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WORK SESSION DOCUMENT

ASSEMBLY COMMITTEE ON COMMERCE AND LABOR

Friday, April 11, 2003

The following measures will be considered for action during the work session. Possible amendments are noted; these were either suggested during testimony or submitted in writing and do not necessarily have the approval of the Committee, but are merely compiled here to assist the Committee in its deliberations.

• **Assembly Bill 212 (Heard in Committee on 3/26/03—NACT)**

Revises provisions relating to Account for Education and Recovery Relating to Manufactured Housing. (BDR 43-462)

Renee Diamond, Administrator of the Manufactured Housing Division, Department of Business and Industry, provided to the Committee a letter in response to certain questions that were raised during the hearing on this bill (see Exhibit A). Assemblywoman Buckley proposed that in Section 2, subsections 1 through 3 and subsection 5 be deleted. In addition, she proposed deleting Sections 3 and 4 of the bill.

• **Assembly Bill 280 (Heard in Committee on 3/21/03—NACT)**

Revises certain provisions governing policies of insurance for motor vehicles. (BDR 57-1090)

Assemblywoman Giunchigliani offered an amendment, which is shown in the mockup of A.B. 280 (Exhibit B).

• **Assembly Bill 284 (Heard in Committee on 4/2/03—NACT)**

Prohibits unfair lending practices for home loans and revises provisions governing sale of real property by trustee. (BDR 52-20)

Assemblywoman Buckley offered an amendment, which is shown in the mockup of A.B. 284 (Exhibit C).

• **Assembly Bill 296 (Heard in Committee on 4/7/03—NACT)**

Excludes tires from definition of "biomass" for purposes of energy policy, public utilities, portfolio standard for renewable energy net metering and optional pricing. (BDR 58-1163)

Assemblywoman Weber and Assemblyman Geddes offered several amendments, which are shown in the mockup of A.B. 296 (Exhibit D).

• **Assembly Bill 316 (Heard in Committee on 4/9/03—NACT)**

Requires owner of real property to provide security for certain works of improvement to real property. (BDR 54-646)

Steve Holloway, Associated General Contractors, proposed the following amendments to A.B. 316:

1. On page 2, line 7, reduce the dollar limit from \$5 million to \$1 million.
2. On page 2, line 11, reduce the dollar limit from \$1 million to \$250,000.
3. On page 2, lines 31 through 33, delete the phrase "and the obligations of the subsidiary under the construction contract are guaranteed by the parent company which is a qualified publicly traded company."
4. On page 2, lines 36 through 38, delete the phrase "and the obligations of the subsidiary under the construction contract are guaranteed by the parent company which is a qualified private company."

Russell Rowe, representing the University and Community College System of Nevada (UCCSN), proposed that Section 6 of A.B. 316 be amended to exclude all UCCSN projects from the security requirements of the bill.

• **Assembly Bill 343 (Heard in Committee on 4/2/03—NACT)**

Makes various changes related to sellers of travel. (BDR 52-881)

Assemblyman Carpenter and Assemblywoman Buckley proposed amendments that are included in Exhibit J.

• **Assembly Bill 352 (Heard in Committee on 3/26/03—NACT)**

Revises provisions relating to sale of older mobile home. (BDR 43-970)

Several amendments to A.B. 352 have been proposed:

1. Assemblywoman Ohrenschall proposed adding a provision to the bill to require that a landlord of a mobile home park prepare an annual earnings statement of the park and make copies of the statement available to each tenant and to the Manufactured Housing Division (see Exhibit K).
2. Renee Diamond, Administrator, of the Manufactured Housing Division, suggested that the date on page 1, line 14, be changed to June 15, 1976, to correspond to the date that the federal Manufactured Home Construction and Safety Standards established by the U.S. Department of Housing and Urban Development (HUD) became effective. She indicated that all manufactured homes built for sale in the United States after June 15, 1976, must conform to these standards.

