

MINUTES OF MEETING - ASSEMBLY COMMITTEE ON JUDICIARY, 54th Session. March 17, 1967

Meeting was called to order by Chairman Wooster at 2:15

Present: Wooster, Kean, Torvinen, Lowman, White, Schouweiler, Hilbrecht, Dungan  
Swackhamer

Absent: None

SB 192: Provides procedure for hearing in contested case under Nevada Administrative Procedure Act.

There were ten people present to comment on the bill.

JAMES GUINAN: Represented Nevada State Bar Association, which is the source of this bill.

MR. GUINAN: In 1965 we enacted 233 B NRS, which covers minimal procedures for regulation. These were to substantiate present statutes. Some agencies do not have adequate procedures and no one knows how he is going to enforce them. This is the reason for the bill.

JACK I. MCAULIFFE: For State Board of Architects. The State Board of Architects' concern is the law requiring the State Board of Architecture to give examinations to applicants for license. This act seems to apply even to the giving of an examination. It doesn't seem necessary to go through all this procedure if it is just to get a license. Examinations should not be subject to this.

MR. GUINAN: We did not mean this to apply to examinations for licensing. We will not object if this is amended out.

MR. KEAN: Do you read into this act any obligation on the part of the one who takes the examination to fit into this in some way, or is it just on the part of the board?

MR. MCAULIFFE: It seems to apply if he wanted to take an examination under this procedure.

MR. SWACKHAMER: Supposing a person makes application for an examination and is turned down. Would he have the privilege of taking some action on this?

MR. MCAULIFFE: Yes, he would have an adversary action.

DOUGLAS A. ERICKSON: Chief Deputy, Insurance Commission. The Insurance Division has no objections to this act, except for some very minor suggestions.

The Insurance Commission has several provisions where we can revoke a license without a hearing, such as where the man is convicted of a felony or has left the state, or we have been unable to locate him. Would something of this order be a contested case? If it would, we would like to have added "except as otherwise provided by law".

DON MCNELLEY: Real Estate Administrator. We have no objection to the bill as presented. We follow this procedure basically now. If the Federal type of examination comes under here somehow, then it should be amended. We would follow the procedures as set forth in Section 7.

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We do have a provision now for hearing if they fail to pass the examination. He appeals the findings.

MR. TORVINEN: Would you have any objection to following the procedure in 192 where the person failed the examination?

MR. MCNELLEY: No.

GEORGE HAMILTON: State Board of Dispensing Opticians. I have not had the opportunity to go through the bill as thoroughly as I would like but it does seem to be unnecessary. We have our own method for examinations. If the applicant is successful, he will be notified, and if he fails, he will have redress. To operate under this bill would require an attorney and a secretary and we simply could not afford it.

MR. HILBRECHT: Aren't you excluded by definition? This act doesn't even apply does it? It only applies where you have given the person an opportunity for a hearing. Referring to lines 14 through 18. This seems to be a very limited definition.

MR. MCAULIFFE: If we are certain this does not apply to the examination process, then we are not concerned. If it is applicable, it would be a heck of a thing to live with.

MR. GUINAN: It doesn't apply unless the law requires the agency to have a hearing. If someone were to challenge the result of a hearing, then this applies.

ROWLAND OAKES: State Contractor's Board. We have also supported a procedures act. What bothers me is the same question the others have mentioned, what a contested case is.

Last year 250 to 300 contractors were disciplined in some way or another. If we had to follow this procedure, we would have to hire a battery of attorneys. On page 2, line 48, the only time we furnish form findings and conclusions is when the person before the hearing requests it. All hearings are recorded but not transcribed unless requested.

On page 3, line 1: We have always kept this information confidential. We feel it should be kept that way because we can give broader information if this is so.

It would be more desirable if this were more understandable by a layman. I would have to require every contractor who was having trouble with the Contractor's Board to go out and hire an attorney.

Page 4, lines 22 through 28: At present we do not renew contractors' licenses at the time of renewal if there is some doubt as to his financial responsibility. We continue the hearing, but do not renew the license.

Generally, we support the purpose of the legislation but would like it to be more easily understood by the people.

