Chairman Robinson called the meeting to order at 6:10 p.m. in Room 200.

MEMBERS PRESENT: Mr. Bennett
Mr. Brady
Mr. Bremner
Mr. Chaney
Mr. Dini (Late-excused)
Mr. DuBois
Mr. Jeffrey
Mr. Kovacs
Mr. Prengaman
Mr. Rusk
Dr. Robinson

MEMBERS ABSENT: None

GUESTS PRESENT: See Attached Guest List

Chairman Robinson opened the hearing on SCR 65.

SCR 65: DIRECTS LEGISLATIVE COMMISSION TO STUDY DESIRABILITY OF ALLOWING INSURANCE COVERAGE FOR WORKMEN'S COMPENSATION THROUGH PRIVATE INSURANCE CARRIERS.

Testifying for the bill were Senators Hernstadt and Wilson. Senator Hernstadt indicated that SCR 65 "grew out of some bills that would have allowed 3-way insurance to exist." He said that the issue was a complex one, and that the only way all of the facts could be brought forward would be to have a study

There were no questions from the Committee or further testimony.

MR. KOVACS MOVED TO DO PASS SCR 65. MR. BENNETT SECONDED THE MOTION AND IT PASSED UNANIMOUSLY OF THOSE PRESENT.

The Chairman then opened the hearing on SB 505.

SB 505: BROADENS PENALTY PROVIDED FOR THEFT OF SERVICE OF PUBLIC UTILITIES.

Senator Hernstadt stated that SB 505 originated because of the "LeRoy" situation in Southern Nevada where several apartment projects were constructed with power meters to circumvent charges for power. He added that he had asked Nevada Power Company to prepare a bill that would stiffen the penalties for theft of power. The final outcome of that draft is SB 505.

Senator Hernstadt then related several stories which illustrated how people steal power. He commented that when people "jimmy" the power meters, they are stealing from other power customers and not from the utility companies. The Senator presented the Committee members with a copy of the testimony from M. Gene

Matteucci, Chief Counsel and Vice-president of Nevada Power Company and a memorandum from C.W. McPhail, both of which related to the theft of power. These are attached as EXHIBIT A.

Senator Wilson indicated that there was a companion bill to SB 505 which provided for imposition of penalties on utilities that break the rules or do not comply with commission regulations regarding operations or procedures.

Senator Hernstadt commented that the companion bill, SB 132, "is just the other side of the coin." He also stressed that the bill, SB 505, was his bill and not Nevada Power's bill.

Next to testify on the bill was Andrew Barbano, representing the Coalition for Affordable Energy. Mr. Barbano's testimony is attached in its entirety as EXHIBIT B.

Also testifying on the bill was Heber Hardy, Commissioner of the Public Service Commission. Mr. Hardy, in response to the comments made by Mr. Barbano, said, "This bill does not change any of the procedures before the Public Service Commission; this bill relates to actions in court." The purpose of the bill, Mr. Hardy indicated, is to "put it in a posture" in order that the district attorney will accept cases of power theft and prosecute.

Mr. Hardy stated that he would not respond to the cases cited by Mr. Barbano, because he only presented one side of the story and the Committee was "here to hear this bill."

Mr. Prengaman asked how the amount a person owed for illegally gotten power was established.

Mr. Hardy answered it was an estimated amount based on the person's prior consumption and consumption after the meter was returned to proper operation.

Mr. Chaney and Mr. Bennett expressed concern over the fact that persons renting a home or apartment might be charged for power that had been stolen by previous residents or be prosecuted for meter tampering that had also been done by previous residents.

Mr. Hardy indicated that such cases could create problems, however, he added that he was sure the evidence in such cases would preclude criminal prosecution. He did say that the people would have to pay for the additional power that they used but did not pay for prior to the time the meter tampering was discovered.

There was further discussion between the Committee members and Mr. Hardy regarding the type of evidence the PSC would be looking for to establish whether or not a meter had been tampered with.

Mr. Chaney then asked how the "people" got their money back when

the utility companies recovered money for back payments from a guilty individual or company.

Mr. Hardy responded that the money would not be paid directly back to the people, but would help to reduce future rate increases.

Dr. Robinson asked Mr. Hardy what his opinion was on Mr. Barbano's suggested amendments (found in EXHIBIT B).

Mr. Hardy indicated that he did not agree with them at all.

Also testifying on SB 505 was Vincent Laveaga, representing Sierra Pacific Power Company in Reno. Mr. Laveaga stated that he wanted to express his company's support for the bill and stated that since the meter damage and theft control program had been started five years ago, Sierra Pacific Power Company had recovered in excess of 2½ million dollars. The present rate of recovery was $70,000 to $80,000 per year and he said the passage of the bill would be an additional deterrent to persons contemplating power theft.

Mr. Laveaga indicated that there were very few cases actually tried in court, and that it was his company's policy to try to work with people who have been determined to have been involved in "appropriating power" on a voluntary pay-back situation.

There was no further testimony on S.B. 505, so the Chairman opened the public hearing on S.B. 408.

S.B. 408: EXTENDS DUTY OF FIGHTING FIRES TO QUALIFIED WOMEN.

Testifying on the bill was Senator Jean Ford from Clark County Senate District 3. Senator Ford remarked that the bill took some discriminatory language out of the law based on the Legislature's practice to remove language from the NRS that discriminated on the basis of sex. She added that over the past eight years, most such language had been removed from Nevada's laws; however, there were two statutes remaining that still contained discriminating language, and S.B. 408 addressed one of those statutes while there was another bill in the Assembly Taxation Committee that removed such language from the remaining statute.

Senator Ford referred to S.B. 408 as a "clean-up statute," which would enable peace officers to recruit men or women equally to assist in an emergency situation where there is a timber or brush fire. She stressed that there were several areas of the bill of importance such as the language "may" on line 3 and the right of a person to refuse based on "good and sufficient reasons."

Senator Ford also stated that the statutes relating to Nevada fire districts and fire departments have no discriminatory language in them, and that there women fighting fires in all instances except those addressed in S.B. 408.

Lending his support to the bill was Senator Jacobsen, Capital District.

There ensued discussion between Senators Ford and Jacobsen and members of the Committee with regard to women being required to fight fires as well as males over the age of 50. Both Senator ford and Senator Jacobsen argued that unskilled persons would not be required to be on the "front lines" fighting fires and that sufficient and good reason could be "any" good reason for not assisting.

It was also ascertained that persons who volunteered to fight fires instead of waiting to be drafted by a peace officer would not be covered under NIC in the event of an injury. Mr. Brady also expressed concern over requiring people to assist in fires when most people were more than willing to volunteer in cases of emergencies.

Senator Jacobsen responded that those provisions were already part of the law and had been since 1927. Senator Ford stated that the only change being made was to remove the language which limited the statute to applying only to males and making it read so that it would apply to "persons," which included both males and females.

Mr. Prengaman then commented on the critical periods when a fire was just starting and how important it was to have everyone who was able to assist in trying to get it under control at that point. He indicated that "help" was not limited to fighting the fire physically, but could include such things as providing food for fire fighters, going for help or directing traffic.

Mr. Jeffrey asked why the NIC laws could not just be amended to cover the people who were involved in fighting fires whether they were commandeered or volunteered.

Senator Jacobsen responded that all persons in such instances were covered now. Senator Ford indicated that that was then in direct conflict with the statutes that S.B. 408 was attempting to address.

Senator Jacobsen illustrated his points with examples of the functions of some of the rural fire fighting companies such as Jack's Valley.

Also testifying on the bill were two fire fighters, Wendy Roberts and Bill Bunker. Ms. Roberts stated that in the almost four years that she has been a fire fighter, she has been both a crew boss and a fire boss and urged the passage of S.B. 408. She added that only a qualified fire boss would dictate which people would be put to work physically fighting the fires, and that such a fire boss is trained to know who would be qualified to fight the fire and who could best serve through other efforts.

Bill Bunker, representing the Federated Fire Fighters of Nevada, related some of his fire fighting experiences in Idaho. He also said that the bill would exclude any persons from being required to assist in fighting a timber or brush fire if there was a "good and sufficient reason." He added that the bill would permit any women, who wanted to help, to be covered by NIC in the event of an injury. He said, "I can't speak for peace officers, but I can surely speak for the people that I work for, and they're not going to give a lady a shovel and tell her to get out there and man a fire line."

Senator Ford indicated that the time lapse between people jumping out of a car and volunteering and the peace officer's requesting assistance will become one and the same, so there would not be too many instances where people were told they had to help--most would be volunteering. She added that these volunteers would not be covered under NIC if they were women or men over the age of 50 unless the peace officer in charge told them they could assist.

Esther Nicholson, representing the League of Women Voters, testified that the League was in support of "every bill that has come into the Legislature to remove sex discriminatory language from the statutes of the State of Nevada," and that it was also in support of S.B. 408.

Assemblyman Peggy Westall stated that she was opposed to the bill. She added that she was vice-chairman of the state committee that studied sex discrimination in the laws. She said that the committee had made recommendations as to which of the laws should be changed, and that the statutes to which S.B. 408 was attempting to make changes, was not one that had been recommended by the committee.

There was no further testimony on S.B. 408, so the Chairman stated that he would consider S.B. 101 for action.

S.B. 101: REMOVES LIMITATIONS ON INTEREST RATES FOR LOANS.

Dr. Robinson indicated that there were two analyses of S.B. 101; one had been prepared by the Legislative Counsel Bureau's Research Department, and one was prepared by George Vargas, attorney. Mr. Vargas' analysis is attached as EXHIBIT C, and the Research Department's analysis is attached as EXHIBIT D.

Dr. Robinson asked Mr. Vargas to explain portions of his analysis to the Committee members, which he did.

Mr. Dini stated that he had requested an amendment from the bill drafter's office which would take the language on line 39 of page 6, ". . . on and after the effective date of this act," and move it to line 34. He said the amendment had been requested by Gordon DePaoli, an attorney; however, the amendment had not yet been drafted by the bill drafter.

Mr. Vargas indicated that the language in Sections 12 and 13 "have their origin in a single existing loan." He added that in its original form, S.B. 101 would not have such provisions.

There was further discussion concerning the loan mentioned above, and how that loan had affected S.B. 101.

Melvin Brunetti, representing the Public Employees Retirement System, testified that he was in agreement with Mr. Vargas in that usury laws were not applied retroactively unless specific language was written into the law to require them to become retroactive. He added that changing the language from line 39 to line 34, as mentioned by Mr. Dini's proposed amendment, "would be a disaster because it would cause confusion." He said the movement of the language would affect many of the Public Employees Retirement System's loans in a negative fashion.

Mr. Vargas went on to say that testimony from representatives from Caesar's Palace at the Las Vegas subcommittee hearing had indicated that they did not want the provisions of the bill to be retroactive; however, moving the language from line 39 to line 34 would make Section 2 relate back to the original passage of the federal act, and, therefore, is retroactive.

Mr. Vargas said that S.B. 101 had a vital effect on the economy of the state, and that further amendments might endanger the passage of the bill.

Mr. Prengaman asked Mr. Vargas what was being repealed on page 6, lines 4 through 9. Mr. Vargas responded that the section was being repealed because it would apply only in situations where there was an interest rate ceiling that could be circumvented.

Mr. Vargas then commented that the only reason he was present at the meeting was because the Chairman had requested him to come and explain the bill in its amended form to the full Committee.

MR. DINI MOVED TO DO PASS S.B. 101. MR. RUSK SECONDED THE MOTION AND IT CARRIED UNANIMOUSLY OF THE MEMBERS PRESENT.

The Chairman then opened the hearing on S.J.R. 37.

