

The meeting was called to order at 2:00 p.m. in Room 213.
Senator Thomas R. C. Wilson was in the Chair.

PRESENT: Senator Thomas R.C. Wilson, Chairman
Senator Richard E. Blakemore, Vice Chairman
Senator Don Ashworth
Senator Clifford E. McCorkle
Senator Melvin D. Close
Senator William H. Hernstadt

ABSENT: Senator C. Clifton Young

OTHERS J. Roy Carlson, Aging Services Division
PRESENT: Andrew P. Grose, Research Director, Legislative
Counsel Bureau
Mike Malloy, Assistant District Attorney, Washoe County
Robert J. Dimmick, Audit Division, Legislative
Counsel Bureau
Robert F. Guinn, Nevada Motor Transport Association,
Nevada Franchised Auto Dealers' Association
Daryl E. Capurro, Nevada Motor Transport Association,
Nevada Franchised Auto Dealers' Association
H. K. Peterson, Public Service Commission
George Keele, Deputy Attorney General, Public
Service Commission
Peter J. Smith, Assistant Director, Department of Commerce
Don Heath, Insurance Division

SB 4 Prohibits bail bondsmen from making campaign
contributions for or against election of
candidates for certain public offices.

For previous testimony, discussion, and action on Senate Bill 4,
see minutes of January 24, January 31, and February 26, 1979.

At this point Chairman Wilson was called to another meeting.
Vice Chairman Blakemore took the chair.

Mike Malloy, Assistant District Attorney, Washoe County, stated
that he was also representing Clark County; and both counties sup-
port Senate Bill 4 in its present form. Mr. Malloy explained that
page 2, line 48 refers to NRS 178.512. He stated that in the pre-
sent statute, there is no way that a judge can forfeit a bond and
the new legislation clarifies that. He continued that the reduc-
tion of the ninety-day limit to forty-five days is a good idea. He
stated that after the forty-five days the bail bondsman may just
forfeit and the court would not be able to find the defendant.

Discussion followed regarding the amendment to SB 4. The summary
conflicts with what the actual bill does. SB 4 no longer deals
with campaign contributions.

AB 79 Permits reduced rates for transportation
 for elderly and handicapped persons.

Andrew P. Grose, Research Director, Legislative Counsel Bureau, stated that the Transportation Study Committee during the interim addressed three areas: one was whether Nevada needs a Department of Transportation rather than a Department of Highways, the second was the area of mass transit; and the third area was a general clean-up of NRS 706 and other parts of Title 58, on public utilities as they affect transportation. He explained that Assembly Bill 79 addresses the last area. Mr. Grose explained that NRS 706.351 may have reduced rates; but that under current law, carriers have no authority to have reduced rates for the handicapped. He continued that the Assembly Transportation Committee felt that the mentally handicapped as well as the physically handicapped should be included, hence the amendments. Mr. Grose stated that section 2 should be amended so as to conform with the other sections.

J. Roy Carlson, representing the Aging Services Division, stated that he supports AB 79. Mr. Carlson referred to page 1, lines 18 and 19, in which a physically handicapped person would have to present a written statement from a physician. He stated that most physical handicaps are visible, so possibly the written statement would not be needed. Secondly, he added, that if a carrier decides to offer reduced rates, he would determine his own rates. He continued that there are elderly and handicapped people who require attendants when traveling, and the legislation does not provide for reduced rates for attendants. He feels that they should be included equally.

Senator McCorkle stated that the written statement should be required so that the carrier does not have to determine whether there is a handicap.

Mr. Carlson replied that if the carrier offers the reduced rate he should also establish the rules; and that anyone can write a letter and say it is from a physician.

Senator Hernstadt stated that in New York elderly people present their Medi-Care cards or some other proof of age, and then are issued cards to gain admission for reduced rates.

Senator Close asked who should determine the severity of the handicap and the age of the person?

Mr. Carlson reiterated that that should be left to the discretion of the carrier.

Senator Blakemore clarified that if the determination were left to the discretion of the carrier, the statute should read "upon application to the carrier".