• **Assembly Bill 356 (Heard in Committee on 4/9/03—NACT)**

Revises various provisions relating to establishment of living wage and certain benefits for certain employees in private employment. (BDR 53-682)

Assemblywoman Giunchigliani proposed the following amendments to A.B. 356:

1. On page 1, lines 1 through 8, and on page 2, lines 1 through 16, delete the new language and remove the strikeouts to return subsection 1 of NRS 608.205 to its current wording.
2. On page 2, after line 16, insert a new subsection to provide that the Labor Commissioner, on July 1, 2005, and each July 1 thereafter, may prescribe by regulation an increase in the minimum wage based on the increase, if any, in the *Consumer Price Index (All Items)* for the year ending on December 31 immediately preceding the fiscal year for which the increase is calculated.
3. Beginning on page 5, delete Section 5 of the bill.
4. On page 11, line 16, insert after the word "employee" the phrase ", except courtesy clerk."

Myla Florence, Director, Department of Employment, Training and Rehabilitation, proposed various amendments that are included in her letter to Assemblywoman Giunchigliani, dated April 3, 2003 (see Exhibit E).

Sean Gamble, representing the Clark County Health District, proposed the following amendments:

1. On page 9, line 38, replace the words "health permits" with the words "business licenses."
2. On page 10, delete line 2 and replace it with the words "business license."

• **Assembly Bill 389 (Heard in Committee on 4/9/03—NACT)**

Prohibits control of thrift companies by certain persons. (BDR 56-1099)

Dan Reaser, representing Toyota Financial Services, proposed that A.B. 389 be amended by adding a new section to read as follows:

This act does not apply to any person that on or before December 31, 2002, filed with the Commissioner of Financial Institutions an application for authority to engage in the business of a thrift company in accordance with Chapter 677 of NRS.

• **Assembly Bill 424 (Heard in Committee on 4/9/03—NACT)**

Revises provisions relating to public works and state purchasing. (BDR 28-959)

Assemblyman Geddes proposed that the bill be amended as indicated in the mockup of A.B. 424 (Exhibit F).

• **Assembly Bill 429 (Heard in Committee on 4/7/03—NACT)**

Makes various changes relating to net metering and renewable energy. (BDR 58-779)

Several amendments were proposed to this bill.

1. Assemblyman Hettrick proposed retaining the original language in the bill on page 4, lines 23 through 25.
2. Assemblyman Hettrick also proposed including in the bill a definition of "waterpower" that comports with a recommendation of the Nevada Renewable Energy and Energy Conservation Task Force:

The Task Force expresses support for new projects which generate electricity solely from the kinetic energy of moving water, that are not derived from a dam structure and with a capacity up to 30 megawatts.

3. Neena Laxalt, representing Natural Lighting Company, Inc., proposed amending the definition of "renewable energy system" in subsection 2 of NRS 704.7815 to include:

2. A solar or solar thermal energy system that reduces the consumption of electricity.

4. Joseph Johnson, representing Sunrise Sustainable Resources, suggested several amendments to the bill, including revising the definition of "net metering system," adding a definition of "waterpower," revising the definition of "renewable energy system," and revising the establishment of the portfolio standard. (See Exhibit G)
5. Susan Fisher, representing Barrick Goldstrike Mines, proposed that "hydropower" be defined as:

The utilization of water; whether it be standing, running or falling; as a source of power by any facility or incidental facility intended to be employed in the generation of electrical energy no greater than 15 megawatts.

• **Assembly Bill 431 (Heard in Committee on 4/7/03—NACT)**

*Establishes program to provide incentives for installation of certain solar energy systems.
(BDR 53-723)*

Assemblywoman Giunchigliani offered several amendments, which are shown in the mockup of A.B. 431 (Exhibit H). In addition, Neena Laxalt, representing Natural Lighting Company, Inc., proposed amending the definition of "renewable energy system" in subsection 2 of NRS 704.7815 to include:

2. A solar or solar thermal energy system that reduces the consumption of electricity.

Assemblywoman Giunchigliani also proposed the following amendments:

1. On page 12, line 35, replace the words "kilowatt-hour capacity" with the words "actual or estimated kilowatt-hour production."
2. On page 12, line 39, replace the words "kilowatt-hour capacity" with the words "actual or estimated kilowatt-hour production."

• **Assembly Bill 432 (Heard in Committee on 3/24/03—NACT)**

Revises provisions concerning certain penalties against and withholdings of money from contractors and subcontractors on public works. (BDR 28-932)

Assemblyman Brown proposed an amendment, which is shown in the mockup of A.B. 432 (Exhibit D).

