

Assembly MINUTES

COMMERCE COMMITTEE - NEVADA STATE LEGISLATURE - 58TH SESSION

April 2, 1975

0469

~~0583~~

The meeting was called to order by Chairman Robinson at 3:30 P.M.

MEMBERS PRESENT: Mr. Benkovich
Mr. Demers
Mr. Getto
Mr. Harmon
Mr. Moody
Mr. Schofield
Mr. Wittenberg
Mr. Chairman

MEMBERS ABSENT: Mr. Hickey - excused

SPEAKING GUESTS: Victor Isaacson, Nevada State Board of
Dispensing Opticians
William Kanelz, Nevada Optometric Association
Thomas Link, Dispensing Optician
George F. Hamilton, Dispensing Optician
Keith Henrickson, National Employment Agencies
John T. Spann, Employment Associations of Nevada
Eleanor Burnett, Up Front Personnel
Stan Jones, Labor Commissioner
Assemblyman Ford
David H. Smith, Management Associates, Intn'l.
Corky Lingenfelter, Nevada Land Title Association
Gene Milligan, Nevada Association of Realtors
Milo Terzich, American Life Insurance Association

The purpose of this meeting was to hear testimony on the following bills:

AB 345
AB 101
AB 455

Discussion was also had on the following bills:

AB 414 AB 375
AB 492 AB 127
AB 112 AB 9

The hearing commenced with proponent testimony for AB 345 which:

Revises chapter regulating dispensing opticians.

Mr. Victor Isaacson who is Secretary of the State Board of Dispensing Opticians spoke. He said this bill was the result of the efforts of this Board. He said the purpose of the bill was to fill in gaps and clarify different areas and to meet situations that exist now but did not when the original legislation was enacted. He said Section 2 provides for the supervision of an apprentice which heretofore was not in the law. Section 3, Subsection 1 provides for contin

education which, he said, was occurring in all specialized fields and in order to serve under any Federal programs, it is necessary. He said this bill defines dispensing optician which is not done in present law. He added that this bill requires a candidate to be a high school graduate. The reason for this is the math that is involved requires at least this level of education. Section 7, Subsection 4 has been deleted. It called for the refund of \$35 fee to a failing applicant. He said it has been more difficult to process a failing applicant than one who passes the exam. Line 17 of Page 3 clarifies requirement on continuing education so it is part of the condition of renewal of examination. Lines 27 and 28 of Page 3 have been added for clarification purposes. Line 24 on Page 2 increases the Board members' salary from \$25 to \$50 per day. He said the members can hardly get away for \$25 and opticians find it too much of a burden to serve on the Board if they don't get compensation for it. The funds of the Board are made up entirely of the examination and renewal fees. He said the Board meets usually three times each year for approximately two days.

Mr. William Kanelz representing the Nevada Optometric Association said they lend support to this bill and feel it is a good bill.

Tom Link who is a private optician said he felt the bill was good in general but he did have a few questions. With regard to Line 17 on Page 1 excepting 60 year olds and older from the provision for continuing education, he felt the bill should be the same for one and all rather than exempting anyone. On Page 1, Lines 23 and 24 regarding the continuing education, he felt it should be more clear as to how this education will be presented, by whom, where or how often or at what cost. He felt these things should be cleared up.

Mr. Getto questioned the word "maximum" in the bill on Page 1, Line 24, wondering why this limit was set. Mr. Isaacson answered this question saying a limit was placed here so future boards would not get too demanding to make it almost impossible to carry on practice and abide by regulations. He added that the Board felt 12 hours was sufficient to keep the members up to date. It means 12 actual hours in class or lecture (not 12 credit hours).

Mr. Getto then wondered why those 60 or older had been exempted from this continuing educational requirement and Mr. Isaacson said the reasoning behind it was that a person nearing retirement age could seek employment or be used to advantage by a dispenser on a part time basis and it may be difficult for him to attend these classes or he may not be interested in attending them and this bill would enable him to continue to renew his license without meeting this particular requirement. When asked if he would be opposed to eliminating this provision, he said he would not be. Mr. George Hamilton, who is 74 years old and still working in this field said he would have no objection if this provision was taken out either.

This concluded testimony on AB 345.

Discussion then turned to AB 455 which:

Revises law governing private employment agencies.

Keith Henrickson spoke in favor of this bill. He said it was a compromise measure worked out between the Labor Commissioner and the employment agencies in Northern and Southern Nevada. He said everyone concerned in the industry was in favor of this bill. It gives extensive power to the Labor Commissioner in adopting regulations to more reasonably regulate the employment agency business.

Mr. Spann explained some of the proposed changes. He said the one-year residency requirement has been proposed because if fees go up more agencies will open in the State and they would like these people to be local rather than coming from out of state. It allows time for out of state people to establish themselves in the community and in the State and to become familiar with the business here in Nevada. The basic idea is to enhance the chances of the native Nevadans.

Mr. Getto was also concerned with the definition of "Gross Cash Wage" in this bill and felt it should be clarified so its definition would not be used in other chapters of the NRS as the way it now reads could seriously hurt the agricultural worker if this definition were used. Dr. Robinson suggested perhaps inserting "for the purpose of computing agency fees" after "means" on Line 25, Page 3, for clarification.

Dr. Robinson asked Mr. Getto to work with Mr. Jones of the Labor Commission to come up with a satisfactory solution to the definition of "Gross Cash Wages" and report back to the committee. Mr. Jones added that in the past agencies made their own decisions regarding gross cash wages and this is why there is an attempt in this bill to narrow it down and to standardize it. He added that tips would not be included in this.

In answer to a question as to why the commission increase from 20% to 45%, Mr. Spann said the cost of doing business has increased substantially more than that. Mrs. Burnett elaborated on this point saying the last increase to agencies was in 1969. She opened her office in November 1973. Since that time, their advertising costs in the newspapers have increased 70%. Printing costs have increased 40% to 60% in addition to the fact the bonds these agencies must supply have increased 100%. Mr. Getto added to this that salaries have gone up along with costs thus increasing commissions earned by these agencies.

Mr. Demers asked Mr. Jones if the Labor Commission needed the powers given to them under Section 5 of this measure. Mr. Jones said the Commission has these powers under the Labor and Industry Relations Laws but does not have them under private employment agencies and said they did have the need and the occasion to use these powers in this area.

Getting back to the one-year residency requirement, Dr. Robinson wondered if there had been any question as to the constitutionality of this provision. Mr. Jones said he thought there had been a constitutional question in the State of Tennessee but he did not know its disposition. Dr. Robinson asked Mr. Schofield to obtain a legal opinion on this from the Legislative Counsel Bureau. Mr. Jones added that this requirement was requested by the employment agency industry itself, not from a State agency. Dr. Robinson asked if there would be any strong objection to deleting this requirement. Mr. Jones said he did not think there would be. He concluded his remarks by saying that both the Commission and the agencies have been working on this measure for more than a year and there is really agreement on everything in it.

Mrs. Burnett said the agencies in Northern Nevada requested this bill specifically to preclude any situations with agencies that perhaps operate on the "fringes" of the law.

Additional information gathered & submitted by Mr. Benovich ATTACHED HERE
This concluded testimony on AB 455. Discussion then turned to AB 101 which:

Provides optional procedure for enforcing certain assessment liens with respect to condominiums and planned unit residential developments.

Mrs. Ford spoke on behalf of this bill. She said it is attempting to clarify existing law regarding procedure whereby management of condominiums and planned unit developments can legally gather monthly assessment fees. These types of developments are a good use of land and they are rapidly growing in number in both Clark and Washoe County. Therefore, with this tremendous growth, it is important that we do something now to clean up some of the "bugs" in the law that prevent these groups handling the administrative problems of these developments from doing this so they do not get a bad name. When one owner does not pay his monthly assessment, the other owners must subsidize his share because the maintenance must still be done. A group was formed including Mr. Deaner and Mr. Pilkington and from that came an ad hoc legislative committee which came up with this bill. The language of the bill was prepared by Mr. Lopez in direct consultation with Mr. Charles Deaner who is a highly esteemed attorney in real estate and condominium law. They arrived at what they consider a clarification of Chapter 117 to provide in the extreme event when all other efforts fail that they would be allowed to foreclose to obtain this assessment money due them. It clarifies the procedure whereby this foreclosure would take place. This would apply to condominiums, planned unit developments and non statutory planned unit developments which are those started before there was any established criteria. The last portion of the bill addresses itself to the question of the homestead law to prevent it from defeating the enforcement of assessment liens covered under the bill. The intent of this bill was to provide a legal mechanism whereby condominium homeowners could take care of their own affairs.

Mr. David Smith then spoke on behalf of the bill. He said the main problem in this area is the fact that the homeowners associations are predicated solely on the owners paying their fees each month. The average amount of these fees is \$44 per month per owner. He said the enforcement factor is the worst part. If it goes to district court, this cost much time and money but at present there is no other recourse.

He also asked what can be done when the builder still owns many of the units because they have not yet been sold and the association is still predicated on dues coming in from every unit. He added that he did not feel any of the homeowners associations wanted to throw anyone out, they just want to make the law work. This bill would speed up this process. He was afraid if legislation was not passed that Nevada would fall into the same pitfalls of Florida and Illinois where they have had a difficult time trying to keep the condominium law up with the number of people moving into these types of developments. He said in cases where people are not making their mortgage or assessment payments, the association works jointly with the mortgage company to take action against the owner. More prevalent he said was the owner making mortgage payments but not their assessment fees.

Corky Lingenfelter then spoke saying he did not see any problems with the bill but the title companies were concerned with some areas and he presented some amendments. They felt if the bill goes through and they go to foreclosure, the people buying will want to get clear title and without these amendments, the title people didn't feel they would be able to issue a clear title. These amendments are:

On Page 2, Line 48 and on Page 4, Line 14, after NRS 107.030 add "which covenants are hereby incorporated as fully as those set forth herein at length".

On Page 3, Line 4 and on Page 4, Line 18, after "forclosure sale and" insert "provided that said management body is a corporation, partnership or a natural person they shall have the power".

He explained the first amendment concerned the covenants of foreclosure under foreclosure procedure on trust deeds.

