

**MINUTES OF THE MEETING  
OF THE  
ASSEMBLY COMMITTEE ON COMMERCE AND LABOR**

**Seventy-Fifth Session  
May 15, 2009**

The Committee on Commerce and Labor was called to order by Chairman Marcus Conklin at 3:08 p.m. on Friday, May 15, 2009, in Room 4100 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at [www.leg.state.nv.us/75th2009/committees/](http://www.leg.state.nv.us/75th2009/committees/). In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: [publications@lcb.state.nv.us](mailto:publications@lcb.state.nv.us); telephone: 775-684-6835).

**COMMITTEE MEMBERS PRESENT:**

Assemblyman Marcus Conklin, Chairman  
Assemblyman Kelvin Atkinson, Vice Chairman  
Assemblyman Bernie Anderson  
Assemblyman Morse Arberry Jr.  
Assemblywoman Barbara E. Buckley  
Assemblyman Chad Christensen  
Assemblywoman Heidi S. Gansert  
Assemblyman Ed A. Goedhart  
Assemblyman William C. Horne  
Assemblywoman Marilyn K. Kirkpatrick  
Assemblyman Mark A. Manendo  
Assemblywoman Kathy McClain  
Assemblyman John Ocegüera  
Assemblyman James A. Settlemeyer

**COMMITTEE MEMBERS ABSENT:**

None

**GUEST LEGISLATORS PRESENT:**

None

**STAFF MEMBERS PRESENT:**

Bryan Fernley-Gonzalez, Senior Deputy Legislative Counsel,  
Legal Division, Legislative Counsel Bureau  
Dave Ziegler, Committee Policy Analyst  
Dan Yu, Committee Counsel  
Andrew Diss, Committee Manager  
Earlene Miller, Committee Secretary  
Sally Stoner, Committee Assistant

**OTHERS PRESENT:**

Kathleen Kelly, Executive Director, Nevada Board of Dental Examiners,  
Las Vegas, Nevada  
Lisa O. Cooper, Executive Director, Board of Massage Therapists, Reno,  
Nevada  
Keith L. Lee, Reno, Nevada, representing the Nevada Board of  
Contractors, Henderson, Nevada, and the Nevada Board of Medical  
Examiners, Reno, Nevada

**Chairman Conklin:**

[Roll called. There is a quorum.] We have a work session today. We will start with Senate Bill 355 (1st Reprint).

**Senate Bill 355 (1st Reprint):** Enacts the Uniform Debt-Management Services Act. (BDR 52-1279)

**Dave Ziegler, Committee Policy Analyst:**

[Read from work session document ([Exhibit C](#)).]

**Chairman Conklin:**

All of the parties have been working on this bill.

**Bryan Fernley-Gonzalez, Senior Deputy Legislative Counsel, Legal Division, Legislative Counsel Bureau:**

I will go through what has been included in the mock-up distributed to the Committee. The mock-up includes several proposals. The first part of the mock-up came from a meeting between the parties last week and had four concepts. One concept was to separate out the different types of debt

management services into credit counseling, debt management plans, and debt settlement services. In the mock-up, those three services were included within the definition of debt management services. Where a requirement of the bill applied to a particular type of service, the bill would be amended to identify the type of service to which it applies. Another concept from that meeting is that the bond required to be filed by applicants in the bill, as written, is \$50,000 or a larger or smaller amount as determined by the regulating authority. It is amended to be \$50,000 or larger so \$50,000 would be the minimum amount for the bond.

Section 41 was amended so a provider of debt management services could not charge a termination fee upon termination of the provision of services, and upon termination, the monthly service fee would cease. There are amendments to section 50, subsection 1, paragraphs (r) and (q), which would prohibit providers from performing certain services. There is also a change to subsection 3 which would prohibit a provider of debt management services from engaging in the practice of law or representing that it is entitled to give legal advice. There are amendments to section 58 so the regulatory authority could adopt regulations that would provide for additional disclosure requirements. Those requirements are set forth in section 54, subsection 8.

After that meeting there were additional amendments proposed by Dan Wulz of the Legal Aid Center of Southern Nevada. He proposed that the responsibility for enforcing the act be transferred from the Commissioner of Consumer Affairs to the Commissioner of Financial Institutions. Mr. Wulz proposed some additional prohibited acts in section 50 such as receiving compensation other than a donation to the operating costs. He proposed that it be made clear that the debt management provider not be able to represent that they could stop creditor calls. I believe that is also included in section 50 of the mock-up.

In section 54, Mr. Wulz proposed the Commissioner also be allowed to adopt regulations for advertising to the full extent allowed by the *Constitution of the United States* and the *Nevada Constitution*, and that the Commissioner be allowed to adopt regulations requiring debt management providers to submit their advertising to the Commissioner within 30 days of the first publication. That change was opposed by Mr. Robert Linderman, General Counsel of Freedom Financial Network, LLC, of San Mateo, California.

There were some other amendments. When we were separating the concepts of the different types of services provided under the umbrella of debt management services, Mr. Linderman pointed out some areas where a requirement would only apply to a certain type of service, and those were corrected.

**Chairman Conklin:**

On page 8 of the mock-up, does the green writing apply to a nonprofit?

**Bryan Fernley-Gonzalez:**

Yes, that is correct.

**Assemblywoman Kirkpatrick:**

Does section 28, subsection 17, say a nonprofit is exempt from taxation?

**Bryan Fernley-Gonzalez:**

Yes, that was an amendment that was proposed for nonprofits.

**Assemblywoman Kirkpatrick:**

Where does it say that? Did we remove that the organization is not subject to subpoena or discovery in section 30?

**Bryan Fernley-Gonzalez:**

That was an amendment proposed by Mr. Wulz. The act as written prohibits the subpoena and discovery of certain confidential information. He believed that would invade the province of the courts.

**Chairman Conklin:**

Are there additional questions from the Committee?

**Assemblyman Settlemeyer:**

I was concerned about page 6, line 4, about the fee established by the Commissioner. Maybe we need to put a ceiling on that.

**Chairman Conklin:**

Was this discussed in the working group, and were any recommendations made?

**Bryan Fernley-Gonzalez:**

I do not recall that being discussed.

**Chairman Conklin:**

I would assume that the Commissioner would establish a fee and that would come back to the Legislative Commission.

**Bryan Fernley-Gonzalez:**

The Commissioner would adopt a fee by regulation, and that should come back to the Legislative Commission.

**Chairman Conklin:**

As it is now, they can establish it on their own, but it is approved by us before it is implemented.

**Assemblywoman Gansert:**

Concerning the top of page 8 where it talks about the statement of the amount of compensation of the applicant's five most-highly-compensated employees, do we require that with any other nonprofit organizations?

**Bryan Fernley-Gonzalez:**

Not to my knowledge.

**Assemblywoman Buckley:**

I am not sure how I feel about this uniform act. I read a lot of the criticism of the uniform act from the National Consumer Law Center and from the Consumer Federation of America. I think sometimes uniform acts can be good for Nevada, and sometimes I do not think they are right for Nevada. Just as in this process, certain voices are heard louder than others. I want to thank Senator Care, a Uniform Laws Commissioner, for meeting with the parties, including a consumer attorney from my law office, and spending so much time on a bill that was not his own bill draft, but for the consumers in general. I have not been able to go over all of the amendments so I will support the bill today, but will reserve my right to change my vote after more thoroughly reading it. This is an important bill. There is a concern that the people who are managing and settling debts are taking a lot of money from consumers. Should that be an industry, or should it be in the province of nonprofit agencies and lawyers? The other side of the argument is that they are out there anyway. They advertise on television, and they are ripping off people. I understand those arguments and think it is an important issue.

ASSEMBLYMAN ANDERSON MOVED TO AMEND AND DO PASS  
AS AMENDED SENATE BILL 355 (R1).

ASSEMBLYMAN MANENDO SECONDED THE MOTION.

