

## MINUTES OF MEETING

TUESDAY, MARCH 20, 1973

The meeting was called to order at 3:00 p.m.

Senator Drakulich in the Chair.

PRESENT: Senator Hecht  
Senator Pozzi  
Senator Swobe  
Senator Blakemore  
Senator Lamb

Interested citizens, which list is attached hereto as Exhibit A.

S. B. 409 - Removes restriction on number of games permissible under a special event license issued by Nevada gaming commission.

Senator Raggio appeared before the committee to suggest an amendment to the bill. Mr. Raggio's suggested amendments are attached hereto as Exhibit B.

Les Kofoed, of the Nevada Gaming Commission appeared before the Committee and spoke in favor of the proposed amendment. Mr. Kofoed informed the committee that his commission was not in unanimous agreement over this amendment. He stated that there are those members on the commission who feel that the 25% limitation should be maintained in the law. Others feel that this is not fair. Some feel that the law should read, "Not to exceed more than four games."

John Gionotti, representing Harrah's appeared as next speaker and was representing only Harrah's as he had not had an opportunity to talk to any of the other larger clubs. He was not in favor of the amendments and feels that the bill should stand as it is. He stated that the larger clubs pay the tab to have good entertainers come into the State and this benefits the small club owners. Therefore, the larger clubs should be taken into consideration when these bills are passed.

George Smith of the North Shore Club spoke in agreement with the bill. He feels that it is necessary legislation. He does agree with the proposed amendment.

Robert C. Diullo, Casino Manager, Smith's North Shore Club spoke in favor of the bill.

Charles Mapes, of the Mapes Hotel testified against the bill.

S.B. 411 - Provides for treatment by psychologist under certain health insurance policies.

Robert Whittemore, a member of the certified Psychologists, spoke in favor of the bill.

Eugene E. Montgomery, a Psychiatrist in Reno, spoke against the bill.

S. B. 467 - Limits liability of certain lenders financing property development.

Roger Bissett representing American Savings and Loan Association appeared before the Committee to speak in favor of the bill. He stated that the purpose of the bill is to clarify language for lenders financing property development.

S. B. 436 - Permits union members to hold any union office.

Senator Neal, who introduced the legislation, appeared before the Committee to request that the bill be killed.

S. B. 197 - Requires manufacturers of motor vehicles to provide the cost of correcting factory defects.

A proposed amendment was presented for this bill, which proposed amendment is attached hereto as Exhibit C.

S. B. 410 - Prohibits advertisement of obscene material.

Senator Lamb spoke in favor of the bill.

S. B. 413 - Excludes students employed by school from unemployment compensation

Walter Drew, of the Employment Security Department spoke in favor of this bill. Mr. Drew presented a proposed amendment to this bill, which amendment is attached hereto as Exhibit D.

S. B. 166 - Abolishes workmen's compensation for University of Nevada athletes.

John Reiser presented a proposed amendment to this bill. Said Amendment is attached hereto as Exhibit E. Motion, Senator Swobe, amend and Do Pass, seconded, Senator Pozzi, carried unanimously.

S. B. 405 - Provides that insurance commissioner may review proposed cancellations of insurance policies.

This bill was tabled until such time as Senator Wilson could be present.

S. B. 186 - Eliminates numerical exemptions to industrial insurance and occupational disease coverage and broadens occupational coverage.

John Reiser spoke in behalf of this bill.

Senator Lamb moved to delete the agriculture and farming industry from the bill, Seconded Swobe and carried.

Senator Swobe moved to take out the brackets on line 11, page 2, encircling the word "two" and delete the word "one", seconded by Senator Lamb, carried.

Motion, Senator Swobe, Do Pass, Seconded Senator Lamb, carried unanimously.

S. B. 183 - Revises schedule of workmen's compensation benefits.

A proposed amendment was to delete lines 26 to 34, inclusive on page 6.

Senator Lamb moved Do Pass as amended, Seconded, Senator Blakemore. Discussion by Mr. Pozzi. Motion carried.