Mrs. Ford said these proposed amendments would strengthen the bill. She said the problem originated with the title companies because they did not feel the condominium law was fair enough. She felt anything that could be done to work with the title companies to insure that they can give a clear title would work out very well. She felt clearing this up would be an asset to the homebuilding industry as a whole. Many people in Clark County have become disenchanted with condominiums because of the problems encountered. She also commented that they wanted these types of things handled in the Justice Court but ran into constitutional problem because there already is

a section in the NRS providing for the jurisdiction of the various courts. It must now be handled in District Court and to change this would require a constitutional amendment.

Gene Milligan said it has taken many meetings to solve these problems and that they, the Nevada Association of Realtors, endorse this bill and the amendments submitted by the Land Title Association. They think it is a good bill.

This concluded testimony on the above bills. The committee then discussed AB 414. Dr. Robinson did not feel this bill required a public hearing and with the committee's agreement, it would be handled without one. Mr. Demers commented on the bill and said it required amendments and asked that it be held up until these amendments are received. Mr. Getto asked if the banks concur with this bill. Mr. Demers said they have no objection to it with the forthcoming amendments incorporated into the bill.

AB 492 was then briefly discussed. Dr. Robinson said it is a bill from the Welfare Department on uniform health insurance and hospital forms. He commented that it is similar to SB 69 for which we have already had testimony so it was not his intention to have still further testimony on the issue. He felt adequate input had been received. He asked the committee to study the bill so they could take action on it at the next meeting. Mr. Getto added that this bill was as a result of his meeting with Miner Kelso and Mr. Bennett.

Dr. Robinson said he had three bills for committee introduction. The first one was BDR 2-1527 which is a companion bill to AB 101 that would fill in a space left vacant in the statutes. Mr. Getto moved that BDR 2-1527 be introduced by the Commerce Committee. Mr. Wittenberg seconded this motion and it carried the committee unanimously.

The second one was BDR 53-1534 which has been requested by Mr. Banner and it covers the employment security field relating to unemployment compensation benefits. Mr. Getto moved for committee introduction. Seconded by Mr. Wittenberg. Carried the committee unanimously.

The third one was BDR 57-1517 requested by Mr. Wittenberg and is an act relating to general premium tax paid by insurers. Mr. Demers moved for committee introduction. This was seconded by Mr. Moody and carried the committee unanimously.

Chairman Robinson said they now have amendments to AB 375 which are a result of Mr. Milligan meeting with County and City people and surveyors and commissioners. Sections 2 through 6 of AB 324 have been inserted into AB 375. Dr. Robinson said he would like to have this bill passed out of committee with these amendments and have it reprinted and referred back to this committee again. Mr. Wittenberg moved that the proposed amendments No. 7563 be adopted. This was seconded by Mr. Demers and carried the committee unanimously.

Mr. Wittenberg moved a "do pass as amended" on AB 375. This was seconded by Mr. Demers and carried the committee unanimously.

Dr. Robinson said they also had amendments to AB 375 from Mr. Roy Young dealing with the problems in Elko County of large parcels. If these amendments cannot be worked into AB 375, a separate bill will be put out to encompass this area. Mr. Milligan said he was afraid if it was put in AB 375 that the bill might not be passed because of opposition from land developers. He thought it should not be included in this bill in the interest of getting it passed.

AB 112 which is the newborn infant bill was then discussed. Mr. Harmon had received the amendments to this bill stating that they came from the Insurance Commissioner's office. He said it picks up premature births and transportation to hospital such as from a remote area.

Milos Terzich also suggested further amendments to AB 112. He said his amendments did no harm to the bill at all but improve it as far as workability is concerned. A copy of his proposed amendments are attached hereto and are as follows:

1. On page 2 of Amendment No. 5950, Section 2, Subsection 1, after the words "from the moment of birth", insert "as to the areas of coverage provided for in Subsection 3". Delete "The coverage shall not exclude premature births". (He said premature births are considered abnormalities).

All provisions like this in the bill should be amended the same.

2. On page 2 of Amendment No. 5950, Section 2, Subsection 3, after the words "birth abnormalities and", delete the word "all" and insert "including within the limits of the policy". After the words "specialized treatment center, add "to the extent such costs are charged by such treatment center.".
3. On page 4 of Amendment No. 5950, Section 5, Subsection 1, the word "available" is an error and should be "payable".
4. Add a section to the bill which reads: "The requirements of this act shall apply to all insurance policies and subscriber contracts delivered or issued for delivery in this state more than 60 days after the effective date of this act."

He explained that his first amendment was needed because the wording should be as it is in the model bill or else Nevada would require a special form.

With regard to his second proposed amendment, he said if the word "all" is left in the bill, it would prohibit the use of any and all deductibles and co-insurance. The reason for the addition of "including within the limits of the policy"

is because under normal health insurance plans, anything that is billed by the treatment center of the hospital is paid as a normal consequence of the plan. So, he said, if this emergency transportation was billed out of the treatment centers, the medical plan would automatically cover it. He said these amendments were necessary and that the Insurance Commissioner was in agreement with them.

Mr. Schofield commented with regard to AB 127 that there is no objection to the bill from Mr. Ciardella, Mr. Silva or Mr. Guinn. Mr. Schofield moved a "do pass" of AB 127 this was seconded by Mr. Demers and carried the committee unanimously. Mr. Schofield will handle the floor work on this bill.

Discussion followed with AB 9 for which amendments have been received. Mr. Moody moved for the adoption of Amendment No. 5976 to AB 9. This was seconded by Mr. Wittenberg and carried the committee unanimously. Mr. Wittenberg moved a "do pass as amended" to AB 9. This was seconded by Mr. Harmon and carried the committee unanimously. Mr. Getto will do the floor work on this bill.

Mr. Demers moved for adjournment. Meeting adjourned at 5:15 P.M.

Respectfully submitted,

Joan Anderson, Secretary

This Agenda cancels and supersedes the previous posted agenda for April 2, '88
ASSEMBLY

AGENDA FOR COMMITTEE ON COMMERCE ~~0588~~

Date Wednesday Apr 2 Time 3:00 p.m. Room 316 0468

<u>Bills or Resolutions to be considered</u>	<u>Subject</u>	<u>Counsel requested*</u>
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A.B. 345 *DO PASS* Revises chapter regulating dispensing opticians

A.B. 455 *DO PASS
AS Amended* Revises law governing private employment agencies

A.B. 101 Provides optional procedure for enforcing certain assessment liens with respect to condominiums and planned unit residential developments

*Please do not ask for counsel unless necessary.

58TH NEVADA LEGISLATURE

COMMERCE COMMITTEE
LEGISLATION ACTION

~~0601~~

0477

DATE April 2, 1975

SUBJECT AB 375 - Redefines subdivision and provides for record of survey maps.

MOTION: Do Pass as Amended X

Do Pass Amend Indefinitely Postpone Reconsider

Moved By Mr. Wittenberg Seconded By Mr. Demers

AMENDMENT: _____

Moved By _____ Seconded By _____

AMENDMENT: _____

Moved BY _____ Seconded By _____

VOTE:	MOTION		AMEND		AMEND	
	Yes	No	Yes	No	Yes	No
Robinson	<u>X</u>	_____	_____	_____	_____	_____
Harmon	<u>X</u>	_____	_____	_____	_____	_____
Demers	<u>X</u>	_____	_____	_____	_____	_____
Hickey	_____	_____	_____	_____	_____	_____
Moody	<u>X</u>	_____	_____	_____	_____	_____
Schofield	<u>X</u>	_____	_____	_____	_____	_____
Wittenberg	<u>X</u>	_____	_____	_____	_____	_____
Benkovich	<u>X</u>	_____	_____	_____	_____	_____
Getto	<u>X</u>	_____	_____	_____	_____	_____

ORIGINAL MOTION: Passed X Defeated Withdrawn

AMENDED & PASSED AMENDED & DEFEATED

AMENDED & PASSED AMENDED & DEFEATED

Attached to Minutes April 2, 1975

58TH NEVADA LEGISLATURE

COMMERCE COMMITTEE
LEGISLATION ACTION

~~0503~~
0478

DATE April 2, 1975

SUBJECT AB 127 - Revises definition of security interest and clarifies applicability of definitions relating to security interests in and sale of vehicles.

MOTION:

Do Pass X Amend _____ Indefinitely Postpone _____ Reconsider _____

Moved By Mr. Schofield Seconded By Mr. Demers

AMENDMENT:

Moved By _____ Seconded By _____

AMENDMENT:

Moved BY _____ Seconded By _____

VOTE:	MOTION		AMEND		AMEND	
	Yes	No	Yes	No	Yes	No
Robinson	<u>X</u>	_____	_____	_____	_____	_____
Harmon	<u>X</u>	_____	_____	_____	_____	_____
Demers	<u>X</u>	_____	_____	_____	_____	_____
Hickey	_____	_____	_____	_____	_____	_____
Moody	<u>X</u>	_____	_____	_____	_____	_____
Schofield	<u>X</u>	_____	_____	_____	_____	_____
Wittenberg	<u>X</u>	_____	_____	_____	_____	_____
Benkovich	<u>X</u>	_____	_____	_____	_____	_____
Getto	<u>X</u>	_____	_____	_____	_____	_____

ORIGINAL MOTION: Passed X Defeated _____ Withdrawn _____

AMENDED & PASSED _____ AMENDED & DEFEATED _____

AMENDED & PASSED _____ AMENDED & DEFEATED _____

Attached to Minutes April 2, 1975

COMMERCE COMMITTEE
LEGISLATION ACTION

~~0669~~

0479

DATE April 2, 1975

SUBJECT AB 9 - Allows applicants to take real estate broker's examination for license upon completion of educational requirements.

