

## AGC 2009 SESSION REVIEW

As predicted by many, term-limited lawmakers, Democratic majorities in both houses, an anti-tax Republican governor and a \$2 billion budget deficit contributed to the making of Nevada history at the 2009 legislative session.

The budget and taxes dominated discussion from opening day, even if from behind-closed-doors. AGC was part of a handful of business representatives invited to participate in those discussions.

With their focus on budget, lawmakers appeared to have no desire to tackle controversial issues, with the exception of workers compensation, homeowners association and energy legislation.

“Bill Raggio is an adroit politician. Senator Stephen Horsford proved to be equally adroit. This, coupled with the two-thirds majority requirement to pass a tax package, is what saved us [business] at all, and enabled serious reforms to the Public Employees Retirement System [SB 427 in exchange for a tax package [SB 429],” said Steve Holloway, AGC executive vice president.

Senate Majority Leader Horsford, Senators Care, Schneider, Copening and Assemblywomen Marilyn Kirkpatrick and Assemblywoman Ellen Spiegel also were sympathetic to AGC’s agenda.

The budget passed by lawmakers over Governor Jim Gibbons’ veto totaled \$6.8 billion. While businesses and citizens in this economy may feel that the \$780 million found to bandage the budget’s gaping wound is on their backs, some was funded by one-time federal stimulus money and through local government capital.

Lawmakers overrode 25 of the 48 bills Gibbons vetoed. Nevada’s first governor Henry G. Blasdel (1864-1871), now falls to second-place in history books with his 33 recorded vetoes.

The financial agreements provide a stop-gap, but a \$1.5 billion shortfall looms for the 2011 session.

AGC began the session tracking 197 bills and bill draft requests. By the April 10 deadline, 43 bills died; the April 21 deadline, 3 bills died; the May 15 deadline, 8 bills died; the May 22 deadline 2 bills died and bills not passed by the end of session included another 15 for a total of 71 dead bills. AGC supported 24 bills and amended seven others that became law. Just as importantly, AGC helped kill 28 bills detrimental to the construction industry, with only three opposed bills passing.

Below is a summary of each of AGC’s tracked (supported or opposed) bills that passed in the 2009 session.

Following you will find highlights to significant and harmful legislation that did ***not*** pass in 2009.

**[AB 24](#) addresses industrial insurance.** Originally opposed by AGC, it was, however, amended to simply require the Division of Industrial Relations to adopt regulations for the determination of catastrophic injuries. AB 24 was signed by the Governor on June 6 and goes into effect October 1.

**[AB 40](#) governs the review and approval of plans for the construction or alteration of school buildings.** AB 40 is a fairly innocuous bill, supported by AGC, that removes the requirement that a school district in a county whose population is 400,000 or more (currently Clark County) submit to the State Public Works Board plans, designs and specifications for new school buildings and facilities and for additions and alterations and instead requires such a school district to establish a building department for the school district. The bill was approved by the Governor on May 22 and is effective October 1.

**[AB 48](#) addresses disputes between a public body and a contractor engaged on a public work.** The City of Las Vegas accepted AGC’s compromise to its bill to obtain relief from the costly arbitration requirements set forth by the American Arbitration Association. The final language as signed by the Governor May 19 and effective the same day sets forth that a public body charged with drafting specifications for a public work [to] include in the specifications a clause requiring the use of a method of alternate dispute resolution before initiation of a judicial action if a dispute arising between the public body and the contractor engaged on a public work cannot otherwise be settled. AB 48, however, does not apply to contracts issued by the Department of Transportation.

**[AB 80](#) relates to excavations.** AB 80 was filed on behalf of the Nevada League of Cities and Municipalities and was at times a very contentious piece of legislation that underwent numerous modifications throughout the legislative process. To that end, AB 80 which was approved by the Governor on May 28 with an effective date of October 1 except for Section 15.5 which will take effect January 1, 2011 sets forth the duties and rights of a

sewer main operator with respect to a sewer service lateral connected to that sewer main when made aware of a proposed excavation or demolition by an association for operators. The bill also enables a sewer main operator to recover costs to locate and identify the connection from the person responsible for the excavation or demolition; however after January 1, 2011 certain operators will be prohibited from recuperating such costs. Additionally, this bill requires sewer main operators to maintain certain information relating to the locations of connections of sewer service laterals to the sewer main. AGC supported this bill.