R. T. MCADAM: Bell of Nevada. Mr. Guinan and I have had numerous discussions on this material in the area of review. The proposed legislation appears to be more restrictive in the various categories than now exists. I would like to present for the committee's consideration an amendment with which Mr. Guinan has concurred. This amendment says that if this new legislation comes into conflict with 704, 704 will be followed.

MR. HILBRECHT: 704 applies to your dealings with the Service Commission. Isn't that so?

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MR. MCADAM: Yes.

MR. HILBRECHT: Why should you be singled out for special consideration?

MR. MCADAM: In other states, normally regulated utilities are exempt from regulations of this kind. We are not asking for exemption. We are asking to be left under the existing statutes. We have gone over it with Mr. Guinan and he has no objections.

MR. HILBRECHT: Does the Federal Act exempt it from Federal Administrative Procedures Act? Our attempt here was to make a law that would be uniform in all of these agencies.

MR. GUINAN: I can't see any conflict between this and 704.

MR. WOOSTER: Do you disagree with this? Is that why you would like to change it?

MR. MCADAM: We feel the possibility of conflict does exist and we would like to be under 704 if such a thing should occur.

GRAHAM ERSKINE: Architect. My questions have been answered.

BILL MOONEY: Secretary Public Service Commission. Whatever is on the original bill, I will have to plead guilty because I wrote it. There have been efforts over the years to write an Administrative Procedures Act. Before the start of the last session two years ago the Senate Judiciary Committee asked Herb Gardner to do something about drafting a bill of this kind. I was left with the job. I wrote to every state about their procedures acts. I tried to draw from them the best that would be applicable to Nevada.

This is a poor state. State agencies do not have money. California has an Administrative Procedures Division and it is well paid. From Kentucky I got what I thought was the best one for us. The original bill contained about 32 sections. We had lengthy hearings with opponents and proponents. A number of sections were deleted and it was accepted and written up that way.

As I read Mr. Guinan's amendments, I would be the first to agree that these amendments include at least some of the provisions that were deleted previously. I am inclined to go along with the bill.

The purpose of an Administrative Procedures Act is to lay out ground rules so that all agencies must come up with a set of rules. We do have a need for this type of bill so that anyone coming into the agency will know what the ground rules are. This is so that the Administrator of an agency cannot become just a dictator, turning someone down just because he does not like the color of his hair. The rules for a controversy are spelled out.

This is the first I knew about any conflict with the telephone company. If this keeps getting amended, we can amend it to death. The only thing I am in conflict with is near the bottom of page 3, section 6, "where, in a contested case, a majority of the officials of the agency who are to render the final decision have not heard the case", etc. My only suggestion is that rather than allow some people to put off filing exceptions I would like to see a 20 day limit put on this. Otherwise, contrary people can hold up a decision for any length of time.

On page 5, in section 3: This will cover all the questions and everything brought up.

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No decision can be made except on substantial evidence shown and this will all be in the transcript.

TED STOKES: Attorney, Employment Security Department. I have a request for a very simple amendment. On the first section add paragraph (g) adding the Employment Security Department to the exceptions.

I agree with Mr. Mooney that it is essential to have definite written regulations to cover this kind of appellate procedure. Our department has that in Chapter 612. (Read from a letter by Mr. Miller).

We have hearings in Nevada protecting clients against people who are in other states. He may bring his action wherever he may be. Ours is not strictly a state problem. Last year we had 1,903 cases disposed of by a referee. We are averaging 200 cases per month this year. The work load is rather heavy on these referees. Chapter 612 has enabled existing personnel to carry the load. Approximately 30% of our cases are handled in other states.

There are a couple of minor points, such as the findings of fact, section 7, paragraph 3, line 5. This sounds reasonable, but on the other hand, if we are faced with findings of fact from a Federal Agency, this is what we must abide by. Chapter 612 allows 10 days to file for appeal. In view of the unique problems and situations in Employment Security, we ask that we be excluded from the bill.

MR. WOOSTER: We are going to have another hearing on AB 433 today. If any here are for that bill, please stay; otherwise, we thank you for coming and giving us your comments

At this point, Mr. Schouweiler, Mr. Swackhamer, and Mr. White left the meeting.

AB 433: Limits members of certain professional and vocational boards to two terms.