MOTION: Do Pass as Amended X

Do Pass Amend Indefinitely Postpone Reconsider

Moved By Mr. Wittenberg Seconded By Mr. Harmon

AMENDMENT: _____

Moved By _____ Seconded By _____

AMENDMENT: _____

Moved BY _____ Seconded By _____

VOTE:	<u>MOTION</u>		<u>AMEND</u>		<u>AMEND</u>	
	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>
Robinson	<u>X</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Harmon	<u>X</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Demers	<u>X</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Hickey	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Moody	<u>X</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Schofield	<u>X</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Wittenberg	<u>X</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Benkovich	<u>X</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Getto	<u>X</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

ORIGINAL MOTION: Passed X Defeated Withdrawn

AMENDED & PASSED AMENDED & DEFEATED

AMENDED & PASSED AMENDED & DEFEATED

Attached to Minutes April 2, 1975

GUEST REGISTER

COMMERCE COMMITTEE

~~0604~~

0480

DATE: ~~7/1~~ 7/2

PLEASE
CHECK IF YOU
WISH TO SPEAK

ADDRESS & NAME	REPRESENTING	PLEASE CHECK IF YOU WISH TO SPEAK
Gene Mellogan	New Assoc Realtors	AB 101
John T. Spann	Employment Assoc of NV	AB 455
Kathryn D. Kelly Suite 135, 100 W. 6th Ave Reno, Nevada 89502	K.D. Kelly Personnel	AB 455
Eleanor Burnett 1000 Billeway, Reno.	Rep. Joint Personnel	AB 455
Walter Dommers	owner Reno opticians	AB 345
Geo. F. Hamilton	Dispensing optician	AB 345
Frank Higdon	Dispensing Optician	AB 345
Victor Jackson	Nevada State Board of Dispensing Opticians	AB 345
Erna Edwards	Nevada Insurance Division	Executive Session AB 112
MILOS TERZICH	American Life Ins. Assoc.	subcommittee on AB 112 - exec. session
DAVID H. SMITH	MANAGEMENT ASSOCIATES, INC.	AB 101
Kate W. McDonald	Nevada St. Ph. Assoc.	
Thomas Link	Dispensing optician	AB 345

STATE OF NEVADA
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING
CARSON CITY, NEVADA 89701



LEGISLATIVE COMMISSION
LAWRENCE E. JACOBSEN, Assemblyman, Chairman
INTERIM FINANCE COMMITTEE
FLOYD R. LAMB, Senator, Chairman

ARTHUR J. PALMER, Director

PERRY P. BURNETT, Legislative Counsel
EARL T. OLIVER, Legislative Auditor
ARTHUR J. PALMER, Research Director

April 4, 1975

AB 455

M E M O R A N D U M

TO: Assemblyman Robert M. Benkovich
FROM: J.C. Smith, Office of Research
RE: The Regulation of the Fees that Private Employment Agencies
can Charge for Placement in 5 Western States

In response to your request, I have contacted the various state agencies in Washington, California, Utah, Oregon and Colorado, which are responsible for the regulation of private employment agencies, to ascertain the permissible rates which can be charged for placement. The results of the survey are as follows:

- 1) Washington--The State Department of Motor Vehicles uses a maximum monthly fee schedule which ranges from 30 percent for a \$200 per month job to 65 percent for an \$800 per month job. There are no fee regulations for jobs which range above \$800 per month.
- 2) California--The Department of Employment Agencies of the Department of Consumer Affairs licenses all of the agencies in the state and approves their fee schedules. In this procedure, the agency submits to the department a schedule of their fees and if the department approves, the schedule stands. The person that I contacted stated that the department did not apply any standards to the approval of the fees. The department's approval of a schedule means that the agency cannot charge more than the approved schedule. The fees can be assessed on either an annual or a monthly basis.
- 3) Oregon--The State Bureau of Labor approves the fee schedule that an agency submits as a condition of licensing. There are, as is the case in California, no maximum statutory limits on fees and the bureau has no standards to apply to excessive

Employment Agencies
April 4, 1975
Page 2

rates. The only stipulation is that once the fees have been approved, the agency cannot charge more than the fees listed with the bureau. The fees are assessed as a percentage of the first month's wages. Mr. Gardner, of the Bureau of Labor, states that the estimated average for fees is between 65 percent and 80 percent of the first month's wages.

- 4) Colorado--The State Division of Labor administers the regulations which concern private employment agencies. Again, there is no maximum fee schedule and the statutes require only that the contracts of the agencies and the rates that they intend to charge be approved by the Division of Labor. Fees are assessed on an annual basis; for example, 6 percent for a \$5,000 per year job, 10 percent for a \$10,000 per year job and 18 percent for a \$20,000 per year job. These are merely examples cited to illustrate the situation by a spokesman of the Division of Labor.
- 5) Utah--Private employment agencies are licensed by the Utah Industrial Commission. Fees that the agency intends to charge for placement are not regulated, other than to the extent that they must be filed with the commission. Approved fee schedules can be changed on 7 days notice with the commission. Most of the agencies in Utah charge on an annual basis, and as is the case in California, Colorado and Oregon the agencies charge what the market will bear. Utah had a statute similar to NRS 611.220 which limits the permissible charges for placement to 25 percent of the first months wages until 4 years ago, when the legislature changed the statute to its present form.

Also, please find enclosed copies of material prepared by the U.S. Department of Labor, which indicates the trend of state legislation in this area.

Please do not hesitate to contact me if I can be of further assistance in this regard.

JCS/jd
Encl.

0483

U.S. DEPARTMENT OF LABOR
EMPLOYMENT STANDARDS ADMINISTRATION
WASHINGTON, D.C. 20210



November 13, 1974

Mr. Stanley P. Jones
Labor Commissioner
Department of Labor
Carson City, Nevada 89701

RECEIVED
NOV 15 1974

LABOR COMMISSIONER

Dear Mr. Jones:

This is in reply to your letter requesting information on administrative jurisdiction over private employment agencies, and maximum placement fees.

With regard to the administrative agencies, thirty-three States and Puerto Rico vest authority in the labor department. The laws of ten States and the District of Columbia are administered by other departments, four are under local jurisdiction, and three States have no regulatory law. A table on this authority is enclosed.

In some States, especially where an industry-dominated "advisory" board is not operating in conjunction with the labor department, the industry appears to be promoting transfer of administration from the labor department to a consumer affairs program or to an agency handling occupational or business licensing. In recent years transfers of this type occurred in California (1967), Delaware (1970), New Jersey (1972) and Kentucky (1973-74), although the Delaware and Kentucky changes resulted from executive reorganization rather than other pressures. A first-time New Mexico law (1971) is administered by a Board, on which the office of the Attorney General serves as Secretary; and Washington's first law (1969) was placed in the professional licensing division where, perhaps contrary to industry expectations, it has been effectively administered through involvement of the office of the Attorney General.

On the other hand, changes of an opposite nature have also occurred. For example, North Dakota transferred administration from the Attorney General to the labor department (1971); an old Montana law formerly administered in part by county commissioners, when revised in 1971 was placed in the labor department; Massachusetts and Maryland significantly strengthened labor department administration in 1969; South Carolina's first law (1968) was placed in the

labor department, but with strong Board influence; and Maine with a locally administered law involved the labor department for the first time in 1973 by requiring that the department be notified of all locally issued licenses.

0484

As for maximum placement fees prescribed by statute or administrative authority, a table on the current picture is enclosed. Also, attached to the fee table is a comparative table on fee ceilings at selected earnings levels, which may be helpful for your own use in comparing Nevada ceilings with those in other States. The most recent change in maximum fees for permanent jobs occurred in Alaska where, by administrative action effective June 23, 1974, permissible fees for jobs with monthly salaries of \$300-\$500 were lowered, while those for jobs paying \$500 or more were increased.

As you so well know, the industry is opposed to fee ceilings for permanent jobs, favoring only the requirement that agencies pre-file fee schedules of their own determination. It scored a few successes in legislatures, but in the courts lost two major cases. Recent trends show that maximum fee ceilings were discontinued in Utah (1969); Texas (1969), though they were later reinstated by a Board; Arizona (1970); and Louisiana (1972); and were invalidated in West Virginia by a lower court decision which the State, apparently for political reasons, did not appeal. But in two States, Washington and Massachusetts, ceilings were upheld by appellate State courts--decisions which the U.S. Supreme Court declined to review. The Washington fee ceilings, established by administrative regulation, were upheld in 1972; and the Massachusetts ceilings fixed by statute, in 1971.

For a clue to industry-supported legislative proposals, you may be interested in developments in Massachusetts. After industry lost in the court, bills specifically marked "on behalf of the Massachusetts Employment Association" were introduced into the 1972 and 1973 legislatures but did not pass. The 1972 bill would have replaced statutory maximum fees with administrative authority to establish maximum fees or to approve fee schedules submitted by the agencies. Both bills would have established advisory boards and would have removed an existing provision requiring reduction of the fee to the extent that payment results in the employee's wages falling below applicable Federal or State minimum wages or rates established by applicable collective bargaining agreements. In a few other States in the last 2-3 years, no changes were made because competing bills were stalemated.

If you think there is a possibility of improving other features of your law, you may wish to consider curbing the agency practice of

requiring or accepting fees in advance. A number of States prohibit the acceptance of a fee until the applicant has accepted employment, and some postpone any fee payment until the applicant has actually started work.

Features in other States that are worth considering include the above mentioned Massachusetts provision relating to the minimum wage. Illinois provides that an agency must have a current, bona fide job order prior to placing a job advertisement. This is defined to be an order obtained within 30 days of the advertisement; and all job orders must be renewed after 45 days. A Colorado regulation prohibits the practice by agencies of indiscriminate or "cold canvass" telephone soliciting of employers.

The surety bond of \$1,000 required by the Nevada law may be insufficient to protect job applicants. The general trend has been to increase the bond requirement. The average is now approximately \$3,000, with several recent increases to \$10,000. A new development in Georgia and Oklahoma is a graduated bond, with a higher one required for the initial period of an agency's operation, thereafter decreasing in one or more steps over a period of time.

I hope this information is useful to you in the challenge you are facing. If we may be of any further assistance, do not hesitate to write.

Sincerely,



Sylvia Weissbrodt, Chief
Division of State Employment Standards

Enclosures

- 1) Oregon - 503-~~22~~ 378-3297.
- 2) UTAFI - 801-328-6411.
- 3) Colorado - 303-573-6440.
- 4) Arizona - 602-271-4515.