**Assemblywoman Gansert:**

I will reserve my right to change my vote on the floor.

**Chairman Conklin:**

Are there any other comments?

THE MOTION PASSED. (ASSEMBLYMEN CHRISTENSEN AND  
SETTELMAYER VOTED NO. ASSEMBLYMAN ARBERRY WAS

ABSENT FOR THE VOTE. ASSEMBLYWOMEN BUCKLEY AND GANSERT RESERVED THE RIGHT TO CHANGE THEIR VOTES ON THE FLOOR.)

We will take up Senate Bill 269 (1st Reprint).

**Senate Bill 269 (1st Reprint)**: Makes various changes to provisions governing physicians and certain related professions. (BDR 54-757)

**Dave Ziegler, Committee Policy Analyst:**  
[Read from work session document ([Exhibit D](#)).]

An additional proposed amendment was submitted by legislative advocate Jeanette Belz. The Executive Director of the Board of Medical Examiners, Louis Ling, has an amendment that has to do with the standard of proof. The amendment suggested by the Chairman has to do with the "look back period" and the matter where an applicant may appeal the rejection of an application.

**Chairman Conklin:**

This is the Medical Board's omnibus bill. The amendment I proposed in section 31 is about information that is more than 10 years old, particularly criminal convictions. This makes it permissive. If the Board chooses not to consider information, they do not have to, but that information still has to be reported. The amendments that followed on May 13 are amendments that further clarify. This is a sweeping bill. It does a lot of things and grants a lot of authority and power to the Board. Much of it is in response to the recent crisis in southern Nevada and had broad support. The amendment presented by Ms. Belz is to make sure the Board does not overstep its boundaries without due process.

Are there any questions or concerns?

ASSEMBLYMAN ANDERSON MOVED TO AMEND AND DO PASS AS AMENDED SENATE BILL 269 (R1).

ASSEMBLYMAN MANENDO SECONDED THE MOTION.

I will accept the motion to include all of the amendments provided. Are there any questions or concerns? [There were none.]

THE MOTION PASSED. (ASSEMBLYMAN ARBERRY WAS ABSENT FOR THE VOTE.)

We will consider Senate Bill 295 (1st Reprint).

[Senate Bill 295 \(1st Reprint\)](#): Revises provisions relating to dentistry.  
(BDR 54-913)

**Dave Ziegler, Committee Policy Analyst:**

[Read from work session document ([Exhibit E](#)).] Despite what the sheet in front of you says, there are attached amendments.

**Chairman Conklin:**

This is an attempt to provide some regulation over management companies which manage dental facilities. There are two sides to this issue. There is the management company that accepts their need for regulation, but would prefer that the Dental Board have the authority to regulate them. The Dental Board would prefer not to have management companies, but they are already established. They do not feel they have the authority to appropriately regulate those companies in current statute. The mock-up is designed to grant the authority to the Dental Board to regulate—although it says "register," I would prefer "license"—management companies in all of the practice that affects dentistry, but not in the practice of their business. The intent of the mock-up is to find some middle ground for this bill.

**Daniel Yu, Committee Counsel:**

To reiterate: This is not to regulate these entities' performance of their business in general, but rather how they are performing their business in relation to dentists who are also licensed under Chapter 631 of *Nevada Revised Statutes*. This would change the note on the bill to invoke a two-thirds requirement because it would be a new licensing scheme.

**Chairman Conklin:**

The other option is to not license them, but to register them. This would not invoke, but would grant the Board authority to pull the license if they are not in compliance with the provisions of dentistry. The business has to be licensed anyway.

**Assemblyman Anderson:**

I presume that the Secretary of State would license the business. Would we give the Board of Dental Examiners the opportunity to recommend to the Secretary of State's Office the removal of the business license? Or are we anticipating that they are going to create a test and licensing practice for that entity in some substantially different part of a dental practice? I am trying to understand what we are asking the Dental Board to do with a business practice.

**Chairman Conklin:**

Currently, a licensed dentist has control over everything that comes up in his practice. All of the regulations that they operate under are attached to their license, and the Board has authority over that. When a dentist goes to work for a management company, some of those practices are no longer under the purview of the dentist. It creates a substantial gray area. If a dentist is in his own practice, he is responsible for everything. If he is an employee of a practice of another dentist or a management company, that management company has responsibility equal to the dentist for all of the guidelines under the practice of dentistry.

**Assemblyman Anderson:**

I can appreciate the physical possessions that may belong to the management company, not the practitioner. Yet it is his license that is at risk and which the Dental Board has responsibility to regulate and inspect. I think there has to be a very fine line drawn. We are talking about a business practice, versus those associated with the proper operation of dental services. I want to make sure that we are not giving them something they are not equipped to do.

**Assemblywoman Kirkpatrick:**

I have opposed this bill for a long time. I think it is terrible to put it in statute. I do not mind doing regulations, because management companies already exist. There are some members on the Board who belong to some of these agencies. I would hope during the regulation process that there are many things that are scrutinized. I am concerned that the regulation process is a whole year in the future. If it has been occurring and we know the issues, why are we waiting a year to do it? I do not think this is the time to ask businesses to leave Nevada. I would like to have the legislative intent be to view all of it, so the dentist sets the hours, the number of patients, and all of the concerns that I had originally. I would support it if that were the legislative intent.

**Chairman Conklin:**

I think that is what we are trying to do.

**Assemblyman Ocegueda:**

I was also initially opposed to this bill. I think this gives us progress toward where we want to be by saying to the Dental Board, you have to adopt regulations. I have the same concerns as Ms. Kirkpatrick. How does the Dental Board feel about this amendment?

**Chairman Conklin:**

The Board of Dental Examiners has not seen this.



**Kathleen Kelly, Executive Director, Nevada Board of Dental Examiners,  
Las Vegas, Nevada:**

I have not seen the amendment that the members are discussing.

**Chairman Conklin:**

The members have just received the amendment. We are trying to find some middle ground. I think the members are uncomfortable putting in statute regulations about the management company. We want the Board to effectively deal with them through regulation. We want to give the Board the authority to regulate without interfering with the business practice of the management company.

**Kathleen Kelly:**

You are looking to regulate delegable duties that a practice management organization or individual would be permitted to engage in if they were under contract with a licensed dental practitioner. There would be regulations about what they could be involved with in the dental practice. That would be more specific than what is currently prohibited, which is sharing fees, exercising any control, or attempting to control a dental practice.

**Chairman Conklin:**

I believe that is correct.

**Assemblyman Ocegueda:**

I would support moving this along with reserving our rights to change our votes after the Board of Dental Examiners looks at this amendment.

**Chairman Conklin:**

I would be willing to accept a motion with an opportunity for Legal to be sure that it accurately reflects our comments.

ASSEMBLYMAN OCEGUERA MOVED TO AMEND AND DO PASS  
AS AMENDED SENATE BILL 295 (R1).

ASSEMBLYMAN ANDERSON SECONDED THE MOTION.

**Daniel Yu:**

Is this motion being made to include the proposal to license these entities?

**Chairman Conklin:**

The Board licenses dentists, but the management company has to have a business license. We have two options. We can either license them as a dental management company, which would require two-thirds approval, or we can give

the Board the authority to remove the business license. One of those provisions has to be in there. If they are not in compliance, the Board can take the business license.

**Assemblyman Horne:**

I think the latter would be the better of the two. I could support the bill like this. Regarding this amendment, I would like Counsel to look into the nuance on page 2, paragraph 2, where it talks about the percentage or share of revenues. There was discussion that it should say the share of profits as opposed to revenues.

**Assemblywoman Kirkpatrick:**

Who has the liability today in one of these practices?

**Chairman Conklin:**

It goes straight to court.

**Assemblywoman Kirkpatrick:**

I was frustrated by those facilities because I could not get any recourse. By adopting regulations, I am more comfortable with it.

**Chairman Conklin:**

This would be an amend and do pass motion starting with the amendments we have listed and giving Legal the leeway to draft that to accurately reflect the concerns of the Committee, including Mr. Horne's concerns.