LOWELL BERNARD: President, Nevada Society of Certified Public Accountants. This bill says that no member of a board can serve more than two consecutive terms. We now have provisions that take care of vacancies and so forth in our organization. We have a provision that an appointive term is not called a regular term, or a person can be out of office and then come back on. We are very happy with the law as it now is. There were no members of our society who requested this change. Our old section is not taken out. It is left out, and this will be confusing.

MR. TORVINEN: Has there been any case on a Board where an officer has become an autocrat?

MR. BERNARD: Not on our Board.

GRAHAM ERSKINE: Architect. Our profession has grown in the last twenty years, but we are still not at a point where we can eliminate inactive members and competently fill the positions of board members. The number would be so reduced that you could not get anybody for the board. In the future this might have some validity, but for the present, we are very much opposed to it.

MISS DUNGAN: How many architects are there other than those licensed from out of state?

MR. MCAULIFFE: We have 89 resident architects in the state. 30 have been registered less than 5 years. The 89 practice in 40 firms. 59 are qualified for the Board.

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MR. HILBRECHT: You don't object to some turn-over on the Board?

MR. ERSKINE: We have had turn-over right along, by attrition. Give us another few years. Maybe this will be needed. We have in our office 3 of the 59 men in the group. They have had their licenses for 5 years but haven't been working for themselves, so they are not qualified.

MR. MCAULIFFE: Serving on these boards consumes much time and receives very little reward. A lot of people could not do it. Our current board are all on their second term and they would all be eliminated by this bill. Many of our members would not serve because they could not afford to financially.

MR. MCNELLEY: I would like to speak on page 8, beginning with line 36. We have no objection to inclusion of this in our new rules because it just spells out what we are already doing.

GEORGE HAMILTON: Our objection to the bill is also on page 6, line 16. We are a very small board. We have only 23 opticians in the entire State of Nevada. Four of these are in Reno and two are one-man operations and two work for ophthalmologists. If this bill were passed our employees would have to go on the board right away.

Being a very small board, we have very small funds. We cannot afford to pay a secretary, so one of our members has to act as secretary. It is very important that this two-year consecutive limitation not be placed in effect. It would work a great hardship on our boards.

DR. PETTY: Representative of State Board of Medical Examiners. Our sentiments are the same as those who have spoken before me. On our Nevada State Medical Association, each of the five components of our profession picks one man and sends his name to the Governor for appointment. He then picks one of them for the Board. We think who should serve and how long should be up to the profession.

MISS DUNGAN: How many doctors governed in Nevada under this bill?

DR. PETTY: 400 in Nevada, 175 out of state, 125 in public health. About 45 are in business. Roughly there are 165 in Clark County, 165 in Washoe County, 12 in Elko, 22 in Lahontan area and 12 in Ely.

DR. MASAW: Representative from the Board of Dental Examiners. I would like to make two points. One, we feel this is something that should be decided by the profession. Two, it would be impossible, under this bill, for any Nevada man to ever hold office in the national organization because to qualify they have to have 8 years in office.

BERNICE RANDALL: Nevada State Board of Cosmetology. We have the same objections. It is a hardship on people who are employed to devote their time to a board. Also, to change these every two years would prevent us from going ever to any national office.

I have been on the Cosmetology Board for many years and I am ready to retire, but someone must take their time and efforts to carry on the things assigned to us by the Governor. I feel the board members should be allowed to succeed themselves as many times as the Governor feels they are desired.

MISS DUNGAN: How many people in your profession would be covered under this act?

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MRS. RANDALL: About 2,000 people. We have 356 beauty salons. We also have out-of-state people who renew their licenses, making the number close to 3,000.

MISS DUNGAN: How many years have you served?

MRS. RANDALL: 36 years.

BILL LOCKE: Pharmacy Board. We would lose our two best members under this act. One has been on the board 27 years and one about 15 years.

MISS DUNGAN: How many people in your profession would be covered by this act?

MR. LOCKE: About 90, I believe.

DR. WATSON: Chiropractor. State Board of Examiners. Our board met last Monday to discuss this bill and we are unanimously opposed to the section covering our board.

We are a small profession in the state. There are about 49 of us and many are elderly and would not be able to serve. But more important, this limitation would deprive us of men that are qualified to serve. It takes time to get experience and get oriented on a board. This is my second term and I am just beginning to get acquainted with all that is expected of us.