**[AB 148](#) requires employees on a construction site to receive certain training.** AB 148 is the resulting legislation from the Southern Nevada Construction Worker Safety Roundtable that met during the interim in response to a sharp increase of lost construction lives on the Las Vegas Strip since 2006. The bill maintained AGC and other industry support despite various amendments throughout the legislative process. It requires supervisory employees working on a construction site to complete an OSHA 30-hour course and all other construction workers working on a construction site to complete a specified 10-hour course within 15 days of hire. This legislation requires employers to suspend or terminate the employment of an employee on a construction site who fails to provide proof of the required training; administrative fines will be imposed. Employers may offer employees an OSHA-10 or OSHA -30 alternative course, but employees must complete an OSHA-10 or OSHA-30 not later than January 1, 2011. The OSHA-10 and OSHA-30 training cards will be valid for a five-year period. This bill also provides definitions for the terms – construction site, construction worker and supervisory employee. The governor signed the bill into law on June 3, 2009. This legislation is effective in two-parts, the first being January 1, 2010 and the latter January 1, 2011.

**[AB 174](#) exempts the State Public Works Board from requirements relating to construction manager at risk.** AB 174 exempts the State Public Works Board from requirements relating to construction manager at risk until June 30, 2011. The board maintains its authority, however, to enter into a contract with a licensed contractor for services which assist the board in the design and construction of a capital improvement project. AGC supported this bill on the sole condition of the inclusion of a sunset provision. The governor approved AB 174 on May 19 which also became its effective date.

**[AB 192](#) changes provisions governing performance contracts entered into by local governments for operating cost-savings measures.** This legislation is the byproduct of joint Nevada AGC and AGC Las Vegas interim meetings to uncover and remedy specific problems with NRS Chapter 332. Government Affairs Chairwoman Marilyn Kirkpatrick championed this bill through both houses on behalf of the AGCs. Currently, local governments are authorized to enter into performance contracts for the purchase and installation of operating cost-savings measures to reduce costs related to such matters as energy, water, disposal of waste and related labor costs. AB 192 sets forth provisions requiring qualified service companies desiring to qualify and submit a proposal for a performance contract with a local government to file an application with the local government. Applicants, among numerous other requirements, must possess a valid business, contractor's or engineer's licenses to be considered for approval. This bill amended the definition of "building" to provide that performance contracts apply only to existing buildings. AB 192 also eliminates the option for a performance contract to be structured as a shared-savings contract and requires performance contracts that exceed \$100,000 comply with the bonding requirements set forth in NRS Chapter 339. The governor approved this legislation on May 26. It will take effect on July 1.

**[AB 208](#) revises requirements for certification as a crane operator to include experience.** AGC supported AB 208, a straightforward piece of legislation offered by Assemblyman Jerry Claborn. This bill requires 1,000 hours of training prior to certification as either a mobile crane operator or tower crane operator. Also, it sets forth that at least 500 of the 1,000 hours of training must be in tower crane operations to qualify for certification as a tower crane operator. The governor signed the bill into law on May 26. The bill is slated to become law the later of July 1, 2011 or the date the governor declares the federal government has adopted provisions governing the certification of crane operators.

**[AB 233](#) relates to scrap metal.** This bill is the culmination of concerted efforts by lawmakers, public agencies and business groups. Many of the provisions outlined in this comprehensive piece of legislation generated from the AGC/Metro task force that met for more than a year in the interim following the 2007 legislative

session. AGC strongly supported this bill throughout its amended variations during the 2009 legislative session. AB 233 requires purchasers of scrap metal to hold current business licenses from both the state and the appropriate local authority. It requires the same purchasers to maintain certain records of all purchases of scrap metal by scrap metal processors. Similar to laws governing pawn shops this bill enables peace officers to place a hold on certain property in the possession of a scrap metal processor alleged to be related to criminal activity for a specified period during the investigation or prosecution. AB 233 also stipulates that a scrap metal purchase greater than \$150 be paid to the seller by check or electronic deposit and the processor must issue a receipt with specific information. Persons violating any provision in the bill are guilty of a misdemeanor. The bill also sets forth criminal sanctions for a person who willfully or maliciously removes, damages or destroys utility property, agricultural infrastructure, construction sites or certain other property to obtain scrap metal. The bill was passed into law on May 28 and is effective July 1.

**[AB 281](#) relates to industrial insurance.** AB 281 allows an injured employee to make an alternate choice of a physician or chiropractor within 90 days after the injury and provides that compensation for temporary total disability may be denied employees discharged for misconduct. AGC supported the bill only after pushing through numerous amendments.

