

MEMBERS PRESENT

Chairman Sena
Vice Chairman Glover
Mr. FitzPatrick
Mrs. Hayes
Mr. Polish
Mr. Prengaman
Mr. Stewart
Mrs. Wagner
Mrs. Westall

GUESTS PRESENT

Daryl E. Capurro, Nevada Motor Transport Assn.
H. K. Peterson, Public Service Commission
Andrew P. Grose, Research Director, LCB

Assembly Bill 65 - Empowers public service commission to compel production of records not maintained in state.

Mr. Grose explained that the interim subcommittee studying transportation had received testimony indicating that there was difficulty in getting motor carriers to provide records which would enable the Public Service Commission to determine whether or not such carriers should be certificated. Obtaining the records is sometimes particularly difficult if the carrier is an out-of-state company. Mr. Grose said A.B. 65 strengthens the existing law by extending subpena power to the PSC to obtain records in and out of state.

Mr. Grose further said that if an out-of-state company failed to comply with the subpena, an order to enforce it could be obtained from a District Court in Nevada. If the company still fails to comply, any equipment or property which they have in Nevada may be seized.

In regard to deleting "common or contract" in line 3, Sec. 2, page 2, Mr. Grose said the effect of this was to have the bill cover all motor carriers and not qualify it in any manner.

Mr. Stewart questioned whether Nevada subpoenas have jurisdiction outside the state. Mr. Grose stated that he was told by Mr. Daykin that the Superior Court in California could be requested to enforce the subpoena, but as a practical matter that would not be necessary since there would be leverage to use it in the state without having to go to an out-of-state court.

Mr. Stewart expressed the opinion that there should be some preliminary action by the PSC before a company's books and records were subpoenaed merely because they were under suspicion.

Mr. Capurro felt that A.B. 65 was a necessary requirement and one that would assist in the regulatory process. He also said that A.B. 67 with suggested amendments was a companion bill and both were necessary to extend the powers and authority of the Public Service Commission in determining who came under its authority and who was exempted. Mr. Capurro did not believe it would be necessary to issue a subpoena out of state since any company operating in Nevada would have personnel in the state who could accept service. He also did not feel that the PSC would abuse the provisions of A.B. 65.

Mr. Capurro did not agree that the words "common or contract" should be deleted in line 3, Sec. 2, page 2. Instead, he suggested that the line should read "any common, contract or private motor carrier" since there are definitions of those three kinds of carriers in Chapter 706, and there is no definition of motor carrier per se.

Mr. Capurro reiterated that A.B. 65 and A.B. 67 should be acted on to solve the problem of carriers coming into Nevada and working on large scale projects without carrying proper insurance, operating in an unsafe manner and contrary to the lease language that Nevada has in its current law.

Mr. Peterson said that the Public Service Commission concurred with A.B. 65 as it was written although it would have no objection to the wording suggested by Mr. Capurro for line 3, Sec. 2. Mrs. Wagner asked what steps the PSC would take before issuing a subpoena. Mr. Peterson said a notice to show cause why a certificate should not be revoked was served upon a representative of the company and this was usually sufficient. In response to Mrs. Wagner's question if he thought A.B. 65 was necessary, Mr. Peterson said it would be a tool which would not necessarily be used frequently but would be nice to have if needed.

Assembly Bill 72 - Increases limit of bond filed with commission by common and contract motor carriers against loss of money collected by carriers.

Mr. Grose said this was to raise the amount of the bond required for a motor carrier dealing in c.o.d.'s from \$1,000 to \$5,000 to protect the shippers. This bill is also a result of the interim subcommittee's study of transportation.

Mr. Stewart asked the cost of a \$5,000 bond and Mr. Glover said it was approximately \$25.00 per thousand but that availability of such bonds was the major problem.

Mr. Capurro said that to get a bond of any sort was a problem and that most carriers would discontinue collecting on delivery. He said that many carriers have already done this. Mrs. Wagner requested that Mr. Capurro give her a list of carriers that have discontinued this service during the past year. It was generally agreed by the committee that if the carriers were going to "flag out" of that provision of their tariff that says they will collect on delivery, they will do so regardless of whether the amount of the bond is raised or not.

Mr. Peterson was in favor of A.B. 72 since the amount of the bond has not been changed in 15 or more years and the value of the dollar has changed drastically in that time. He felt that other factors were involved which caused carriers to discontinue c.o.d.'s, such as the amount of time and receiving bad checks. In response to a question by Mr. Stewart, Mr. Peterson said he had personal knowledge of only one instance where there was a problem with a bond in his 14 years with the P.S.C.