Under this, our board members would have to vacate after six years, and it takes a man that long to really learn the job. We would like to be able to keep a man as long as we would like to. It would be a big expense to us to transfer all our furniture, records, and so forth from one city to another. We feel there is no need for this legislation. The Governor is in the best position to know who should stay on the board and who should go. We police our profession and it takes time to learn how to do that.

We would like to coordinate with other similar societies throughout the country and this can't be done if a secretary is not allowed to stay in office long enough to become well acquainted with the other secretaries.

MISS DUNGAN: Are you aware that there is a bill in now, AB 332, which will set the term for your board members to four years instead of the present three and will limit to two terms?

DR. WATSON: Yes, we are aware of it.

JOHN WEBSTER BROWN: Nevada Society of Professional Engineers. Our society is opposed to section 3 as it applies to the engineering profession. We have problems enough already getting someone to serve on the Engineer's Board. Their compensation is not enough to even cover their expenses.

There must be some reason why this thing was introduced and the reason may be sound, but in our case we have found no problems in getting rid of an unqualified man on the board. We have staggered terms so there will be continuity. Continuity on the boards is important, we believe. If there are problems, we are not aware of them on our board. If there is a complaint they come forward and make it and it is considered.

MR. WOOSTER: I don't believe this was amended at any board.

MISS DUNGAN: How many of your people are covered under this bill?

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MR. BROWN: We have around 2,000 licensed and less than 1,000 are residents of the state.

NELSON NEFF: Medical Association. If something is wrong with 2 terms, what is wrong with 1 term, or 3 terms, or 4 terms? When a man has served four terms, he is beginning to get some real experience. This bill would be to the detriment of the profession.

MISS DUNGAN: These are still appointive boards. How many here are members of the profession but not members of a board? (There was a raise of hands but no count).

MR. LOWMAN: I am quite often in the minority on this committee, and I have been thinking about proposing a rather drastic amendment to these amendments. I am not in sympathy with limiting these terms. Would there be any objections if these sections said, yes you can be appointed to specific terms but you would serve at the pleasure of the Governor and would resign at any change in governors.

MR. BROWN: This would not be conducive to continuity. We would have a lame duck situation from November on. You would have a stop of activities which would be very poor. We have democrats and republicans in our group and we don't feel we have been treated unfairly.

MR. LOWMAN: My proposal would not say the Governor could not immediately rehire you, but I feel the Governor should have a chance to replace these people if he wishes.

MR. HAMILTON: We have our board set up so that all members will not go out at the same time. This is important. Your suggestion would lose us all of them at the same time.

NELSON NEFF: In August of this year, we will have four of our doctor members being replaced.

MR. MCAULIFFE: There should be no consideration of politics in the way we work in architecture. The professions should not use their boards for political activities.

MR. HILBRECHT: I fail to see where these boards are political entities at all.

MISS DUNGAN: About the Board of Accountants, I helped draw the act for the accountants and I thought at the time that we were limited to two terms.

MR. BERNARD: We are very happy with it the way it is. They can have two terms and then be out of office and then come on again.

MR. MCNELLEY: The Real Estate Advisory Commission, as it now stands, is purely advisory. I am at a loss here as to why 6, 4 or 5 were put into this bill. We have been functioning under this for a good many years. The Advisory Commission has three capacities: Passing on applicants for examination; setting of hearings; promulgating rules and procedures.

MR. ERSKINE: Our profession asks members who are not on the board to serve as pre-review committees on the examinations, especially on the filing of designs. It is very difficult to get architects to serve, even on these committees, much less on the board.

AB 351: Exempts community property from liability for certain ante-nuptial debts of either spouse.

DICK HORTON: This is a very short bill and I am not clear as to the purpose of it, but I am very much opposed to it.

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Community property in the State of Nevada is property acquired during a marriage, except by inheritance or gift. Husband and wife can turn this into community property if they want to, by declaration. This bill would give every party to a second marriage complete immunity from any bills contracted by a former marriage of either party. Irresponsibility by debtor usually goes along with irresponsibility in marriage. I don't see why the party of a second marriage should be relieved of obligations of the first marriage.

On such a case in California, the judge said, "When you get that fellow you get him with an encumbrance. He has a mortgage on him." I have to pay my debts normally. Why should I be relieved just because I got married ten times?