J Miller
801-328-5971

U.S. Department of Labor

Nov-1979

Sylvia Wettsbradt.
Div of State Emp SMO.

Maximum Fee Chargeable to Job Applicant and Related Provisions

0486

State	Fee limited by statute	Adm'n. auth.	Maximum Fee Chargeable to Job Applicant and Related Provisions								
Alaska	X		<p><u>Permanent employment</u> (90 days or more):</p> <table border="0"> <tr> <td><u>Monthly salary</u></td> <td><u>Percent of first full month's salary</u></td> </tr> <tr> <td>Less than \$400</td> <td>10</td> </tr> <tr> <td>\$400 - \$499.99</td> <td>15</td> </tr> <tr> <td>500 or more</td> <td>30</td> </tr> </table> <p><u>Temporary employment</u> (less than 90 calendar days): 10% of first month's earnings or 10% of gross amount earned, which ever is less</p> <p>The value of board and lodging and other privileges or gratuities is not considered as wages when computing the fee.</p>	<u>Monthly salary</u>	<u>Percent of first full month's salary</u>	Less than \$400	10	\$400 - \$499.99	15	500 or more	30
<u>Monthly salary</u>	<u>Percent of first full month's salary</u>										
Less than \$400	10										
\$400 - \$499.99	15										
500 or more	30										
California	X		<p><u>Temporary employment</u> (90 days or less and employee leaves for just cause or is discharged for reasons other than misconduct connected with work): 1/20th of fee for permanent employment for each consecutive day employed or compensated.</p> <p>Notwithstanding the above, in all instances of terminated employment, fee may not exceed employee's total gross earnings.</p>								
Colorado	X		<p><u>Temporary employment</u> (less than 30 days): 20% of fee for permanent employment.</p> <p><u>Rate of payment:</u> Agency must offer applicant the option to pay 20% of fee upon acceptance of job and thereafter in 20% installments at 20 days intervals, with final payment due 120 days after acceptance. If employment terminates without applicant's fault or for just cause within the 120 days, applicant is not liable for any installment payment not yet accrued. The parties may agree to a faster repayment schedule after applicant has been offered extended payment option.</p>								
Delaware		X	<p><u>Temporary employment</u> (10 weeks or less): 10% of gross wages actually received. No fee may be charged if employee leaves during first week of employment because of misrepresentation.</p> <p>Agency may not require applicant to execute a document which may serve as a promissory note or as an instrument with warrant of attorney authorizing confession of judgment.</p>								
Georgia	X		<p><u>Temporary employment</u> (expected to be permanent but lasting less than 10 weeks): 10% of the total fee for each week or portion thereof employed; except a minimum of 20% of the fee for the first two weeks or any portion thereof.</p>								
Hawaii		X	<p><u>Permanent employment</u> (more than 90 days): 25% of gross earnings for first 60 calendar days of employment.</p> <p><u>Rate of payment:</u> 25% of gross earnings when received after each pay period.</p> <p>If applicant chooses to pay total fee after first 30 calendar days of employment, the maximum fee is 40% of gross earnings for first 30 calendar days of employment, collectible at 40% of gross earnings when received after each pay period.</p>								

UNDER STATE PRIVATE EMPLOYMENT AGENCY LAWS
(continued)

0487

State	Fee levied by Statute	Admin. auth.	Maximum Fee Chargeable to Job Applicant and Related Provisions
Hawaii (at'd)			<p>Temporary employment (90 days or less): 10% of gross earnings during first 60 calendar days, collectible at 10% of gross earnings then received after each pay period, except baby and companion sitting; 20% of gross earnings for first 60 calendar days of employment, collectible at 20% of gross earnings when received after each pay period.</p> <p>If permanent employment becomes temporary through no fault of employee, maximum fee is 10% of actual earnings received.</p> <p>If temporary employment becomes permanent, maximum additional fee is 30% of gross earnings for 61st to 90th day, but not more than agency's fee schedule or fee for permanent employment.</p> <p>The reasonable cost to employer of furnishing employee with fringe benefits or board, lodging or other facilities and non-cash gratuities is not considered as earnings when computing the fee.</p> <p>Agency may not sell employment contract to a finance company or other purchaser until temporary employment period is completed or permanent employment established.</p>
Iowa	X		<p><u>Permanent or temporary employment:</u></p> <p><u>Monthly salary</u> Less than \$250 - 25% of first month's salary \$250 or over - 8% of annual gross earnings</p>
Kansas	X		<p>\$1 when wages are up to \$3 a day; \$2 when wages are over \$3 a day.</p>
Louisiana	X		<p><u>Temporary employment</u> (less than 90 days and terminated by employer through no fault of employee): 10% of gross earnings, but not more than fee for permanent employment.</p> <p>If employee voluntarily leaves, the entire fee is due, but fee may not exceed 50% of total wages received.</p>
Maine	X		<p><u>Permanent employment</u> (1 month or more): First week's wages.</p> <p><u>Temporary employment</u> (less than 1 month): 10% of wages earned.</p> <p><u>Rate of payment:</u> 1/8 of fee for 8 weeks, if paid weekly; or 1/4 for first 4 paydays if paid semi-monthly; or 1/2 for first 2 paydays if paid monthly.</p>
Maryland	X		<p><u>Temporary employment</u> (less than 90 days): 20% of total compensation received or 75% of the permanent placement fee, whichever is less, if employment is terminated through no fault of applicant or if applicant quits with just cause; or 75% of the permanent placement fee if employee is discharged for cause or voluntarily quits without just cause.</p> <p>Agency may not, prior to applicant's acceptance of a position, request execution of a promissory note or other instrument with warrant of attorney authorizing confession of judgment.</p>

MAXIMUM PLACEMENT FEE PRESCRIBED BY STATUTE OR ADMINISTRATIVE AUTHORITY
 UNDER STATE PRIVATE EMPLOYMENT AGENCY LAWS
 (continued)

0488

State	Fee limited by		Maximum Fee Chargeable to Job Applicants and Related Provisions																						
	Statute	Admin. auth.																							
Massachusetts	X		<p><u>Domestic or household employees, except as noted below, unskilled or untrained manual workers and laborers, and agricultural workers:</u></p> <p style="text-align: right;">Percent of first full month's wages actually received</p> <p>No meals or lodging 10 One meal per workday 12 Two meals per workday 14 Three meals and lodging per work day 13</p> <p>For employment shorter than 1 month, the above percentages apply to the wages actually paid.</p> <p><u>Domestic or household employees recruited through an emigrant agent from outside the State, but within the U.S., and receiving three meals per day and lodging:</u></p> <table style="width: 100%;"> <tr> <td style="width: 50%;">Monthly wages</td> <td style="width: 50%; text-align: right;">Maximum fee</td> </tr> <tr> <td>\$200 or less</td> <td style="text-align: right;">1 week's wages plus \$21, up to \$65</td> </tr> <tr> <td>Over \$200</td> <td style="text-align: right;">1 week's wages plus \$21, up to \$80</td> </tr> </table> <p><u>Nonprofessional trained or skilled industrial workers or mechanics:</u></p> <p>Permanent employment (10 weeks or more): 1 week's wages</p> <p>Temporary employment (less than 10 weeks): 10% of wages actually received, but not more than fee for permanent employment.</p> <p><u>Models:</u> 10% of amount payable to applicant.</p> <p><u>All other employment:</u></p> <p>Permanent employment (4 months or more):</p> <table style="width: 100%;"> <tr> <td style="width: 50%;">Monthly salary</td> <td style="width: 50%; text-align: right;">Percent of first full month's salary</td> </tr> <tr> <td>Less than \$225</td> <td style="text-align: right;">25</td> </tr> <tr> <td>\$225 - \$269.99</td> <td style="text-align: right;">35</td> </tr> <tr> <td>270 - 299.99</td> <td style="text-align: right;">40</td> </tr> <tr> <td>300 - 329.99</td> <td style="text-align: right;">45</td> </tr> <tr> <td>330 - 364.99</td> <td style="text-align: right;">50</td> </tr> <tr> <td>365 - 399.99</td> <td style="text-align: right;">55</td> </tr> <tr> <td>400 or more (up to \$8,000 per year)</td> <td style="text-align: right;">60</td> </tr> </table> <p>Temporary employment (less than 4 months): 50% of above fee schedule, or 10% of salary actually received, whichever is less.</p> <p><u>Rate of payment:</u> in 4 equal installments.</p> <p>Fee must be reduced to the extent that payment would result in the applicant's average hourly wages for that period falling below applicable Federal or State minimum wage or rate established by applicable collective bargaining agreement.</p> <p>Fee must be based on salary at which applicant is hired. Employment agency is prohibited from receiving any fee from employee which, when added to fee from employer, exceeds maximum fee. Employer is prohibited from deducting any part of agency's fee from employee's wages. If employee is discharged without just cause within 1 month, agency on demand must refund that portion of fee paid in excess of 10% of gross wages paid.</p> <p>The maximum fees are inapplicable to those hired at an annual wage of over \$8,000, or to agencies paid solely by employer clients.</p>	Monthly wages	Maximum fee	\$200 or less	1 week's wages plus \$21, up to \$65	Over \$200	1 week's wages plus \$21, up to \$80	Monthly salary	Percent of first full month's salary	Less than \$225	25	\$225 - \$269.99	35	270 - 299.99	40	300 - 329.99	45	330 - 364.99	50	365 - 399.99	55	400 or more (up to \$8,000 per year)	60
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MAXIMUM PLACEMENT FEE PRESCRIBED BY STATE OR ADMINISTRATIVE AGENCIES
 (UNDER STATE PRIVATE EMPLOYMENT AGENCY LAWS)
 (continued)