Yeas, Senator Hecht, Senator Swobe, Senator Blakemore, Senator Drakulich, Senator Lamb. No, Senator Pozzi.

S. B. 4 - Clarifies application of Nevada Administrative Procedure Act to Nevada industrial commission.

Clinton Wooster, Chief Legislative Counsel, appeared before the Committee to explain this bill. Mr. Wooster's remarks are attached hereto as Exhibit F.

S. B. 2 - Makes technical changes in Nevada industrial commission organization and procedures.

John Reiser appeared and presented the following proposed amendments. Page 1, delete lines 11 to 20, inclusive, Page 2, delete lines 1 to 6 inclusive, Page 8, line 37, delete from "1" and delete "fund" and add "account"; in line 40, delete "fund" and add "account", in line 47, delete "fund" and add "account", Page 9, add new section reading as follows: "Upon the effective date of this act all money in any of the funds abolished by this act shall revert to the appropriate account in the state insurance fund. The effective date of this act shall be June 30, 1973."

S. B. 7 - Empowers Nevada industrial commission to provide rehabilitation services.

John Reiser presented the following proposed amendment to the bill. In line 9, delete "rehabilitation" and add it its place "compensation other than accident".

S. B. 184 - Allows Nevada industrial commission to invest in buildings anywhere in state whether occupied by commission or not.

John Reiser presented the following amendment to the bill. Page 1, in line 17, remove brackets around "only"; and in line 18, remove brackets around "." and delete, "or to any person, firm, association, partnership or corporation."

S. B. 403 - Enacts the Nevada Occupational Safety and Health Act.

John Reiser presented the following proposed amendment. Page 13, in line 3

delete "a total" and add in its place, "an."

The meeting was adjourned at 5:00 p.m.

Respectfully submitted,

Mae Lofthouse, Secretary  
(taken from notes transcribed  
by JoAnne Hughes.)

APPROVED:

Stanley Drakulich, Chairman

EXHIBIT 1  
 Meeting # 138  
 Agenda

..... Room 345 .....

EXHIBIT A

# Print Plainly

NO WRITING PLEASE!

NAME	DEPARTMENT AND POSITION OR TITLE	TELEPHONE	CHECK ONE PLEASE	
			(v) WITNESS	(v) Observer
Joe Jackson	press			
J. GRANOTTI	HARRAH'S	786 3232	✓	
R. W. WITMORE	CERTIFIED PSYCHOLOGIST #19	358-1380	X	
R. L. LAHILL	NEVADA RESORT ASSOC	383-1320		X
C. W. MAPPS	Hotel Mapps	323-1611		X
BART HARRIS	HOLIDAY HOTEL CONYERLETZ	329-0411		X
Harry Bergmann	Jessie Beck's <sup>Industrie</sup> River Side Relation	784 4400		X
George R. Smith	President, Smith's North Shore Club	831-0622		X
Robert C. Diullo	Casino Mgr. Smith's North Shore Club	831-0622		X
Wm. R. Gibbens	The Gibbens Co. Inc	786-6743		X
George Berpton	Hepburn Construction & General Co.	322-9471		✓
JIM SHELLY	EMPLOYMENT SECURITY	882-7241		X
WALTER DREW	EMPLOYMENT SECURITY	882-7241	X	
W. Howard Gray	Ninky Association			
RUSSELL PIKE	UNION FEDERAL SAVINGS AND LOAN ASSOCIATION	786-5411		X
Roger Bissett	AMERICAN SAVINGS & LOAN	786 5040	✓	
Wendle Tarlington	Commissioner Vegs. & Loans	882-7448		

Bill #

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## MEMORANDUM

TO: Senator William Raggio

FROM: Philip P. Hannifin, Chairman  
Gaming Control Board

DATE: March 14, 1973

SUBJECT: Holiday Gaming Permits

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Senate Bill 409 does not go far enough if the intent is to encourage operators to place additional games in action during holiday periods. Removal of the 25 per cent limitation is helpful, but NRS 463.380 remains as a stumbling block. For example, those establishments having seven games in operation and desiring to add one or two additional for a holiday would have to pay \$3000 in annual fees even though the permit would be good for only a few days.