S.J.R. 37: SUPPORTS STUDY OF DEVELOPMENT OF INTERNATIONAL TRADE CENTER IN NEVADA.

Testifying on behalf of the bill was Edmund R. Barmettler, a professor at the University and president of the Nevada Trade Tourist Association. Mr. Barmettler stated his support for S.J.R. 37, which encourages diversification of Nevada's economy. He said that the resolution would invite investigation into the possibility of establishing a "trade district" that would make it inviting for people abroad to invest in our area. He said

that such a trade district would also create new jobs and provide a basis for making new investments. It would also utilize the resources of Nevada "in terms of energizing and operating these kinds of facilities." Mr. Barmettler said that such a trade district would make Nevada an attractive place for people to invest.

Jerry Jeremy, Director of the U.S. Department of Commerce for the State of Nevada, expressed his support for S.J.R. 37. Mr. Jeremy indicated that there would be no financial support provided by the state for the establishment of the trade district.

Mr. Dini suggested that the language in the resolution be amended on lines 1 and 2 so as not to "slap the gaming and tourism industry in the state in the face."

Mr. Dini indicated that he would get appropriate language from the bill drafter.

MR. DINI MOVED TO AMEND S.J.R. 37 AND TO DO PASS THE RESOLUTION AS AMENDED. THE MOTION WAS SECONDED BY MR. DUBOIS AND CARRIED UNANIMOUSLY OF THE MEMBERS PRESENT.

Dr. Robinson requested Mr. Brady to do the floor work on the resolution.

Chairman Robinson then opened the hearing on S.B. 544.

S.B. 544: PROVIDES PROCEDURE WHEREBY VENDOR OF CONTRACT FOR CONVEYANCE OF REAL PROPERTY MAY SELECT TO DECLARE FORFEITURE UPON DEFAULT.

There was no one to testify on the bill. The Chairman asked to make a point of record that this was the second time that the bill had been scheduled with no one testifying either for or against it.

The Chairman then requested Committee action for S.B. 231.

S.B. 231: CHANGES VARIOUS PROVISIONS OF LAW GOVERNING PHYSICAL THERAPISTS AND THEIR ASSISTANTS.

Dr. Robinson referred to Amendment No. 1102 (EXHIBIT E) and Amendment No. 1198 (EXHIBIT F) and briefly explained the provisions of both amendments.

Representatives from the Chiropractic Association indicated that they could not support the amendments.

Mr. Rusk then suggested that the bill be amended on line 13 of page 1 by removing " joint mobilization (without chiropractic adjustment,)" and inserting the words "through therapeutic exercise."

The representative for the physical therapists stated that she would be opposed to Mr. Rusk's proposed amendment because it would limit the scope of a therapist to exercise when that is not all of the joint mobilization that they do. She said that therapists also "lay on hands and passively do things."

MR. DINI MOVED TO ADOPT AMENDMENT NO. 1198 TO S.B. 231. THE MOTION WAS SECONDED BY MR. PRENGAMAN AND CARRIED UNANIMOUSLY OF THE MEMBERS PRESENT.

Mr. Kovacs commented that he had some concerns regarding assistants of licensed physical therapists, and he wanted to remove them from being able to do any type of joint mobilization.

Representatives from the chiropractors and the physical therapists reluctantly agreed to an amendment suggested by Mr. Rusk which would change line 13, page 1 to read: "cise and massage, joint mobilization by use of therapeutic excercise without chiropractic adjustment . . ."

Mr. Dini then suggested that the word "direct" be reinserted into the bill on page 10, line 12, which is not bracketed in the second reprint.

MR. DINI MOVED TO ADOPT MR. RUSK'S SUGGESTED AMENDMENT, TO REINSERT "DIRECT" INTO THE BILL WHERE APPROPRIATE, AND TO DELETE THE REFERENCE TO PSYCHOLOGISTS ON PAGE 8 , SECTION 23. THE MOTION WAS SECONDED BY MR. KOVACS AND CARRIED UNANIMOUSLY OF THE MEMBERS PRESENT.

MR. DINI THEN MOVED TO PASS THE BILL AS AMENDED. MR. KOVACS SECONDED THE MOTION AND IT CARRIED UNANIMOUSLY OF THE MEMBERS PRESENT.

MR. DINI MOVED TO ADOPT AMENDMENT NO. 1165 AND AMENDMENT NO. 1113 TO S.B. 492. THE MOTION WAS SECONDED BY MR. RUSK AND CARRIED UNANIMOUSLY OF THE MEMBERS PRESETN.

MR. DINI THEN MOVED TO AMEND THE BILL WITHOUT RECOMMENDATION MR. RUSK SECONDED THE MOTION AND IT CARRIED UNANIMOUSLY OF THE MEMBERS PRESENT.

MR. PRENGAMAN THEN MOVED TO AMEND A.B. 612 WITH AMENDMENT NO. 1231 AND REREFER TO COMMITTEE. THE MOTION WAS SECONDED BY MR. DINI AND CARRIED UNANIMOUSLY OF THE MEMBERS PRESENT.

MR. DINI MOVED TO RESCIND THE COMMITTEE'S ACTIONS ON A.B. 570. THE MOTION WAS SECONDED BY MR. CHANEY AND IT CARRIED UNANIMOUSLY OF THE MEMBERS PRESENT.

MR. DINI MOVED TO INDEFINITELY POSTPONE A.B. 570. THE MOTION WAS SECONDED BY MR. PRENGAMAN AND IT CARRIED UNANIMOUSLY OF THE MEMBERS PRESENT.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Evelyn Edwards

Evelyn Edwards
Committee Secretary

61st SESSION NEVADA LEGISLATURE

ASSEMBLY COMMERCE COMMITTEE

LEGISLATION ACTION

DATE 5/25/81

SUBJECT SCR 65: Directs legislative commission to study desirability of allowing insurance coverage for workmen's compensation through private insurance carriers.

MOTION:

Do Pass X Amend ____ Indefinitely Postpone ____ Reconsider ____

Moved By Kovacs Seconded By Bennett

AMENDMENT: _____

Moved By _____ Seconded By _____

AMENDMENT: _____

Moved By _____ Seconded By _____

	MOTION		AMEND		AMEND	
VOTE:	Yes	No	Yes	No	Yes	No
BENNETT	X					
BRADY	X					
BREMNER	X					
CHANEY	X					
DINI	ABSENT					
DUBOIS	X					
JEFFREY	ABSENT					
KOVACS	X					
PRENGAMAN	X					
RUSK	X					
ROBINSON	X					
TALLY:	9	0				

ORIGINAL MOTION: Passed X Defeated ____ Withdrawn ____

AMENDED & PASSED ____ AMENDED & DEFEATED ____

AMENDED & PASSED ____ AMENDED & DEFEATED ____

Attached to Minutes 5/25/81

61st SESSION NEVADA LEGISLATURE

ASSEMBLY COMMERCE COMMITTEE

LEGISLATION ACTION

DATE May 25, 1981

SUBJECT S.B. 101: Removes limitations on interest rates for loans.

MOTION:

Do Pass X Amend ____ Indefinitely Postpone ____ Reconsider ____

Moved By Mr. Dini Seconded By Mr. Rusk

AMENDMENT: _____

Moved By _____ Seconded By _____

AMENDMENT: _____

Moved By _____ Seconded By _____

	MOTION		AMEND		AMEND	
VOTE:	Yes	No	Yes	No	Yes	No
BENNETT	X					
BRADY	X					
BREMNER	ABSENT					
CHANEY	X					
DINI	X					
DUBOIS	X					
JEFFREY	ABSENT					
KOVACS	X					
PRENGAMAN	X					
RUSK	X					
ROBINSON	X					
TALLY:	9	0				

ORIGINAL MOTION: Passed X Defeated ____ Withdrawn ____

AMENDED & PASSED _____ AMENDED & DEFEATED _____

AMENDED & PASSED _____ AMENDED & DEFEATED _____

Attached to Minutes 5/25/81

61st SESSION NEVADA LEGISLATURE

ASSEMBLY COMMERCE COMMITTEE

LEGISLATION ACTION

DATE May 25, 1981

SUBJECT SJR 37: Supports study of development of international trade center in Nevada.

MOTION: AMEND AND DO PASS AS AMENDED

Do Pass X Amend X Indefinitely Postpone ____ Reconsider ____

Moved By Mr. Dini Seconded By Mr. Dubois

AMENDMENT: TO CHANGE THE LANGUAGE ON PAGE 1, LINES 1 AND 2

Moved By ____ Seconded By ____

AMENDMENT: ____

Moved By ____ Seconded By ____

	MOTION		AMEND		AMEND	
VOTE:	Yes	No	Yes	No	Yes	No
BENNETT	X					
BRADY	X					
BREMNER	ABSENT					
CHANEY	X					
DINI	X					
DUBOIS	X					
JEFFREY	ABSENT					
KOVACS	X					
PRENGAMAN	X					
RUSK	X					
ROBINSON	X					
TALLY:	9	0				

ORIGINAL MOTION: Passed X Defeated ____ Withdrawn ____

AMENDED & PASSED ____ AMENDED & DEFEATED ____

AMENDED & PASSED ____ AMENDED & DEFEATED ____

Attached to Minutes May 25, 1981

61st SESSION NEVADA LEGISLATURE

ASSEMBLY COMMERCE COMMITTEE

LEGISLATION ACTION

DATE May 25, 1981

SUBJECT S.B. 231: Changes various provisions of law governing physical therapists and their assistants.

MOTION: AMEND AND DO PASS AS AMENDED.

Do Pass X Amend X Indefinitely Postpone ____ Reconsider ____

Moved By Mr. Dini Seconded By Mr. Kovacs

AMENDMENT: Amendment #1198, plus Mr. Dini's suggested amendments as per the minutes, plus Mr. Rusk's amendments as per the minutes, and delete reference to psychologists on page 8.

Moved By Mr. Dini Seconded By Mr. Prengaman

AMENDMENT: ____

Moved By ____ Seconded By ____

	MOTION		AMEND		AMEND	
VOTE:	Yes	No	Yes	No	Yes	No
BENNETT	Absent		Absent			
BRADY	X		X			
BREMNER	Absent		Absent			
CHANEY	X		X			
DINI	X		X			
DUBOIS	X		X			
JEFFREY	Absent		Absent			
KOVACS	X		X			
PRENGAMAN	X		X			
RUSK	X		X			
ROBINSON	X		X			
TALLY:	8	0	8	0		

ORIGINAL MOTION: Passed X Defeated ____ Withdrawn ____

AMENDED & PASSED ____ AMENDED & DEFEATED ____

AMENDED & PASSED ____ AMENDED & DEFEATED ____

Attached to Minutes May 25, 1981

1981 REGULAR SESSION (61st)

ASSEMBLY ACTION		SENATE ACTION		Assembly AMENDMENT BLANK
Adopted	☐	Adopted	☐	AMENDMENTS to Senate
Lost	☐	Lost	☐	Bill No. 231 ~~Joint Resolution No.~~
Date:		Date:		
Initial:		Initial:		BDR 54-297
Concurred in	☐	Concurred in	☐	Proposed by Committee on Commerce
Not concurred in	☐	Not concurred in	☐	
Date:		Date:		
Initial:		Initial:		

Amendment No. 1198

Resolves conflict in § 22 with § 14 of A.B. 183.

Consistent with Amendment No. 493.

Amend sec. 22, page 7, line 46, by deleting the period and inserting: "which may be evidenced by claims of malpractice settled against a practitioner."

