance for any watershed, the state engineer shall so notify the public service commission of Nevada.

2. In particular, water may be pumped from Lake Tahoe into the Truckee River if the needs of the inhabitants of the cities of Reno and Sparks and of the unincorporated areas of Washoe County for reasonable domestic use cannot otherwise be met. Upon obtaining such assurance, the state engineer shall so notify the public service commission of Nevada."

Amend sec. 3, page 2, delete lines 6 through 11 and insert:

"Sec. 3. The legislature finds and declares that the needs of the cities and unincorporated areas of Washoe County for water create a unique situation to which a general law cannot be made applicable."

Amend sec. 4, page 2, delete lines 12 through 16 and insert:

"Sec. 4. 1. This section and sections 2 and 3 of this act shall become effective upon passage and approval.

2. Section 1 of this act shall become effective for each watershed except that of the Truckee River on the date when the state engineer notifies the

2781

public service commission of Nevada that he has obtained assurance that water saved may be stored as provided in subsection 1 of section 2 of this act.

3. Section 1 of this act shall become effective for the watershed of the Truckee River on the date when the state engineer notifies the public service commission of Nevada that he has obtained assurance that water may be stored and if necessary pumped as provided in subsections 1 and 2 of section 2 of this act respectively."

Amend the bill as a whole, delete sections 5 and 6.

Amend the title of the bill, delete second and third lines and insert:

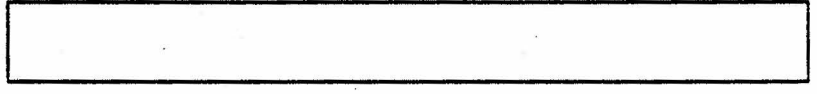
"installation and use of watermeters; providing appropriate conditions precedent to such repeal; and providing other matters properly relating thereto."

2782

Exhibit B

ASSEMBLY ACTION	SENATE ACTION	ASSEMBLY / SENATE AMENDMENT BLANK
Adopted <input type="checkbox"/>	Adopted <input type="checkbox"/>	Amendments to ASSEMBLY / Senate
Lost <input type="checkbox"/>	Lost <input type="checkbox"/>	Bill / Joint Resolution No. <u>308</u> (BDR 54-1022)
Date:	Date:	Proposed by <u>Committee on Commerce</u>
Initial:	Initial:	
Concurred in <input type="checkbox"/>	Concurred in <input type="checkbox"/>	
Not concurred in <input type="checkbox"/>	Not concurred in <input type="checkbox"/>	
Date:	Date:	
Initial:	Initial:	

1977 Amendment N^o 1360 A



Amend section 1, page 1, delete line 11 and insert:

"before relicensing."

Amend section 1, page 2, delete line 4 and insert:

"ings. The commission shall qualify any appropriate educational course given by an accredited university or community college."

Amend the bill as a whole by adding new sections designated sections 3 and 4 following section 2 to read:

"Sec. 3. NRS 645.830 is hereby amended to read as follows:

645.830 The following fees shall be charged by and paid to the [real estate] division:

[For each real estate broker's examination.....	\$40
For each original real estate broker's, broker-salesman's or corporate officer's license.....	40
For each renewal real estate broker's, broker-salesman's or corporate officer's license, for 1 year or fraction thereof....	40
For each licensed real estate broker's or salesman's original license or renewal, in addition to the renewal fee, for the real estate education, research and recovery fund.....	10
For each real estate salesman's examination.....	40
For each original real estate salesman's license.....	25
For each renewal real estate salesman's license, for 1 year or fraction thereof.....	25
For each branch office broker's license, for 1 year or fraction thereof.....	25
For each original registration of an owner-developer.....	40
For each annual renewal of registration of an owner-developer..	40
For each enlargement of the area of an owner-developer's registration.....	15
For each change of name or address.....	10
For each transfer of real estate salesman's license on change of association.....	10
For each duplicate license or pocket card where the original license or pocket card is lost or destroyed, and affidavit made thereof.....	10
For each reinstatement of a real estate broker's or salesman's license.....	10
For each reinstatement of a real estate broker's or salesman's license when a licensee fails to give written notice to the commission within 30 days of a change of name, address or broker with whom he is associated.....	20
For each change of status from broker to broker-salesman, or the reverse.....	10
For each certificate issued to an out-of-state broker licensee for 1 year or fraction thereof.....	40]

