

MINUTES

COMMITTEE: COMMERCE

DATE: Wednesday, April 4, 1973

MEMBERS PRESENT: Messrs Prince, Demers, Wittenberg, Bickerstaff, Dini, Hafen, Robinson and Capurro and Torvinen

MEMBERS ABSENT: None

GUESTS: See attached list

Chairman Prince called the meeting to order at 3:15 p.m. The Committee took the following action:

- 1) AB 684: Mr. Dini moved, Mr. Wittenberg seconded to indefinitely postpone. The motion was unanimously passed;
- 2) AB 826: The Committee agreed to hold this bill until the amendments were printed for their consideration;
- 3) AB 602: Mr. Demers moved, Mr. Bickerstaff seconded to pass this bill as amended. The motion was unanimously passed;
- 4) AB 625: Mr. Dini moved, Mr. Demers seconded to pass this bill. The motion was unanimously approved;
- 5) AB 664: The Committee agreed to hold this bill until the Commission of Insurance had been consulted. Chairman Prince appointed Mr. Bickerstaff and Mr. Demers as a sub-committee;
- 6) AB 670: Mr. Wittenberg moved, Mr. Hafen seconded a motion to indefinitely postpone this bill. The motion was unanimously passed;
- 7) AB 745: Mr. Demers moved, Mr. Capurro seconded to pass this bill as amended, including loans made on real estate by small loan companies being subject to an interest rate of 12% and a maximum of \$10,000 for any loans these companies make. The motion was unanimously passed;
- 8) AB 638: The Committee agreed to hold this bill to a later date;
- 9) AB 202: Chairman Prince appointed a sub-committee of Mr. Hafen to meet with Mr. Getto and combine this bill with AB 634 and AB 908 and report back to the Committee;
- 10) AB 23: Mr. Capurro moved and Mr. Wittenberg seconded to pass this bill. The motion was unanimously approved;

11) AB 25: Mr. Dini moved, Mr. Capurro seconded to pass this motion. The motion was unanimously approved;

12) AB 26: Mr. Capurro moved, Mr. Demers seconded to pass this bill as amended including increasing the attorney's fees to 40%. Mr. Capurro is to obtain the amendment. The motion was unanimously passed;

13) AB 811: The Committee agreed to hold this bill at Mr. McNeel's request awaiting action on a Senate bill covering the same subject;

14) AB 24: The Committee agreed to hold this bill to a later date awaiting action on SB 4;

15) AB 654: Mr. Dini moved to indefinitely postpone this bill; Mr. Wittenberg seconded the motion. The motion was unanimously passed.

The meeting continued with Mr. David Hoy, an attorney representing the Nevada State Bankers Association, speaking on AB 865. Mr. Hoy presented his opposition to this bill allowing public bodies to deposit funds in savings and loans because funds deposited in banks are readily available under the regulations of the Federal Reserve Bank; that money moves faster and stimulates the economy through banks; that there is presently a shortage of commercial loans available and that savings and loans have a surplus of funds; that "this bill should be defeated because of the impact it would have on the State economy." Dr. Robinson asked with percentage of deposits presently in banks represents public funds. Mr. Wally Warren later informed the Committee that public funds in banks represents 18.8% of total deposits. Mr. Hafen asked the difference in interest rates between banks and savings and loans. Mr. Hoy stated that it was 1% higher in savings and loans. Mr. Capurro read proposed amendments to the bill. Mr. Hoy again expressed his opposition even with the amendments.

Regarding AB 768, a bill requiring funeral directors to furnish information to customers, Mr. Smalley felt this bill was necessary because many times customers end up paying much more for funeral expenses than they expect to pay; that NRS 642 regulates undertakers, but there is nothing in the statutes protecting consumers; that there is nothing objectionable about the bill; that relatives of a deceased should be aware of the costs before they are incurred; that a funeral now costs between \$1000 and \$1500; that it is not a law that bodies be embalmed, but most customers are not aware of this and that there are no penalties for violation of this bill.