Amend the bill as a whole by adding a new section designated section 34, following section 33, to read as follows:

"Sec. 34. Section 22 of this act shall become effective at 12:01 a.m. on July 1, 1981."

To: E & E
LCB File
Journal
Engrossment
Bill

Drafted by DGS:smc Date 5-22-81

61st SESSION NEVADA LEGISLATURE

ASSEMBLY COMMERCE COMMITTEE

LEGISLATION ACTION

DATE May 25, 1981

SUBJECT S.B. 492: Extends regulation over bank holding companies and certain mergers, conversions or consolidations of state bank.

MOTION: AMEND WITHOUT RECOMMENDATION AND REFER BACK TO COMMITTEE

Do Pass ____ Amend ____ Indefinitely Postpone ____ Reconsider ____

Moved By Mr. Dini Seconded By Mr. Rusk

AMENDMENT: # 1165 & 1113

Moved By ____ Seconded By ____

AMENDMENT: ____

Moved By ____ Seconded By ____

	MOTION		AMEND		AMEND	
VOTE:	Yes	No	Yes	No	Yes	No
BENNETT	Absent					
BRADY	X					
BREMNER	Absent					
CHANEY	X					
DINI	X					
DUBOIS	X					
JEFFREY	Absent					
KOVACS	X					
PRENGAMAN	X					
RUSK	X					
ROBINSON	X					
TALLY:	8	0				

ORIGINAL MOTION: Passed X Defeated ____ Withdrawn ____

AMENDED & PASSED ____ AMENDED & DEFEATED ____

AMENDED & PASSED ____ AMENDED & DEFEATED ____

Attached to Minutes May 25, 1981

1981 REGULAR SESSION (61st)

ASSEMBLY ACTION		SENATE ACTION		Assembly AMENDMENT BLANK
Adopted	☐	Adopted	☐	AMENDMENTS to Senate
Lost	☐	Lost	☐	Bill No. 492 ~~Joint Resolution No.~~
Date:		Date:		BDR 55-1451
Initial:		Initial:		Proposed by Committee on Commerce and Labor
Concurred in	☐	Concurred in	☐	
Not concurred in	☐	Not concurred in	☐	
Date:		Date:		
Initial:		Initial:		

Amendment No. 1113

Amend sec. 2, page 1, line 15, by deleting "banks;" and inserting: "banks other than itself; or".

Amend sec. 2, page 1, line 17, by deleting "banks; or" and inserting "banks other than itself.".

Amend sec. 2, page 1, by deleting lines 18 through 20.

Amend sec. 2, page 1, by deleting line 23 and inserting: "bank or its officers or directors.".

Amend sec. 3, page 2, line 6, by deleting "subsidiary," and inserting: "subsidiary bank,".

Amend sec. 3, page 2, line 8, after the semicolon by inserting "and".

Amend sec. 3, page 2, line 10, by deleting "company; and" and inserting: "company.".

Amend sec. 3, page 2, by deleting lines 11 and 12.

Amend sec. 3, page 2, by deleting lines 14 and 15 and inserting: "later than January 1, 1982, and annually thereafter."

Amend sec. 4, page 2, line 17, between "every" and "sub-" by inserting : "banking".

To: E & E
LCB File
Journal ✓
Engrossment
Bill

Drafted by BGS:smc Date 5/19/81

Amend sec. 4, page 2, by deleting lines 18 and 19, and inserting:

"sidiary thereof doing business in this state upon the filing of their respective annual reports.".

1981 REGULAR SESSION (61st)

ASSEMBLY ACTION	SENATE ACTION	Assembly AMENDMENT BLANK
Adopted ☐	Adopted ☐	AMENDMENTS to Senate
Lost ☐	Lost ☐	Joint
Date:	Date:	Bill No. 492 Resolution No.
Initial:	Initial:	BDR 55-1451
Concurred in ☐	Concurred in ☐	Proposed by Committee on Commerce
Not concurred in ☐	Not concurred in ☐	
Date:	Date:	
Initial:	Initial:	

Amendment No. 1165

Consistent with Amendment No. 1113.

Amend sec. 4, page 2, by deleting lines 24 and 25 and inserting:

"3. The first $5,000 of the expenses of examination in any calendar year must be borne by the bank holding company being examined. If examinations of that company in any calendar year cost more than $5,000, the remainder must be borne by the superintendent.".

To: E & E
LCB File
Journal
Engrossment ✓
Bill

Drafted by DGS:ss Date 5-21-81

382

61st SESSION NEVADA LEGISLATURE

ASSEMBLY COMMERCE COMMITTEE

LEGISLATION ACTION

DATE 5/25/81

SUBJECT A.B. 612: Authorizes board of psychological examiners to license persons who practice hypnosis.

MOTION: TO AMEND AND REFER BACK TO COMMITTEE

Do Pass ____ Amend X Indefinitely Postpone ____ Reconsider ____

Moved By Mr. Prengaman Seconded By Mr. Dini

AMENDMENT: Amendment # 1231

Moved By _____ Seconded By _____

AMENDMENT: _____

Moved By _____ Seconded By _____

	MOTION		AMEND		AMEND	
VOTE:	Yes	No	Yes	No	Yes	No
BENNETT	Absent					
BRADY	X					
BREMNER	Absent					
CHANEY	X					
DINI	X					
DUBOIS	X					
JEFFREY	Absent					
KOVACS	Absent					
PRENGAMAN	X					
RUSK	X					
ROBINSON	X					
TALLY:	7	0				

ORIGINAL MOTION: Passed X Defeated ____ Withdrawn ____

AMENDED & PASSED _____ AMENDED & DEFEATED _____

AMENDED & PASSED _____ AMENDED & DEFEATED _____

Attached to Minutes May 25, 1981

1981 REGULAR SESSION (61st)

ASSEMBLY ACTION	SENATE ACTION	Assembly AMENDMENT BLANK
Adopted ☐	Adopted ☐	AMENDMENTS to Assembly
Lost ☐	Lost ☐	Bill No. 612 ~~Joint Resolution No.~~
Date:	Date:	BDR 54-1635
Initial:	Initial:	Proposed by Committee on Commerce
Concurred in ☐	Concurred in ☐	
Not concurred in ☐	Not concurred in ☐	
Date:	Date:	
Initial:	Initial:	

Amendment No. 1231

Amend the bill as a whole by deleting sections 1 through 23 and by adding new sections designated sections 1 through 26, following the enacting clause, to read as follows:

"Section 1. Title 54 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 25, inclusive, of this act.

Sec. 2. As used in this chapter, unless the context otherwise requires:

1. "Board" means the board of examiners for hypnosis.

2. "Practice of hypnosis" includes, without limitation, the use of hypnosis for the purposes of medicine, dentristry, psychiatry, psychology and law enforcement.

Sec. 3. 1. Except as provided in subsection 2, a person may not practice hypnosis in this state unless he is licensed under the provisions of this chapter.

2. The provisions of this chapter do not apply to a practitioner of the healing arts who uses hypnosis in the normal course of his practice.

Sec. 4. 1. The board of examiners for hypnosis, consisting of nine members appointed by the governor, is hereby created.

2. The governor shall appoint:

(a) Four members who have been engaged in the practice of hypnosis for 2 years or more;

To: E & E
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Bill

Drafted by BSC:sa Date 5-22-81

(b) One member who is a physician licensed under the provisions of chapter 630 or 633 of NRS and who practices hypnosis regularly;

(c) One member who is a dentist licensed under the provisions of chapter 631 of NRS and who practices hypnosis regularly;

(d) One member who is a psychologist certified under the provisions of chapter 641 of NRS and who practices hypnosis regularly; and

(e) Two members who are representatives of the general public.

3. The members of the board must include representatives of all areas of the state.

4. Each member of the board who is appointed pursuant to paragraph (a) of subsection 2 must hold a current license issued pursuant to this chapter.

5. The members who are appointed pursuant to paragraph (e) of subsection 2 may not participate in preparing, conducting or grading any examination required by the board.

Sec. 5. 1. The board shall elect from its members a president, a vice president and a secretary-treasurer. The officers of the board hold their respective offices at its pleasure.

2. The board shall receive through its secretary-treasurer applications for the licenses to be issued pursuant to this chapter.

3. The secretary-treasurer is entitled to receive a salary. The board shall determine the amount of the salary.

Sec. 6. 1. The secretary-treasurer shall make and keep on behalf of the board:

(a) A record of all its meetings and proceedings.

(b) A record of all violations and prosecutions under the provisions of this chapter.

(c) A record of all examinations of applicants for licenses.

(d) A register of all licenses.

(e) A register of all licensees.

(f) An investory of the property of the board and of the state in the possession of the board.

2. These records must be kept in the office of the board and are subject to public inspection during normal working hours upon reasonable notice.

3. The board may keep the personnel records of applicants confidential.

Sec. 7. 1. The board shall meet at least annually and may meet at other times on the call of the president or a majority of its members.

2. A majority of the board constitutes a quorum to transact all business.

Sec. 8. Members of the board are not entitled to receive compensation for service as members, but are entitled to receive the subsistence allowance and travel expenses provided by law.

Sec. 9. The board shall operate on the basis of a fiscal year commencing on July 1, ending on June 30.

Sec. 10. The board may, from time to time, adopt regulations necessary to enable it to carry out the provisions of this chapter.

Sec. 11. 1. The board shall issue a license to engage in the practice of hypnosis to each applicant who:

(a) Is at least 21 years of age;

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(c) Is of good moral character;

(d) Meets the requirements for education, training and experience established by the board;

(e) Applies for the license in the manner provided by the board;

(f) Passes any examination required by the board; and

(g) Pays the fees provided for in this chapter.

2. The board may issue a license without examination to a person who holds a current license to practice hypnosis in a state whose licensing requirements at the time the license was issued are deemed by the board to be practically equivalent to those provided by this chapter.

Sec. 12. The board shall waive examination and issue a license to any applicant who:

1. Applies for the license in writing to the board not later than December 31, 1981;

2. Is a resident of this state and has been principally employed in the practice of hypnosis in this state for at least 1 year before July 1, 1981; and

3. Pays to the board the required application fee.

Sec. 13. 1. Examinations for licensing must be given at least once a year at the time and place fixed by the board.

2. The examination must be fair and impartial, practical in character, and the questions must be designed to discover the applicant's fitness.

3. The board shall determine what constitutes a passing grade, except that in making that determination, the board shall act fairly and impartially. If the board elects to use a standard examination which is administered nationally, the board may not establish a minimum passing grade which is higher than the national standard established for the examination.

Sec. 14. 1. The board shall issue a temporary license to practice hypnosis upon application and the payment of the required fee, to any person who is so licensed in another state and who meets all the qualifications for licensing in this state other than passing the examination.

2. A temporary license issued pursuant to this section is valid until the board publishes the results of the examination next administered after the license is issued.

Sec. 15. 1. Each license issued pursuant to this chapter, except a temporary license, expires on December 31 of the 2nd year after its issuance.

2. Each holder of a license to practice hypnosis may renew his license upon payment of the renewal license fee before the expiration of his license.

3. If a licensee fails to pay the renewal license fee before the expiration of his license, the license may be renewed only upon the payment of the reinstatement fee in addition to the renewal license fee. A license may be renewed under this subsection only if all fees are paid within 3 years after the license has expired.

Sec. 16. 1. The board shall charge and collect only the following fees whose amounts must be determined by the board, but may not exceed:

Application fee	$25
Examination fee	85
License fee	15
Renewal license fee	100
Reinstatement fee	100
License fee for license issued pursuant to the provisions of subsection 2 of section 11 of this act	50

2. All fees are payable in advance and may not be refunded.

Sec. 17. All fees collected under the provisions of this chapter must be paid to the secretary-treasurer of the board to be used for the purpose of defraying the necessary expenses of the board. The secretary-treasurer shall deposit the fees in qualified banks or savings and loan associations in this state.