~~0489~~

0489

	Fee limited by State? Admin. auth.	Maximum Fee Chargeable to Job Applicant and Related Provisions																																										
	X	<p><u>Permanent or temporary employment:</u> 25% of first month's salary or compensation. If employee is discharged within 7 days, the fee must be returned.</p>																																										
<u>New Mexico</u>	X	<p><u>Temporary employment:</u> 20% of gross wages earned, either for any period of employment stated to be temporary in agency contract or for employment terminating for any reason within 30 days.</p> <p>Purchaser of negotiable instruments obtained by agency from applicant may not become a holder in due course if purchase was made within 30 days of date of negotiable instrument.</p>																																										
<u>New York</u>	X	<p><u>Fee schedules cover employers and employees.</u> The maximum fee for all classes of employment may be charged to the job applicant and a similar fee may be charged to the employer, except as otherwise noted.</p> <p><u>Rate of payment.</u> Unless otherwise noted, the employee's fee is payable not faster than in three equal installments after each of first three pay periods, or within 6 weeks, whichever time period is shorter.</p> <p><u>Class "A" employment.</u> Domestic, household employees, unskilled or untrained manual workers and laborers, including agricultural workers. (See separate fee schedules for certain household employees.)</p> <table border="0" style="margin-left: 40px;"> <tr> <td></td> <td style="text-align: right;">Percent of first full month's salary</td> </tr> <tr> <td>No meals or lodging</td> <td style="text-align: right;">10</td> </tr> <tr> <td>One meal per workday</td> <td style="text-align: right;">12</td> </tr> <tr> <td>Two meals per workday</td> <td style="text-align: right;">14</td> </tr> <tr> <td>Three meals and lodging per workday</td> <td style="text-align: right;">18</td> </tr> </table> <p>For employment shorter than 1 month, the above percentages apply to the wages actually paid.</p> <p><u>Domestic dayworkers transported daily by employment agency and receiving at least one meal per day.</u></p> <table border="0" style="margin-left: 40px;"> <tr> <td style="text-align: center;">Daily wage</td> <td style="text-align: center;">Maximum fee</td> </tr> <tr> <td>Less than \$11.00</td> <td>25¢ less than \$4.00 for each dollar under \$11.00</td> </tr> <tr> <td>\$11.00 - 11.99</td> <td>\$4.00</td> </tr> <tr> <td>12.00 - 12.99</td> <td>\$4.25</td> </tr> <tr> <td>13.00 - 13.99</td> <td>4.50</td> </tr> <tr> <td>14.00 - 14.99</td> <td>4.75</td> </tr> <tr> <td>15.00 - 15.99</td> <td>5.00</td> </tr> <tr> <td>16.00 and over</td> <td>25¢ more than \$5.00 for each additional dollar over \$15.00.</td> </tr> </table> <p>The value of meals may not be included in determining the employee's wages.</p> <p>No fee may be charged a dayworker who is transported to and from job by an agency. The entire fee must be charged to the employer.</p> <p>A transportation charge is prohibited to either the employee or the householder.</p> <p><u>Domestic or household employees recruited from outside the State</u></p> <table border="0" style="margin-left: 40px;"> <tr> <td></td> <td style="text-align: right;">Percent of first full month's salary</td> </tr> <tr> <td>No meals or lodging</td> <td style="text-align: right;">15</td> </tr> <tr> <td>One meal per workday</td> <td style="text-align: right;">18</td> </tr> <tr> <td>Two meals per workday</td> <td style="text-align: right;">21</td> </tr> <tr> <td>Three meals per workday and lodging and the first full month's wages are:</td> <td></td> </tr> <tr> <td>Less than \$130</td> <td style="text-align: right;">26</td> </tr> <tr> <td>\$130 - \$149.99</td> <td style="text-align: right;">28</td> </tr> <tr> <td>150 or more</td> <td style="text-align: right;">30</td> </tr> </table> <p>Employees' fees are payable not faster than in four equal weekly installments.</p>		Percent of first full month's salary	No meals or lodging	10	One meal per workday	12	Two meals per workday	14	Three meals and lodging per workday	18	Daily wage	Maximum fee	Less than \$11.00	25¢ less than \$4.00 for each dollar under \$11.00	\$11.00 - 11.99	\$4.00	12.00 - 12.99	\$4.25	13.00 - 13.99	4.50	14.00 - 14.99	4.75	15.00 - 15.99	5.00	16.00 and over	25¢ more than \$5.00 for each additional dollar over \$15.00.		Percent of first full month's salary	No meals or lodging	15	One meal per workday	18	Two meals per workday	21	Three meals per workday and lodging and the first full month's wages are:		Less than \$130	26	\$130 - \$149.99	28	150 or more	30
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State
 Statute
 Admin.
 auth.

Maximum Fee Chargeable to Job Applicant
 and Related Provisions

Class "A" (continued)

Domestic or household employees recruited from outside the United States

11% of employee's agreed or anticipated first full year's wages (value of meals and lodging may not be included) to be paid as follows:

25% by employee and 75% by employer. Employee's fees are payable not faster than in six equal monthly installments. If employer agrees to pay entire fee, no charge may be made to employee.

Only a specified percentage of fee may be charged if employment terminates within 90 days.

Class "A-1" employment. Nonprofessional trained or skilled industrial workers or mechanics

Permanent employment (10 weeks or more): 1 week's wages.

Temporary employment (less than 10 weeks): 10% of wages actually received.

Class "B" employment. Commercial, clerical, executive, administrative, and professional; all employment outside the continental United States; all other employment not included in any other class:

Permanent employment (4 months or more):

Monthly salary	Percent of first full month's salary
Less than \$225	25
\$225 - \$269.99	35
270 - 299.99	40
300 - 329.99	45
330 - 364.99	50
365 - 399.99	55
400 or more	60

For employment compensated at \$9,000 per year or more, the fee charged to employer may be determined by agreement between employer and agency; the employee's fee however is limited to the maximum fee schedule.

Temporary employment (less than 4 months): One-half of fee prescribed above or 10% of salary or wages actually received, whichever is less.

Class "C" employment. Theatrical engagements:

For a single engagement: 10% of compensation payable to applicant, except 20% for employment in orchestras or in opera and concert fields.

Class "D" employment. Nursing engagements:

For a single engagement: Private duty--5% of weekly salary or wages through first 10 weeks of a single engagement, payable at end of each week. Other duty--the first week's salary or wages; if the first year's computed salary is \$2,500 or more, from 2½ to 5% of such salary, scaled according to salary.

MAXIMUM PLACEMENT FEE PRESCRIBED BY STATUTE OR ADMINISTRATIVE AUTHORITY
 UNDER STATE PRIVATE EMPLOYMENT AGENCY LAWS
 (continued)

~~0491~~
 0491

State	Fee limited by statute	Agency such.	Maximum Fee Chargeable to Job Applicant and Related Provisions.														
OK		X	<u>Temporary employment</u> (less than 90 days): 20% of total compensation received, but not more than fee for permanent employment.														
Oklahoma	X		<p><u>Permanent employment</u> (over 60 days):</p> <table border="0"> <thead> <tr> <th>Monthly salary</th> <th>Percent of first full month's salary</th> </tr> </thead> <tbody> <tr> <td>Up to \$ 79.99</td> <td>15</td> </tr> <tr> <td>\$ 80 - 119.99</td> <td>20</td> </tr> <tr> <td>120 - 149.99</td> <td>30</td> </tr> <tr> <td>150 - 274.99</td> <td>40</td> </tr> <tr> <td>275 - 499.99</td> <td>45</td> </tr> <tr> <td colspan="2">500 or more: the fee is to be determined by written agreement between all parties concerned.</td> </tr> </tbody> </table> <p><u>Temporary employment</u> (60 days or less): 10% of amount earned, and not more than fee for permanent employment.</p> <p>Finance company or other purchaser of employment contract may not be considered a holder in due course until after 60 days have elapsed from date of employment. Liability of job applicant to a finance company for any charge in addition to legal placement fee is prohibited.</p>	Monthly salary	Percent of first full month's salary	Up to \$ 79.99	15	\$ 80 - 119.99	20	120 - 149.99	30	150 - 274.99	40	275 - 499.99	45	500 or more: the fee is to be determined by written agreement between all parties concerned.	
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500 or more: the fee is to be determined by written agreement between all parties concerned.																	
Oregon	X		<u>Temporary employment</u> (less than 90 calendar days): 1/90th of fee for permanent employment for each consecutive calendar day employed and compensated.														
Pennsylvania	X		<p><u>Temporary employment</u> (10 weeks or less): 10% of total amount earned, except that, if applicant resigns to accept employment elsewhere, agency may charge its full fee.</p> <p>Agency may not accept promissory notes without recourse. No subsequent holder may be deemed a holder in due course.</p>														
Puerto Rico		X	<u>Permanent or temporary employment</u> : 15% of first month's salary.														
South Dakota		X	<p><u>Permanent or temporary employment</u>:</p> <table border="0"> <thead> <tr> <th>Monthly salary</th> <th>Percent of first 30 days' earnings</th> </tr> </thead> <tbody> <tr> <td>\$175.99 or less</td> <td>25</td> </tr> <tr> <td>176.00 - \$250.99</td> <td>35</td> </tr> <tr> <td>251.00 - 350.99</td> <td>40</td> </tr> <tr> <td>351.00 or more</td> <td>50</td> </tr> </tbody> </table> <p>No fee may be charged if employee is discharged within 14 workdays.</p>	Monthly salary	Percent of first 30 days' earnings	\$175.99 or less	25	176.00 - \$250.99	35	251.00 - 350.99	40	351.00 or more	50				
Monthly salary	Percent of first 30 days' earnings																
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Texas	X	X	<p><u>For common or agricultural workers</u>: \$3</p> <p><u>For all other employment</u>:</p> <table border="0"> <thead> <tr> <th>Agreed annual earnings</th> <th>Percent</th> </tr> </thead> <tbody> <tr> <td>Up to \$4,999.99</td> <td>4</td> </tr> <tr> <td>\$5,000 - \$5,999.99</td> <td>5</td> </tr> <tr> <td>6,000 - 6,999.99</td> <td>6</td> </tr> <tr> <td>7,000 - 7,999.99</td> <td>7</td> </tr> <tr> <td>8,000 and over</td> <td>By individual contract</td> </tr> </tbody> </table>	Agreed annual earnings	Percent	Up to \$4,999.99	4	\$5,000 - \$5,999.99	5	6,000 - 6,999.99	6	7,000 - 7,999.99	7	8,000 and over	By individual contract		
Agreed annual earnings	Percent																
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6,000 - 6,999.99	6																
7,000 - 7,999.99	7																
8,000 and over	By individual contract																
Utah	X		<p><u>Temporary employment</u> (30 days or less): 25% of amount actually earned.</p> <p><u>Teachers' agencies</u>: 5% of first year's salary.</p>														