Mr. Carlson stated that the restriction should not apply to the elderly.

Daryl E. Capurro, representing the Nevada Motor Transport Association and the Nevada Franchised Auto Dealers' Association, stated that he objects to the amendments proposed by Mr. Carlson. Mr. Capurro clarified that Chapter 704 covers rotary wing aircraft and Chapter 706 covers motor carriers. He referred to sections 3 and 4 and stated that he objects to the inclusion of an attendant, and also objects to the deletion of the written statement.

Mr. Capurro stated that the carrier should not have the responsibility of determining whether or not a person is handicapped.

In answer to Senator Ashworth's question, Mr. Capurro explained that the reason for the legislation is that the Public Service Commission cannot approve reduced rates unless there is a statute providing for reduced rates; then the carrier would petition the PSC for permission to provide reduced rates.

There was discussion regarding line 18, page 1, of the amended bill. The language does not seem clear as to whether a person must be 65 years of age and physically or mentally handicapped.

Mr. Capurro stated that it should be the PSC's responsibility to regulate the requirements for eligibility for reduced rates and the procedure for enforcement.

Senator Hernstadt suggested that the legislation provide that that the PSC could, on application of a carrier, provide for special categories and issue a card for discount purposes. He continued that, since reduced rates are voluntary, this would solve the problem without interfering with the PSC or discouraging the carriers from offering the lower rates.

Mr. Capurro answered that he couldn't speak for the PSC, but that the carriers would prefer that the rules and regulations and which categories could apply to the PSC be included in the legislation.

Harold K. Peterson, Director, Transportation, Public Service Commission, stated that the language of AB 79 should be clarified so that it would conform on page 2, line 7, with page 3, line 15, so that they would both read "among shippers of a similar class". Mr. Peterson suggested that in NRS 704.190 there is language that reads "commission shall promulgate and adopt all reasonable rules and regulations necessary for the administration and enforcement of this section", that could be added to AB 79 for clarification.

Chairman Wilson returned to the meeting.

Chairman Wilson closed the public hearing on AB 79.

AB 351 Removes requirement for prior approval and obsolete provision respecting attendance of public service commissioners at certain hearings.

Robert J. Dimmick, Deputy Legislative Auditor, Legislative Counsel Bureau, state that Assembly Bill 351 is a result of an audit by the Public Service Commission. He explained that this legislation's intent is to bring the statute up to date with current procedures; and that lines 3 and 4 represent an amendment which was requested by the PSC; and that he would not testify on the amendment, since it was not part of the audit.

Chairman Wilson closed the public hearing on AB 351.

AB 352 Consolidates provisions of NRS regarding public service commission regulatory fund.

George Keele, representing the Public Service Commission, stated that lines 3 and 4 refer to railroads, of which there are non, and suggested the language be deleted.

Robert J. Dimmick, Deputy Legislative Auditor, stated that Assembly Bill 352 is a result of an audit of the PSC, and its intent is to incorporate the provisions of three different sections of NRS. He explained that page 1, lines 3 and 4, the PSC regulatory fund is created as a special revenue fund in order to be in compliance with NRS 353.321; page 2, section 20, NRS 704.037 is repealed; the balance of line 4 and lines 5 and 6, page 1, consist of lines 6 through 8 on page 2 which are being deleted. He continued that "continuing fund" is being replaced with "special revenue fund"; line 20, page 2, NRS 704.039 sets forth the uses of the PSC regulatory fund, and is replacement language contained on lines 7 through 15, page 1; lines 16 and 17, page 1, are consolidated from AB 351; lines 18 through 20 were not part of the audit report and therefore he would not testify on them.

George Keele, representing the Public Service Commission, stated that NRS 704.039 is amended in the legislation by providing for use of the regulatory fund to retain consultants, and subsection 3 of section 2 provided that "all claims against the fund must be paid as other claims against the state are paid".

Chairman Wilson closed the public hearing on AB 352.

AB 354 Redefines duties of attorney general and district attorneys re: legal services provided to public service commission of Nevada.