Sec. 18. The grounds for initiating disciplinary action under this chapter are:

1. Conviction of a felony, or of any offense involving moral turpitude.

2. Habitual drunkenness or addiction to the use of any controlled substance as defined in chapter 453 of NRS or dangerous drug as defined in chapter 454 of NRS.

3. Impersonating a licensed hypnotist or allowing another person to use his license.

4. Using fraud or deception in applying for a license.

5. Practicing hypnosis in a dishonest, fraudulent or negligent manner.

Sec. 19. 1. A complaint may be made against any applicant for a license or any licensee charging one or more of the grounds for disciplinary action with such particularity as to enable the defendant to prepare a defense.

2. The complaint must be in writing and be signed and verified by the person making it.

Sec. 20. Not later than 15 days after the filing of a complaint, the board shall fix a date for the hearing, which date must not be less than 20 days nor more than 45 days after the date the complaint is filed. The secretary-treasurer of the board shall immediately mail to the defendant, by certified mail, return receipt requested, a copy of the complaint and a notice showing the time, date and place of the hearing.

Sec. 21. If, after the hearing, the board determines that the applicant or licensee has committed any act which constitutes grounds for disciplinary action, the board may in the case of an applicant refuse to issue a license, and in all other cases:

1. Place the licensee on probation for a period to be determined by the board;

2. Suspend his license for a definite time, not to exceed 1 year;

3. Revoke his license; or

4. Refuse to renew his license.

Sec. 22. One year from the date of the refusal to renew or revocation of a license, application may be made to the board for reinstatement. The board may accept or reject the application for reinstatement and may require an examination for reinstatement.

Sec. 23. The adjudication of insanity or mental illness or the voluntary commitment or admission to a hospital for mental illness of any licensee operates as a suspension of the right of that licensee to practice hypnosis, and the suspension must continue until the license is reinstated by action of the board. The board shall not restore the license until it receives competent evidence of the licensee's fitness to resume the practice of hypnosis.

Sec. 24. 1. Nothing in this chapter authorizes the administration or prescription of drugs or authorizes any person to engage in any manner in the practice of medicine or optometry as defined in the laws of this state. A licensee shall make adequate provision for the treatment of medical problems through appropriate medical consultation or referral or both.

2. If the board of medical examiners believes a person has violated the provisions of subsection 1, the board of medical examiners may conduct an investigation to determine the facts surrounding the alleged violation. To assist the board of medical examiners in this investigation, the board of examiners for hypnosis shall make available to the board of medical examiners any information in its possession bearing upon the alleged violation. Upon a finding that a violation has in fact occurred, the board of medical examiners may either:

(a) Recommend appropriate disciplinary action to the board of examiners for hypnosis; or

(b) Initiate an appropriate action in a court of law.

3. The board of medical examiners may review the application and any supporting documentation of the qualifications of a licensee which have been submitted to the board of examiners for hypnosis or any other evidence bearing upon the qualifications of a licensee and may, on the basis of its review, recommend to the board the suspension or revocation of the license of any licensee deemed to be unqualified by the board of medical examiners. Upon such recommendation, the board of examiners for hypnosis must review the credentials of the licensee to determine whether the license should be suspended or revoked.

Sec. 25. Any person who violates any of the provisions of this chapter or, having had his license suspended or revoked, continues to represent himself as a hypnotist or engages in the practice of hypnosis, is guilty of a misdemeanor.

Sec. 26. The governor shall appoint the members of the board of examiners for hypnosis without regard to the provisions of subsection 4 of section 4 of this act to terms as follows:

1. One person each, qualified under paragraphs (a), (b) and (e) of subsection 2 of section 4 of this act to terms ending June 30, 1982.

2. On person each, qualified under paragraphs (a), (c) and (e) of subsection 2 of section 4 of this act to terms ending June 30, 1983.

3. Two persons qualified under paragraph (a) and one person qualified under paragraph (d) of subsection 2 of section 4 of this act to terms ending June 30, 1984.".

Amend the title of the bill to read as follows:

"AN ACT relating to professions, occupations and businesses; regulating the practice of hypnosis; creating the board of examiners for hypnosis and providing its organization, powers and duties; providing for licensing and disciplinary actions; providing penalties; and providing other matters properly relating thereto.".

61st SESSION NEVADA LEGISLATURE

ASSEMBLY COMMERCE COMMITTEE

LEGISLATION ACTION

DATE May 25, 1981

SUBJECT A.B. 570: Prohibits certain practices in insurance .

MOTION: RESCIND PREVIOUS ACTION

Do Pass ____ Amend ____ Indefinitely Postpone ____ Reconsider ____

Moved By Mr. Dini Seconded By Mr. Chaney

AMENDMENT: ____

Moved By ____ Seconded By ____

AMENDMENT: ____

Moved By ____ Seconded By ____

	MOTION		AMEND		AMEND	
VOTE:	Yes	No	Yes	No	Yes	No
BENNETT	Absent					
BRADY	X					
BREMNER	Absent					
CHANEY	X					
DINI	X					
DUBOIS	X					
JEFFREY	Absent					
KOVACS	Absent					
PRENGAMAN	X					
RUSK	X					
ROBINSON	X					
TALLY:	7	0				

ORIGINAL MOTION: Passed X Defeated ____ Withdrawn ____

AMENDED & PASSED ____ AMENDED & DEFEATED ____

AMENDED & PASSED ____ AMENDED & DEFEATED ____

Attached to Minutes May 25, 1981

61st SESSION NEVADA LEGISLATURE

ASSEMBLY COMMERCE COMMITTEE

LEGISLATION ACTION

DATE May 25, 1981

SUBJECT A.B. 570: Prohibits certain practices in insurance.

MOTION:

Do Pass ____ Amend ____ Indefinitely Postpone X Reconsider ____

Moved By Mr. Dini Seconded By Mr. Prengaman

AMENDMENT: ____

Moved By ____ Seconded By ____

AMENDMENT: ____

Moved By ____ Seconded By ____

	MOTION		AMEND		AMEND	
VOTE:	Yes	No	Yes	No	Yes	No
BENNETT	Absent					
BRADY	x					
BREMNER	Absent					
CHANEY	X					
DINI	X					
DUBOIS	X					
JEFFREY	Absent					
KOVACS	Absent					
PRENGAMAN	X					
RUSK	X					
ROBINSON	X					
TALLY:	7	0				

ORIGINAL MOTION: Passed X Defeated ____ Withdrawn ____

AMENDED & PASSED ____ AMENDED & DEFEATED ____

AMENDED & PASSED ____ AMENDED & DEFEATED ____

Attached to Minutes May 25, 1981

ASSEMBLY COMMERCE COMMITTEE

GUEST LIST

DATE: 5/25/81

PLEASE PRINT YOUR NAME	PLEASE PRINT WHO YOU REPRESENT	I WISH TO SPEAK- FOR	AGAINST	BILL NO.
NANCY JAMES	NEV CHIROPRACTORS ASSN		✓	SB231
ZOI LOUMOUM	" " "		✓	"
K TOWNSEND	COAL. FOR ART. ENDOW			SB505
Jerry Cavanaugh	NS Dept Commerce	✓		SJR 37
Ned Hawkins	NITE			SJR 37
Tom Prince	NIES —	✓		SJR 37
Gordon Morgan	NITS	✓		SJR 37
MELVIN BRUNETTI	PUBLIC EMPLOYEES RETIREMENT SYSTEM	✓		SB101
Bill Kenton	PERS			SB101
[illegible]	ATLANTIC RICHFIELD	✓	(101)	SJR 37
[illegible]	Nev. Bankers Assn	✓		SB101
[illegible]	[illegible]	✓		SB408
ANDREW L. BARBANO	COALITION FOR AFFORDABLE ENERGY			SB505
VINCENT P. LAVEAGA	SIERRA PACIFIC POWER CO.	✓		SB505

1394

EXHIBIT A

TESTIMONY - S.B. 505

My name is M. Gene Matteucci and I am Chief Counsel, and a Vice-President of Nevada Power Company. We are submitting this testimony in support of S.B. 505. I have attached hereto some facts and position of Charles McPhail, Manager of Nevada Power Company, Energy Diversion and Theft Division.

In addition to that I would like to point out that the theft of electric energy or other utility products is clearly a theft from all other customers. The revenue of a public utility comes from the sale of the product as recorded by a meter. If the sale isn't recorded it isn't charged. Since the rates charged to all customers make up the revenues of the utility if someone isn't paying for energy through theft he is stealing from all customers.

In our area we have discovered theft which is caused by wiring a home by by-passing the meter at the time of construction of the home, and any number of other methods. To get a prosecution under existing law since it is a misdemeanor, is virtually impossible since one never sees the device installed and doesn't discover it until sometime thereafter.

Almost all thefts of other products under Nevada Statutes are felonies and the theft of utility products shouldn't be any different. Again on behalf of Nevada Power Company I would urge passage of S.B. 505. Thank you.

/dw
Attachment

MEMORANDUM

TO: M. G. Matteucci April 13, 1981

FROM: C. W. McPhail

SUBJECT: Theft of Services

Here are some facts and figures concerning the Meter Validity activities of Nevada Power Company and theft of energy:

1. The Edison Electric Institute estimates that national theft of electric service amounts to more than one billion dollars annually. Further the institute estimates that only one customer in four who steals energy are discovered. Although we attempt to discover all thefts on our system we obviously are unable to do so.

2. Since the Meter Validity and Theft section was started in July 1978, it has recovered a total of more than a quarter million dollars. In 1978 we recovered approximately $60,000, in 1979 approximately $80,000, and in 1980, $114,250.

3. In 1980, we uncovered 94 separate cases of meter tampering and billed customers a total of $114,250 which they have agreed to pay.

4. It should be pointed out that the above sums represent payments for diverted energy which has been back billed.

5. It is worth underlining here the fact that we have never been able to secure prosecution of any of the customers who have agreed to make back payments for diversion of energy. The reality is that the crime presently is a misdemeanor and it is extremely difficult to interest law enforcement authorities to prosecute such cases, regardless of the amount of clear evidence obtained. It appears to me that people who divert are not the least bit worried about stealing. It appears to be a game. They feel that the worst that can happen if they get caught is they will have to pay whatever sum we can establish as being owed through back billing procedures only.

In summary because theft of this nature ultimately is theft from all of our customers who pay proper bills and further the aggregate amount of this theft is becoming more significant, I therefore feel very strongly that the Company has a real responsibility to support Senate Bill 505, which calls for more stricter penalties for offenders, by making

this crime a felony which it truly is. I am also convinced that this bill if it were to become law would deter some future attempts at theft or diversion of utility service or products.

/dw

EXHIBIT B

Testimony of the Coalition for Affordable Energy on SB 505 before the Nevada State Assembly Committee on Commerce, May 25, 1981

SB 505 IS SHOCKING. IT IS MORE SHOCKING TO NOTE THAT CURRENT LAW IS JUST ABOUT AS BAD. THE TENOR OF S.B. 505, AND EVEN OF THE CURRENT LAW, IS THAT WITH RESPECT TO UTILITY-RELATED ALLEGATIONS OF THEFT, ONE IS PRESUMED GUILTY UNTIL PROVEN INNOCENT.