**[AB 377](#) relates to water.** AGC supported the bill only after supporters dropped a section calling for approval of an application for the beneficial use of water by the state engineer. The passed version simply encourages the state engineer to consider the best available science in rendering decisions concerning the available surface and underground sources of water in Nevada. The governor concurred on May 19 and the declaration will be effective October 1.

**[AB 401](#) relates to bonds and securities for the Nevada System of Higher Education.** This bill effectively extends the authority of the Board of Regents of the University of Nevada to issue bonds for certain capital construction projects at the University of Nevada, Reno and the University of Nevada, Las Vegas for an additional 20 years. In short it is an extension of an enactment passed, 18 years ago, which is set to expire in 2009. AGC supported this legislation. The governor signed the bill on May 28 and it became effective the same day.

**[AB 410](#) relates to industrial insurance.** It allows for collective bargaining agreements between certain employers and the labor organizations that represent the employees to supersede various statutory provisions with respect to industrial insurance. AB 410 enables these agreements to include processes for alternative dispute resolution, lists of medical evaluators and providers of medical treatment, joint safety committees, programs for light-duty or modified job responsibilities and programs for vocational rehabilitation. AGC supported the enrolled version, which passed over the governor's veto. It becomes effective on July 1.

**[AB 455](#) relates to motor vehicles.** Supported by AGC, the bill authorizes the Department of Motor Vehicles to allow motor carriers and businesses or organizations to register vehicles and renew and transfer registrations without applying to the department and to issue registration credentials on behalf of the department. The bill was approved by the governor on May 19 and its effective date is January 1, 2010.

**[AB 467](#) revises provisions to the prevailing wage requirement.** AB 476 provides that the prevailing wage requirements apply to certain lease-purchase and installment-purchase agreements by local governments. AGC supported this bill initiated by the Carpenter's Union. The bill was vetoed by the governor on May 29 and overridden by both houses on May 31. As such, under Chapter 385, the bill was reenrolled and delivered to the secretary of state's office to become law on July 1.

**[AB 483](#) revises provisions governing contracts between public bodies and certain design professionals.** AB 483 clarifies a design professional's obligation to defend, indemnify and hold harmless a public body against liabilities, damages, losses, claims, actions or proceedings caused by the negligence, errors, omissions, recklessness or intentional misconduct of the design professional or his employees or agents in the performance of a contract. The governor signed the bill into law on June 1. Its effective date is July 1.

**[AB 492](#) imposes certain requirements on the enactment of exemptions from property taxes and sales and use taxes.** AGC supported AB 492 which imposes various requirements upon future legislation that would expand the authority of the Commission on Economic Development to approve any abatement of taxes and

requires the Department of Taxation to prepare biennial reports on whether the costs of such future abatements would exceed the benefits. AB 492 was approved by the governor on June 4 and will take effect July 1.

**[SB 43](#) relates to public works.** The bill sets criteria for the State Public Works Board to determine the qualification of bidders on contracts for public works to include whether the applicant has been disciplined or fined by the State Contractors' Board or another state or federal agency for conduct that relates to the ability of the applicant to perform the public work. AGC opposed the original version of this bill and supported its amended version. The bill became law on June 4 following its approval by the governor.

**[SB 68](#) establishes the responsibility for the maintenance of certain security walls within certain common-interest communities.** SB 68 places the responsibility for the maintenance, repair, restoration and replacement of any security wall which is located within the common-interest community on the common-interest community association. AGC supported this bill, as did the governor, who approved it into law on June 9. It will become effective October 1.

**[SB 73](#) relates to energy.** The bill received AGC's support after several amendments. It requires local governments that adopt their own building codes to incorporate the standards for conservation of energy and energy efficiency adopted by the director of the office of energy or to incorporate stricter standards and then enforce them. The governor signed the bill into law on May 28 and it became effective the same day.

**[SB 114](#) relates to systems for obtaining solar energy.** SB 114 makes void and unenforceable a series of restrictions that would prevent a property owner from using a solar system. AGC supported this bill. It was approved by the governor on May 29 and becomes effective October 1.

**[SB 127](#) relates to contractors.** The bill came at the behest of concerned citizens in Fernley, who encountered numerous issues with getting recovery help in the form of construction services after a devastating flood. AGC was originally opposed to this bill but after successful negotiations was able to support the bill. SB 127 adds construction oversight services related to recovery efforts after a disaster or emergency to the existing list of persons and activities that are exempt from licensing and regulation of contractors if those services are provided to a long-term recovery group by a qualified person. Construction oversight services, long-term recovery group and qualified person were also defined in the bill. The bill was signed by the governor on May 26 and will take effect on October 1.