You could amend Senate Bill 409 by adding, under NRS 463.408 (5), "In addition a fee of \$50 per game per day shall be paid in lieu of the fees required under NRS 463.380."

I will be glad to discuss this further with you if necessary.

Sincerely,

Philip P. Hannifin

PPH/jlt

cc: ✓ Les Kofoed, Director  
Gaming Industry Association

EXHIBIT C

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Every manufacturer of a vehicle who furnishes notification to the registered owner of the vehicle of any defect in the vehicle related to vehicle safety shall, notwithstanding the limitations of any warranty relating to such vehicle, correct such defect at the manufacturer's expense and without charge to the registered owner of the vehicle if the vehicle is returned to any vehicle dealer franchised by the manufacturer of the vehicle to market the vehicle, or, at the election of the manufacturer, reimburse the registered owner for the actual cost of making such correction.

Nothing contained in this section shall be construed to compel a vehicle dealer to make the required correction if the manufacturer has failed to make available to the dealer the parts needed to make the correction.

612.119

Employment shall not include service performed in the employ of a school, college or university if such service is performed by:

1. A student who is enrolled and is regularly attending classes at such school, college or university.
2. A spouse of a student "if the spouse is advised at the time the spouse commences performing such service that the employment is provided under a program to provide financial assistance to the student by the school, college or university and the employment will not be covered by any program of unemployment compensation."



UNIVERSITY ATHLETES

1. The University of Nevada, Reno, and the University of Nevada, Las Vegas, as well as the Community College division of the University of Nevada may elect to insure members of varsity and freshman athletic teams headquartered at each of the respective campuses for unlimited medical coverage and burial expenses as provided in NRS 616.615 for injuries incurred while the members of such teams are engaged in organized practice or actual competition or any activity related thereto.

2. For the purposes of this medical only coverage, the Nevada Industrial Commission shall establish premium rates on the basis of man months of athletic participation by members of the athletic teams. Any participation by the member of an athletic team during a calendar month shall be counted as one man month for purposes of premium calculation.

3. The coverage of members of athletic teams under the terms of this section will not entitle members of the designated athletic teams to disability compensation in any form provided in other sections of this statute.

March 20, 1973

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REMARKS BY CLINT WOOSTER

S. B. 4 - Clarifies application of Nevada Administrative Procedure Act to Nevada industrial commission.

The Administrative Procedure Act provides for judicial review by the Courts. NRS 233B.140 also provides that the Court may, upon application of the parties, to take additional evidence, and the Court would have to be satisfied that the additional evidence was material. Aside from that, the jurisdiction of the Court would be limited to what is set up by statutes to review the specific aspects of the case. And it can only reverse or modify the decision if they are in violation constitutional or statutory provisions, or if there is an error of law or if it is clearly erroneous in the substantial evidence of the whole record, or arbitrary and capricious, characterized by the nuisance statute. That is the limit of the ability of the Court under the Administrative Procedure Act to review the decision of the agencies that come within this act.

You are not taking away the worker's right of review, you are taking away his rights to have a complete new trial of the whole matter before the Courts.

Senator Drakulich: They can review or modify, but they cannot have a trial.

No, and if there were additional evidence that he would say, "Now, I didn't get to present my additional evidence before NIC, because new evidence came up." He would still have the right to go to Court and ask that the NIC hear this additional evidence, which the Court could order, on proper grounds. So, it isn't going to take away his right of judicial review that will modify the present circumstances, because in Nevada the District Courts are going two ways. Some of them feel that NIC is bound by the Administrative Procedures Act and some of the Courts feel that a workman is entitled to a brand new trial regardless of what NIC decides. So this will clarify that and put all of the NIC procedures strictly under the Administrative Procedures Act for all purposes.