THE PURPOSE OF THIS BILL SEEMS TO BE TO MAKE IT EASIER FOR PUBLIC UTILITIES TO CONTINUE DOING A BAD JOB OF KEEPING THEIR OWN HOUSES IN ORDER. WHEN THIS BILL WAS FIRST HEARD IN THE SENATE, ONE PEGGY GLODOWSKI, AN ATTORNEY WITH SIERRA PACIFIC POWER, STATED THE FOLLOWING: "WE LIKE NOT HAVING TO PROVE ANYTHING UNDER THIS BILL."

SHE WAS DECRYING THE PROBLEMS OF HER COMPANY IN METER TAMPERING CASES. SIERRA PACIFIC STATED BEFORE THE SENATE COMMITTEE ON COMMERCE AND LABOR THAT ONLY SOME 25% OF TAMPERING UNDERCHARGES ARE EVER RECOVERED, AND ONLY FOUR OR FIVE OF THE HUNDREDS OF INSTANCES PER YEAR HAVE BEEN TAKEN TO PROSECUTION. WE CAN ONLY ASK, "WHOSE FAULT IS THAT?" THIS BILL WOULD MAKE INEFFICIENT UTILITIES EVEN LESS EFFICIENT. PEOPLE WHO HAVE INTENTIONALLY DEFRAUDED A UTILITY OF ITS MONEY DUE ARE THIEVES AND SHOULD BE FORCED TO MAKE RESTITUTION. THE EXISTING LAW IS ALREADY PRETTY TOUGH. THE PROBLEM IS THAT THE UTILITIES DON'T SEEM TO HAVE THE DESIRE TO USE IT. INSTEAD, THEY WANT IT EVEN EASIER.

A GOOD EXAMPLE COMES FROM THE PRIME MOVER OF THIS BILL, NEVADA POWER. IN THE SENATE HEARINGS, SENATOR HERNSTADT OF LAS VEGAS SAID THAT NEVADA POWER REQUESTED THIS BILL BECAUSE OF A $100,000 FRAUD COMMITTED BY A LARGE SOUTHERN NEVADA APARTMENT DEVELOPER. WHEN THE DEVELOPER WAS CAUGHT, ONLY THE MONEY OWED WAS PAID. NEVADA POWER SIMPLY DID NOT PURSUE THE TREBLE DAMAGES ALLOWED IN THE LAW. THE SIERRA PACIFIC POWER REPRESENTATIVES ADDED TO THIS, AT THE SENATE HEARING, THAT THE PARTY ACCUSED IS GIVEN THE CHANCE TO MAKE RESTITUTION BEFORE ANY PROSECUTION IS UNDERTAKEN. HE EXPLAINED THAT THIS IS THE REASON NEVADA POWER DID NOT SEEK THE TREBLE DAMAGES WHICH A COURT MIGHT IMPOSE. AGAIN WE ASK, WHOSE FAULT IS THIS. CERTAINLY THE PROBLEM IS NOT WITH THE EXISTING LAW. NRS 193.155 PROVIDES PENALTIES FOR MISDEMEANORS, GROSS MISDEMEANORS, AND FELONIES. WHAT, THEN, IS THE PURPOSE OF THIS BILL.

LINES 29 TO 38 ON PAGE TWO ARE PRETTY DEFINITIVE. THEY WOULD SHOW A LEGISLATIVE INTENT TO A JUDGE THAT A PERSON UNDER THESE CIRCUMSTANCES SHOULD BE PRESUMED GUILTY UNTIL PROVEN INNOCENT. REMEMBER WHAT ATTORNEY GLODOWSKI SAID: "THIS WAY, WE WON'T HAVE TO PROVE ANYTHING..."

IF YOU JUST HAPPEN TO LIVE IN A HOUSE WHERE TAMPERING HAS OCCURRED, THE LEGISLATURE WOULD SEEM TO BE TELLING A JUDGE THAT YOU SHOULD BE FOUND GUILTY. THE ONLY WAY THIS LANGUAGE WOULD BE FAIR WOULD BE TO ADD THE FOLLOWING TO LINE 32: "...OCCUPIED BY THE DEFENDANT WITH THE KNOWLEDGE OF THE DEFENDANT; OR..."

THE FOLLOWING SHOULD BE ADDED TO LINE 35: "PROHIBITED ACT WITH THE INTENT TO DEFRAUD,"

TO DO OTHERWISE IS TO PLACE AN UNREASONABLE BURDEN OF PROOF UPON THE DEFENDANT---HE IS GUILTY UNTIL PROVEN INNOCENT.

THIS BILL IS ALSO A GREAT INTIMIDATION TOOL, AND WE SUBMIT TO YOU THAT THE LEGISLATURE SHOULD NOT BE IN THE BUSINESS OF PROVIDING SUCH THINGS. NEVADA POWER STANDS FOREMOST AMONG NEVADA UTILITIES FOR PUTTING OUT STORM TROOPERS TO BUST OLD LADIES. WE SUBMIT FOR THE RECORD THE CASE OF JEAN LAUB OF LAS VEGAS WHO WAS INTIMIDATED INTO SIGNING A PROMISSARY NOTE FOR METER IRREGULARITIES AND ALLEGED UNDERBILLING DUE TO METER MALFUNCTION. THE STORY SHE TELLS IS HEART-RENDING. IRRESPECTIVE OF THE LEGAL IMPLICATIONS, AND THE EVER-PRESENT NEED TO PROVE INTENT IN COURT, WE ASK YOU TO LOOK AT THE HUMAN SIDE OF THIS ISSUE. WHAT HAPPENS WHEN SOME BILL COLLECTOR SHOWS AN OFFICIAL-LOOKING DOCUMENT TO SOME AGED WIDOW? SHE WILL PANIC AND SIGN ANYTHING WHEN STARING A PERCEIVED FELONY IN THE FACE. I NEED NOT REMIND YOU THAT A PROMISSORY NOTE IS A LIEN AGAINST ANY AND ALL PROPERTY ONE POSSESSES. MAYBE NEVADA POWER WANTS TO GET INTO THE REAL ESTATE BUSINESS IN A BIG WAY.

MRS. LAUB NOW SEEMS FACED WITH THE ALTERNATIVES OF PAYING OR EATING, AND THOSE ARE NOT EASY CHOICES.

WE ALSO SUBMIT FOR THE RECORD THE CASE OF MRS. ERMA RIDLEY OF LAS VEGAS, WHO WAS BACK-BILLED FOR THREE MONTHS, BUT NEVADA POWER WANTED TO GO BACK ALMOST TWO YEARS. UNDER THIS LAW THEY COULD DO SO. MANY PEOPLE WOULD BE TOO INTIMIDATED TO FIGHT, FORTUNATELY, SOME ARE NOT.

WESLEY KABBUSH OF LAS VEGAS OPENED HIS MAIL ONE DAY AND FOUND A POWER BILL FOR OVER $6,000. IT WENT BACK THREE YEARS. HE CALLED NEVADA POWER IMMEDIATELY. THEY REFUSED TO EVEN LET HIM SEE HIS RECORDS. THEY TOLD HIM THAT THE PUBLIC SERVICE COMMISSION COULD SEE THEM IF KABBUSH BROUGHT AN ACTION BEFORE THE COMMISSION. THE PSC THEN REFUSED TO CONSIDER HIS PETITION CONTESTING HIS BILL, AND MR. KABBUSH WAS FORCED TO GO TO COURT, WHERE THE MATTER IS STILL BEING LITIGATED. THE COMMISSION DOES NOT SEEM TO BE A VERY RESPONSIVE PLACE TO GO EVEN UNDER THE CURRENT LAW.

FINALLY, WE THINK 90 DAYS IS ENOUGH TIME FOR A UTILITY'S METER READERS AND COMPUTER SYSTEMS TO NOTE A DEFICIENCY AND TO ACT ACCORDINGLY. THE PROVISION TO GO BACK THREE YEARS IS FRIGHTENING. AS YOU WILL NOTE IN THE CASE OF MRS. RIDLEY, THE PSC ONLY ALLOWED NEVADA POWER TO GO BACK 90 DAYS BECAUSE THE UTILITY COULD NOT PROVE TAMPERING OCCURRED EARLIER, ALTHOUGH IT DID ESTABLISH WHEN A DROP IN CONSUMPTION OCCURRED. HAD THE REVISIONS PROPOSED HERE IN THIS BILL BEEN LAW AT THE TIME, IT WOULD HAVE BEEN A MUCH DIFFERENT STORY.

PLEASE AMEND THIS BILL SO THAT THE GUILTY MAY STILL BE BROUGHT TO JUSTICE, AND SO THAT THE UTILITIES MAY GET WHAT IS DUE THEM. BUT PLEASE PROTECT HONEST PEOPLE FROM INTIMIDATION, HARRASSMENT AND ABUSE.

THANK YOU.

EXHIBIT C

EXPLANATIONS BY SECTIONS OF S.B. 101

SECOND REPRINT

Section 1, lines 1 through 20, page 1; Section 2, line 21, page 1 through line 28, page 2; and, Section 3, lines 29 through 33, page 2; all deal with Chapter 97 NRS "Retail Installment Sales."

These sections - 1, 2 and 3 - deal with the so called "time price differential" as that subject matter is treated in Chapter 97.

"Time price differential" is defined in NRS 97.155 as being the amount which is paid or payable for the privilege of buying goods or services to be paid for in installments over a period of time. In other words, it is similar to an interest charge which is imposed specifically as a charge or price for credit. It is an add on for the failure of immediate cash payment.

It should also be made clear that under Chapter 97 there are actually two definite situations which may give rise to the use of a "time price differential."

The first is in connection with retail installment contracts. Under present law, NRS 97.195, the charge for credit (or the "time price differential") in a retail installment contract may not exceed a 12 percent add on per year. Such a "retail installment contract" is defined by NRS 97.105. It would include such things as buying an automobile, a boat, a mobile home, etc.

The second situation in which a "time price differential" becomes involved is in a so called "retail charge agreement." This term is defined in NRS 97.095 and it encompasses what is normally known as an open account, or purchases made from time to time by use of a

This amendment will replace a statutory maximum permitted rate by rates which will be determined through competition in the marketplace. As you can see, the aforementioned maximum rates will be eliminated by the bracketed material in Section 1.5, lines 10 through 13, as to retail installment contracts and by the bracketed material in Section, subsection 3, lines 26 through 28, page 2, as to open accounts and credit cards.

Section 3, lines 29 through 33, may not be essential by reason of the fact, above noted, that the limitations upon "time price differentials" currently existing in this chapter would be removed by S.B. 101. Nevertheless, the section may serve a purpose of indicating a legislative intent that the provisions of Chapter 97, dealing with retail installment sales, are to be confined specifically to that particular subject matter.

As to Section 4, lines 34 through 43, page 2, this section amends Chapter 99 NRS, which chapter deals with interest; limitations on agreed interest rates; excessive interest rate for bonds and securities issued by the state, etc. And finally, legal investments for insurance companies, executors, etc.

Two sections of Chapter 99 are effected by this bill. Disregarding momentarily the impact of the federal preemption, Section 99.050 places an absolute ceiling of 13 percent on all loans in Nevada, other than those which are governed by specific chapters dealing with specific lenders as hereinafter discussed. Therefore, as to loans generally, the rate of interest will be regulated by competition in the marketplace in relation to such competition, as well as the cost of money and like economic factors.

Skipping over sections of the bill momentarily, the other provision which effects Chapter 99 is found in Section 11, line 28, page 6, which simply reads "NRS 99.035 is hereby repealed." This section

credit card. In the case of such a retail charge agreement, the maximum permissable rate under Chapter 97 may not exceed 1.8 percent per month on the deferred balance (NRS 97.245, subdivision 3.)