**[SB 134](#) revises provisions concerning increased penalty imposed for certain traffic violations.** Existing law requires the doubling of the penalty imposed against a person convicted of speeding or convicted of certain other traffic offenses that occur in a highway construction zone if workers are present or the effects of the offense are otherwise aggravated because of certain highway conditions that exist as a result of highway construction. This AGC-supported bill imposes an additional penalty if the offense occurs within a temporary traffic control zone in which workers are performing work other than highway maintenance or construction. The governor signed the bill into law on May 22. SB 134 will become effective October 1.

**[SB 152](#) provides for the training of persons to perform jobs which promote energy efficiency.** AGC supported SB 152, also known as the Green Jobs Initiative Act, brought forth by Senate Majority Leader Steven Horsford. The bill identifies uses for the incentives offered through the American Recovery and Reinvestment Act of 2009 to provide job training and promotion of energy efficiency and renewable energy in Nevada. Additionally, the bill requires the Department of Employment, Training and Rehabilitation and the Department of Business and Industry's Housing Division to establish contractual relationships with nonprofit collaboratives to provide training in weatherization, energy retrofit applications and performing energy audits. The collaboratives, will execute programs for job training and provide apprenticeship programs in specific energy-related fields. SB 152 also requires the State Public Works Board and the Board of Regents to assemble a list of public buildings that could be served by weatherization or energy retrofits. On June 9, the bill became effective following the governor's approval.

**[SB 182](#) relates to common-interest communities.** This AGC supported bill in its 48-page enrolled version establishes a criminal penalty for persons who knowingly alter the elections proceedings of a member to the executive board of an association. In the same vein, a community manager or executive board member who

accepts or solicits compensation is guilty of a category D felony, as is the person offering the compensation. SB 182 clarifies that an association is not authorized under current law to exercise the power of eminent domain. It reinforces that NRS 116 supersedes any provision in a common-interest community regardless if the provision was enacted before the statutory change. Senate Energy, Infrastructure and Transportation Chairman Mike Schneider also included a number of items affecting members of common interest communities in the bill and in that of [SB 183](#). The governor concurred with both bills and approved them on June 9. Both bills have staggered effective dates dependent on specific sections.

[SB 239](#) provides for greater coordination of Nevada's economic development and workforce goals. The bill requires the Governor's Workforce Investment Board to establish industry sector councils to identify job training and education programs to best meet regional economic development goals. Additionally, SB 239 requires the Board to identify and seek federal funding to provide grants to fund those job training and education programs. This AGC supported bill was signed by the governor on June 3 and effective the same day.

[SB 243](#) expands authority for the enforcement of traffic laws relating to oversized vehicles. Current law authorizes the Nevada Highway Patrol to enforce size and weight requirements of certain vehicles operating on state highways. The bill expands this authority to include law enforcement agencies in counties with a population of 100,000 or more, specifically category I peace officers and various DMV inspectors, the right to stop and weigh certain vehicles. AGC opposed this bill despite its involvement in compromise discussions. The governor signed the bill into law on May 29. SB 243 will be effective October 1.

[SB 253](#) relates to common-interest communities. The bill imposes additional ethical requirements for members of an executive board and requires an association that solicits bids for association maintenance, repair, replacement or restoration to open the bids during a meeting of the executive board of the association. The bill was approved by the governor on May 28 and will take effect on October 1.

[SB 377](#) revises provisions governing the award of smaller Nevada Department of Transportation contracts. Current law requires NDOT, on highway projects estimated to be \$250,000 or less, to advertise and mail bid invitations to interested bidders. The bill changes these requirements. As approved by the governor on May 26 and effective July 1, when a project is \$50,000 or less NDOT must solicit a bid from at least one licensed contractor, if a project is \$50,000 to \$250,000 NDOT must solicit a bid from at least three licensed contractors. SB 377 also sets forth bid rejection criteria and requires the director to prepare and maintain a quarterly report that details the larger contracts that were awarded.

[SB 409](#) allows Nevada Department of Transportation to establish regulatory procedure for electronic bid submittals. Under existing law, bids on contracts for the construction, improvement and maintenance of highways must be submitted under sealed cover and received at a physical address. This bill signed by the governor with an effective date of July 1, permits NDOT to receive bids proposals online. AGC supported this bill.