**Assemblywoman Gansert:**

I still have concerns about the language in subsection 1 where it talks about "The Board shall by regulation establish criteria permitting a licensed dentist or professional entity owned by a licensed dentist or dentists. . . ." I am not sure all of these entities are owned by dentists or whether the Board can regulate someone who is not a dentist to have an effect on their business.

**Chairman Conklin:**

We will incorporate that as well.

**Assemblyman Anderson:**

Could the Board take away a business license of a management facility, or would they move against the dental license?

**Chairman Conklin:**

Currently, if you are an employee and a dentist and you are at fault, they could take your dental license. If the dentist is not the one at fault and there is a

problem with the management company, you can do nothing. The dentist is already covered by regulations, but there are no regulations for the management company.

**Assemblyman Anderson:**

Is the dentist who is a participant in a management company potentially going to lose his dental license as a result of the bad behavior of the management company?

**Chairman Conklin:**

I think the Board would have to make that judgment as to who was at fault if there was an action.

**Assemblyman Settlemeyer:**

I want to make sure that the actual doctor who is seeing the patient is the person who will make the decisions, and make sure they do not share in the profits.

**Chairman Conklin:**

We could consider that in the drafting. I think that is always a regulatory issue, but maybe we can put that in as well.

**Assemblywoman Kirkpatrick:**

A big part of the bill sent from the Senate to the Assembly was about the profits. I want it to be clear that all of the things that need to be established are within the regulations.

**Chairman Conklin:**

Once we get a mock-up, I will share it with interested Committee members before I report it to the floor. Are there any other questions or concerns?

**Assemblyman Manendo:**

I will reserve my right to change my vote.

**Chairman Conklin:**

THE MOTION PASSED. (ASSEMBLYMEN CHRISTENSEN AND GANSERT VOTED NO. ASSEMBLYMAN GOEDHART WAS ABSENT FOR THE VOTE. ASSEMBLYMEN MANENDO AND OCEGUERA RESERVED THE RIGHT TO CHANGE THEIR VOTES ON THE FLOOR.)

We will take up Senate Bill 26 (1st Reprint).

[Senate Bill 26 \(1st Reprint\)](#): Revises provisions governing chiropractic physicians. (BDR 54-349)

**Dave Ziegler, Committee Policy Analyst:**  
[Read from work session document ([Exhibit F](#)).]

**Chairman Conklin:**

On this bill there was an easy fix. I received emails from the Nevada Chiropractic Association that they would be in agreement if we changed the \$10,000 maximum fine. I proposed capping the fines or reducing the fines to \$5,000 per violation like some of our other boards have with no cap on the number of incidents.

ASSEMBLYMAN ANDERSON MOVED TO AMEND AND DO PASS  
AS AMENDED SENATE BILL 26 (R1).

ASSEMBLYWOMAN KIRKPATRICK SECONDED THE MOTION.

This would be an amend and do pass motion with the fines set at \$5,000 per incident. Are there any questions or concerns? [There were none.]

THE MOTION PASSED. (ASSEMBLYMEN CHRISTENSEN AND  
SETTELMAYER VOTED NO. ASSEMBLYMAN GOEDHART WAS  
ABSENT FOR THE VOTE.)

We will take up Senate Bill 119 (1st Reprint).

[Senate Bill 119 \(1st Reprint\)](#): Revises provisions governing massage therapists. (BDR 54-162)

**Dave Ziegler, Committee Policy Analyst:**  
[Read from work session document ([Exhibit G](#)).]

**Chairman Conklin:**

This bill was brought forth by the Massage Therapists Board and the Las Vegas Metropolitan Police Department (Metro). The amendments try to address the Committee's concerns, which included the amount of the fines, which were originally \$50,000 and have been significantly reduced. On page 3 of the mock-up, it says the Board could take a person's license if they thought he was engaged in an offending activity, and they have to have notice and a hearing by the Board. That interjects some due process into the bill.

**Assemblywoman Gansert:**

There were a lot of concerns that the Board was shutting down licensees for a period of time, and it was taking awhile for the Board to interact with them.

**Chairman Conklin:**

There is not much we can do about that. I recognize there are some issues between the licensees and some of the Board members.

**Assemblywoman Gansert:**

There was also a problem with the phone numbers. They could disconnect someone's phone number, and their business could be totally closed down.

**Assemblywoman Kirkpatrick:**

Is there another way to address some of the issues they had through city nuisance laws? I remember the hostility between the Board and the massage therapists, and unfortunately Metro got caught in the middle of it. I think this is something we have to spend some time on. I would like to work on this in the interim.

**Assemblyman Settlemeyer:**

I share Ms. Gansert's concerns on page 10, line 30. It used to be 15 days, and now we are going to extend to 60 days the time they have to review whether or not to do a temporary suspension. I think that is too long for someone not to be able to practice their trade. There were a lot of issues raised that we did not have time to address. I will be voting no on this bill.

**Chairman Conklin:**

Is there a representative from the Massage Therapists Board here? I think the concerns from the Committee are that this may be going too far to address some of the issues. Can you address Mr. Settlemeyer's concerns on page 10 of the mock-up?

**Lisa O. Cooper, Executive Director, Board of Massage Therapists,  
Reno, Nevada:**

The 60-day suspension is after a review of the police report and is on a case-by-case basis depending on the conduct reported by the police. We would not suspend a person without information from the police report. We discuss cases with the Attorney General's Office and then go from there.

**Assemblyman Settlemeyer:**

That addresses some of my concern. If I remember correctly, they only took one license away last year. I have a lot of issues with the bill.

**Chairman Conklin:**

Are there any questions or concerns? [There were none.]

**Assemblyman Anderson:**

It seems the amendment in the mock-up addresses several of the issues that came forward, and I will make a motion.

ASSEMBLYMAN ANDERSON MOVED TO AMEND AND DO PASS  
AS AMENDED SENATE BILL 119 (R1).

ASSEMBLYWOMAN MCCLAIN SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN GANSERT,  
KIRKPATRICK, AND SETTELMAYER VOTED NO. ASSEMBLYMAN  
GOEDHART WAS ABSENT FOR THE VOTE.)

**Chairman Conklin:**

We will take up Senate Bill 168 (1st Reprint).

[Senate Bill 168 \(1st Reprint\)](#): Revises provisions relating to prescription drugs.  
(BDR 54-1011)

**Dave Ziegler, Committee Policy Analyst:**

[Read from work session document ([Exhibit H](#)).]

**Chairman Conklin:**

I want to make sure we have given this every opportunity. I feel this is an issue that could be dealt with effectively by changing the word "must communicate" to "must offer" to the patient. This was the "black box" warning bill which originally had us printing on the label. Does the Committee have any interest in moving this bill?

**Assemblyman Ocegüera:**

I was against this bill from the beginning, and I do not know if it is any better. There is no enforcement.

**Chairman Conklin:**

This bill will not move. We will take up Senate Bill 320 (1st Reprint).

[Senate Bill 320 \(1st Reprint\)](#): Revises provisions relating to dental hygiene.  
(BDR 54-367)

**Dave Ziegler, Committee Policy Analyst:**  
[Read from work session document ([Exhibit I](#)).]

**Chairman Conklin:**  
This is a straightforward bill.

**Assemblywoman McClain:**  
I will move to amend and do pass.

**Assemblyman Ocegüera:**  
I am concerned that we are creating another board. The Board of Dental Examiners already includes dental hygienists. The dentists are supposed to control the people who work below them. It does not make a lot sense to me, and I will not support it.

**Assemblywoman Gansert:**  
A dental hygienist told me that they had not requested this bill. It sounded in testimony as if they had requested it about 10 years ago. When they did, it was because they did not have any representation on the Board. It is my understanding that they have three voting members on the Board of Dental Examiners at this time, so I do not see a reason for this new board.