In addition, NRS 97.255 provides what the "time price differential" may currently include. "The time price differential shall be inclusive of all charges incident to investigating and making the retail installment contract or charge agreement and for the privilege of making the installment payments thereunder and no other fee, expense or charge whatsoever shall be taken, received, reserved, or contracted therefor."

The foregoing explanation is required in order to explain the changes which will be made by S.B. 101 in connection with retail contract sales.

Accordingly, by reason of the limitations set forth in NRS 97.255 above, Section 1 of the bill, permitting annual membership fees for credit cards, is necessary as in the absence of this amendment such annual fees could not be charged.

Section 1.5, line 8 of the bill simply takes the 12 percent add on per annum, the interest limitation, off retail installment contracts. This will permit the marketplace to determine this interest rate or "time price differential." In the absence of this amendment, financing for retail installment contracts will be severely restricted as financial institutions are paying substantially more than 12 percent add on per annum for their funds.

Section 2, line 21, removes the 1.8 percent per month "time price differential" on the use of open accounts or credit cards. Again, this is necessary under today's economic conditions by reason of the cost of money used in the financing of credit card transactions.

came into law at the 1979 Legislative Session. Because of the 18 percent limitation on interest, it was felt that there should be a definition of what would be included and what would not be included in this 18 percent limitation. As the 18 percent limitation will be removed if S.B. 101 is adopted, there is no reason to perpetuate the definition of interest which, as previously stated, was simply an attempt to tell us what was and what was not included in the 18 percent ceiling.

Section 5, commencing at line 45, page 2, and concluding at line 15, page 3, deals with Chapter 645B.NRS. This chapter deals only with mortgage companies as defined in Section 645B.010. It does not have any effect upon the operation of any financial or financing institutions other than mortgage companies. Hence, Section 5 does not effect such institutions as banks, savings and loans, credit unions, pawnbrokers, etc., but relates solely to the operation of mortgage companies. Section 5 amends 645B.195, as presently in the statute there is a specific limitation on interest rates for an extention of credit which is secured by a deed of trust, or mortgage of real property, and which is made by, or through, a mortgage company. This limitation is 12 percent per annum, or if the lowest daily prime rate at the three largest United States banking institutions is 9 percent or more, that lowest daily prime rate, plus 3.5 percent, (this is the maximum limit which covered all loans prior to the 1979 amendment wherein the general maximum interest rate was fixed at 18 percent by the provisions of 645B.195 were retained as to mortgage companies.)

The effect of Section 5 would be to eliminate the interest rate which may be charged on mortgage company transactions only on loans "of less than $500,000.00." This amendment would then free mortgage companies to charge such interest rates as may be agreed upon between the parties in mortgage company transactions of $500,000.00 or more.

In such transactions, the rate again would be regulated by competition in the marketplace as effected by the cost of money and other economic factors.

Section 6, line 16, page 3, would amend Chapter 646NRS. This chapter deals with the single and specific subject of pawnbrokers. Presently, under 646.050, pawnbrokers may charge interest at the rate of 4 percent per month. This amendment would increase their permissable ceiling to 5 percent per month.

Subsection 2, lines 24 through 26 is pure "Daykinism."

Subsection 3, line 27, page 3, simply adds the requirement that the rate of interest must be clearly shown in the pawnbroker's receipt.

Section 7, line 36, page 3, deals with a statute adopted by this session of the Legislature. This chapter was S.B. 127, which bill deals with Chapter 675 of NRS, the "Installment and Loan Finance Act." Again, this chapter has nothing to do with banks, savings banks, trust companies, savings and loans, credit unions, etc. In common terms, this is known as a "small loan act." It is limited to dealing in loans of $10,000.00, or less, and provides that any person engaging in this business must be licensed. This business is regulated by the Superintendent of Banks. S.B. 127, now Chapter 48 of Nevada Statutes of 1981, permitted a 36 percent per year interest rate on that part of the unpaid balance of a cash loan of $300.00, or less. Lines 46 through 48, page 3, raises the amount of the cash loan upon which such 36 percent per year may be charged from $300.00 to $2,000.00.

Lines 49, page 3 the word "fifteen" and line 3, page 4, completely eliminates a category of $300.00 to $1,000.00 upon which 21 percent per year currently may be charged. Under the provisions of S.B.

127, the current law, there were two additional categories for which specific interest maximums can be charged. Fifteen percent per year could be charged on a cash loan exceeding $1,000.00 or "18 percent per year on the unpaid balance of the amount of cash advanced," (whatever that might mean.) In any event, this 21 percent, 15 percent, and 18 percent, are all stricken by this provision of S.B. 101 and the final limitation on small loans as set forth in lines 3 through 7, page 4 of the bill is 30 percent on cash loans which exceed $2,000.00.

Hence, under these provisions, the small loan companies could charge up to 36 percent per year on the unpaid balance of loans up to $2,000.00 or less, and 30 percent per year on the unpaid balance of loans of $2,000.00 up to the $10,000.00 maximum loan provided for in the "small loan act."

Finally, in subsection 3, lines 27 through 30, page 4, the permissable maximum interest rate on loans secured by mobile homes, or factory built housing, is raised from 18 percent to 30 percent on the unpaid balance.

Section 8 amends Chapter 677NRS, which is the Nevada Thrift Companies act. The first amendment is to Section 677.340. The amendment in subsection 2 simply removes consideration of the effect of the 18 percent ceiling on the requirement of obtaining a license. As the law presently stands, a person is prohibited, under and in connection with the Nevada Thrift Companies act, from engaging in the business of lending, in gross amounts of $3,500.00 or more, and contracting in connection with such loan for interest, etc., in any manner other than that permitted by NRS 99.050 without first obtaining a license. The amendment to 99.050, removing the 18 percent limit, would likewise remove consideration of that limit in subsection 2.

Section 9, still dealing with the Nevada Thrift Companies act, amends Section 677.670. This amendment removes from the Thrift Companies act a formula for computing interest charges on Thrift Company loans between $3,500.00 and $5,000.00. The effect of this appears to be that interest on such loans will not be limited by law, but subject to limitation of competition in the marketplace. These loans, however, continue to be limited by the provisions of subsections 3 and 4 set forth in lines 35 through 45, page 5.

Subsection 2, line 20, and subsection 3, line 35, page 5, appear only to involve "Daykinism" changes.

Subsection 5, line 46, page 5, simply removes the words "whether at the maximum rate or less" for the reason that the maximum rate will be eliminated under S.B. 101.

Subsection 6, lines 4 through 8, page 6, simply eliminates a restriction currently existing on the activities of a Nevada Thrift Company licensee. The restriction thus eliminated is clearly stated in the language of subsection 6.

Section 10 amends Chapter 678NRS. This chapter deals with credit unions and it simply places credit unions on the same level as banks, savings and loans, etc., in removing the 18 percent maximum interest rate on their loans and thus permitting credit unions interest rates to be determined in the marketplace.

Section 12, lines 29 through 39, is simply a state rejection of the provision of the federal law which preempted, or overrode, state law having maximum interest rates less than those provided in the federal law described in Section 12. The federal preemption permitted interest rates to raise originally to 21 percent, and now to 23 percent, thus superceding lower state interest maximums. The federal law

enacted in 1980 also permitted the states to reject it by action taken within three years of its enactment. It is commonly thought that such permissive rejection was to enable states by affirmative action to return the lower maximum rates, however, this is not crystal clear and our Senate felt that we should have a specific rejection in order that our interest rates would be governed freely in the marketplace as previously discussed. There has been discussion pro and con as to the effect of the language at the end of line 39, page 6, stating..."on and after the effective date of this act." I do not believe that this language has any real impact. With, or without, this language the general rule of statutory construction is that a bill operates only as to the future, not as to the past, unless the bill specifically states that its ~~effort~~ effect shall be retroactive. ;The purpose of this language, however, was to make it crystal clear that this rejection of the federal preemption should apply only to the future and not to existing contracts.

The final section, Section 13, appears to have its origin in a single existing loan. In its original form, S.B. 101 would not have this provision, (likewise it would not have the rejection of the federal preemption.)

In the first reprint, after hearings before the Senate Committee, the rejection of the federal preemption was added, (in extremely incorrect form), and a subdivision 2, of then Section 13, was placed in the bill. In the original hearings, before this committee, as I recall, two Reno attorneys sought to have this provision eliminated. I am of the opinion that in spite of the language of this section, its current enactment could not constitutionally effect the terms of any contract entered into before the effective date of this act. The Nevada Constitution, Article 1, Section 15, provides, "no bill of attainder, ex-post-facto law, or law impairing the obligation of contracts shall ever be passed." (Underscoring added.)

Therefore, if Section 13 has the effect of attempting to change an existing contract, thus changing or impairing the obligation of the parties, I believe it to be clearly unconstitutional.

EXHIBIT D

ANALYSIS OF S.B. 101
(Second Reprint)

The second reprint of S.B. 101 removes or increases limitations on interest rates for credit card, contract, installment, thrift company and credit union loans, overrides federal provisions on interest rates for certain loans and repeals the definition of interest from chapter 99 of NRS.

Credit Card Loans

Section 1 excludes annual membership fees for credit cards from the amount of the time price differential which is payable for the privilege of purchasing goods or services to be paid for by the buyer in installments over a period of time.

Retail Installment Contracts

Section 1.5 Under existing state law, the amount of the time price differential in any retain installment contract cannot exceed 1 percent of the initial balance multiplied by the number of months, including any excess fraction of a month as 1 month, elapsing between the date of such contract and the due date of the last installment, or $25, whichever is greater.

Senate Bill 101 permits the amount of the time price differential in any retail installment contract to be any amount agreed upon by the parties.

Section 2 Under existing law a retail charge agreement may provide for a time price differential not to exceed the rate of 1.8 percent per month on the deferred balance.

S.B. 101 provides that the rate of time price differential on any deferred balance is a matter for negotiation between the seller and buyer.

Section 3 - Daykinism.

Contract Interest Rate

Section 4 Removes the 18 percent contract interest rate limitation in existing law and permits parties to agree for the payment of any rate of interest on money due or to become due on any contract.

Mortgage Loans

Section 5 Places a limit of $500,000 on the statutory interest rate applicable to any loan secured by a deed of trust or a mortage of real property and removes the provisions in existing law against (1) the imposition on such loans of any charge or penalty for prepayment and, (2) a lender requiring, on such loans, any compensating balance or other device to increase the cost to the borrower of borrowing the net amount of the loan.

Pawn Broker Loans

Section 6 Increases the rate of interest a pawn broker may charge from 4 to 5 percent a month for a loan on the security of personal property and requires that receipts for such property show the rate of interest.

Installment Loans

Section 7 Relates to the Nevada Installment Loan and Finance Act as amended by Senate Bill 127 (chapter 48, Statutes of Nevada, 1981). The law now provides that licensees under the act may make loans up to $10,000 and charge interest at the rate of 36 percent per year upon the unpaid balance of $300 or less, 21 percent of the unpaid balance which exceeds $300 but does not exceed $1,000, 15 percent on that part of the unpaid balance with exceeds $1,000 or 18 percent on the unpaid balance of the amount of cash advanced. Existing law requires the interest on all such loans secured by mobile homes or factory built housing which constitutes real property or real property may not exceed 18 percent on the unpaid balance of the amount of cash advanced.

S.B. 101 increases the maximum installment loan interest limit by providing that the rate not exceed 36 percent per year on that part of the unpaid balance of the loan which is $2,000 or less and 30 percent per year on the unpaid balance of the loan which exceeds $2,000. It also increases the interest loan rate on the types of mobile home or factory built houses mentioned above from 18 to 30 percent.