Daryl E. Capurro, representing the Nevada Motor Transport Association, stated that he supports Assembly Bill 354, and that its intent is to consolidate provisions in NRS governed by the PSC into Chapter 703. Mr Capurro suggested that on line 10, page 1, "and motor carriers under the jurisdiction of the commission" be added after "public utilities".

George Keele, representing the Public Service Commission, stated that the PSC supports AB 354 and the language clarifies that an attorney general does not have authority to commence an original action in the jurisdiction of a district attorney.

Chairman Wilson closed the public hearing on AB 354.

AB 354 Redefines duties of attorney general and district attorneys re: legal services provided to public service commission of Nevada.

Senator Close moved that AB 354 be passed out of Committee with an "Amend and Do Pass" recommendation.

Seconded by Senator Hernstadt.

Motion carried.

Senators Blakemore and Young absent.

AB 352 Consolidates provisions of NRS regarding public service commission regulatory fund.

Senator Hernstadt moved that AB 352 be passed out of Committee with a "Do Pass" recommendation.

Seconded by Senator Ashworth.

Motion carried.

Senators Blakemore and Young absent.

AB 351 Removes requirement for prior approval and obsolete provision respecting attendance of public service commissioners at certain hearings.

Senator Clase moved that AB 351 be passed out of Committee with a "Do Pass" recommendation.

Senator Hernstadt abstained.

Motion carried.

Senators Blakemore and Young absent.

SB 4 Prohibits bail bondsmen from making campaign contributions for or against election of candidates for certain public offices.

Discussion followed during which time the language of "undertaking" on page 1, line 4, was debated.

(SB 4 - bill action continued)

Senator Ashworth moved that SB 4 be passed out of Committee with an "Amend and Do Pass" recommendation.

Seconded by Senator Hernstadt.

Motion carried.

Senator Young absent.

AB 79 Permits reduced rates for transportation for elderly and handicapped persons.

Discussion followed during which time it was decided to include the language suggested by Mr. Cappuro, and to add "mentally" after "physically" on line 18, page 1, and line 25, page 2; change "and" to "or" after "age", line 18 page 1.

Senator Hernstadt suggested that the three categories of sixty-five years of age, mentally handicapped, or physically handicapped, with the latter two requiring written evidence from a physician, be the eligibility for reduced rates.

Senator Close stated that the bill should be amended to provide that if the carrier elects to give the reduced rate, the PSC should prescribe the rules and regulations.

Senator Close moved that AB 79 be passed out of Committee with an "Amend and Do Pass" recommendation.

Seconded by Senator Hernstadt.

Motion carried.

Senator Young absent.

SB 234 Provides requisites for practices of professional engineering by certain organizations.

It was decided to amend the language on page 1, line 4, to read "if the member or members of the firm copartnership, corporation or joint-stock association immediately responsible for engineering work performed in Nevada are registered professional engineers under the provisions of this chapter.", and to delete the rest of line 7, and lines 8, 9, 10 and 11, page 1.

Senator Hernstadt moved that SB 234 be passed out of Committee with an "Amend and Do Pass" recommendation.

(SB 234 - bill action continued)

Seconded by Senator Ashworth.

Motion carried.

Senator Young absent.

SB 302 Prohibits certain persons from offering specified inducements to enter into a real estate transaction.

Bill Cozart, representing the Nevada Association of Realtors, clarified that an owner-developer only falls under NRS 645 if he registers with the Real Estate Division because he wants to employ real estate licensees to sell his property. Mr. Cozart agreed that "owner-developer or registered representative" could be deleted from the language of the bill. He agreed that the limit would be \$1,000.

Chairman Wilson clarified that there are two approaches that could be taken regarding Senate Bill 302: one, the licensure board could be given jurisdiction by regulation; or, two, pass legislation.

It was decided to have jurisdictional language prepared giving the board the power to promulgate regulations to carry out the thrust of the bill.

Senator Close moved that SB 302 be passed out of Committee with an "Amend and Do Pass" recommendation.