<u>For each real estate salesman's or broker's examina-</u>	
<u>tion.....</u>	<u>\$40.00</u>
<u>For each original real estate broker's, broker-</u>	
<u>salesman's or corporate broker's license.....</u>	<u>80.00</u>
<u>For each original real estate salesman's license.....</u>	<u>50.00</u>
<u>For each original branch office license.....</u>	<u>50.00</u>
<u>For each real estate education, research and recovery</u>	
<u>fee to be paid at the time of issuance of original</u>	
<u>license or renewal.....</u>	<u>40.00</u>
<u>For each penalty assessed for failure of an applicant</u>	
<u>for an original broker's, broker-salesman's or</u>	
<u>corporate broker's license to file within 30 days</u>	
<u>of notification.....</u>	<u>40.00</u>
<u>For each penalty assessed for failure of an applicant</u>	
<u>for an original salesman's license to file within</u>	
<u>30 days of notification.....</u>	<u>25.00</u>
<u>For each renewal real estate broker's, broker-</u>	
<u>salesman's or corporate broker's license for 1 year....</u>	<u>80.00</u>
<u>For each renewal real estate salesman's license for 1</u>	
<u>year.....</u>	<u>50.00</u>
<u>For each renewal real estate branch office license.....</u>	<u>50.00</u>
<u>For each penalty for late filing of a renewal for</u>	
<u>broker's, broker-salesman's or corporate broker's</u>	
<u>license.....</u>	<u>40.00</u>
<u>For each penalty for late filing of a renewal for</u>	
<u>salesman's license.....</u>	<u>25.00</u>
<u>For each change of name or address.....</u>	<u>10.00</u>
<u>For each transfer of real estate salesman's or broker-</u>	
<u>salesman's license and change of association or</u>	
<u>employment.....</u>	<u>10.00</u>

- For each duplicate license or pocket card where the original license or pocket card is lost or destroyed, and affidavit made thereof..... 10.00
- For each change of status from broker to broker-salesman, or the reverse..... 10.00
- For each reinstatement to active status of an inactive real estate broker's, broker-salesman's or salesman's license..... 10.00
- For each reinstatement of a real estate broker's license when the licensee fails to give immediate written notice to the division of a change of name or business location..... 20.00
- For each reinstatement of a real estate salesman's or broker-salesman's license when he fails to notify the division of a change of broker within 30 days of termination by previous broker..... 20.00
- For each original registration of an owner-developer..... 40.00
- For each annual renewal of registration of an owner-developer.....\$40.00
- For each enlargement of the area of an owner-developer's registration..... 15.00
- For each cooperative certificate issued to an out-of-state broker licensee for 1 year or fraction thereof..... 40.00

Sec. 4. NRS 645.843 is hereby amended to read as follows:

- 645.843 1. Except as otherwise provided in subsection 2, upon issuance or renewal of every real estate broker's and real estate salesman's license, every licensed broker and salesman shall pay in addition to the original or renewal fee, a fee of [\$15.] \$40. Such additional fee shall be paid into the state treasury and credited to the fund, and shall be used solely for the purposes provided in NRS 645.841 to 645.8494, inclusive.
- 2. A salesman who renews his license while employed by an owner-developer is not required to pay into the fund.

Sec. 5. Section 1 of this act shall become effective January 1, 1978."

Amend the title on the second line after period; insert:

"revising fees;".

Exhibit C

ASSEMBLY ACTION

SENATE ACTION

ASSEMBLY / ~~SENATE~~ AMENDMENT BLANK

Adopted
Lost
Date:
Initial:
Concurred in
Not concurred in
Date:
Initial:

Adopted
Lost
Date:
Initial:
Concurred in
Not concurred in
Date:
Initial:

Amendments to ~~Assembly~~ / Senate
Bill / ~~Joint Resolution~~ No. 281 (BDR 53-827)
Proposed by Committee on Ways and Means

977 Amendment N^o 1403 A



Amend section 1, page 3, delete line 14 and insert:

"ment of this section [shall not be] is not".

Amend section 1, page 3, delete line 15 and insert:

"retroactive [.] for accidents which were incurred before July 1, 1973."

Exhibit D

ASSEMBLY ACTION	SENATE ACTION	ASSEMBLY / SENATE AMENDMENT BLANK
Adopted <input type="checkbox"/>	Adopted <input type="checkbox"/>	Amendments to ASSEMBLY / Senate
Lost <input type="checkbox"/>	Lost <input type="checkbox"/>	Bill / Joint Resolution No. <u>128</u> (BDR <u>54-337</u>)
Date: _____	Date: _____	Proposed by <u>Mr. Harmon</u>
Initial: _____	Initial: _____	
Concurred in <input type="checkbox"/>	Concurred in <input type="checkbox"/>	
Not concurred in <input type="checkbox"/>	Not concurred in <input type="checkbox"/>	
Date: _____	Date: _____	
Initial: _____	Initial: _____	

1977 Amendment **Nº 1130 A** Resolves conflict with A.B. 153.

Amend section 6, page 3, between lines 43 and 44, insert:

"(f) Has passed the examination given by the National Board of Podiatry Examiners."

Amend section 6, page 3, line 44, delete "\$50" and insert "\$100".

Amend section 6, page 3, line 46, delete "rules and".

Amend section 6, page 3, line 47, delete "determine." and insert "adopt."

Amend the bill as a whole by adding a new section, designated section 15, following section 14, to read as follows:

"Sec. 15. Section 6 of this act shall become effective at 12:01 a.m. on July 1, 1977."