Mr. Charles Fox, intern to Mr. Hayes, stated that this bill is basically the same as that of California and left a copy of the California bill with the Committee. (See Exhibit "A") He also left a copy of a statement of charges from a mortuary in Calexico, California. (See Exhibit "B")

Mr. Wittenberg stated that it would place a large burden on mortuaries if in line 8, page 2 of the proposed bill, it was necessary to determine what credits a deceased would have under veterans and social security benefits. He suggested deleting this portion of the bill. He also left copies of purchase agreements from Walton's Funeral Home in Reno. (See Exhibit "C").

Regarding AB 795, Mrs. Brookman stated that she has received many complaints of dog grooming parlors treating dogs cruelly. She suggests this bill should be regulated by the County Health Departments and that a veterinarian should be placed on the State Board of Veterinary Medicine.

As to AB 917, Mrs. Brookman stated that she only wanted some place where babysitters could complain and suggested that the Labor Commissioner would be the person who should receive complaints in this area. Most of the people affected by this bill are senior citizens and the Committee will receive a letter from Mr. Jones relative to this matter. She suggested deleting everything in the bill but Section 5.

Returning to AB 795, Mr. Demers stated his disapproval of this responsibility being given to the county health departments and stated the Veterinary Board does not have police powers. The Washoe County Board of Health presently has this responsibility.

Mr. John O'Harra, Secretary of the Veterinary Board stated that if passed, this bill would place the Board in a very untenable position; that the Board merely regulates the practice of veterinary medicine and is self-supporting under NRS 638; that they do not have the manpower or funds to police this area; that the bill must be funded if passed; that the Clark County Board of Health has a full-time veterinarian on its staff and Board; that Washoe County has neither.

Mrs. Brookman informed the Committee that they could do "real good work and be compassionate to the people" if they favorably considered AB 917, 722, and 795.

Mr. Hayes discussing AB 774 requested the Committee to delete portions of the bill so that disclosure of customer quantity limitations in advertising would only apply to groceries. Mr.

Torvinen suggested rewording the bill to say: "If the limitation of quantity is not advertised, no limitation can be forced on the buyer".

Mr. Wittenberg felt that AB 301 would cover this situation with the stores giving "rainchecks". AB 230 could also make these practices deceptive advertising.

Mr. Hayes, regarding AB 775, felt that all kinds of insurance policies should not necessarily be required to be given to insureds prior to signing, such as life and health and accident.

Mr. Milos Turvich, representing American Life Insurance Association, 365 companies writing 95% of all life insurance in the US, stated that group insurance policies could not comply with this regulation as many of these policies are written in other states; that this bill would increase costs to insurance companies and onto consumers. "I just don't see how this could work under life and health and accident insurance," he said.

Chairman Prince asked if there were any provisions whereby an insured could cancel a policy within thirty days and be reimbursed premium costs. Mr. Turvich stated that there is usually a provision for mid-term cancellation and if a company has misrepresented anything to an insured, he can be refunded his premiums. But he knows of no 30 day cancellation provision. Mr. Turvich also stated that insurance companies often do not know the risk they are undertaking in time to comply with this bill; that in NRS 687, no health or life insurance policy can be written until the forms are approved by the Insurance Commissioner.

Mr. Virgil Anderson of the AAA stated that his company was not included in this bill.

Mr. Lingenfelter of Land Title Insurance asked that his company be exempted because they do not know the cost of a title insurance policy until the title is searched.

Mr. Robert Haley of the NIC stated that he felt AB 650 should be killed because it applies to a very small percentage of employers; that 15% of all employers contribute 85% of all premiums to NIC; that this would penalize the small employer much more than it would help him.

Regarding AB 722, Mr. Virgil Anderson of the AAA, stated that he opposes this bill; that it is not in the public interest; that most insurance companies presently only cancel policies in case of non-payment of premiums or revocation of drivers' licenses; that this would not cover the number of out-of-court

settlements that are made.

Mr. George Vargas, representing the American Insurance Association stated that he "violently objects" to the bill; that the only thing it would do would be to create more litigation; that a court must establish negligence before an insurance company can pay a claim under this bill. He recommends that the bill be killed.