**Assemblyman Horne:**  
Was there testimony that the hygienists were underrepresented on the Board? Are their concerns being met or taken seriously? I am inclined to vote for it.

ASSEMBLYWOMAN MCCLAIN MOVED TO AMEND AND DO PASS  
AS AMENDED SENATE BILL 320 (R1).

ASSEMBLYWOMAN KIRKPATRICK SECONDED THE MOTION.

THE MOTION FAILED ON A VOICE VOTE. (ASSEMBLYMAN  
GOEDHART WAS ABSENT FOR THE VOTE.)

**Chairman Conklin:**  
We will take up Senate Bill 363 (1st Reprint).

**Senate Bill 363 (1st Reprint):** Revises provisions relating to death benefits paid to surviving spouses under industrial insurance. (BDR 53-1130)

**Dave Ziegler, Committee Policy Analyst:**  
[Read from work session document ([Exhibit J](#)).]

**Chairman Conklin:**

We addressed the marriage penalty last session for a small group of people. The Committee was divided at the time between those who were willing to go with the small group and those who were willing to do away with the marriage penalty entirely. It did not pass entirely last time. This is a second chance to do away with what people consider to be an unjust penalty against people who want to remarry after the loss of a spouse at a work site accident. Are there any questions from the Committee? The testimony from Mr. Ostrovsky was that the cost was minimal because they already planned that people will not remarry, and it is already built into the rates. The Division of Insurance testified that the maximum rate modifier was between .3 and .9 of 1 percent.

**Assemblyman Settelmeyer:**

I think we are getting away from what workers' compensation is supposed to be. I opposed it last session, and I will oppose it again.

**Assemblyman Horne:**

I was concerned last session that a police officer's or firefighter's spouse was not any more entitled than anyone else. If we are going to do it, we should do it for everybody. I think this gets us there.

**Chairman Conklin:**

Are there any other questions from the Committee? [There were none.]

ASSEMBLYMAN HORNE MOVED TO DO PASS  
SENATE BILL 363 (R1).

ASSEMBLYMAN ANDERSON SECONDED THE MOTION.

Are there any questions or concerns?

**Assemblywoman Gansert:**

I think the current law is fine. I will vote no.

THE MOTION PASSED. (ASSEMBLYMEN CHRISTENSEN,  
GANSERT, AND SETTELMAYER VOTED NO. ASSEMBLYMAN  
GOEDHART WAS ABSENT FOR THE VOTE.)

**Chairman Conklin:**

We will take up Senate Bill 73 (1st Reprint).

**[Senate Bill 73 \(1st Reprint\)](#):** Revises provisions governing energy conservation and efficiency standards. (BDR 58-438)



**Dave Ziegler, Committee Policy Analyst:**

[Read from work session document ([Exhibit K](#)).]

**Chairman Conklin:**

The Director of the Office of Energy asked to pull her amendment. The bill in its original form is a good and necessary bill. Are there any questions?

**Assemblywoman Kirkpatrick:**

I want to make it clear that when it comes to the green building language, they need to continue to notice the counties involved.

ASSEMBLYMAN SETTELMAYER MOVED TO DO PASS  
SENATE BILL 73 (R1).

ASSEMBLYWOMAN KIRKPATRICK SECONDED THE MOTION.

**Chairman Conklin:**

Are there any questions or concerns? [There were none.]

THE MOTION PASSED. (ASSEMBLYMAN GOEDHART WAS  
ABSENT FOR THE VOTE.)

**Chairman Conklin:**

We will take up Senate Bill 121 (1st Reprint).

**Senate Bill 121 (1st Reprint):** Provides an exemption from certain licensing and regulation requirements for persons engaged in the sale of certain subdivisions. (BDR 10-250)

**Dave Ziegler, Committee Policy Analyst:**

[Read from work session document ([Exhibit L](#)).]

**Chairman Conklin:**

Are there any questions from the Committee? [There were none.]

ASSEMBLYWOMAN MCCLAIN MOVED TO DO PASS  
SENATE BILL 121 (R1).

ASSEMBLYMAN ANDERSON SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN GOEDHART WAS  
ABSENT FOR THE VOTE.)

We will take up Senate Bill 176 (1st Reprint).

[Senate Bill 176 \(1st Reprint\)](#): Makes various changes relating to time shares.  
(BDR 10-692)

**Dave Ziegler, Committee Policy Analyst:**  
[Read from work session document ([Exhibit M](#)).]

**Chairman Conklin:**  
Are there any questions from the Committee?

**Assemblyman Settlemeyer:**  
They should consider the view from the time share to make sure that it is similar.

**Assemblywoman Gansert:**  
I think that is in the amendment. It is well defined.

ASSEMBLYWOMAN KIRKPATRICK MOVED TO AMEND AND DO  
PASS AS AMENDED SENATE BILL 176 (R1).

ASSEMBLYMAN CHRISTENSEN SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN GOEDHART WAS  
ABSENT FOR THE VOTE.)

**Chairman Conklin:**

We will take up Senate Bill 197 (1st Reprint).

[Senate Bill 197 \(1st Reprint\)](#): Revises provisions relating to the reissuance of  
certain prescription drugs. (BDR 39-804)

**Dave Ziegler, Committee Policy Analyst:**  
[Read from work session document ([Exhibit N](#)).]

**Chairman Conklin:**  
This bill seems to be clean, and I have no problems with it. Are there any  
questions or concerns? [There were none.]

ASSEMBLYWOMAN MCCLAIN MOVED TO AMEND AND DO PASS  
AS AMENDED SENATE BILL 197 (R1).

ASSEMBLYMAN ANDERSON SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

We will take up Senate Bill 228.

**Senate Bill 228**: Revises provisions governing the ownership or operation of a dental office or clinic. (BDR 54-651)

**Dave Ziegler, Committee Policy Analyst:**

[Read from work session document ([Exhibit O](#)).]

ASSEMBLYMAN ANDERSON MOVED TO AMEND AND DO PASS AS AMENDED SENATE BILL 228.

ASSEMBLYWOMAN MCCLAIN SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN CHRISTENSEN VOTED NO.)

**Chairman Conklin:**

We will take up Senate Bill 265 (1st Reprint).

**Senate Bill 265 (1st Reprint)**: Revises provisions relating to the Private Investigator's Licensing Board. (BDR 54-1053)

**Dave Ziegler, Committee Policy Analyst:**

[Read from work session document ([Exhibit P](#)).]

**Chairman Conklin:**

The bill in its original form is good. There were several proposed amendments to the bill ([Exhibit Q](#)). The first amendment is to clarify that a private investigator can only access the records of the Department of Motor Vehicles for a purpose related to an insurance claim. It is a limiting amendment. Of the amendments from Sharon Uithoven and Rocky Finseth, I believe the second is the better amendment. It allows certain exceptions to certified public accountants (CPAs) licensed with the Nevada State Board of Accountancy.

Are there any questions from the Committee?

**Assemblywoman Buckley:**

I would like a better description of what all of these amendments are and what they do.

**Dave Ziegler:**

The "Proposed Amendment to S.B. 265" from Holland and Hart was presented on behalf of the Nevada Registered Agents Association. It says the statutes related to the Private Investigator's Licensing Board do not apply to a commercial registered agent who is simply obtaining copies of, examining, or extracting information from public records maintained by any foreign, federal, state, or local government or any agency or political subdivision of any foreign, federal, state, or local government. It is an exemption for commercial registered agents. On the last page of the exhibit, another amendment talks about the same type of exemption for a CPA licensed with the Nevada State Board of Accountancy in performing his duties as an accountant.

The first amendment in the packet is a memorandum from David Groover to Senator Parks. I am unclear on the intent. The idea is that the italicized language would be deleted, and *Nevada Revised Statutes* 648.157 would consist of only the language that is now in subsection 2.

**Assemblywoman Buckley:**

Were these amendments presented at the hearing? Was there opposition from the Board?

