

MINUTES

COMMITTEE: COMMERCE

DATE: January 31, 1973

MEMBERS PRESENT: Chairman Prince, Messrs. Demers, Bickerstaff, Torvinen, Capurro, Wittenberg, Hafen, and Dr. Robinson

MEMBERS ABSENT: None

GUESTS PRESENT:

<u>Name</u>	<u>Representing</u>
Henry Berrum	NIC
John Gianotti	-
John W. Jackson, Sr.	-
Pete Palinelli	-
R. S. Haley	NIC
Claude Evans	NIC
Robert F. Guinn	Nev. Motor Transport Assn. Nev. Franchised Auto Dealers
Daryl E. Capurro	same as Mr. Guinn
Raymond Schmidt	University intern
J. N. Ullom	Assemblyman, Labor-Mgmt Comm.
Brendan Riley	AP
Marilyn Skender	University intern
John Reiser	NIC
Wallie Warren	NIC

The meeting was called to order by the Chairman at 4:00 p.m. Chairman Prince explained the rules to be followed by witnesses desiring to testify before the Committee; that they be recognized by the Chairman and be seated at the Committee table, identify themselves and that no questions will be asked of the witness from the audience. He called for discussion on AB 25.

Mr. Reiser, Chairman of the NIC, reviewed the intent of the bill, stating that it was approved by both labor and management; that both the NIC and Legislature could ask for and receive fiscal notes.

Mr. Capurro discussed past actions of the Legislature and

how their action effected the fund and rate structure, stating that under this bill, any legislative action would have a better basis from fiscal notes.

Mr. Reiser stated that the NIC would only be able to give "rough estimates" on any new programs.

There being no opposition to or further comments to AB 25 from the audience, Chairman Prince asked for discussion on AB 26.

Mr. Capurro stated that presently there is no provision for attorney fees for the beneficiary if a court judgment is larger than that granted by NIC. Under this bill, the NIC fund would pay up to 1/3 attorney fees on any amount over that allowed by NIC.

Mr. Torvinen felt that most judges would allow the maximum of 1/3 as stated in the proposed bill.

There was no opposition from the audience to the bill.

Mr. Torvinen, as well as others, felt that it was difficult to appraise this one bill "piecemeal", since there would be an entire NIC package to consider this session which would effect the bill under discussion.

Mr. Capurro stated that the main intent of this bill was to speed up claims, not set attorney's fees. If and when the NIC comes under the Administrative Procedures Act, some problems should resolve themselves.

Mr. Wittenberg asked for clarification of the attorney fees provision and whether this would increase NIC rates.

Mr. Hafen inquired: Wouldn't many more cases come before the NIC if the fund pays the attorney fee? Mr. Torvinen felt that fewer cases would go to court with this bill; that most

courts insist on the Administrative Procedures being followed before court action is allowable.

Mr. Bickerstaff asked what maximum attorney fee the courts would allow. Mr. Torvinen informed him that it is entirely within the discretion of the judge to set whatever fee "the Supreme Court won't reverse."

Mr. Torvinen continued to explain the differences involved in small and large claims handled by attorneys and the relative fees involved. He stated again that it is necessary to "see the whole package before you see what AB 26 will do." "This, AB 26, might interest more attorneys, since at present many attorneys will not even take NIC cases."

The meeting adjourned at 4:35 p.m.

Respectfully submitted,

PHYLLIS BERKSON,
Assembly Attache

ASSEMBLY

AGENDA FOR COMMITTEE ON COMMERCE

Date Wed., Jan. 31 Time 4:00 p.m. Room 222

<u>Bills or Resolutions to be considered</u>	<u>Subject</u>	<u>Counsel requested*</u>
<u>AB 25</u>	<u>Provides for fiscal notes showing financial impact of any legislative bill or amendment thereto for all bills affecting Nevada industrial insurance premiums or state insurance fund.</u>	
<u>AB 26</u>	<u>Provides for allowance of reasonable attorney fees for services performed representing any workman or beneficiary under Nevada Industrial Insurance Act.</u>	

*Please do not ask for counsel unless necessary.

HEARINGS PENDING

Date _____ Time _____ Room _____
Subject _____

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Subject _____