Debtors in the State of Nevada do have some protection that you should know about, the homestead exemption, and that of wages. The homestead exemption means the home is not subject to creditors. Wages are also exempt, if they are sought to be attached for a debt incurred. If the debt is for necessities, only one-half is exempt.

The bill presently allows no exemption for security, such as an automobile. The bank owns it, there is a divorce, he is given custody of the car, he remarries and declares the automobile to be community property of the second marriage.

I would strenuously urge that there is more than adequate protection in the law now for debtors. There should be no protection for debtors just because they happen to get married again. The wife's earnings, if her husband allows her to keep them, would not be liable for her husband's debts, of the first marriage. The husband's wages are not liable for the wife's debts of a former marriage.

I vigorously recommend that this bill not be sent out of committee, amended or otherwise.

MR. HILBRECHT: I suggest this is not the law at present. I have come up with an amendment which will meet some of your objections. The bill drafter just copied down verbatim what I had on my bill drafter's request.

AB 435: Makes deputy assigned to Conservation and Natural Resources unclassified.

Harvey Dickerson, Attorney General, was present to speak for the bill.

MR. DICKERSON: This merely corrects an oversight on the part of the legislature. All of the deputies are in the unclassified service. One deputy was erroneously placed in the classified service. This bill makes his office unclassified.

MR. KEAN: Was this purposely done?

MR. DICKERSON: I don't believe so. He is the only one, the lone exception. There is no reason for it.

AB 436: Adopts the Uniform Criminal Extradition Act.

MR. DICKERSON: This bill merely adopts the Uniform Criminal Extradition Act which is now in effect in 35 states. This bill covers the extradition in all situations. We recently had a case where a man had to be returned to another state for a criminal action. If we had to hold him until his term here was served, perhaps all witnesses and so forth would be gone. We extradited him and they returned him to us after the trial to finish his sentence. This act has been reviewed by the Council on City Governments and has been recommended by them for adoption.



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AB 438: Provides for issuance of certificates of public convenience and necessity to community antenna television companies.

MR. MOONEY: I would like to outline a little of the history of this. 704.020 is the statute that generally controls regulation of all public service utilities. Section D3 was added without the knowledge or consent of the public service commission. The Attorney General gave it as his opinion that this included community antenna television.

The legislature should always spell out what they want done, at least give direction to the state agency so they can pick up the rules and go into details with what is to be done. 704 spells out regulation of all the usual public service utilities. Eventually, we drew application forms for them and submitted them to make this item publicly known, but we still did not have too much direction to spell out what should be done. We contacted the FCC and other states and finally, when we think we are making progress, one outfit in Elko took umbrage and said they were interstate and would not comply. If this were true, it would exempt power companies, gas lines and many others. Their argument was that the commission had no control to regulate this, that the law did not apply to community antenna.

This has gone through several court trials. At the end of December, three judges handed down the decision that this should go back to the state to be decided. The commission is concerned with the lack of direction in this area. Assuming that this is intra-state commerce, this bill goes into detail as to what can be expected from the community antenna

Near the bottom of section 2, the amendments in there are to be added to Chapter 317, which has to do with TV maintenance districts. This chapter is so vague but it doesn't affect public service commission.

Page 3, line 38, new section added under definition of public utilities. Section "g" adds community antenna as a public utility. Page 4, line 25, a whole new section is added. This is the meat of the proposed Nevada Community Antenna TV Law.

MR. CARLSEN: Some of the difficulties under the present act, which we would find if the new act were to be passed, would clarify administration of community TV.

In Elko, the Junior Chamber of Commerce took a poll of its community, unsolicited by us, and we found that out of 1900 letters they sent out they got 600 letters of complaint back. We sent engineers out to investigate and found that a connection charge was \$19.95 in Carson City and the same thing in Elko was \$125. They are charging whatever the trade will allow. Furthermore, they are charging approximately \$6 per month. With 1900 customers, this amounts to \$11,000 per month and \$200,000 per year. Of course, they would have costs and depreciation out of this. The amount involved is worth them going to the Supreme Court about in order to get out of our jurisdiction.

These people refuse to go to the fringe areas. They want to be in the concentrated places. They refuse to extend out and serve these fringe customers. This has been a great problem.