[SB 427](#) makes various changes to the Public Employees Retirement System. The bill was the pivotal piece in the passage of lawmakers' \$6.8 billion budget. Senate Minority Leader Bill Raggio, after strong lobbying by the Las Vegas Chamber of Commerce and groups like AGC Las Vegas, insisted on this PERS reform language to secure the needed Republican votes to override a likely veto by the governor on the tax bundle proposed in SB 429. Conservative critics have been harsh in their assessment of the tax plan. However, securing much-needed reform from the unfunded liabilities of the PERS system was indeed a power play to be prized. SB 427 is 32 pages in its enacted form. Some of the bill's highlights: it reduces the postretirement increases for retirees who become members of the system on or after January 1, 2010, it reforms the type of call back pay that may be considered for compensation, it increases from age 60 to 62 the age at which a member can retire with 10 years of service and eliminates the ability of police officers and firefighters to retire after 25 years of service regardless of age. The bill was approved by the governor on June 3.

[SB 429](#) relates to state financial administration and serves as the tax package of 2009. AGC supported SB 429 on the condition of passage of SB 427. SB 429 increases the state business license fee from \$100 to \$200.

Existing law imposes an excise tax (payroll tax) on certain businesses other than financial institutions at the rate of 0.63 percent of the total wages paid by the business each calendar quarter. The bill changes that rate to 0.5 percent of the amount paid that does not exceed \$62,500, plus 1.17 percent of the amount paid in excess of \$62,500. It also increases the amount of governmental services taxes due annually for used vehicles by reducing the amount of depreciation allowed and increasing the minimum tax to \$16. The revenues earned will go directly to the state coffers for the next four years, after which, the monies generated from this increase will be redirected back to the state highway fund. Finally, the Local School Support Tax Law imposes sales and use taxes at the rate of 2.25 percent, and under this bill that rate will increase to 2.6 percent. The business license fee, payroll tax and the sales and use increase will all sunset or expire on June 20, 2011. The governor vetoed the bill on May 28. Both houses overrode his veto on May 29 and delivered the reenrolled bill to the secretary of state's office on June 1. The provisions of this bill become effective July 1.

### **SIGNIFICANT INDUSTRY LEGISLATION THAT DID NOT PASS**

Prior to the commencement of the 2009 session, AGC submitted three bill draft requests to lawmakers – two to a member of the Assembly leadership and one to a member of the Senate leadership. Assembly leadership combined AGC's two bills into one, later to be known as AB 131. This bill addressed various aspects of payments, including tweaking change order language, prohibiting a higher-tiered contractor from conditioning payment to a lower-tiered subcontractor on certain lien releases and enabling interest to accrue on retention amounts in certain circumstances. This bill, however, was short-lived. The new chairman of the Assembly Commerce and Labor Committee, Marcus Conklin, denied a hearing until complete compromise had been obtained. The bill died at the first deadline on April 10.

AGC's second bill SB 352, which revised provisions governing the priority of liens, reduced the amount of security bond required under certain circumstances and revised the contents of a notice of right to lien was amended and made it through its house of origin but met its death following its second hearing in Assembly Judiciary.

Then there was the Coalition for Fairness in Construction's SB 349, the construction defect bill. Senate Judiciary Chairman Terry Care held an informational hearing the second day of session to collect facts on the issue of construction defects. A follow-up hearing then led to a subcommittee of one, the chairman himself. The coalition sought total repeal of Chapter 40 while trial attorneys claimed no problems with the statute in its existing form. After tireless hours of testimony, Care (being an attorney by trade himself) authored a piece of legislation which changed the definition of a construction defect and eliminated the automatic attorneys' fees. The bill passed out of committee 7-0 and was sent to the Senate floor. It then passed the full Senate floor 19 to 1 with one abstention and was sent to the Assembly. Despite herculean efforts on the part of AGC and its coalition partners, the Nevada Subcontractors Association and the Southern Nevada Home Builders Association, termed –out Assembly Judiciary Chairman Bernie Anderson wouldn't schedule a hearing for the bill. The denial of a hearing is not totally unheard of, but with the tremendous momentum the bill received in the senior house, the denial of a hearing was unwelcomed.