• **Assembly Bill 433 (Heard in Committee on 4/4/03—NACT)**

Makes various changes to provisions regulating persons providing check-cashing and deferred deposit services. (BDR 52-935)

No amendments to this bill have been proposed.

• **Assembly Bill 490 (Heard in Committee on 4/4/03—NACT)**

Revises provisions governing mortgage brokers and mortgage agents. (BDR 54-998)

Chairman Goldwater proposed the following amendments to A.B. 490:

1. Provide that, in addition to the National Association of Mortgage Brokers, the Board for the Regulation of Mortgage Brokers and Mortgage Agents can approve other associations to certify courses of continuing education. In addition, provide that the Board may certify any specific course for continuing education credit.
2. Retain the requirement for annual renewal of a license and a certificate of registration, but require that the Board, by regulation, establish an equitable method of staggering the initial licenses and to prorate fees accordingly.
3. Add a provision similar to NRS 645.600 to provide that a person who is called into military service may be placed on inactive status for the period of the military service and for a period of 6 months after discharge from military service.
4. Add a provision similar to NRS 645.440 regarding an opportunity for a hearing in the event that a person's application for licensure is denied.
5. Amend the maximum fees that are applicable to mortgage agents to match maximum fees currently applicable to real estate agents in Nevada. The initial licensing fee would be not more than \$185 (includes an examination fee), the annual renewal fee would be not more than \$170, and the reinstatement fee (late renewal filing fee) would be \$65 (in addition to the annual renewal fee).
6. Add a new provision to A.B. 490 to provide that the provisions of this bill are not applicable to the extent that they conflict with federal law.

7. Revise provisions in the bill concerning the structure of the Board. Provide for a 5-member board with the Speaker of the Assembly and the Majority Leader of the Senate each appointing one person who has knowledge of the industry. The Governor shall appoint two persons who are actively engaged in the industry as mortgage brokers or mortgage agents. The Governor shall appoint one person who will serve as a general public member. Each of the persons who are appointed to the Board must be citizens of the United States and must have been residents of Nevada for not less than 3 years immediately preceding their appointments to the Board. The Governor shall appoint a person to serve for one year as the initial chairman of the Board. Members of the Board will elect subsequent chairmen from their membership to serve one-year terms.
8. Expressly set forth and clarify the authority of the Board versus the authority of the Director of the Department of Business and Industry to supervise the Commissioner, using as a model the provisions of Chapter 645 of NRS regarding Real Estate Brokers and Salesmen. In a manner similar to that set forth in Chapter 645 of NRS, the Director will provide administrative supervision. The Board will provide policy direction.
9. Expressly set forth and clarify the staff support the Commissioner and the Division of Financial Institutions must provide to the Board, using as a model the provisions of Chapter 645 of NRS regarding Real Estate Brokers and Salesmen.

James Wadhams, representing the Mortgage Bankers Association of Nevada, proposed that on page 13 of the bill, lines 43 through 45 be amended to read:

7. As used in this section, "mortgage broker" includes a person who brokers loans to a person who is required to apply for a certificate of exemption or who holds a certificate of exemption.

• **Assembly Bill 502 (Heard in Committee on 4/9/03—NACT)**

Requires certain policies of health insurance and health care plans to include coverage for certain medical treatment provided in clinical trial or study. (BDR 57-1196)

Dr. John Ellerton proposed the following amendments to A.B. 502.

1. Drop Phase I from all references.
2. In subsection 1(a)(1) of Section 1, at line 8, delete "prevention, early detection and".
3. Delete subsection 1(a)(2) of Section 1.
4. Delete subsection 1(b)(6) of Section 1, which begins with the phrase "A review board..."
5. Change subsection 1(c) of Section 1 to read: "The facility and personnel providing the treatment are capable doing so by virtue of their experience or training."

6. Add a new subsection 1(f) to Section 1: "The clinical trial is conducted by a participating provider."
7. Add a new subsection 1(g) to Section 1: "The clinical trial is conducted in Nevada."
8. In subsection 6 of Section 1, delete subparagraphs (a)(2) and (a)(4) relating to AIDS. (Delete lines 9, 11, and 12 on page 3.)
9. Change subsection 6(b) of Section 1 to read: "'Provider of health care' means any provider licensed under Chapters 630, 631, and 633." Also include in this definition a hospital.

Assembly Committee on Commerce and Labor
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