UNDER STATE PRIVATE EMPLOYMENT AGENCY LAWS
(continued)

0492

State	Fee limited by statute	Adm. auth.	Maximum Fee Chargeable to Job Applicant and Related Provisions																
Washington	X	X	<p><u>Temporary employment</u> (less than 90 days): 10% of gross salary, wages, or commissions if employment is terminated without fault of employee.</p> <p><u>Permanent employment</u> (90 days or more):</p> <table border="0"> <thead> <tr> <th>Monthly salary</th> <th>Percent of first month's compensation</th> </tr> </thead> <tbody> <tr> <td>Less than \$200</td> <td>20</td> </tr> <tr> <td>\$200 - \$224.99</td> <td>35</td> </tr> <tr> <td>225 - 299.99</td> <td>40</td> </tr> <tr> <td>300 - 349.99</td> <td>50</td> </tr> <tr> <td>350 - 499.99</td> <td>60</td> </tr> <tr> <td>500 - 799.99</td> <td>65</td> </tr> <tr> <td>800 or more</td> <td>80 maximum</td> </tr> </tbody> </table> <p>Agency may apply to administrator for permission to charge fees in excess of above, but without such permission no higher fee may be charged.</p>	Monthly salary	Percent of first month's compensation	Less than \$200	20	\$200 - \$224.99	35	225 - 299.99	40	300 - 349.99	50	350 - 499.99	60	500 - 799.99	65	800 or more	80 maximum
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300 - 349.99	50																		
350 - 499.99	60																		
500 - 799.99	65																		
800 or more	80 maximum																		
Wisconsin		X	<p>Uniform provisions applicable to all classes of agencies:</p> <p>Fee schedules require prior approval of administrator. If fee is paid partially by job applicant and partially by employer, total fee may not exceed approved fee schedule chargeable to applicant.</p> <p>Proposed fees conforming to prescribed maximums are approvable without supporting material. Requested variances must specify reasons therefor. Administrator will deny a variance if he determines it is unreasonable.</p> <p>If employee accepts position with understanding that fee or portion thereof was to be paid by employer and he leaves position for any reason, or if fee was negotiated between employee and employer, employee is not liable to agency for that part of fee understood or agreed to be paid by employer.</p> <p>Agency may not take a confession of judgment, promissory note, or assignment of wages from an applicant to cover its fees.</p> <p><u>Temporary employment</u> (less than 3 calendar months): 20% of amount earned, and not more than 75% of fee for permanent position.</p> <p><u>Class I agencies</u> (administrative, clerical, commercial, executive, profession sales, technical, etc.):</p> <p><u>Permanent employment</u> (3 calendar months or more):</p> <table border="0"> <thead> <tr> <th>Monthly salary</th> <th>Percent of first month's salary</th> </tr> </thead> <tbody> <tr> <td>Less than \$416.66</td> <td>50</td> </tr> <tr> <td>\$416.67 - 499.99</td> <td>60</td> </tr> <tr> <td>500.00 - 583.32</td> <td>72</td> </tr> <tr> <td>583.33 - 666.65</td> <td>84</td> </tr> <tr> <td>666.66 - 749.99</td> <td>96</td> </tr> <tr> <td>750.00 - 833.32</td> <td>108</td> </tr> <tr> <td>833.33 or more</td> <td>120</td> </tr> </tbody> </table> <p><u>Class II agencies</u> (unskilled or untrained domestic or household employees, skilled or unskilled industrial workers or mechanics):</p> <p><u>Permanent employment</u> (3 months or more): 50% of first month's salary.</p> <p><u>Class III agencies</u> (modeling agencies): 10% of amount received.</p> <p><u>Class IV agencies</u> (nurses' registries, including licensed practical and registered nurses):</p> <p>Private nursing: 5% of amount received All other: fee prescribed for permanent employment under Class I agencies.</p> <p><u>Class V agencies</u> (activities of a specialized nature or limited to specific areas or types of placement):</p> <p>Proposed schedule of fees, charges, and commissions, and proposed forms and contracts, together with supporting materials, must be submitted to administrator for prior approval.</p>	Monthly salary	Percent of first month's salary	Less than \$416.66	50	\$416.67 - 499.99	60	500.00 - 583.32	72	583.33 - 666.65	84	666.66 - 749.99	96	750.00 - 833.32	108	833.33 or more	120
Monthly salary	Percent of first month's salary																		
Less than \$416.66	50																		
\$416.67 - 499.99	60																		
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750.00 - 833.32	108																		
833.33 or more	120																		

November 1974

COMPARISON OF MAXIMUM PLACEMENT FEES FOR PERMANENT EMPLOYMENT
 PRESCRIBED UNDER STATE PRIVATE EMPLOYMENT AGENCY LAWS,
 BY SELECTED EARNINGS LEVELS

EARNINGS (selected amounts)		MAXIMUM PLACEMENT FEE FOR PERMANENT EMPLOYMENT ^{1/} (rounded to nearest dollar)												
Monthly	Annual	Alaska *	Hawaii*	Iowa	Maine	Massachusetts ^{2/}	Nevada	New York ^{3/}	Oklahoma	South Dakota*	Texas*	Washington*	Wisconsin ^{4/}	
\$200	\$ 2,400	\$ 20	\$100	\$ 50	\$ 46	\$ 50	\$ 50	\$ 50	\$ 80	\$ 70	\$ 90	\$ 70	\$ 100	
300	3,600	30	150	288	69	135	75	135	135	120	144	150	150	
400	4,800	60	200	384	93	240	100	240	180	200	192	240	260	
500	6,000	150	250	480	115	300	125	300	<u>5/</u>	250	360	325	360	
600	7,200	180	300	576	138	360	150	360		300	504	390	504	
700	8,400	210	350	672	162	<u>2/</u>	175	420		350	<u>6/</u>	455	672	
800	9,600	240	400	768	185		200	480		400		<u>7/</u>	864	
900	10,800	<u>270</u>	450	864	208		225	540		450			1,080	

* Denotes States which prescribe maximum fee schedules by administrative authority. In all other States the fees are prescribed by statute.

^{1/} Kansas is excluded. In Kansas the fee is \$1 when wages are up to \$3 a day and \$2 when wages are over \$3 a day.

^{2/} Massachusetts: The fees are based on the schedule applicable primarily to "white-collar" workers. There are two other schedules for other categories of employment. All fee schedules are inapplicable to those hired at an annual wage of \$8,000 or more, or to agencies paid solely by employer clients.

^{3/} New York: The fees are based on the schedule applicable to commercial, clerical, executive, administrative, and professional employees (Class B). There are four other schedules applicable to other categories of employment. An employment agency is permitted to charge both an employer and an employee fee, but each fee is restricted to the schedule shown, except that for salaries in excess of \$9,000 a year, the employer fee may be arrived at by agreement, but the employee fee is limited by the schedule.

^{4/} Wisconsin: The fees are based on the schedule applicable to administrative, clerical, commercial, executive, professional, sales, or technical workers including trained or skilled industrial workers or mechanics (Class I). There are three other schedules applicable to other categories of employment.

^{5/} Oklahoma: For salaries of \$500 a month or more, the fee may be determined by written agreement between all parties.

^{6/} Texas: For earnings of \$8,000 a year or more, the fee may be determined by individual contract.

^{7/} Washington: For salaries of \$800 a month or more, there is no maximum fee.

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Amendments to Assembly / Senate Bill / Joint Resolution No. 112 (HDR 57-287)
 Proposed by Committee on Commerce

Amendment N^o 5950



Amend section 1, page 1, line 13 by inserting after "children" and before "or": " , from the time of birth as provided in section 2 of this act,".

Amend section 1, page 1, line 15, by deleting "policyholder.;" and inserting: "policyholder;".

Amend section 1, page 1, line 15, by deleting: "coverage of newborn".

Amend section 1, page 1, by deleting lines 16 and 17.

Amend the bill as a whole by deleting section 2 and by adding new



Amendment No. 5950 to Assembly Bill No. 112 (BDR 57-267) Page 2

sections, designated sections 2 to 5, inclusive, following section 1 to read as follows:

"Sec. 2. Chapter 689A of NRS is hereby amended by adding thereto a new section which shall read as follows:

1. All individual health insurance policies providing family coverage on an expense-incurred basis shall as to family members' coverage provide that the health benefits applicable for children shall be payable with respect to a newly-born child of the insured from the moment of birth. The coverage shall not exclude premature births.

2. If payment of a specific premium or subscription fee is required to provide coverage for a child, the policy or contract may require that notification of birth of a newly-born child and payments of the required premium or fees must be furnished to the insurer within 31 days after the date of birth in order to have the coverage continue beyond such 31-day period.

3. The coverage for newly-born children shall consist of coverage of injury or sickness, including the necessary care and treatment of medically diagnosed congenital defects and birth abnormalities and all necessary transportation costs from place of birth to the nearest specialized treatment center.

Sec. 3. Chapter 689B of NRS is hereby amended by adding thereto a new section which shall read as follows:

1. All group health insurance policies providing coverage on an expense-incurred basis and all employee welfare plans providing medical, surgical or hospital care or benefits established or maintained for employees or

(more)

their families or dependents, or for both, shall as to such family members' coverage provide that the health benefits applicable for children shall be payable with respect to a newly-born child of the insured from the moment of birth. The coverage shall not exclude premature births.

2. If payment of a specific premium or subscription fee is required to provide coverage for a child, the policy or contract may require that notification of birth of a newly-born child and payments of the required premium or fees must be furnished to the insurer or welfare plan within 31 days after the date of birth in order to have the coverage continue beyond such 31-day period.

3. The coverage for newly-born children shall consist of coverage of injury or sickness, including the necessary care and treatment of medically diagnosed congenital defects and birth abnormalities and all necessary transportation costs from place of birth to the nearest specialized treatment center.