Mr. Ray Sevas representing the Senior Retired Volunteers, feels that this bill would help recruit more people to drive senior citizens around town. Mr. Capurro stated that he felt this bill would make no difference in the coverage under the Guest Statute. Mr. Torvinen felt that this bill would be detrimental to the public interest; that it will deter settlements and encourage litigation in violation of public policy. Mr. Capurro stated that the no-fault insurance bill presently in the Seante would provide coverage to drivers of these cars. Mr. Sevas stated that senior citizen volunteer drivers are afraid of jeopardizing their insurance coverage if they are involved in an accident.

Mr. Jim Jeffries, coordinator of the Senior Citizens operation in Reno asked the Committee to "have some compassion for the senior citizens"; that he has been a full-time volunteer for the group since its inception in July of 1972; that he is trying to bring senior citizens into the center for recreation which they would otherwise not have, but that he has no drivers.

Regarding AB 862, Mr. Lingenfelter stated that he requested the bill to be drawn; that there are presently no laws requiring legal access to a piece of property before it is sold. He suggested amending the bill on line 7 to say, a "legal" right-of-way, or "minimum county requirements". Mr. Hoy stated that an alternative access should be provided since there are many exceptions to the manner of access. Mr. Lingenfelter stated that he would obtain some amendments for the Committee's consideration and that he would appreciate their giving the bill serious consideration.

The hearing was closed.

The Committee took the following action:

1) AB 768: Mr. Dini moved to pass the bill as amended, Mr. Bickerstaff seconded the motion. The Committee unanimously approved the motion with Mr. Wittenberg abstaining. Mr. Torvinen agreed to obtain the amendments;

2) AB 775: Mr. Wittenberg moved that the bill be indefinitely postponed. Mr. Torvinen seconded the motion. The motion was un-animously approved.

3) AB 774: Mr. Bickerstaff moved that the bill be passed as amended; Mr. Wittenberg seconded the motion. Lacking a majority, the motion failed. Mr. Dini, Mr. Hafen, and Mr. Capurro voted "nay". Mr. Wittenberg moved to indefinitely postpone the bill; Mr. Hafen seconded the motion. The motion was passed with Mr. Bickerstaff voting "nay" and Mr. Torvinen abstaining.

4) AB 692: The Committee has not yet received the amendments. Mr. Torvinen was to obtain them from the printer.

5) AB 722: Mr. Dini moved to indefinitely postpone the bill; Mr. Bickerstaff seconded the motion. The motion was un-animously passed;

6) AB 650: The Committee agreed to hold the bill for more data from the industry;

7) AB 917: Mr. Capurro moved to indefinitely postpone the bill; Mr. Wittenberg seconded the motion. The motion was un-animously passed;

8) AB 795: Mr. Dini moved, Mr. Wittenberg seconded that this bill be indefinitely postponed. The motion was un-animously passed;

9) AB 638: The Committee agreed to hold this bill to a later date;

10) AB 865: Mr. Wittenberg moved to indefinitely postpone the bill; Mr. Dini seconded the motion. The motion failed for lack of a majority with Mr. Wittenberg and Mr. Hafen voting "aye". Mr. Capurro moved to amend the bill and pass it onto the floor without recommendation. Mr. Bickerstaff seconded the motion. The motion again failed for lack of a majority with Messrs Bickerstaff, Demers, Capurro and Prince voting "aye"

The meeting adjourned at 6:00 p.m.

Respectfully submitted,

PHYLLIS BERKSON, Attache

ASSEMBLY

AGENDA FOR COMMITTEE ON COMMERCE

27

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

Bills or Resolutions
to be considered

Subject

Counsel
requested*

AB 738	Creates the Nevada Life and Health Insurance Guaranty Association Act;	
AB 775	Requires sample copy of policy to be given to insured prior to signing application for insurance;	
AB 768	Requires funeral directors to give information to customers;	
AB 774	Requires disclosure of customer quantity limitations in advertising items for retail sale at reduced prices;	
AB 562	Permits cities and counties to regulate shopping carts by ordinance;	
AB 795	Empowers Nevada state board of veterinary medical examiners to establish and enforce standards for handling, care and grooming of animals;	
AB 650	Requires Nevada industrial commission to rate all employers;	
AB 654	Prohibits use of term "U.S. Choice" or other misleading words or terms in the sale of meat;	
AB 722	Prohibits cancellation of automobile liability insurance on ground of negligence unless established by court.	