**Chairman Conklin:**

I do not recall any opposition. There were several other proposed amendments which had opposition.

**Assemblywoman Buckley:**

It seems unbelievable that somebody looking through public records could be accused of being a private investigator. If there is no concern with it, I guess it is acceptable.

**Chairman Conklin:**

Are you referring to the second amendment?

**Assemblywoman Buckley:**

Yes. Is the first amendment to completely eliminate subsection 1?

**Chairman Conklin:**

What if we consider the final amendment in the package and leave the others?

**Assemblywoman Buckley:**

I am not saying that I oppose that. I am trying to understand which amendments do what.

**Chairman Conklin:**

I have no problem with either one of them. There was no opposition to the amendments, so I brought them for discussion purposes. I think the amendment regarding the CPAs has merit. The others are a matter of preference of the Committee.

**Daniel Yu, Committee Counsel:**

I think it is necessary to clarify the exact intent of what the first proposed amendment from David Groover is trying to accomplish. If it proposes to eliminate in its entirety subsection 1 of the existing statute, what would remain is only subsection 2, which would then apply quite broadly in operation. Because the two subsections work in tandem, subsection 2 specifically references back to subsection 1. For example, it says, "If the Board finds that a violation of this section has occurred;" that would no longer have any meaning. It would be necessary to clarify whether the remaining subsection is meant to relate to the entire Chapter in applicability, or whether it is meant to apply to some other specific section. I am not sure of the exact intent.

**Chairman Conklin:**

I think if we are going to process this bill, it is either a do pass or an amend and do pass including the second CPA amendment.

**Assemblywoman Buckley:**

I was not here for the hearing so I do not know what the impetus behind eliminating subsection 1 would be. I agree with Legal Counsel that you cannot have a penalty if you do not have a prohibition. There are the issues that were addressed years ago about people having access to Department of Motor Vehicles records and the risk to people who have their information taken. There is a whole history and genesis which may have been heard at the original hearing. Before I would feel comfortable, I would have to know exactly what we were ruling and why.

**Assemblyman Settlemeyer:**

I appreciate the concept of amendment number 2. The reason I am concerned about the CPA exemption is if you were to have a problem and need a highly trained forensic accountant to go over your books, and that person had to come from another state, I think you need the ability to do that. That is why I like the second amendment.

**Chairman Conklin:**

Does anyone want to make a motion?

ASSEMBLYWOMAN BUCKLEY MOVED TO AMEND AND DO PASS  
AS AMENDED SENATE BILL 265 (R1).

That would include the amendments from the Registered Agents Association and the one from Mr. Finseth on behalf of CPAs.

**Assemblywoman Buckley:**

That is correct.

**Chairman Conklin:**

Is there anything further?

ASSEMBLYWOMAN MCCLAIN SECONDED THE MOTION.

Are there any questions or concerns about the motion? [There were none.]

THE MOTION PASSED. (ASSEMBLYMAN CHRISTENSEN VOTED NO. ASSEMBLYMAN HORNE WAS ABSENT FOR THE VOTE.)

We will take up Senate Bill 273.

**Senate Bill 273**: Provides for various activities related to nonembryonic cells.  
(BDR 54-874)

**Dave Ziegler, Committee Policy Analyst:**

[Read from work session document ([Exhibit R](#)).]

**Chairman Conklin:**

Mr. Horne met with Senator Schneider on this bill, and I understand he was encouraged. The bill is designed to make it clear that medical staff is regulated by provisions in our statutes, but the science pertaining to nonembryonic cell research and processing is to be governed by federal statute.

**Assemblyman Horne:**

I met with the sponsor, and my concerns were along the line of the industry's exemption from criminal liability. We have no statutes that prohibit this type of research. They want to have this type of industry in the state, but they do not want local governments to pass ordinances, such as has happened in other jurisdictions, that would criminalize these activities. We would be saying that we are going to allow this industry to come here to conduct this research without the interference of local government. The people who would be performing medical services would still be governed by their particular boards.

They would still fall under those guidelines and penalties if there were violations of laws or ethics. I am comfortable with the bill.

**Chairman Conklin:**

Did Senator Schneider mention the amendment? Does the bill in its current form satisfy the need for businesses in this area, or is the amendment necessary? Assemblywoman Kirkpatrick and I served on a subcommittee last session, and this is repealing the work of that subcommittee as it pertains to the Nevada Institutional Review Board.

**Assemblyman Horne:**

We did not discuss this.

**Chairman Conklin:**

We do not have to amend the bill.

ASSEMBLYWOMAN MCCLAIN MOVED TO DO PASS  
SENATE BILL 273.

ASSEMBLYMAN ATKINSON SECONDED THE MOTION.

Are there any concerns?

**Assemblywoman Buckley:**

I want to make sure I understand section 6 of the original bill where it says, "Notwithstanding any other provision of law, any department, commission, board or agency of a state or local government, including, without limitation, a state professional board, shall not. . . regulate the activities. . . or take disciplinary action. . . against a person for engaging in an activity. . ." What if that person did something wrong? What if a person has cancer and they say, "No, you have XY so we will give you nonembryonic cells," and the person does not get treatment and dies? Does this mean there can be no action against that person? What if it is negligence or gross negligence?

**Chairman Conklin:**

That is the section I pointed out in discussion and the one about which Mr. Horne had concerns.

**Assemblyman Horne:**

It was explained to me that they would still be liable to discipline from their respective boards.

**Assemblywoman Buckley:**

That is not what this says. It says a board shall not take disciplinary action against persons for engaging in an activity authorized in sections 2 to 11. Maybe they are trying to say that you cannot criminalize or prohibit using stem cells, but if you read it broadly....

**Assemblyman Horne:**

The way it was explained to me, that section is going directly to only this practice as outlined in the previous sections.

**Daniel Yu, Committee Counsel:**

I have conferred with the Legislative Counsel on the true intent of this bill, and it is my understanding that as drafted, it is not intended to impact, limit, restrict, or otherwise affect whatever regulatory powers any of the boards in existence currently have. This bill is meant to simply state that the Legislature of the State of Nevada does not maintain a position one way or another with respect to the use of nonembryonic cells. It permits and authorizes certain entities to come to this state to operate facilities with nonembryonic cells. With respect to the provisions that say "Notwithstanding any other provision of law," that is simply meant to state with respect only to nonembryonic cells. Hypothetically, if an individual were practicing in this state in a facility that dealt with nonembryonic cells and was administering shots using a syringe that also had nonembryonic cells, then the administering of the syringe would be regulated by whatever regulatory board or agency regulates the practice of administering the syringe. However, the board cannot regulate the aspect that the syringe contains nonembryonic cells.

**Assemblywoman Buckley:**

I appreciate the intent, but I would not feel comfortable voting on it unless the language is changed to be clearer. If you are trying to say that a board will not take disciplinary action against a licensed person for using nonembryonic cells, that would be one thing, but it is another issue if they do something negligent in the course of that. I think it should be worded clearer to state that intent.

**Chairman Conklin:**

Assemblywoman Buckley, could we do an amend and do pass with that amendment and include clearer language to be reviewed by the Committee or you prior to approval?

**Assemblywoman Buckley:**

I would be comfortable with that.



**Assemblyman Anderson:**

Did anyone bring up the issue that the State of Nevada would be precluded from doing anything to regulate the practice within this state, which could hold the state up to public ridicule for its inaction to regulate this somewhat controversial practice?

**Chairman Conklin:**

This is statute and nothing precludes us from changing it at any time. I believe the intent is to say our laws apply with respect to things we already govern on boards. Federal law governs the processing of nonembryonic stem cells.

Are there other questions or concerns? [There were none.]

The intent would be to take an amend and do pass motion with the amendment being not the mock-up, but an amendment to section 6 that clearly identifies the intent of that provision in statute.

[The prior motion to do pass was vacated.]

ASSEMBLYWOMAN BUCKLEY MOVED TO AMEND AND DO PASS  
AS AMENDED SENATE BILL 273.

