

March 4, 1975

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MEMBERS PRESENT: Chairman Banner
Vice-Chairman Moody
Mr. Barengo
Mr. Moody
Mrs. Hayes
Mr. Getto
Mr. Schofield

MEMBERS ABSENT: None

GUEST LIST: See Attached Guest Register.

The meeting was called to order at 9:35 A.M. by Chairman Banner, for the purpose of discussing A.B.'s 302-303-304 and 306. In addition, there was also discussion on A.B.'s 129 and 256.

Re: A.B. 302

Chairman Banner stated that regarding A.B. 302, the amendment did not really change the meaning, but merely re-defined the word "accident". He stated that the language of the bills was becoming so sophisticated that a claimant was forced to hire an attorney to handle his claim.

Mr. Barengo made a motion that the bill be sent over with a "do pass" recommendation. Mrs. Hayes seconded the motion. The motion was passed unanimously.

Re: A.B. 303

Mr. Barengo stated that regarding A.B. 303, the amendment takes the staff out of the position of approving or disapproving of claims, and puts the Commission into the position of approving or disapproving, and making their decision the final one, unless the claim goes to the Appeals Board.

Chairman Banner stated that he felt that the Commission should be held accountable for the actions of their staff, and should review all claims at the Commission level.

Mr. John Reiser, Chairman of the Nevada Industrial Commission said that he had some questions regarding the intent of A.B. 303. He felt that some of the wording was unclear. He said that the NIC handled 38,000 claims last year; approximately 50% of them in Las Vegas and 50% in Carson City, and that if the Commission had the job of handling all the claims personally, he doubted that 38,000 claims could have been handled.

Mr. Barengo wondered if possibly only the major claims could be handled by the Commissioners, and the minor ones remain at the staff level. Mr. Reiser said that, ordinarily, the claims are being handled that way now.

There was additional discussion, and Mr. Reiser asked if the NIC could try to work up some language, for the consideration of the Committee, that would clarify the intent of the total bill, and also eliminate any duplication of provisions contained in the Act of 1973. He also stated that the NIC was working on some internal problems; and if they were solved, it would speed up the disposition of the claims.

Re: A.B. 304

Mr. Reiser again spoke questioning the intent of the wording of the bill. He and Mr. Barengo, and other committee members spoke at length, and again Mr. Reiser asked if his office could take the bill and try to come up with soje language that would clarify the bill, with the approval of the committee, and take it up again on March 18.

Re: A.B. 306

Mr. Stan Jones of the Nevada State Labor Commission spoke in favor of the bill.

Mr. Barengo moved that a "do pass as amended" recommendation be made. Mr. Moody seconded the motion. The motion was passed unanimously.

Re: A.B. 129

Chairman Banner made a motion that the bill be sent over with a "do pass" recommendation. The motion died for the lack of a second.

Mr. Getto made a motion that the bill be indefinitely postponed. Mrs. Hayes seconded the motion.

Re: A.B. 256

Chairman Banner made a motion that the bill be sent over with a "do pass" recommendation. Motion seconded by Mr. Benkovich. A vote was taken. Chairman Banner, Mr. Barengo, and Mr. Benkovich voted "yes". Mrs. Hayes, Mr. Moody, Mr. Schofield, and Mr. Getto voted "no". The members voting "no" stated that they were not necessarily opposed to the bill, but that they would like to have it re-drafted in its entirety, including the proposed amendments, and deleting the applicable portions of the bill as it stands, and have time to analyze it before they voted on it again.

Mr. Barengo moved to adjourn the meeting, and Mr. Getto seconded.

The meeting was adjourned at 10:50 A.M

Respectfully submitted,

Betty Clugston
Acting Secretary

AGENDA FOR COMMITTEE ON LABOR & MANAGEMENT

Date March 4, 1975 Time 9:30 A.M. Room 336

Bills or Resolutions
to be considered

Subject

Counsel
requested*

AB-302	Redefines "accident" under Nevada Industrial Insurance Act.	
AB-303	Deletes provision which permits Nevada industrial commission to delegate certain authority to its staff.	
AB-304	Provides that injured employee's industrial insurance compensation is reduced only by net damages recovered in action against third person.	
AB-306	Specifies qualifications and authority of contract legal counsel for labor commissioner.	

AB 129

AB 256

DATE: March 4, 1975

LEGISLATION TO BE CONSIDERED: A.B. 302-303-304 & 306

A.B.'s 129 & 256 discussed.

PLEASE PRINT LEGIBLY

Only those persons who have registered below will be permitted to speak. All persons wishing to present testimony will please sign in below, stating their name, who they represent, and whether they wish to speak for or against the matter to be considered by the committee. Witnesses with long testimony on matters before the committee are encouraged to present their information in writing and make oral summary limiting it to five minutes or less. If you wish to speak more than five minutes please contact the committee chairman or the committee secretary. Questions from other than committee members are not in order and are not allowed. No applause will be permitted.