There has also been some trouble where they wanted to tie into the existing utilities. This has resulted in controversies which have been submitted to us to handle. It is pretty lop-sided when we only have control over one half of the deal.

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We have five applications on hand from Las Vegas, one from Tonopah, one from Fallon, and one from Yerington. Some have indicated they are willing to submit to our jurisdiction. Cases in court have been referred back to us. We would like this whole situation to be looked into to avoid conflict in the future, should all these companies be certificated. We have a letter from the Federal people stating that such matters should be left to local jurisdiction. I have been in touch with some of the Federal Agencies, and they have no desire to adjudicate in these matters.

MR. WOOSTER: Do you think it is necessary to extend the power of eminent domain to these companies?

MR. CARLSEN: Only to extend to an area that is a fringe area. There should be a ruling that all sections would not have to yield a right to the company. The problem is that in some cases they would have to have eminent domain to get to some areas, the fringe areas. I would not be against it. Utilities often use these in acquiring right of ways.

MR. HILBRECHT: Have you derived data as to what the rate should be by the company that is now charging \$6 per month?

MR. CARLSEN: We haven't audited their books.

MR. HILBRECHT: Isn't this analagous to telephone equipment? What is their rate?

MR. CARLSEN: 4% to 7%.

MR. KEAN: If a Community Antenna system had particular value because there was no other source and then somebody put in another station, wouldn't this affect their values?

MR. CARLSEN: We would regulate correlation of this in accordance with FCC regulations. Areas that would not be reasonably reached by local stations would be open to CATV.

This is an act that we could reasonably administer and adjudicate if you care to pass the bill.

AB 221: Prohibits intentional concealment, destruction, or alteration of certain medical records.

DR. GILBERT GORDON LENTZ: Surgeon from Reno, appearing for himself and not any particular group.

This looks like a very innocuous bill, but in essence it is very detrimental to the public good. It has some hidden features that make it very bad. When it refers to physicians's records and reports and hospital records and reports it is doing nothing new. But when it gets down to "notes, etc" it becomes exceedingly menacing.

The reason for many of these committees that survey and review has to be that of teaching and discipline within the profession. The proceedings of those committee meetings are not on a high standard level as I have heard here this afternoon. In these meetings, physicians condemn one another openly. At our conferences after surgery, we discuss errors in judgment and errors in technique. This sounds rather cold and hard and mean but it is the only way that medicine actually progresses.

The story goes that four or five physicians had dinner with each other every four or five months during which they discussed their various cases and exchanged opinions of what

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should or should not have been done. One time a young doctor was asked to meet with them. They let him tell about one of his cases. He told of all the symptoms and things done of one of his patients who had recently died. When they had got through really tearing him apart, he went back to the hospital and saved the patient, who had not really died.

The reason we have these meetings is for dissemination of information. If this bill is passed, the minutes of these meetings are subject to perusal and the effect of these meetings would be destroyed. If I had a patient that came up for review under this bill, I would feel I had to get myself an attorney.

A patient tells a doctor many things he would not want told or known, his early wild oats, venereal diseases and infidelities and so forth. I think this is a very menacing bill from the standpoint of hospital discipline.

MR. WOOSTER: There is nothing that makes any of this a public record.

DR. LENTZ: I know that. As I understand it, any patient that feels injured and feels that his case might come up in one of these meetings could request to see the minutes of that meeting.

MR. HILBRECHT: When we had the hearing on this bill, one lawyer told of a hospital administrator who said that hospital records would probably be "lost" if they were wanted for a legal case. We think the records ought to be there. The judge of a case would have to determine whether or not they should be made available to the court.

DR. LENTZ: That is not what I am worrying about. If you were a doctor and your case came up before the Tissue Committee, I could say, Doctor, you did not do it right. This could be misinterpreted by a court.

MR. HILBRECHT: If sufficient members of the Tissue Committee feel that an error was made, isn't it possible that an error was made? If all the frailties you say exist do exist, no judge would admit them. What you are saying is that extravagant things are said in these meetings?

DR. LENTZ: Yes they are said. These are learning situations. These reports of the committee meetings are not considered part of the patient's record.

MR. HILBRECHT: Maybe for the benefit of the profession, these records should be made available.

DR. LENTZ: You will make it impossible for us to be intellectually honest. We are not raised in the adversary system like the lawyers are. No longer could we say to another doctor, why did you do that?