ASSEMBLYMAN HORNE SECONDED THE MOTION.

Are there any questions or concerns about the motion? [There were none.]

THE MOTION PASSED. (ASSEMBLYMEN ARBERRY AND  
CHRISTENSEN WERE ABSENT FOR THE VOTE.)

We will take up Senate Bill 310 (1st Reprint).

**Senate Bill 310 (1st Reprint):** Revises provisions governing the regulation of trust companies. (BDR 55-788)

**Dave Ziegler, Committee Policy Analyst:**

[Read from work session document ([Exhibit S](#)).]

**Chairman Conklin:**

There was no opposition to this bill. Mr. Horne had some questions during testimony, and we asked Legal staff to compare this bill with Senate Bill 365 (1st Reprint) to make sure there were no conflicts.

**Assemblyman Horne:**

I have had some discussions, and I do not think there is enough time for me to learn all I can about trusts. Keith Lee gave me a brief education. I believe I have a sufficient comfort level.

**Daniel Yu, Committee Counsel:**

I spoke with Mr. Lee about potential conflicts, and I believe they are addressed in the mock-up. I wanted to clarify that all of the necessary definitions are included in the draft of the bill.

**Chairman Conklin:**

Does anyone want to make a motion?

ASSEMBLYMAN ANDERSON MOVED TO AMEND AND DO PASS  
AS AMENDED SENATE BILL 310 (R1).

ASSEMBLYWOMAN MCCLAIN SECONDED THE MOTION.

Are there any questions?

**Assemblyman Settlemeyer:**

Is everything on page 14 of the original bill deleted?

**Chairman Conklin:**

That is how I understand it.

**Daniel Yu:**

The mock-up in the binder ([Exhibit S](#)) is a short form, so it does not include every section.

**Chairman Conklin:**

Are there any other questions or concerns? [There were none.]

THE MOTION PASSED. (ASSEMBLYMAN SETTELMEYER VOTED  
NO. ASSEMBLYMEN CHRISTENSEN AND GANSERT RESERVED  
THE RIGHT TO CHANGE THEIR VOTES ON THE FLOOR.)

We will take up Senate Bill 365 (1st Reprint).

[Senate Bill 365 \(1st Reprint\)](#): Establishes provisions relating to family trust companies. (BDR 55-395)

**Dave Ziegler, Committee Policy Analyst:**

[Read from work session document ([Exhibit T](#)).]

**Chairman Conklin:**

Are there any questions from the Committee? [There were none.]

ASSEMBLYWOMAN MCCLAIN MOVED TO DO PASS  
SENATE BILL 365 (R1).

ASSEMBLYWOMAN GANSERT SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

We will move to Senate Bill 338 (1st Reprint).

**Senate Bill 338 (1st Reprint):** Authorizes a landlord who leases or subleases any commercial premises to dispose of any abandoned personal property left on the commercial premises under certain circumstances. (BDR 10-1152)

**Dave Ziegler, Committee Policy Analyst:**

[Read from work session document ([Exhibit U](#)).]

**Chairman Conklin:**

As I understand it, the law is currently silent on abandoned property, in commercial law. This bill attempts to put something in place to govern these things. There was no opposition to this bill. Are there any questions or concerns?

**Assemblywoman Buckley:**

What notice would a commercial tenant receive?

**Chairman Conklin:**

The commercial tenant would get 14 days' notice, and it would have to be sent certified mail to the last known address.

ASSEMBLYMAN SETTELMAYER MOVED TO AMEND AND DO  
PASS AS AMENDED SENATE BILL 338 (R1).

ASSEMBLYMAN MANENDO SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

We will take up Senate Bill 339 (1st Reprint).

**Senate Bill 339 (1st Reprint)**: Requires the Colorado River Commission of Nevada to review and analyze available information, studies and reports to assess the feasibility of constructing a hydrokinetic generation project below Hoover Dam. (BDR 58-1150)

**Dave Ziegler, Committee Policy Analyst:**  
[Read from work session document ([Exhibit V](#)).]

**Chairman Conklin:**

We held this bill before because one of the members had some questions which have been answered.

ASSEMBLYWOMAN KIRKPATRICK MOVED TO DO PASS  
SENATE BILL 339 (R1).

ASSEMBLYMAN CHRISTENSEN SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN HORNE AND  
ASSEMBLYWOMAN MCCLAIN WERE ABSENT FOR THE VOTE.)

We will take up Senate Bill 362.

**Senate Bill 362**: Clarifies and revises provisions related to the suspension or revocation of professional licenses by health care professional licensing boards. (BDR 54-217)

**Dave Ziegler, Committee Policy Analyst:**  
[Read from work session document ([Exhibit W](#)).]

**Chairman Conklin:**

Are there any questions or concerns from the Committee? We received some positive feedback from people who were on the Interim Health Committee.

ASSEMBLYWOMAN KIRKPATRICK MOVED TO DO PASS  
SENATE BILL 362.

ASSEMBLYMAN MANENDO SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYWOMAN MCCLAIN WAS  
ABSENT FOR THE VOTE.)

We will move to Senate Bill 8 (1st Reprint).

[Senate Bill 8 \(1st Reprint\)](#): Makes various changes related to members of certain medical boards. (BDR 54-216)

**Dave Ziegler, Committee Policy Analyst:**

[Read from work session document ([Exhibit X](#)).]

ASSEMBLYMAN OCEGUERA MOVED TO DO PASS  
SENATE BILL 8 (R1).

ASSEMBLYMAN ANDERSON SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

**Chairman Conklin:**

We will move to Senate Bill 40 (1st Reprint).

[Senate Bill 40 \(1st Reprint\)](#): Revises provisions relating to the licensure of psychologists. (BDR 54-320)

**Dave Ziegler, Committee Policy Analyst:**

[Read from work session document ([Exhibit Y](#)).]

**Chairman Conklin:**

Are there any questions or concerns from the Committee?

**Assemblyman Anderson:**

I think it is admirable that we go to electronic fingerprinting, but the requirement of at least one examination per year would set a bad precedent.

**Chairman Conklin:**

Does everyone agree? [Assents.]

We will move to Senate Bill 114 (1st Reprint).

[Senate Bill 114 \(1st Reprint\)](#): Makes various changes relating to systems for obtaining and using solar energy and other renewable energy resources. (BDR 58-380)

**Dave Ziegler, Committee Policy Analyst:**

[Read from work session document ([Exhibit Z](#)).]

**Chairman Conklin:**

Some people are requiring terra cotta-color solar panels and they reduce efficiency by 40 percent.

ASSEMBLYWOMAN MCCLAIN MOVED TO DO PASS  
SENATE BILL 114 (R1).

ASSEMBLYWOMAN KIRKPATRICK SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYWOMAN GANSERT WAS  
ABSENT FOR THE VOTE.)

**Assemblywoman Buckley:**

Wind energy is more of a concern for fitting into neighborhoods than solar energy. I do not have a problem with saying you cannot require painting a solar panel, which will reduce its effectiveness, but with regard to wind energy, how would it work if a community is upset and the local government is responding to the community's concerns about multiple wind turbines?

**Dave Ziegler:**

The language on wind, even though it is italicized, is not new. It is a drafting artifact having to do with the fact that the solar provisions had to be separated out from the wind provisions. The provisions regarding wind are the existing provisions. A local government may place a reasonable restriction on such a system.

**Assemblywoman Buckley:**

Thank you. I will read it a little closer.

**Chairman Conklin:**

We will move to Senate Bill 127 (1st Reprint).

[Senate Bill 127 \(1st Reprint\)](#): Exempts qualified persons or groups providing construction oversight services to a long-term recovery group from regulation as a contractor. (BDR 54-596)

**Dave Ziegler, Committee Policy Analyst:**

[Read from work session document ([Exhibit AA](#)).]

**Chairman Conklin:**

This was a recent bill and there was no opposition to it.