Sec. 4. Chapter 695B of NRS is hereby amended by adding thereto a new section which shall read as follows:

1. All individual and group service or indemnity-type contracts issued by a nonprofit corporation which provide coverage for a family member of the subscriber shall as to such coverage provide that the health benefits applicable for children shall be payable with respect to a newly-born child of the subscriber from the moment of birth. The coverage shall not exclude premature births.

2. If payment of a specific subscription fee is required to provide

coverage for a child, the contract may require that notification of birth of a newly-born child and payments of the required fees must be furnished to the nonprofit service corporation within 31 days after the date of birth in order to have the coverage continue beyond such 31-day period.

3. The coverage for newly-born children shall consist of coverage of injury or sickness, including the necessary care and treatment of medically diagnosed congenital defects and birth abnormalities and all necessary transportation costs from place of birth to the nearest specialized treatment center.

Sec. 5. Chapter 695C of NRS is hereby amended by adding thereto a new section which shall read as follows:

1. All individual and group health care plans which provide coverage for a family member of the enrollee shall as to such coverage provide that the health care services applicable for children shall be available with respect to a newly-born child of the enrollee from the moment of birth. The coverage shall not exclude premature births.

2. If payment of a specific charge is required to provide coverage for a child, the evidence of coverage may require that notification of birth of a newly-born child and payments of the required charge shall be furnished to the health maintenance organization within 31 days after the date of birth in order to have the coverage continue beyond such 31-day period.

3. The coverage for newly-born children shall consist of preventive health care services as well as coverage of injury or sickness, including the necessary care and treatment of medically diagnosed congenital defects

and birth abnormalities and all necessary transportation costs from place of birth to the nearest specialized treatment center."

Amend the title of the bill to read as follows:

"AN ACT relating to the Nevada Insurance Code; requiring that the coverage of infants provided under health insurance contracts, hospital, medical or dental service contracts and health care plans begin at the time of birth and be unrestricted; and providing other matters properly relating thereto."

HEALTH INSURANCE ASSOCIATION OF AMERICA

CHICAGO · NEW YORK · WASHINGTON

LESLIE P. HEMRY, *President*

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LEGAL DEPARTMENT

John P. Hanna, *Vice President and General Counsel*

Chicago Office
332 South Michigan Avenue
Chicago, Illinois 60604

APR - 1 1975

March 27, 1975

APR - 1 1975

Milos Terzich, Esquire
Breen, Young, Whitehead & Hoy
232 Court Street
Reno, Nevada 89501

Re: Newborn Children Legislation

Dear Milos:

As we discussed, there are two problems with the Insurance Department's draft Newborn Children bill.

First, and a relatively minor point, is the last sentence of Section 1., "The coverage shall not exclude premature births". The Model Bill developed by the HIAA and the American Academy of Pediatrics does not contain such language. Premature births are intended to be covered under the model bill, since the coverage includes "birth abnormalities", and by definition a premature birth is not a normal birth, therefore, it is a "birth abnormality". We do not feel strongly about this, however, since under the model bill there certainly would not be an exclusion of premature births. We would want to avoid, however, any requirement that the policy language specifically refer to premature births since this would require a special policy form for Nevada that differs from all the other states. Companies are using the model bill language in policies in all 50 states at this time. There have been no problems with premature births in these other states and everyone agrees that they are covered as a "birth abnormality".

Secondly, and more important, is the matter in Section 2 of requiring coverage for transportation of a newborn. I understand fully the social import of this added language and the sensitivity surrounding this matter. We would not want to argue against this provision in concept, however, there are real problems that should be avoided by some slightly different wording.

We would suggest the following amendments to the present language.

Milos Terzich, Esquire
March 27, 1975

~~SECRET~~ (2)

0500

"...and including [all] within the limits of the policy necessary transportation costs from the place of birth to the nearest specialized treatment center to the extent such costs are charged by any such treatment center.

The need for these amendments are twofold. First, under basic policies, coverage is provided only for costs or charges made by a hospital. That is, basic policies are for the most part simply hospital policies. Transportation costs would be covered, and should be covered, under these policies when the cost is billed as part of the hospital charges. Secondly, the deletion of the requirement that all costs must be covered is very important since this would prohibit the use of all deductibles and coinsurance factors under major medical policies.

I discussed both of these problems with Commissioner Rottman and indicated that with some amendments we could be supportive of the bill. The bill I am working from is the typewritten version you sent me that I understand is the Department's substitute for A. 112.

I am sending a copy of this letter to Commissioner Rottman for his consideration.

Best regards.

Yours truly,



Carroll Callaway
Assistant General Counsel

CC/me
Attachment

cc: Commissioner Rottman

Chapters 689A, 689B, 695B and 695C of Title 57 of the Nevada Revised Statutes

shall be amended as follows:

~~0520~~

0501

Problem
Sec. 1. All individual and group health insurance policies providing coverage on an expense-incurred basis; all individual and group service or indemnity-type contracts issued by a profit or non-profit corporation which provide coverage for a family member of the insured or subscriber and all Employee Welfare Plans providing medical, surgical or hospital care or benefits established or maintained for employees or their families, or dependents, or for both, shall as to such family members' coverage provide that the health benefits applicable for children shall be payable with respect to a newly-born child of the insured or subscriber from the moment of birth. The coverage shall not exclude premature births.

Problem
Sec. 2. If payment of a specific premium or subscription fee is required to provide coverage for a child, the policy or contract, if any, may require that notification of birth of a newly-born child and payments of the required premium or fees must be furnished to the insurer or profit or non-profit service corporation, indemnity corporation or welfare plan within 31 days after the date of birth in order to have the coverage continue beyond such 31-day period.

Problem
Sec. 3. The coverage for newly-born children shall consist of coverage of injury or sickness, including the necessary care and treatment of medically diagnosed congenital defects and birth abnormalities and including all necessary transportation costs from place of birth to the nearest specialized treatment center.

Problem
Sec. 4. The requirements of this Act shall apply to all insurance policies, Employee Welfare Plans, and subscriber contracts delivered, issued for delivery [or renewed] in this state after the effective date of this Act. This Act shall be effective July 1, 1975.

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Amendments to Assembly / Senate
 Bill / Joint Resolution No. _____ (HDR)
 Proposed by _____

Amendment N^o 5950



- Amend section 1, page 1, line 13 by inserting after "children" and before "or": "from the time of birth as provided in section 2 of this act,".
- Amend section 1, page 1, line 15, by deleting "policyholder-[:]" and inserting: "policyholder:".
- Amend section 1, page 1, line 15, by deleting: "coverage of newborn".
- Amend section 1, page 1, by deleting lines 16 and 17.
- Amend the bill as a whole by deleting section 2 and by adding new

Amend all provisions the same *

0503

Amendment No. 5950 to Assembly Bill No. 111 (BDR 57-267) Page 1

sections, designated sections 2 to 5, inclusive, following section 1 to read as follows:

"Sec. 2. Chapter 689A of MRS is hereby amended by adding thereto a new section which shall read as follows:

1. All individual health insurance policies providing family coverage on an expense-incurred basis shall as to family members' coverage provide that the health benefits applicable for children shall be payable with respect to a newly-born child of the insured from the moment of birth. ~~The coverage shall not exclude pre-natal visits.~~ *as to the area of coverage provided for in subsection 3. **

2. If payment of a specific premium or subscription fee is required to provide coverage for a child, the policy or contract may require that notification of birth of a newly-born child and payments of the required premium or fees must be furnished to the insurer within 31 days after the date of birth in order to have the coverage continue beyond such 31-day period.

3. The coverage for newly-born children shall consist of coverage of injury or sickness, including the necessary care and treatment of medically diagnosed congenital defects and birth abnormalities and ~~all~~ *including within the limits of the policy* necessary transportation costs from place of birth to the nearest specialized treatment center, *to the extent such costs are charged by such treatment center.*

Sec. 3. Chapter 689B of MRS is hereby amended by adding thereto a new section which shall read as follows:

1. All group health insurance policies providing coverage on an expense-incurred basis and all employee welfare plans providing medical, surgical or hospital care or benefits established or maintained for employees or

(more)

their families or dependents, or for both, shall as to such family members' coverage provide that the health benefits applicable for children shall be payable with respect to a newly-born child of the insured from the moment of birth. The coverage shall not exclude premature births.

2. If payment of a specific premium or subscription fee is required to provide coverage for a child, the policy or contract may require that notification of birth of a newly-born child and payments of the required premium or fees must be furnished to the insurer or welfare plan within 31 days after the date of birth in order to have the coverage continue beyond such 31-day period.

3. The coverage for newly-born children shall consist of coverage of injury or sickness, including the necessary care and treatment of medically diagnosed congenital defects and birth abnormalities and all necessary transportation costs from place of birth to the nearest specialized treatment center.

Sec. 4. Chapter 695B of NRS is hereby amended by adding thereto a new section which shall read as follows:

1. All individual and group service or indemnity-type contracts issued by a nonprofit corporation which provide coverage for a family member of the subscriber shall as to such coverage provide that the health benefits applicable for children shall be payable with respect to a newly-born child of the subscriber from the moment of birth. The coverage shall not exclude premature births.

2. If payment of a specific subscription fee is required to provide

coverage for a child, the contract may require that notification of birth of a newly-born child and payments of the required fees must be furnished to the nonprofit service corporation within 31 days after the date of birth in order to have the coverage continue beyond such 31-day period.

3. The coverage for newly-born children shall consist of coverage of injury or sickness, including the necessary care and treatment of medically diagnosed congenital defects and birth abnormalities and all necessary transportation costs from place of birth to the nearest specialized treatment center.

Sec. 5. Chapter 695C of MRS is hereby amended by adding thereto a new section which shall read as follows:

1. All individual and group health care plans which provide coverage for a family member of the enrollee shall as to such coverage provide that the health care services applicable for children shall be ^{payable} available with respect to a newly-born child of the enrollee from the moment of birth. The coverage shall not exclude premature births.