*Please do not ask for counsel unless necessary.

ELA

Introduced by Senator Beilenson

April 14, 1971

REFERRED TO COMMITTEE ON BUSINESS AND PROFESSIONS

*An act to add Section 7633 to the Business and Professions Code, relating to funeral directors.***LEGISLATIVE COUNSEL'S DIGEST**

SB 1268, as introduced, Beilenson (B. & P.). Funeral directors.
Adds Sec. 7633, B. & P.C.

Requires funeral directors to provide persons with whom agreements are entered into for funeral services with a written or printed list of specified prices and fees.

Vote—Majority; Appropriation—No; Fiscal Committee—No.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 7633 is added to the Business and Pro-
2 fessions Code, to read:
3 7633. Every funeral director shall provide to any person
4 with whom an agreement is entered for the performance of
5 funeral services, at some time before the person enters such
6 agreement, a written or printed list containing, but not neces-
7 sarily limited to:
8 (a) The price for professional services offered, which may
9 include the funeral director's services, the preparation of the
10 body, the use of facilities, and the use of automotive equip-
11 ment. All services included in this price or prices shall be
12 enumerated.
13 (b) The prices of all items of merchandise offered for sale
14 including all caskets.
15 (c) An itemization of any additional fees including cash
16 advances which might be made by the funeral director.

1820 NO. IMPERIAL AVE., EAST
CALEXICO, CALIFORNIA 92231
TELEPHONE 357-2998

HEMS BROTHERS MORTUARIES

325 **EX. B**
1730 HIGHWAY 86
EL CENTRO, CALIFORNIA 92243
TELEPHONE 352-5661

THIS FIRM, HEMS BROTHERS MORTUARIES, OFFERS CASKETS RANGING
IN PRICE FROM \$ 14.50 TO \$ 90.00 FOR INFANT
CASKETS, AND FROM \$ 73.00 TO \$ 938.75 FOR
ADULT CASKETS.

THE FEE FOR FUNERAL SERVICES RENDERED BY THIS FIRM IS
\$ 494.00, WHICH INCLUDES FUNERAL DIRECTOR SERVICE, USE
OF FACILITIES, PREPARATION OF THE DECEDENT, USE OF AUTOMOTIVE
EQUIPMENT.

THE ABOVE NOTICE OF COSTS IS IN COMPLIANCE WITH SENATE BILL
1268, STATE OF CALIFORNIA.

HEMS BROTHERS MORTUARIES

CALEXICO

EL CENTRO

RECEIVED BY:

SIGNATURE _____

DATE _____

STATEMENT OF FUNERAL EXPENSES

DATE Feb. 21, 19 73

This is a MEMORANDUM of the casket and/or service and commodities you have selected.

FUNERAL SERVICE

AUTHORIZATION FOR John Doe

1. CASKET AS SELECTED		\$ <u>73.00</u>
2. SALES TAX		\$ <u>3.65</u>
3. PROFESSIONAL SERVICES FEE		\$ <u>494.00</u>
4. ADDITIONAL FEES AND CHARGES:		
Vault		\$ _____
Marker		\$ _____
Suit or dress		\$ _____
Other Clothing		\$ _____
Transportation		\$ _____
_____		\$ _____
_____		\$ _____
Mdse. Sales Tax		\$ _____
TOTAL FUNERAL EXPENSE		\$ <u>570.65</u>

5. CASH ADVANCES:

Clergy Honorarium	\$ _____	
Coroners' Fee	\$ _____	
Certified Copies of Death Certificate	\$ _____	
Flowers	\$ _____	
Cemetery, Cremation, or Mausoleum <u>Mt. View Cemetery,</u>	\$ <u>248.00</u>	
Permits <u>Callexico, Ca.</u>	\$ _____	
Shipping Container	\$ _____	
Transportation	\$ _____	
Long Distance Telephone & Telegrams	\$ _____	
Music	\$ _____	
Newspaper Notices	\$ _____	
Hairdresser	\$ _____	
_____	\$ _____	
_____	\$ _____	
TOTAL AUTHORIZED CASH ADVANCES	\$ <u>248.00</u>	\$ <u>248.00</u>
TOTAL OF ITEMS 1 THROUGH 5		\$ <u>818.65</u>

A 1% FINANCE CHARGE PER MONTH WILL BE PLACED ON THE REMAINING BALANCE AFTER 30 DAYS. ANNUAL PERCENTAGE RATE 12%.