MISS DUNGAN: A tissue committee is more than one person?

DR. LENTZ: Yes, and this in itself gives rise to problems. Many different kinds of medical people are on it. It is a mean, rough meeting but it is intended to keep people honest.

MR. WOOSTER: Your objection is directed to sub-section C?

DR. LENTZ: Yes, except for one thing and that is physicians's records. If the bill passed we would all have to be very careful what we wrote down.

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DR. LENTZ: Our jeopardy is very much greater than that of a lawyer.

MR. KEAN: Where is this bill now?

MR. WOOSTER: It may be on the general file tomorrow.

MR. KEAN: Then if we want to do something about this we can put it on the Chief Clerk's desk when it comes up.

MR. HILBRECHT: Everything you say is at complete loggerheads with the people who introduced the bill.

DR. LENTZ: My opinion is that if this bill passes, it will do much more damage than will be done to a very few people by not getting the bill passed.

MISS DUNGAN: I can certainly understand your point of view, and I would hate for us to do anything that would interfere with the free exchange of ideas among doctors.

DR. LENTZ: You are right that factual records should be maintained and you have my consent to pass any kind of law to enforce this.

MISS DUNGAN: You objected to physician's records and reports because they might contain something the patient would not want to have made public?

MR. HILBRECHT: The client has to make the decision as to whether this protection should be given him or not. The information can be made public.

DR. LENTZ: Basically, the facts that you are wanting are all available.

MR. KEAN: You said you were speaking for yourself. Would you be willing to bring your cohorts and come and talk to us about this?

DR. LENTZ: I will be happy to do so.

AB 434: Establishes venue in actions against the State.

MR. LOWMAN: I object to this, putting the pressure on people round the state, when it might be just as easy to do it in the various towns.

MR. TORVINEN: The present law says all have to be presented in Ormsby County. This lessens it, putting in that tort actions can be heard in other counties. I don't see any real problem with this bill.

MR. LOWMAN: If it doesn't change the situation, my objection is not valid.

Mr. Kean moved Do Pass  
Mr. Lowman seconded  
Motion passed unanimously

AB 436: Adopts the Uniform Criminal Extradition Act.

Mr. Lowman moved Do Pass  
Miss Dungan seconded  
Motion passed unanimously

Assembly Committee on Judiciary

AB 435: Makes technical statutory correction concerning unclassified status of Deputy Attorney General assigned to State Department of Conservation and Natural Resources.

Mr. Kean moved Do Pass  
Mr. Lowman seconded  
Motion passed unanimously

AB 438: Provides for issuance of certificates of public convenience and necessity to community antenna television companies.

Mr. Lowman moved Do Pass  
Mr. Torvinen seconded  
Motion passed unanimously

MR. WOOSTER: It is ironic to give eminent domain to CATV and refuse to give it to the University.

AB 433: Limits members of certain professional and vocational boards to two terms.

MR. TORVINEN: I am not clear why these boards are being requested to be held to two terms.

MISS DUNGAN: It doesn't appear to me from the testimony we heard that it would be impossible for them to find new officers.

MR. TORVINEN: Extremely valid criticism was made of this bill. Some boards would like to become affiliated with national boards, and it takes sometimes ten to twelve years to work yourself up to that. Passing this law would keep Nevada from ever having anybody serving on a national board. I hate to see us destroy this.

MR. WOOSTER: What we are doing is taking discretion from the Governor and making change mandatory. Mostly, old hands are the best hands.

MR. KEAN: These old hands keep coming back, and each session they get a few more sentences to keep out the competition.

MR. WOOSTER: You are saying this happens just once in a while, but you want to pass this bill for the whole state.

MISS DUNGAN: I have had expression from people in optometry who want this because they have people there who are controlling the organization.

MR. TORVINEN: I would rather see a bill where each of these professions nominate people to the Governor.

Mr. Torvinen moved to indefinitely postpone AB 433  
Mr. Lowman seconded  
The motion carried with Lowman, Kean, Schouweiler, Wooster and Torvinen voting Aye and Dungan and Hilbrecht voting No.

MISS DUNGAN: I am going to suggest before we finish this session that we do away with some committees that we do not need and set up a new one that will deal with all these professional boards.

Meeting was adjourned at 5:10 P.M.