Seconded by Senator McCorkle.

Motion carried.

Senators Young and Hernstadt absent.

SB 310 Requires inactive real estate brokers and salesmen to meet certain continuing education requirements as prerequisites to active status.

Bill Cozart, representing the Nevada Association of Realtors, stated that he had conferred with the Board of Realtors and proposed the following amendments to Senate Bill 310: section 1, line 11, a new (c) stating "a total of 10 clock hours in cases where a licensee is being reinstated to active status within 2 years from the time the licensee was placed on inactive status, unless such reinstatement to active status is the first reinstatement after initial licensing in which 20 clock hours". Mr. Cozart clarified that renewal is when the license, active or inactive, is being renewed, and reinstatement only applies when going from inactive to active.

Discussion followed regarding this language.

(SB 310 - bill action continued)

Chairman Wilson clarified the language as follows: "If a person gets his license and does not go on active status within two years of its issuance, twenty hours would be required. If a person gets his license and he is on active status and goes inactive for more than two years, ten hours would be required."

Senator Close stated that (d) would state that if a person has not practiced for more than two years, he would need forty hours.

Senator Hernstadt moved that SB 310 be passed out of Committee with an "Amend and Do Pass" recommendation.

Seconded by Senator McCorkle.

Motion carried.

Senators Young and Blakemore absent.

The Committee agreed to authorize Senator McCorkle to confer with Janet Wilson, Deputy Legislative Counsel and Senate Bill Drafting Advisor, regarding legislation involving contractors.

No further business so meeting adjourned at 4:30 p.m.

Respectfully submitted,

Betty Kalicki, Secretary

APPROVED:

Thomas R. C. Wilson, Chairman

(REPRINTED WITH ADOPTED AMENDMENTS)

SECOND REPRINT

A. B. 79

ASSEMBLY BILL NO. 79—ASSEMBLYMEN HAYES,
GLOVER, JEFFREY, BARENGO AND HORN

JANUARY 16, 1979

Referred to Committee on Transportation

SUMMARY—Permits reduced rates for transportation for elderly and
handicapped persons. (BDR 58-15)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to transportation; permitting a public utility or common carrier
to give free or reduced rates of transportation to elderly or handicapped
persons; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly,
do enact as follows:*

- 1 SECTION 1. NRS 704.140 is hereby amended to read as follows:
2 704.140. 1. It [shall be] *is* unlawful for any person engaged in
3 business as a public utility to give or furnish to any state, district, county
4 or municipal officer of this state, or to any person other than those
5 named herein, any pass, frank, free or reduced transportation, or for
6 any state, district, county or municipal officer to accept any pass, frank,
7 free or reduced transportation.
8 2. This section does not prevent the carriage, storage or hauling of
9 property free or at reduced rates for the United States, the State of
10 Nevada, or any political subdivision thereof, for charitable purposes.
11 3. This chapter does not prohibit a public utility from giving free
12 or reduced rates for transportation of:
13 (a) Its own officers, commission agents, employees, attorneys, physi-
14 cians and surgeons and members of their families, and pensioned and
15 disabled ex-employees, their minor children or dependents, or witnesses
16 attending any legal investigation in which such carrier is interested.
17 (b) Inmates of hospitals or charitable institutions [.] *and persons over*
18 *65 years of age.*
19 (c) *Persons who are physically handicapped or mentally handicapped*
20 *and who present a written statement from a physician to that effect.*
21 (d) *Persons injured in accidents or wrecks and physicians and nurses*
22 *attending such persons.*