SB 337, a bill introduced by attorney Richard Peel also possessed a constructional defect facet as it reduced the timelines for the statutes of repose. The bill, like SB 349, passed the Senate Judiciary Committee 7-0. SB 337 passed the Senate floor with 20 yeas and one abstention. Once in the assembly, SB 337 met the same dismal fate as SB 349 with no action by Assemblyman Anderson.

Three pieces of key toll road legislation also failed to pass the muster of the Democratic-controlled Assembly. Specifically, SB 206 introduced by Senator John Lee, set forth guidelines governing the construction and operation of privately operated toll roads upon public highways in Nevada. Assemblyman Joe Hardy's AB 464 authorized the Department of Transportation to establish a demonstration project for a toll road in connection with the Boulder City Bypass Project and to enter into one or more public-private partnerships to design, construct, develop, finance, operate or maintain the demonstration project. And finally, NDOT's AB 524 authorized the Department of Transportation to establish a demonstration project for managed lanes in Clark County and to enter into one or more public-private partnerships to design, construct, develop, finance,

operate and maintain the demonstration project. Currently, Nevada does not have laws authorizing the use of public private partnerships or toll roads, but the Assembly's disdain for the notion of toll roads made these bills virtually dead in the water.

### **HIGHLIGHT OF HARMFUL INDUSTRY LEGISLATION THAT DID NOT PASS**

Despite the loss of several significant industry bills, AGC was successful in obstructing passage of some key harmful legislation to the construction industry.

Senate Bill 50 brought by the Senate Commerce and Labor Committee on behalf of the Nevada State Contractors Board would have allowed the NSCB to provide for the dissemination of information relating to complaints against specific contractors to members of the general public upon request. The bill was a retread from language originally included in SB 279 from the 2007 session which AGC successfully had amended out. If passed NSCB would have been allowed to disseminate complaints: of which the board has initiated investigations; containing allegations of violations which a board investigator has probable cause to believe have occurred; which have been reviewed by a supervisor of the investigations office; and which relate to allegations of violations that, if proven, would be grounds for disciplinary action against, or criminal prosecution of the licensee. This bill never passed out of committee as a result of AGC's efforts.

The trial attorneys rebuttal to the coalition's SB 349 came in the form of AB 215. In its introduced form, AB 215 expanded the circumstances under which an owner of a residence may recover damages from the Recovery Fund administered by the State Contractors' Board for an act or omission of a contractor. At first blush, AB 215 appeared to allow a homeowner's association from say, a hotel-condominium, time-share or other similar facility to recover construction damages from the Residential Recovery Fund. It also appeared to require all contractors, not just residential contractors, to be responsible for supplementing the funds' coffers. AGC and the NSCB opposed this bill at its March 18 hearing in Assembly Commerce and Labor. In a surprise move, Commerce and Labor Chairman Marcus Conklin amended the bill by gutting it in its entirety on deadline day of April 10. The new AB 215 required a licensed contractor or an applicant for an original or renewal license under NRS 624 to obtain, maintain and provide proof of insurance, with coverage having specified limits of liability for claims for injury to persons or damage to property which may arise from or in connection with the work of the contractor or applicant or his agents, representatives, employees or subcontractors. AGC still had numerous concerns with the bill, including the limits set as being unobtainable in the state's current insurance environment and allowing the NSCB the authority to determine a contractor's responsibility in a liability situation.

AB 215 easily passed through to the Senate from the Senate Commerce and Labor Committee. Before a floor vote could be taken, however, Senator Terry Care, in his dissatisfaction, with the Assembly for not granting a hearing on SB 337 and SB 349, amended statutes of repose and constructional defects language into AB 215, leaving the general liability requirements intact. The newest version of AB 215 passed the senate floor with 19 yeas, one nay and 1 abstention.

When the two houses have passed out two different versions of the same bill, they are required to hold a conference committee. Usually, three lawmakers from each house meet on the bill to discuss whether they will concur or not concur on a specific version or on a proposed compromise of the two versions. Surprisingly, the bill never made it to conference committee or anywhere else for that matter.

Another area where AGC diligently made progress was in the arena of workers compensation, with the help of some heavy-hitters like gaming lobbyist Bob Ostrovsky. Numerous outrageous workers' comp bills were introduced in 2009. Had all of them passed as written, a typical construction business could have expected to see a 40 percent increase in its workers' compensation premiums. Had AB 511 passed, as introduced by the Assembly Commerce and Labor Committee, Nevada would have no longer remained an exclusive remedy state and workers injured on the jobs would possess rights to sue their employer beyond the remedies provided by workers compensation alone.