2. If payment of a specific charge is required to provide coverage for a child, the evidence of coverage may require that notification of birth of a newly-born child and payments of the required charge shall ^{be} furnished to the health maintenance organization within 31 days after the date of birth in order to have the coverage continue beyond such 31-day period.

3. The coverage for newly-born children shall consist of preventive health care services as well as coverage of injury or sickness, including the necessary care and treatment of medically diagnosed congenital defects

and birth abnormalities and all necessary transportation costs from place of birth to the nearest specialized treatment center."

Amend the title of the bill to read as follows:

"AN ACT relating to the Nevada Insurance Code; requiring that the coverage of infants provided under health insurance contracts, hospital, medical or dental service contracts and health care plans begin at the time of birth and be unrestricted; and providing other matters properly relating thereto."

Sec. 6. The requirements of this act shall apply to all insurance policies and subscriber contracts delivered or issued for delivery in this state more than 60 days after the effective date of this act.

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Amendments to Assembly // Senate
 Bill / Joint Resolution No. 375 (BDR 22-1204)
 Proposed by Committee on Commerce 0507

Amendment No 7563



Amend section 1, page 1, by deleting line 13 and inserting:

"3. Tentative or final maps or [parcel] plat maps".

Amend the bill as a whole by inserting new sections following section 1, to be designated as sections 2 through 6, respectively, to read:

"Sec. 2. Chapter 278 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 6, inclusive, of this act.

Sec. 3. 1. If, in the opinion of the county surveyor, the errors or



omissions discovered in a recorded subdivision plat, record of survey, reversionary map or plat map are of a minor nature and the correction does not change or purport to change the physical location of any survey monument, property line or boundary line, he may allow a certificate of amendment to be filed and recorded.

2. The certificate of amendment shall:

- (a) Be entitled "Certificate of Amendment" and be in the form of a letter to the county surveyor.
- (b) Specify the title and recording data of the map being amended.
- (c) Be concise and definite.
- (d) Set forth the data being amended and the correction or omission.
- (e) Set forth the names and last-known addresses of all record fee owners of property affected by the amendment.
- (f) Be dated, signed and sealed by the surveyor.
- (g) Contain the following certificate at the end thereof:

I hereby certify that I have examined the certificate of amendment and that the changes to the original map specified therein are provided for in NRS 278.010 to 278.630, inclusive, and sections 3 to 6, inclusive, of this act and local ordinances adopted pursuant thereto and I am satisfied that this certificate of amendment will amend the map so that it is technically correct.

This last certificate shall be dated and signed by the county surveyor.

3. A certificate of amendment may be prepared and filed for recording by the county surveyor.

4. The certificate of amendment shall not be recorded prior to the approval of the county surveyor.

Sec. 4. Upon the recording of an amended plat, survey or map or certificate of amendment, the county recorder shall cause a proper notation to be entered upon all recorded sheets of the original subdivision plat, record of survey, reversionary map or plat map being amended.

Sec. 5. It is a sufficient legal description of any parcel shown on a recorded plat map to refer to its parcel number and the recording data of the plat map.

Sec. 6. Approval of a subdivision map or plat map pursuant to the provisions of NRS 278.010 to 278.560, inclusive, does not in itself prohibit future additional subdivision of the lots, parcels, sites, units or plats described."

Amend the bill as a whole by renumbering sections 2 through 9 as sections 7 through 14, respectively.

Amend sec. 2, page 2, line 27, by deleting "[\"Parcel\" and inserting: "[\"Parcel] \"Plat\".

Amend sec. 2, page 2, by deleting lines 28 and 29 and inserting: "500 , 278.550, [to 278.560, inclusive,] 278.590 and 278.630 and conforming".

Amend sec. 3, page 3, by deleting line 1 and inserting:

"parcels, sites, units [,] or plots, [separate interests or interests in common,] for".

Amend sec. 3, page 3, by deleting line 6 and inserting:

"comprise 40 or more nominal acres of land [,] in counties having a population of less than 100,000 as determined by the last preceding national census of the Bureau of the Census of the United States Department of Commerce, or which comprise 10 or more nominal acres of land in counties having a population of 100,000 or more as determined by such census, including roads and roadway ease-".

Amend sec. 3, page 3, line 11, by deleting "Which" and inserting:

"[Which".

Amend sec. 3, page 3, line 16, by deleting "(2)" and inserting: "(2)"]".

Amend sec. 3, page 3, line 18, by deleting "(3)" and inserting:

"[(3)] (2)".

Amend sec. 3, page 3, line 20, by deleting "(4)" and inserting:

"[(4)] (3)".

Amend sec. 3, page 3, line 23, by deleting "(5)" and inserting:

"[(5)] (4)".

Amend sec. 3, page 3, line 24, by deleting "(6)" and inserting:

"[(6)] (5)".

Amend sec. 3, page 3, line 27, by deleting "(7)" and inserting:

"[(7)] (6)".

Amend sec. 3, page 3, after line 33, by inserting:

Amendment No. 7563 to Assembly Bill No. 375 (BDR 22-1204) Page 5

"(7) Containing not more than four lots, parcels, sites, units or plots as regulated by the provisions of NRS 278.500, 278.550, 278.590 and 278.630."

Amend sec. 4, page 4, line 4, by deleting "[If" and inserting: "If".

Amend sec. 4, page 4, by deleting lines 5 and 6 and inserting: "subdivider,".

Amend sec. 4, page 4, line 7, by deleting "he".

Amend sec. 4, page 4, by deleting lines 8 and 9 and inserting: "in the office of the county recorder, a [parcel] plat map. As used in NRS 278.500, 278.550, 278.590 and 278.630, "plat map" means a map showing how a parcel of land is to be divided into lots, taken from government rectangular surveys which are matters of record in the plat books at the county seat of each county."

Amend sec. 4, page 4, line 10, by deleting "only such" and inserting: "[such".

Amend sec. 4, page 4, by deleting line 15 and inserting: "necessary.] disclosure of information on water supply, sewage disposal, legal access easements, utility easements and zoning, and such information shall be supplied to each purchaser of a lot, parcel, site, unit or plot in the subdivision as such factors exist at the time of the conveyance."

Amend sec. 4, page 4, line 16, by deleting "The" and inserting: "[The".

Amend sec. 4, page 4, lines 19 and 20, by deleting "[parcel] record of survey" and inserting: "parcel".

Amend sec. 4, page 4, by deleting lines 21 through 26 and inserting:

"(a)] A certificate for execution by the director of the planning department or clerk of [each approving] the appropriate governing body shall appear on each plat map stating that the body or department approved the plat map for subdivision purposes [.] pursuant to the requirements of NRS 278.500, 278.550, 278.590 and 278.630.

[(b) A certificate by the engineer or surveyor responsible for the parcel map giving the date of the survey on which the map is".

Amend sec. 4, page 4, line 27, by deleting "based,]" and inserting: "based,".

Amend sec. 4, page 4, line 29, by deleting "[parcel map] survey" and inserting: "parcel map".

Amend sec. 4, page 4, by deleting line 36 and inserting: "278.420.]

4. The governing body shall, in any city or county having a planning department or planning personnel, give the planning director or other designated representative of the planning department the authority to approve a plat map without further action by the planning commission or the governing body.

(a) The planning department, or the governing body where no planning department or planning personnel exist, shall review the plat map and within 30 days after filing shall approve, conditionally approve or disapprove such map, unless the time is extended by agreement with the applicant.

(b) If the applicant disagrees with any decision of the planning department or governing body concerning the plat map, or if the map is disapproved, the applicant has 30 days in which to file an appeal with the planning commission. The planning commission shall make a determination within 30 days from the date the appeal was filed.

(c) If the planning commission denies the appeal, the applicant has 30 days in which to file an appeal with the governing body. The governing body shall make a final determination within 30 days from the date the appeal was filed.

5. A plat map is not required when the subdivision is for the express purpose of:

(a) Creation or realignment of a right-of-way.

(b) Creation or realignment of an easement.

(c) An amendment or certificate of amendment under NRS 278.491 to 278.494, inclusive, and sections 3 and 4 of this act.

(d) Adjustment of the boundary line or the transfer of land between two adjacent property owners which does not result in the creation of any additional parcels.

(e) Purchase, transfer or development of space within an apartment building or an industrial or commercial building.

6. When two or more separate lots, parcels, sites, units or plots of land are purchased, they shall remain separate for the purposes of NRS 278.500, 278.550, 278.590 and 278.630. When such lots, parcels, sites, units or plots are resold or conveyed they shall be exempt from

~~1638~~
Amendment No. 7563 to Assembly Bill No. 375 (BDR 22-1204) Page 8

the provisions of NRS 278.010 to 278.630, inclusive."

Amend sec. 6, page 5, by deleting line 8 and inserting:

"278.550 1. The [parcel] plat map filed with the county".

Amend sec. 6, page 5, line 10, by deleting "[parcel" and inserting:

"[parcel] plat".

Amend sec. 6, page 5, line 11, by deleting "maps] records of survey" and inserting: "maps".

Amend sec. 6, page 5, by deleting line 13 and inserting:

"2. The charge for filing any [parcel] plat map and for".

Amend sec. 6, page 5, line 14, by deleting "\$2.50." and inserting:

"[\$2.50.] \$3.50.".

Amend sec. 7, page 5, line 21, by deleting "or" and inserting:

"[or".

Amend sec. 7, page 5, line 22, by deleting "engineer" and inserting:

"engineer]".

Amend sec. 7, page 5, by deleting line 25 and inserting:

"by the letters "R.L.S." [or "R.E.", respectively, as the case may be,] or".

Amend sec. 8, page 5, line 31, by deleting "[or parcel map]" and inserting

"or [parcel] plat map".

Amend sec. 9, page 5, line 47, by deleting "record of survey" and insert:

"plat".

Amend the bill as a whole by inserting a new section to be designated as section 15, following section 9, to read:

~~0515~~
0515

"Sec. 15. This act applies to subdivisions and plat maps which are in the process of governmental review or are filed on or after July 1, 1975."

Amend the title of the bill by deleting the title and inserting:

"AN ACT relating to planning and zoning; revising provisions relating to subdivisions; making special provisions for plat maps; and providing other matters properly relating thereto."