Assembly Bill 76 - Provides uniform standards for regulation of charges and practices of motor carriers.

Mr. Grose said this was a "cleanup" bill. Subsections 1 and 2 as written talk about the same things and then the remedies for them, and they use different language. The bill drafter has eliminated Subsection 2 and placed it into Subsection 1, using the same language and the same remedy.

No objections to the bill were presented.

The committee agreed to introduce a bill which was requested by the Motor Carrier Division as presented by Mr. Glover.

Mrs. Wagner raised the subject of rules and regulations covering auto emissions. After a discussion of these rules and regulations, Mrs. Wagner suggested that the committee might want to review the matter with the Environmental Commission.

Committee Action:

A.B. 65 - Chairman Sena said an amendment to line 3, Sec. 2, Page 2, would be drafted. Mr. Glover moved Do Pass as Amended, seconded by Mrs. Hayes. Motion carried with Mrs. Wagner, Mr. Prengaman, Mr. Stewart voting no and Mrs. Westall abstaining.

A.B. 76 - Mrs. Wagner moved Do Pass. Seconded by Mr. Stewart and carried unanimously.

A.B. 72 - Mrs. Westall moved Do Pass. Motion died for lack of a second. Mr. Glover said he would explore the availability of bonds.

A.B. 67 - Mr. Glover was requested to review the suggested amendments and make a recommendation to the committee.

A.B. 74 - Hold until an amendment is received for A.B. 66.

Chairman Sena said he would request Mr. Heber Hardy, Chairman, Public Service Commission, to speak to the committee on March 5.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Jane Dunne
Assembly Attache

60TH NEVADA LEGISLATURE
ASSEMBLY TRANSPORTATION COMMITTEE
LEGISLATIVE ACTION

Date Feb. 26, 1979

Subject AB 65

MOTION:

Do Pass Amend Indefinitely Postpone Amend & Do Pass

Moved by Mr. Glover Seconded by Mrs. Hayes

AMENDMENT: Line 3, Sec. 2, pg. 2 to read: "any common, contract
or private carrier"

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>
FitzPatrick	<u>x</u>	_____	_____	_____	_____	_____
Glover	<u>x</u>	_____	_____	_____	_____	_____
Hayes	<u>x</u>	_____	_____	_____	_____	_____
Polish	<u>x</u>	_____	_____	_____	_____	_____
Prengaman	_____	<u>x</u>	_____	_____	_____	_____
Sena	<u>x</u>	_____	_____	_____	_____	_____
Stewart	_____	<u>x</u>	_____	_____	_____	_____
Wagner	_____	<u>x</u>	_____	_____	_____	_____
Westall	_____	<u>Abstain</u>	_____	_____	_____	_____
TALLY:	<u>5</u>	<u>3</u>	_____	_____	_____	_____

ORIGINAL MOTION: Passed x Defeated _____ Withdrawn _____

AMENDMENT: Passed _____ Defeated _____ Withdrawn _____

AMENDED & PASSED: Passed _____ Defeated _____

Attached to Minutes of February 26, 1979

60TH NEVADA LEGISLATURE
ASSEMBLY TRANSPORTATION COMMITTEE
LEGISLATIVE ACTION

Date Feb. 26, 1979

Subject A.B. 76

MOTION:

Do Pass Amend Indefinitely Postpone Amend & Do Pass

Moved by Mrs. Wagner Seconded by Mr. Stewart

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>
FitzPatrick	<u>x</u>	_____	_____	_____	_____	_____
Glover	<u>x</u>	_____	_____	_____	_____	_____
Hayes	<u>x</u>	_____	_____	_____	_____	_____
Polish	<u>x</u>	_____	_____	_____	_____	_____
Prengaman	<u>x</u>	_____	_____	_____	_____	_____
Sena	<u>x</u>	_____	_____	_____	_____	_____
Stewart	<u>x</u>	_____	_____	_____	_____	_____
Wagner	<u>x</u>	_____	_____	_____	_____	_____
Westall	<u>x</u>	_____	_____	_____	_____	_____
TALLY:	<u>9</u>	<u>0</u>	_____	_____	_____	_____

ORIGINAL MOTION: Passed Defeated _____ Withdrawn _____

AMENDMENT: Passed _____ Defeated _____ Withdrawn _____

AMENDED & PASSED: Passed _____ Defeated _____

Attached to Minutes of February 26, 1979

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