PURCHASER _____ CO-PURCHASER _____

ADDRESS _____ ADDRESS _____

RELATIONSHIP _____ DATE _____ RELATIONSHIP _____ DATE _____

Walton Funeral Home

Our Complete Standard Service
Makes Available All Of The Following:



THIS CASKET: _____ \$ 85.00

PROFESSIONAL SERVICES INCLUDING

Personal services of staff and professional care of the deceased. Constant supervision and management of the multitude of arrangements and details concerning the service. \$ 280.00

FACILITIES AND EQUIPMENT INCLUDING

Use of mortuary, operating room, service rooms, receiving rooms, chapel, organ, funeral coach, limousine for family (local), service car for removal from hospital or residence (local), acknowledgement stationery, memorial book, flower display equipment and all other necessary equipment used to conduct a service elsewhere. \$ 297.00

Total \$ 662.00

Nevada Sales Tax \$ 11.58

FUNERAL PURCHASE AGREEMENT

Walton Funeral Home, Inc.

875 WEST SECOND STREET
RENO, NEVADA
323-7189

-) SERVICES, including Casket
 - All Facilities and Equipment
 - Personal and Staff Service
 - Professional Services
 - 400 Visitors' Register
 - Acknowledgment Cards
 - Funeral Sedan
 - Casket Coach

401 Vault _____

402 Outside Enclosure _____

403 Clothing _____

Total (1) _____

*** (2) ITEMS INVOLVING CASH ADVANCES**

To Permit Us To Render A Better Service
We Have Advanced The Money On These
For Your Convenience

440 Sales Tax _____

404 Cemetery Charges _____

404 Clergyman _____

404 Telegrams _____

404 Long Distance Telephone Calls _____

404 Transportation _____

404 Obituary Notices _____

404 Music _____

404 Clothing _____

404 Certified Copies _____

405 Additional Autos _____

409 Flowers _____

Total (2) _____

*** (3) ITEMS ORDERED LATER**

404 Certified Copies _____

Total (3) _____

Grand Total _____

1 of 2

_____ 19 _____

Name of deceased _____ Age _____

Deceased is _____ of person arranging services
(Give relationship)

* (1) Services, including merchandise \$ _____

* (2) Items Involving Cash Advances \$ _____

Total (1 & 2) \$ _____

* (3) Items ordered later \$ _____

Both parties agree any items ordered later shall become a part of this agreement and shall be inserted therein.

Grand Total \$ _____

In consideration of the services, merchandise and cash expenditures set forth above, the undersigned, jointly and severally, promise to pay to the order of **WALTON FUNERAL HOME, INC.** the sum of \$ _____ under the following terms: NET 30 days. Beginning with the first day of the month following expiration of the NET CASH period, a FINANCE CHARGE at the rate of 1½% per month (ANNUAL PERCENTAGE RATE OF 18%) will be added to the debt or any portion thereof unpaid on the last day of each month. In the event of default, I or We, agree to pay all cost of collection including reasonable attorney fees.

We agree to furnish all services, and merchandise, indicated above.

WALTON FUNERAL HOME, INC.

I, or we accept and approve the above.

Signature of Purchaser

By _____

Address

City

State

Signature of Co-signer with Purchaser

Street

City and State

Signature of Co-signer with Purchaser

Street

City and State

Handwritten initials

For Your Records

You should have a written record of the selection you have made, and this copy of the transaction is presented to you with this thought in mind.

We hope you have been impressed by the efficiency and understanding of our organization. Much of our ability to serve with exceptional economy is due to our affiliation with the American Society of Funeral Directors, an organization devoted to improving the professional and business methods of its members.

The savings made possible by increased efficiency are passed on to you . . . and to all we have the privilege of serving.

2 of 2

Exc