Thrift Company Loans

Section 8 Relates to the Nevada Thrift Companies Act. Under that act, thrift companies are not permitted to lend amounts of

$3,500 to $5,000 except at the contract interest rate of 18 percent except as otherwise provided and authorized by chapter 677 of NRS (see Section 9 of this analysis) and without first having obtained a license from the director.

S.B. 101 provides that thrift company loans not be made in any manner other than that permitted by NRS 99.050 (the contract interest provision) or chapter 677 and without first having obtained a license from the director.

Section 9 Under existing law thrift companies may charge, contract for, collect and receive interest and charges computed by either of the following methods:

(a) A charge for interest in an amount not exceeding $10 per annum, add-on per $100 of the cash advanced; or

(b) A charge for interest in an amount not exceeding 1.5 percent per month on the unpaid principal balance.

S.B. 101 repeals those interest limitation provisions. It also repeals a provision which prohibits a licensee from inducing or permitting any person or husband and wife to be obligated, directly or indirectly, under more than one contract of loan at the same time for the purpose of or with the effect of obtaining a higher rate of charge than would otherwise be permitted by NRS 677.670.

Credit Union Loans

Section 10 Removes the 1 percent per month limit on the unpaid balance on loans which may be charged by credit unions and (unless a higher rate is approved by the commissioner of credit unions) provides that the rate of interest on credit union loans may be at any amount agreed upon by the credit union and the member.

Section 11 Repeals the general definition of interest contained in chapter 99. (See Attachment A for the existing language contained in NRS 99.035.)

Removal of Federal Preemption of Maximum Interest Rates

Section 12 Congress passed H.R. 4986 (P.L. 96-221, "The Depository Institutions Deregulation and Monetary Control Act of 1980") which, among other things, removed the provisions of the Constitution or the laws of any state expressly limiting the rate or amount of interest or other specified finance charges which may be charged by various financial institutions. These limits were replaced with miximum rates tied to the rate of commercial paper. For example, under the new federal law, the rate for savings and loan associations, is set at 1 percent in excess of the discount rate on a 90-day commercial paper in effect at the Federal Reserve Bank in the Federal Reserve District where each institution is located or at the rate allowed by the laws of the state, whichever may be greater.

If, as in the case of mortgage loans, they do so prior to April 1, 1983, under P.L. 96-221 the states have the option of enacting legislation excluding themselves from the federal preemption of various aspects of the states' usury limits.

S.B. 101 specifies that the legislature exercises its prerogative and exempts Nevada from the P.L. 96-221 provisions relating to loans, mortgages, credit sales, advances and business or agricultural loans in amounts of $1,000 or more. (A copy of the P.L. 96-221 provisions cited in Section 12 of S.B. 101, Second Reprint, are enclosed as Attachment B.)

Section 13 Provides that if any contract entered into before the effective date of the measure provides for a variable rate of interest, the rate of interest in such a contract may vary to a maximum rate not to exceed 18 percent per annum, except for a contract entered into pursuant to the federal act specified in Section 12 of S.B. 101.

Section 14 Provides that the provisions of S.B. 101 shall become effective upon passage and approval of the measure.

Chart Showing Existing Interest Rates Attached

Attachment C is a chart prepared by the research division in 1979 illustrating statutory maximum interest rates and related charges in Nevada.

Prepared by: Research Division
May 23, 1981
DAR:jlc.5.1.SB101

Attachment A

MONEY OF ACCOUNT AND INTEREST

99.010 Dollar, cent and mill to be money of account. The money of account of this state shall be the dollar, cent and mill. All the accounts in the public offices, other public accounts, and all proceedings in courts, shall be kept and had in conformity with this section.
[1:34:1861; B § 29; BH § 4900; C § 2742; RL § 2497; NCL § 4320]

99.020 Suits on accounts, notes, bonds expressed in other money of account: Reduction to dollars or parts of dollars. Nothing contained in NRS 99.010 shall vitiate or affect any account, charge or entry originally made, or any note, bond or other instrument, expressed in any other money of account, but the same shall be reduced to dollars, or parts of dollars, as directed in NRS 99.010, in any suit thereupon.
[2:34:1861; B § 30; BH § 4901; C § 2743; RL § 2498; NCL § 4321]

99.030 Obligations, judgments or executions payable in legal money. After February 15, 1893, all official bonds and undertakings, and all obligations of debt, judgments or executions stated in terms of dollars and to be paid in money shall be payable in legal money authorized by the Congress of the United States.
[1:16:1893; A 1895, 13; C § 2738; RL § 2501; NCL § 4324]

99.035 "Interest" defined. Except as otherwise provided by statute with respect to a particular kind of transaction:

1. "Interest" includes every payment made to the lender or with his knowledge to any third party as an incident to or condition of the extension of credit, such as a commission, bonus, fee, premium or penalty.
2. "Interest" does not include:

(a) Reasonable amounts actually applied in payment of the expense of inspecting or appraising any security offered in connection with the loan, investigating the responsibility of the applicant or procuring or extending any abstract of title or certificate of title insurance covering the security.

(b) The amount actually paid for the examination of any such abstract or title insurance certificate.

(c) The cost of the preparation, execution and recording of any papers necessary in consummating the loan.

(d) Charges or premiums for credit life, accident or health insurance, or insurance against loss of income, written in connection with any credit transaction if:

(1) The insurance is not required by the lender and this fact is clearly and conspicuously disclosed in writing to the borrower; and

(2) Any borrower desiring such insurance coverage gives specifically dated and separately signed affirmative written indication of this

Attachment B

1980 Amendment. Subsec. (f). Pub.L. 96–399 substituted provisions appropriating not to exceed $1,738,000,000, for provisions appropriating not to exceed $1,341,000,000, increased by $165,000,000, and $93,000,000, respectively, on Oct. 1, 1978, and 1979.

Legislative History. For legislati history and purpose of Pub.L. 96–399, s 1980 U.S.Code Cong. and Adm.News, —.

§ 1735f–4. Promotion of energy saving techniques by Secretary Housing and Urban Development in insured housing

To the maximum extent feasible, the Secretary of Housing and Urban De velopment shall promote the use of energy saving techniques through mi imum property standards established by him for newly constructed res dential housing subject to mortgages insured under this chapter. Suc standards shall establish energy performance requirements that wi achieve a significant increase in the energy efficiency of new construction Such requirements shall be implemented as soon as practicable after No vember 9, 1978.

As amended Oct. 8, 1980, Pub.L. 96–399, Title III, § 326(e), 94 Stat 1650.

1980 Amendment. Pub.L. 96–399 struck out provisions relating to applicability of energy conservation performance standards under Energy Conservation Standards for New Buildings Act of 1978.

Legislative History. For legislativ history and purpose of Pub.L. 96–399, se 1980 U.S.Code Cong. and Adm.News, p —.

§ 1735f–7. Exemption from State usury laws; applicability

State Constitution or Laws Limiting Mortgage Interest, Discount Points, and Finance or Other Charges; Exemption for Obligations Made After March 31, 1980. Pub.L. 96–221, Title V, § 501, Mar. 31, 1980, 94 Stat. 161, as amended by Pub. L. 96–399, Title III, §§ 305(c)(6), 324(e), (e), Oct. 8, 1980, 94 Stat. 1641, 1647, 1648, provided that:

"(a)(1) The provisions of the constitution or the laws of any State expressly limiting the rate or amount of interest, discount points, finance charges, or other charges which may be charged, taken, received, or reserved shall not apply to any loan, mortgage, credit sale, or advance which is—

"(A) secured by a first lien on residential real property, by a first lien on all stock allocated to a dwelling unit in a residential cooperative housing corporation, or by a first lien on a residential manufactured home;

"(B) made after March 31, 1980; and

"(C) described in section 527(b) of the National Housing Act (12 U.S.C. 1735f–5(b)) [section 1735f–5(b) of this title], except that for the purpose of this section—

[See main volume for text of (i) to (v)]

"(vi) the term 'lender' in section 527(b)(2)(A) of such Act [section 1735f–5(b)(2)(A) of this title] shall also be deemed to include any lender approved by the Secretary of Housing and Urban Development for participation in any mortgage insurance program under the National Housing Act [this chapter], and any individual who finances the sale or exchange of residential real property which such individual owns and which such individual occupies or has occupied as his principal residence.

[See main volume for text of (2); (b) to (d)]

"(e) For the purpose of this section—

[See main volume for text of (1) to (3)]

"(4) the term 'residential manufactured home' means a manufactured home as defined in section 603(6) of the National Mobile Home Construction and Safety Standards Act of 1974 [now the National Manufactured Housing Construction and Safety Standards Act of 1974 (section 5402(6) of Title 42, The Public Health and Welfare)] which is used as a residence.

[See main volume for text of (f) and (g)]

§ 1735f–8. Time of payment of premium charges

In carrying out the provisions of subchapters I, II, IV, VII, VIII, IX–A, IX–B, and X of this chapter pertaining to the payment of loan or mortgage insurance premium charges by a financial institution, other mortgagees, or agent thereof to the Federal Government in connection with a loan or mortgage insurance program established pursuant to any of these subchapters, the Secretary shall require that payment of such premiums be made promptly upon their receipt from the borrower; except that the Secretary may approve payment of such premiums within twenty-four months of such receipt if the financial institution, mortgagee, or agent thereof pays interest, at a rate specified by the Secretary, to the insurance

Definitions

(b) For the purpose of this section—

(1) the term "loan" includes all secured and unsecured loans, credit sales, forbearances, advances, renewals or other extensions of credit made by or to any person or organization for business or agricultural purposes;

(2) the term "interest" includes any compensation, however denominated, for a loan;

(3) the term "organization" means a corporation, government or governmental subdivision or agency, trust, estate, partnership, cooperative, association, or other entity; and

(4) the term "person" means a natural person or organization.

Forfeiture of excessive interest; recovery

(c) If the rate prescribed in subsection (a) of this section exceeds the rate such person would be permitted to charge in the absence of this section, and such State imposed rate is thereby preempted by the rate described in subsection (a) of this section, the taking, receiving, reserving, or charging a greater rate than is allowed by subsection (a) of this section, when knowingly done, shall be deemed a forfeiture of the entire interest which the loan carries with it, or which has been agreed to be paid thereon. If such greater rate of interest has been paid, the person who paid it may recover, in a civil action commenced in a court of appropriate jurisdiction not later than two years after the date of such payment, an amount equal to twice the amount of interest paid from the person taking, receiving, reserving, or charging such interest.

Pub.L. 96–221, Title V, § 511, Mar. 31, 1980, 94 Stat. 164, amended Pub. L. 96–399, Title III, § 324(b), (d), Oct. 8, 1980, 94 Stat. 1648.

Codification. A prior section 86a, Pub. L. 90–161, Title II, § 205, Dec. 28, 1979, 93 Stat. 1237, similar to this section as enacted by Pub.L. 96–221, was repealed by section 529 of Pub.L. 96–221, effective at the close of Mar. 31, 1980, except that its provisions would continue to apply to any loan made, any deposit made, or any obligation issued in any State during any period when that section was in effect in such State.

A prior section 86a, Pub.L. 96–161, Title I, § 105, Nov. 5, 1979, 93 Stat. 791, identical to this section as enacted by Pub.L. 96–161, was repealed by section 212 of Pub.L. 96–161, effective at the close of Dec. 27, 1979, except that its provisions would continue to apply to loans made in any State on or after Nov. 5, 1979, but prior to such repeal. For the effective date provisions relating to the prior section 86a as contained in section 107 of Pub.L. 96–161, see Prior Provisions note under section 1831a of this title.