ASSEMBLYMAN OCEGUERA MOVED TO DO PASS  
SENATE BILL 127 (R1).

ASSEMBLYMAN SETTELMAYER SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

We will take up Senate Bill 151 (1st Reprint).

**Senate Bill 151 (1st Reprint)**: Provides for the payment of certain claims from the Recovery Fund of the State Contractors' Board. (BDR 54-702)

**Dave Ziegler, Committee Policy Analyst:**

[Read from work session document ([Exhibit BB](#)).]

**Chairman Conklin:**

This addresses a situation when a contractor does not pay a subcontractor. The subcontractor takes a lien against the home, and the contractor cannot be found. This allows for the funds to be recovered through the Recovery Fund of the State Contractors' Board.

**Assemblywoman Kirkpatrick:**

I thought they could already do that to some extent. What is different about this; can they already remove a license?

**Chairman Conklin:**

I do not believe this is about removing a license. It allows for access to the Recovery Fund to recover the money for which the lien was taken.

**Keith L. Lee, Reno, Nevada, representing the Nevada Board of Contractors', Henderson, Nevada:**

You are correct, Ms. Kirkpatrick. The Contractors' Board has always honored claims against the Recovery Fund if someone paid the contractor who had presumably discharged any lien, but the lien was not discharged because the subcontractor was not paid. This was not our bill. This was brought by the Builders Association of Western Nevada, and it clarifies what we do all of the time. We did not oppose the bill, but we did not think it was necessary.

**Chairman Conklin:**

Are there any questions or concerns from the Committee?

ASSEMBLYWOMAN BUCKLEY MOVED TO DO PASS  
SENATE BILL 151 (R1).

ASSEMBLYMAN ARBERRY SECONDED THE MOTION.

**Assemblyman Settlemeyer:**

I am going to vote yes, but I will reserve my right for the floor.

THE MOTION PASSED UNANIMOUSLY.  
(ASSEMBLYMAN SETTELMAYER RESERVED THE RIGHT TO  
CHANGE HIS VOTE ON THE FLOOR.)

**Chairman Conklin:**

We will take up Senate Bill 152 (1st Reprint).

[Senate Bill 152 \(1st Reprint\)](#): Enacts the Green Jobs Initiative. (BDR 58-172)

**Dave Ziegler, Committee Policy Analyst:**

[Read from work session document ([Exhibit CC](#)).]

**Assemblywoman Kirkpatrick:**

I want this bill to move so I can amend it on the floor.

**Chairman Conklin:**

Do you want a motion to include all of the amendments?

**Assemblywoman Kirkpatrick:**

Yes, but I will make my own on the floor.

ASSEMBLYWOMAN KIRKPATRICK MOVED TO AMEND AND DO  
PASS AS AMENDED SENATE BILL 152 (R1).

ASSEMBLYWOMAN BUCKLEY SECONDED THE MOTION.

**Chairman Conklin:**

Are there any questions?

**Assemblywoman Gansert:**

I was concerned because the funds were limited to nonprofits, whereas a for-profit organization could potentially provide training or some of the work.



**Chairman Conklin:**

A change is in Proposed Amendment 4962, on page 2, which expands it to include a trade association which has an accredited job skills training program.

**Assemblywoman Gansert:**

I think it does not need to be a trade association; there are for-profit organizations that train.

**Assemblyman Settlemeyer:**

I have some concerns with the bill because there are a lot of people who are already trained and ready. I think we can get to developing renewable energy and forget trying to train people. I am confident that will be addressed in the amendment.

**Chairman Conklin:**

I will call the question.

THE MOTION PASSED UNANIMOUSLY.

We will take up Senate Bill 165 (1st Reprint).

Senate Bill 165 (1st Reprint): Requires certain utilities that supply electricity in this State to include in the resource plan of the utility certain provisions relating to demands made on its system by its customers. (BDR 58-381)

**Dave Ziegler, Committee Policy Analyst:**

[Read from work session document ([Exhibit DD](#)).]

**Chairman Conklin:**

Are there any questions or concerns on this bill?

**Assemblyman Settlemeyer:**

I appreciate the intent of the bill, but I worry that as we do more about renewable energy, it will affect the price of utilities. I will be voting no.

**Assemblywoman Gansert:**

I think the utility company takes into consideration carbon intensity, but I do not know that they need to come up with a singular plan. My concern is that it may become the focus of all of the Public Utilities Commission of Nevada (PUCN) hearings versus what is the best combination of resources to provide energy for the communities of our state. I will vote no because I think this is overkill. If you focus on one carbon intensity plan, it could really draw out the

process, and you could get a lot of intervention. I think they take this into consideration, but not a singular, low-intensity plan.

**Assemblywoman Buckley:**

All it requires is for them to include in the plan a comparison of different combinations of supply sources, and it asks that low-carbon intensity be considered. We are trying to reduce our reliance on fossil fuels, and if this allows the plan to look at those issues, I think it fits with our renewable energy goals. I do not see the concerns. Maybe that is the way the PUCN is moving anyway, and certainly we know that NV Energy has recently met its goals, and we see continued movement in this direction with our efforts to increase the renewable portfolio standard. I am not sure how including it in a plan and ensuring that we have at least one scenario would be harmful.

ASSEMBLYWOMAN BUCKLEY MOVED TO DO PASS  
SENATE BILL 165 (R1).

ASSEMBLYMAN MANENDO SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN ANDERSON,  
CHRISTENSEN, GANSERT, AND SETTELMAYER VOTED NO.)

**Chairman Conklin:**

We will take up Senate Bill 172.

Senate Bill 172: Revises provisions governing the sale of subdivided land.  
(BDR 10-867)

**Dave Ziegler, Committee Policy Analyst:**

[Read from work session document ([Exhibit EE](#)).]

**Chairman Conklin:**

This says that nonresidential Chapters of the *Nevada Revised Statutes* do not apply to commercially subdivided land.

ASSEMBLYMAN SETTELMAYER MOVED TO DO PASS  
SENATE BILL 172.

ASSEMBLYWOMAN MCCLAIN SECONDED THE MOTION.

Are there any questions? [There were none.]

THE MOTION PASSED UNANIMOUSLY.

We will take up Senate Bill 193.

Senate Bill 193: Revises provisions governing dealers in antiques.  
(BDR 54-1069)

**Chairman Conklin:**

Senate Bill 193 is Senator Mathews' bill ([Exhibit FF](#)). It takes antique dealers out of the provision, and places an exemption for antique dealers to be in the same provisions as used book sellers, thereby avoiding city regulations.

ASSEMBLYWOMAN KIRKPATRICK MOVED TO DO PASS  
SENATE BILL 193.

ASSEMBLYMAN ATKINSON SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

We will now take up Senate Bill 266 (1st Reprint).

[The Chair passed the gavel to the Vice Chair]

Senate Bill 266 (1st Reprint): Makes various changes concerning the practice of medicine. (BDR 54-707)

**Dave Ziegler, Committee Policy Analyst:**

[Read from work session document ([Exhibit GG](#)).]

**Assemblyman Settlemeyer:**

There was a question from Dr. Havins about why it is \$200 for a doctor and \$400 for a PhD.

**Vice Chairman Atkinson:**

Who can answer this?

**Keith L. Lee, representing the Nevada Board of Medical Examiners, Reno, Nevada:**

That is a quirk in the way the two Chapters are written. Chapter 630 of the *Nevada Revised Statutes* (NRS) regulates allopathic physicians, and Chapter 633 of NRS regulates osteopathic physicians. For whatever reasons, the fee structures in the two Chapters do not follow each other. When the sponsor put this bill together in terms of determining the fee for the new license, this special events license parroted the existing fee in both of those

respective Chapters. I cannot tell you why the fee structure differs, but it follows that.

**Assemblywoman Gansert:**

It appears that if you are going to teach a class and not do hands-on demonstrations, you are still required to get that license. Would that discourage having conventions or continuing education here?