NAME	REPRESENTING
Daryl E. Capurro	NEVADA MOTOR TRANSPORT ASSN. NEVADA FRANCHISED AUTO DLRS ASSN.
Stan Jones	Nevada State Labor Commission
Richard J. Bartolin	N I C - appeals officer
John Reiser	N I C commissioner



*K 4 to Minutes of 7/4/75
Labor Management*

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JAMES BANNER, CHAIRMAN ASSEMBLY LABOR
COMMITTEE
STATE ASSEMBLY BLDG
CARSON CITY NV 89701

RE: AB302

YOUR PROPOSED MODIFICATION OF THE DEFINITION OF ACCIDENT APPEARS TO CLARIFY, ADMINISTRATIVELY, THIS PROVISION. ABSENT ANY INFORMATION TO THE CONTRARY, I WOULD RELY ON YOUR EXPERTISE IN THIS AREA. DUE TO PRIOR COMMITMENTS, I WILL NOT BE PRESENT AT YOUR SCHEDULED HEARINGS ON THIS MATTER 3-4-75. VERY TRULY YOURS,

RAYMOND D BOHART MANAGING DIRECTOR FEDERATED EMPLOYERS OF NEVADA
INC

1956 EST

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ASSEMBLYMAN JAMES BANNER, CHAIRMAN ASSEMBLY
LABOR COMMITTEE
STATE ASSEMBLY BLDG
CARSON CITY NV 89701

RE AB 303

YOUR PROPOSED MODIFICATIONS ON THE RESTORATION OF THE NEVADA INDUSTRIAL
COMMISSION RESPONSIBILITIES PREVIOUSLY DELEGATED TO STAFF ARE
MERITORIOUS. DUE TO YOUR EXPERIENCE I DEFER TO YOUR BEST JUDGEMENT. DUE
TO PRIOR COMMITMENTS, I WILL NOT BE PRESENT AT YOUR SCHEDULED HEARING
ON THIS MATTER ON 3-4-75

VERY TRULY YOURS

RAYMOND D BOHART, MANAGING DIRECTOR
FEDERATED EMPLOYERS OF NEVADA INC

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JAMES BANNER, CHAIRMAN OF ASSEMBLY LABOR
COMMITTEE
STATE ASSEMBLY BLDG
CARSON CITY NV 89701

REFERENCE AB 304

YOUR PROPOSED CHANGE OF N.R.S. 616.560 SECTION 1 (A), LINES 12, 13 AND 14 PAGE 1 CAN NOT BE EVALUATED UNTIL YOUR COMMITTEE SECURES DEPARTMENTAL COST FIGURES AT THE HEARING REGARDING THIS MATTER. HOWEVER I DO NOT AGREE WITH YOUR PROPOSED LANGUAGE DELETIONS IN SECTION 2, LINES 12, 14, 15 AND 16 ON PAGE 21. IN VIEW OF THE SUBSTANTIAL COSTS OF THE EXISTING INDUSTRIAL INSURANCE PROGRAM INSURED EMPLOYEES SHOULD NOT BE ENTITLED TO DOUBLE RECOVERY. I URGE YOUR COMMITTEE TO REJECT THIS PROPOSED BILL AS CURRENTLY DRAFTED. DUE TO PRIOR COMMITMENTS, I WILL NOT BE PRESENT AT YOUR SCHEDULED HEARING ON THIS MATTER 3-4-75

VERY TRULY YOURS
RAYMOND D BOHART, MANAGING DIRECTOR
FEDERATED EMPLOYERS OF NEVADA INC

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ASSEMBLYMAN JAMES BANNER
STATE CAPITOL
CARSON CITY UT ~~89107~~
89701

REGARDING AB306 REGARDING YOUR MODIFICATION OF NRS 607.065, SECTIONS 1 AND 2, LINES 4-10 INCLUSIVE, I OPPOSE THIS RESTRICTION DUE TO THE SEVERE SHORTAGE OF COMPETENT LABOR ATTORNEYS IN THIS STATE. MY EXPERIENCE IN SECURING AND RETAINING COMPETENT LABOR COUNSEL IN NEVADA IS NOT FAVORABLE. THIS LEGISLATION WOULD BE DETRIMENTAL TO FAIR ADMINISTRATION OF OUR LABOR LAWS BY THE LABOR COMMISSIONER. DUE TO PRIOR COMMITMENTS I WILL NOT BE PRESENT AT YOUR SCHEDULED HEARING 3475
VERY TRULY YOURS

RAYMOND D BOHARD MANAGING DIRECTOR FEDERATED EMPLOYERS OF NEVADA INC, 2301 EAST SAHARA LAS VEGAS NV 89104

1841 EST

MGMLSVB LSV