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 351

ASSEMBLY BILL NO. 351—COMMITTEE ON
GOVERNMENT AFFAIRS

FEBRUARY 7, 1979

Referred to Committee on Government Affairs

SUMMARY—Removes requirement for prior approval and obsolete provision respecting attendance of public service commissioners at certain hearings. (BDR 58-414)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to the public service commission; removing the requirement for prior approval by the state board of examiners and removing an obsolete provision respecting the attendance of public service commissioners at certain hearings; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. NRS 703.220 is hereby amended to read as follows:
2 703.220 [1.] The commission may confer, by correspondence,
3 with [the railroad commissioners of other states] *persons empowered in*
4 *other states to regulate railroads* and with the Interstate Commerce Com-
5 mission on any matters relating to railroads, and may attend hearings
6 involving Nevada rates before the Interstate Commerce Commission
7 outside the state. [After securing written approval of the state board of
8 examiners.
9 2. All necessary expenses incurred in attending such hearings shall
10 be a charge against the state, and shall be audited and paid as other
11 state claims are paid. All such claims shall be sworn to by the com-
12 missioner incurring the expense and shall be approved by the chair-
13 man.]

ASSEMBLY BILL NO. 352—COMMITTEE ON GOVERNMENT AFFAIRS

FEBRUARY 7, 1979

Referred to Committee on Government Affairs

SUMMARY—Consolidates certain provisions of NRS regarding public service commission regulatory fund. (BDR 58-408)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to the public service commission; consolidating certain provisions of NRS regarding the public service commission regulatory fund; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. Chapter 703 of NRS is hereby amended by adding
2 thereto a new section which shall read as follows:
3 1. *The public service commission regulatory fund is hereby created*
4 *as a special revenue fund. All money collected by the commission pur-*
5 *suant to law must be deposited in the state treasury for credit to the*
6 *fund.*
7 2. *Money in the fund may be used to defray the costs of:*
8 (a) *Maintaining staff and equipment to regulate adequately public*
9 *utilities and other persons subject to the jurisdiction of the commission.*
10 (b) *Participating in all rate cases involving those persons.*
11 (c) *Audits, inspections, investigations, publication of notices, reports*
12 *and retaining consultants connected with that regulation and participa-*
13 *tion.*
14 (d) *The salaries, travel expenses and subsistence allowances of the*
15 *members of the commission.*
16 3. *All claims against the fund must be paid as other claims against*
17 *the state are paid.*
18 4. *The comission must furnish upon request a statement showing*
19 *the balance remaining in the fund as of the close of the preceding fiscal*
20 *year.*
21 SEC. 2. NRS 706.211 is hereby amended to read as follows:
22 706.211 [1. All moneys] *All money* collected by the department
23 under the provisions of NRS 706.011 to 706.861, inclusive, [shall] *must*

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 354

ASSEMBLY BILL NO. 354—COMMITTEE ON
GOVERNMENT AFFAIRS

FEBRUARY 7, 1979

Referred to Committee on Government Affairs

SUMMARY—Redefines duties of attorney general and district attorneys with respect to legal services provided to public service commission of Nevada. (BDR 58-403)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to the public service commission of Nevada; redefining the duties of the attorney general and the district attorneys with respect to the legal services they provide to the commission; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. NRS 703.210 is hereby amended to read as follows:
2 703.210 1. The attorney general shall:
3 (a) **[Be]** *Except as provided in subsection 2, be counsel and attorney*
4 *for the commission in all actions, proceedings and hearings.*
5 (b) Prosecute in the name of the State of Nevada all *civil* actions for
6 the enforcement of **[chapter 704]** *chapters 704, 704A, 705, 706, 708,*
7 *711 and 712 of NRS and for the recovery of any penalty or forfeiture*
8 *provided for therein.*
9 (c) **[Prosecute]** *If the district attorney fails or refuses to do so,*
10 *prosecute all violations of the laws of this state by public utilities [.] and*
11 *motor carriers under the jurisdiction of the commission and their officers,*
12 *agents and employees.*
13 (d) Generally aid the commission in the performance of its duties
14 and the enforcement of **[chapter 704]** *chapters 704, 704A, 705, 706,*
15 *708, 711 and 712 of NRS.*
16 2. **[The district attorney of the proper county, in the aid of any**
17 **investigation, prosecution, hearing or trial had under the provisions of**
18 **chapter 704 of NRS, shall, upon the request of the attorney general or**
19 **the commission, act as counsel for the commission.]** *Each district attor-*
20 *ney shall:*