[The Vice Chair returns the gavel to the Chair]

**Chairman Conklin:**

Was this the Botox party issue?

**Keith Lee:**

We want to prevent the Botox party issue. If a person is here to conduct a seminar that does not show a demonstration of medical techniques or procedures, he does not need to be licensed. When the Board worked with the sponsor, the intent was that these special event licenses would be issued rapidly to take into account that someone may be coming here to teach. On the other hand, it has been the general experience that these are scheduled far enough in advance to get the specialists scheduled. Simply teaching a class would not fit into the category of a special event license.

**Chairman Conklin:**

Are there other questions or concerns? [There were none.]

ASSEMBLYWOMAN KIRKPATRICK MOVED TO DO PASS  
SENATE BILL 266 (R1).

ASSEMBLYMAN HORNE SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

We will move to Senate Bill 268 (1st Reprint).

[Senate Bill 268 \(1st Reprint\)](#): Makes various changes to provisions governing occupational licensing boards. (BDR 54-161)

**Dave Ziegler, Committee Policy Analyst:**

[Read from work session document ([Exhibit HH](#)).]

**Chairman Conklin:**

Are there any questions from the Committee?

**Assemblyman Settlemeyer:**

I did some background work to see what individuals this affects. I have been told this would not affect me because I am not in "medical," but I am being told now that it affects Rusty McAllister, Danny Thompson. . . .

**Chairman Conklin:**

No, if you would look at Chapter 622 of the *Nevada Revised Statutes*, those are all professional licensing boards. They are not the Public Employees' Retirement System or Public Employees' Benefits Program Boards. Groups that are not licensing boards but still govern are not covered by this Chapter. This is exclusively regarding licensure of a profession. It only prohibits a person from being on a board and also lobbying on behalf of the people he is supposed to be regulating.

**Assemblywoman Gansert:**

Which boards does this affect?

**Dave Ziegler:**

In the bill, the language is "regulatory body" on page 2, line 3. The definition of "regulatory body" is, "A State agency, board, or commission, or any officer thereof, with authority to regulate an occupation or profession."

**Assemblywoman Gansert:**

On the Board of Medical Examiners you have physicians. Does this exclude physicians?

**Chairman Conklin:**

This is only a person who is not a licensee on the board. This would be only a member at large.

**Assemblyman Settlemeyer:**

That concerns me. Without section 3, I would be more than willing to make a motion.

**Chairman Conklin:**

Section 3 is model language from the American Federation of Professional Boards.

ASSEMBLYMAN HORNE MOVED TO DO PASS  
SENATE BILL 268 (R1).

ASSEMBLYWOMAN KIRKPATRICK SECONDED THE MOTION.

Are there other questions or concerns?

**Assemblywoman Gansert:**

I would like to reserve my right to change my vote on the floor.

THE MOTION PASSED. (ASSEMBLYMEN CHRISTENSEN AND SETTELMAYER VOTED NO. ASSEMBLYWOMAN GANSERT RESERVED THE RIGHT TO CHANGE HER VOTE ON THE FLOOR.)

**Chairman Conklin:**

We will take up Senate Bill 361 (1st Reprint).

[Senate Bill 361 \(1st Reprint\)](#): Revises provisions relating to employee leasing companies. (BDR 53-1125)

**Dave Ziegler, Committee Policy Analyst:**

[Read from work session document ([Exhibit II](#)).]

**Chairman Conklin:**

I have had about 15 years' experience working with professional employee leasing organizations, and I have checked with as many people as I could, and this bill seems to be pretty good. It adds some flexibility, but still provides all of the protection necessary for an employee of those organizations and the businesses they serve. There was a question about the \$500 amount being listed in two places. We have subsequently received an answer. Mr. Yu will explain that.

**Daniel Yu, Committee Counsel:**

The fees are just a parallel provision in the bill because there are different effective dates. The first parallel provision is indicated as new language, but the second parallel provision is indicated as codified language. That is consistent with our drafting conventions to reflect the fact that the second parallel provision would already be codified as of that effective date.

**Assemblyman Christensen:**

I had concerns about the fees. Although I am in support, I will reserve my right to change my vote on the floor. I want to make sure that small businesses are in support of this.

**Assemblyman Settelmeyer:**

I will vote yes and reserve my right to change my vote on the floor.

ASSEMBLYWOMAN BUCKLEY MOVED TO DO PASS  
SENATE BILL 361 (R1).

ASSEMBLYMAN ATKINSON SECONDED THE MOTION.

**Chairman Conklin:**

Are there any questions or concerns on the motion? [There were none.]

THE MOTION PASSED UNANIMOUSLY.  
(ASSEMBLYMEN CHRISTENSEN AND SETTELMAYER RESERVED  
THE RIGHT TO CHANGE THEIR VOTES ON THE FLOOR.)

To the best of my knowledge there is nothing else to come before this  
Committee. Is there any business to come before the Committee?  
[No business.]

The meeting is adjourned [at 5:51 p.m.].

RESPECTFULLY SUBMITTED:

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Earlene Miller  
Committee Secretary

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Denise Sins  
Editing Secretary

APPROVED BY:

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Assemblyman Marcus Conklin, Chairman

DATE: \_\_\_\_\_

**EXHIBITS**

**Committee Name:** Committee on Commerce and Labor

**Date:** May 15, 2009

**Time of Meeting:** 3:08 p.m.

<b>Bill</b>	<b>Exhibit</b>	<b>Witness / Agency</b>	<b>Description</b>
	A		Agenda
	B		Attendance Roster
S.B. 355 (R1)	C	Dave Ziegler	Work Session Document
S.B. 269 (R1)	D	Dave Ziegler	Work Session Document
S.B. 295 (R1)	E	Dave Ziegler	Work Session Document
S.B. 26 (R1)	F	Dave Ziegler	Work Session Document
S.B. 119 (R1)	G	Dave Ziegler	Work Session Document
S.B. 168 (R1)	H	Dave Ziegler	Work Session Document
S.B. 320 (R1)	I	Dave Ziegler	Work Session Document
S.B. 363 (R1)	J	Dave Ziegler	Work Session Document
S.B. 73 (R1)	K	Dave Ziegler	Work Session Document
S.B. 121 (R1)	L	Dave Ziegler	Work Session Document
S.B. 176 (R1)	M	Dave Ziegler	Work Session Document
S.B. 197 (R1)	N	Dave Ziegler	Work Session Document
S.B. 228	O	Dave Ziegler	Work Session Document



S.B. 265 (R1)	P	Dave Ziegler	Work Session Document
S.B. 265 (R1)	Q	Legislative Counsel Bureau	Proposed Amendments
S.B. 273	R	Dave Ziegler	Work Session Document
S.B. 310 (R1)	S	Dave Ziegler	Work Session Document
S.B. 365 (R1)	T	Dave Ziegler	Work Session Document
S.B. 338 (R1)	U	Dave Ziegler	Work Session Document
S.B. 339 (R1)	V	Dave Ziegler	Work Session Document
S.B. 362	W	Dave Ziegler	Work Session Document
S.B. 8 (R1)	X	Dave Ziegler	Work Session Document
S.B. 40 (R1)	Y	Dave Ziegler	Work Session Document
S.B. 114 (R1)	Z	Dave Ziegler	Work Session Document
S.B. 127 (R1)	AA	Dave Ziegler	Work Session Document
S.B. 151 (R1)	BB	Dave Ziegler	Work Session Document
S.B. 152 (R1)	CC	Dave Ziegler	Work Session Document
S.B. 165 (R1)	DD	Dave Ziegler	Work Session Document
S.B. 172	EE	Dave Ziegler	Work Session Document
S.B. 193	FF	Dave Ziegler	Work Session Document
S.B. 266 (R1)	GG	Dave Ziegler	Work Session Document
S.B. 268 (R1)	HH	Dave Ziegler	Work Session Document
S.B. 361 (R1)	II	Dave Ziegler	Work Session Document