Prior Provisions. Section 213 of Pub.L. 96–161, which was formerly set out as a note under this section and which had provided that this section (as enacted by Pub.L. 96–161) would apply only in those States having a constitutional provision that all contracts for a greater rate of interest than 10 per centum per annum would be void as to principal and interest, was repealed by section 212 of Pub.L. 96–161, effective at the close of Dec. 27, 1979.

Section 301 of Pub.L. 96–161, which was formerly set out as a note under this section and which had provided that this section (as enacted by Pub.L. 96–161) would apply only in those States having a constitutional provision that all contracts for a greater rate of interest than 10 per centum per annum would be void as to principal and interest, was repealed by section 212 of Pub.L. 96–161, effective at the close of Dec. 27, 1979.

1980 Amendment. Subsec. (a). Pub.L. 96–399, § 324(b), substituted "$1,000" for "$25,000".

Subsec. (b). Pub.L. 96–399, § 324(b), added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub.L. 96–399, § 321(b), redesignated former subsec. (b) as (c).

Effective Date. Section 512 of Pub.L. 96–221, as amended by Pub.L. 96–399, Title III, § 324(c)(1), (d), Oct. 8, 1980, 94 Stat. 1648, provided that:

"(a) The provisions of this part [this section] shall apply only with respect to business or agricultural loans in amounts of $1,000 or more made in any State during the period beginning on April 1, 1980, and ending on the earlier of—

"(1) April 1, 1983; or

"(2) the date, on or after April 1, 1980, on which such State adopts a law or certifies that the voters of such State have voted in favor of any provision, constitutional or otherwise, which states explicitly and by its terms that such State does not want the provisions of this part to apply with respect to loans made in such State,

except that such provisions shall apply to any loan made on or after such earlier date pursuant to a commitment to make such loan which was entered into on or after April 1, 1980, and prior to such earlier date.

"(b) A loan shall be deemed to be made during the period described in subsection (a) if such loan—

"(1) (A) is funded or made in whole or in part during such period, regardless of whether pursuant to a commitment or other agreement therefor made prior to April 1, 1980;

"(B) was made prior to or on April 1, 1980, and bears or provides for interest during such period on the outstanding amount thereof at a variable or fluctuating rate; or

"(C) is a renewal, extension, or other modification during such period of any loan, if such renewal, extension, or other modification is made with the written consent of any person obligated to repay such loan, and

"(2)(A) is an original principal amount of $25,000 or more ($1,000 or more on or after the date of enactment of the Housing and Community Development Act of 1980 [Oct. 8, 1980]; or

"(B) is part of a series of advances if the aggregate of all sums advanced or agreed or contemplated to be advanced pursuant to a commitment or other agreement therefor is $25,000 or more ($1,000 or more on or after the date of enactment of the Housing and Community Development Act of 1980) [Oct. 8, 1980]."

[Section 324(c)(2) of Pub.L. 96–399 provided that: "The amendments made by paragraph (1) [adding subsec. (b)] take effect on April 1, 1980."]

Definition of "State". For purposes of this section and the Effective Date note under this section, the term "State" to include the several States, the Commonwealth of Puerto Rico, the District of Columbia, Guam, the Trust Territories of the Pacific Islands, the Northern Mariana Islands, and the Virgin Islands, see section 527 of Pub.L. 96–221, set out as a note under section 1730g of this title.

Choice of Highest Applicable Interest Rate. In any case in which one or more provisions of, or amendments made by, Title V of Pub.L. 96–221 [enacting this section and sections 1730g, 1785(g), and 1831d of this title and section 6971(i) of Title 15, Commerce and Trade, and enacting provisions set out as notes under this section and sections 1730g and 1735f–7 of this title], section 1735f–7 of this title, or any other provisions of law, including section 85 of this title, apply with respect to the same loan, mortgage, credit sale, or advance, such loan, mortgage, credit sale, or advance may be made at the highest applicable rate, see section 528 of Pub.L. 96–221, set out as a note under section 1735f–7 of this title.

Legislative History. For legislative history and purpose of Pub.L. 96–221, see 1980 U.S.Code Cong. and Adm.News, p. —. See, also, Pub.L. 96–399, 1980 U.S. Code Cong. and Adm.News, p. —.

§ 89. Duty of bank to receive circulating notes of other banks in payments of debts

Cross References. Gold coinage discontinued and existing gold coins withdrawn from circulation, see section 315 (b) of Title 31, Money and Finance.

Provisions for payment of obligations in gold declared against public policy, see section 463 of Title 31, Money and Finance.

§ 90. Depositaries of public moneys and financial agents of Government

[*See main volume for text of first par.*]

Any national banking association may, upon the deposit with it of any funds by any State or political subdivision thereof or any agency or other governmental instrumentality of one or more States or political subdivisions thereof, including any officer, employee, or agent thereof in his official capacity, give security for the safekeeping and prompt payment of the funds so deposited to the same extent and of the same kind as is authorized by the law of the State in which such association is located in the case of other banking institutions in the State.

Any national banking association may, upon the deposit with it of any funds by any federally recognized Indian tribe, or any officer, employee, or agent thereof in his or her official capacity, give security for the safekeeping and prompt payment of the funds so deposited by the deposit of United States bonds and otherwise as may be prescribed by the Secretary of the Treasury for public funds under the first paragraph of this section. As amended Aug. 18, 1950, c. 754, 64 Stat. 463; Dec. 21, 1979, Pub.L. 96–153, Title III, § 323(f), 93 Stat. 1120.

1979 Amendment. Pub.L. 96–153 added paragraph beginning "Any national banking association may, upon the deposit with it of any funds by any federally recognized Indian".

1950 Amendment. Act Aug. 18, 1950, cited to text amended section to permit national banks to accept and give security for deposits of funds made by agencies or governmental instrumentalities or States or political subdivisions thereof and by their officers, employees or agents.

Legislative History. For legislative history and purpose of Act Aug. 18, 1950, cited to text, see 1950 U.S.Code Cong.Service, p. 3036. See, also, Pub.L. 96–153, 1979, U.S.Code Cong. and Adm. News, p. 2317.

Supplementary Index to Notes

Construction
- With other laws 1a
- Military installation banking facilities 3a

Library references
- Banks and Banking ⇔207.
- C.J.S. Banks and Banking § 402.

1a. —— With other laws

This section providing that all national banking associations shall be depositaries of public money and shall perform all such reasonable duties as such depositaries as may be required of them is not in pari materia with section 36 of this title authorizing such associations to establish branches under certain

ATTACHMENT C

STATUTORY MAXIMUM INTEREST RATES AND RELATED CHARGES IN NEVADA

A. Banks:

1. Limitation on agreed (contract) interest rates 18 percent per year. The maximum rate on mortgage loans is 12 percent or if the daily prime interest rate is 9 percent or more the interest rate may equal the daily prime interest rate plus 3.5 percent (See NRS 99.050 and NRS 645B.195.)

2. Rates on Small Loans:

   a. 8 percent add-on for loans up to $500.

   b. 7 percent add-on for loans of $501 to $1,500. (See NRS 662.166.)

B. Small Loan Companies:

1. The total of: 36 percent per year on unpaid cash balance up to $300.

   21 percent per year on unpaid cash balance of $301-$1,000.

   15 percent per year on unpaid cash balance of $1,001 and up.

or 2. 18 percent on unpaid cash balance, whichever is greater. (See NRS 675.290.)

C. Retail Installment Sales of Goods and Services

1. Retail Installment Contracts - 1 percent of initial balance multiplied by the number of months, including any excess fraction of a month as 1 month, elapsing between the date of such contract and the due date of the last installment, or $25.00, whichever is greater. (See NRS 97.195.)

2. Retail Charge Agreements, Revolving Accounts, Credit Cards, etc. - A retail charge agreement may provide for a time price differential not to exceed a rate of 1.8 percent per month on the deferred balance. (See NRS 97.245.)

D. Thrift Companies:

1. For loans of a gross amount of $3,500, but less than $5,000:

   a. A charge for interest in an amount not exceeding $10 per annum, add-on per $100 of the cash advance; or

   b. A charge for interest in an amount not exceeding 1.5 percent per month on the unpaid principle balance. (See NRS 677.670.)

2. No maximum rate of interest for loans of $5,000 or more. (See NRS 677.730.)

E. Credit Unions:

1. 1 percent per month on the unpaid monthly balance unless a higher rate is approved by the commissioner. (See NRS 678.710.)

F. Savings and Loan Associations:

1. Same as contract rate for bank except "points" may be added on. (See NRS 673.324 et seq.)

G. Pawn Brokers:

1. 4 percent per month for money loaned on the security of personal property actually received in pledge.

2. An initial charge of $3 in addition to interest at the authorized rate. (See NRS 646.050.)

H. Loan Finders:

Fee not specified. However:

1. It is unlawful for a person to receive an advance fee, salary, deposit or money for the purpose of obtaining a loan for another unless he:

(a) Places the advance fee, salary, deposit or money in escrow pending completion of the loan or a commitment for the loan; or

(b) Refunds the full amount of the payment immediately upon demand of the person who made the payment. (See NRS 205.517.) Advance payments to cover reasonably estimated costs are excluded from these provisions if the person making them specifies the costs and signs a written agreement.

Interest Rate When There is No Express Written Contract:

Shall be allowed at the rate of 8 percent per annum upon all money from the time it becomes due, in the following cases:

1. Upon contracts, express or implied, other than book accounts.

2. Upon the settlement of book or store accounts from the day on which the balance is ascertained.

3. Upon money received to the use and benefit of another and detained without his consent.

4. Upon wages or salary, if it is unpaid when due, after demand therefor has been made. (See NRS 99.040.)

DAR:jlc.5.1.Rates1

Prepared by the Research Division
Legislative Counsel Bureau
January 8, 1979
Revised 11/13/79 and 5/22/81

EXHIBIT E

1981 REGULAR SESSION (61st)

ASSEMBLY ACTION	SENATE ACTION	Assembly AMENDMENT BLANK
Adopted ☐	Adopted ☐	AMENDMENTS to Senate
Lost ☐	Lost ☐	~~Joint~~
Date:	Date:	Bill No. 231 ~~Resolution No.~~
Initial:	Initial:	
Concurred in ☐	Concurred in ☐	BDR 54-297
Not concurred in ☐	Not concurred in ☐	Proposed by Committee on Commerce
Date:	Date:	
Initial:	Initial:	

Amendment No. 1102

Amend sec. 2.5, page 1, line 13 by deleting "mobilization" and inserting "mobilization, including mobilization of the spine,".

Amend sec. 23, page 8, lines 24 and 25, by deleting "dentist, podiatrist or psychologist" and inserting "dentist or podiatrist".

EXHIBIT F

1981 REGULAR SESSION (61st)

ASSEMBLY ACTION	SENATE ACTION	Assembly AMENDMENT BLANK
Adopted ☐	Adopted ☐	AMENDMENTS to Senate
Lost ☐	Lost ☐	Bill No. 231 ~~Joint Resolution No.~~
Date:	Date:	
Initial:	Initial:	BDR 54-297
Concurred in ☐	Concurred in ☐	Proposed by Committee on Commerce
Not concurred in ☐	Not concurred in ☐	
Date:	Date:	
Initial:	Initial:	

Amendment No. 1198

Resolves conflict in § 22 with § 14 of A.B. 183.

Consistent with Amendment No. 493.

Amend sec. 22, page 7, line 46, by deleting the period and inserting: "which may be evidenced by claims of malpractice settled against a practitioner."

Amend the bill as a whole by adding a new section designated section 34, following section 33, to read as follows:

"Sec. 34. Section 22 of this act shall become effective at 12:01 a.m. on July 1, 1981."