Senate

COMMERCE AND LABOR COMMITTEE

April 1, 1975

The meeting was called to order in Room #213 at 3:05 p.m. on Tuesday, April 1, 1975, with Senator Gene Echols in the chair.

PRESENT: Senator Gene Echols
Senator Richard Blakemore
Senator Warren Monroe
Senator Gary Sheerin
Senator Margie Foote
Senator William Raggio

ABSENT: Senator Richard Bryan

OTHERS PRESENT: See Exhibit "A"

S.B. 300: Prohibits unauthorized motor vehicle repair and requires cost estimates and invoices of charges.

S.B. 301: Regulates repair work on consumer goods and provides penalties.

Mr. Nash provided the committee with copies of the amendments to both of the above bills. They are attached as Exhibit "B" and "C". These amendments were done with the concurrence of Mr. Steele, applicance dealer. Regarding S.B. 300, there are still some differences between the auto dealers and Mr. Nash, but Mr. Nash said he had drafted amendments he could live with.

Senator Echols asked Mr. Nash to discuss when a customer requests an estimate. Mr Nash said in S.B. 300 if the charge is less than $25, no estimate has to be given. He also said they could live with a provision that would allow for a specific waver of that requirement, which the customer would have to sign. The estimate would have to be total estimate with no itemization. If the total estimated charge is exceeded by 20 percent or $50, whichever is lesser, the customer must be notified to get additional consent. They provided for oral consent because the tape recording seemed to be a problem. The sign from consumer affairs was left in the amendment. Mr. Nash indicated they had no really strong feelings on the sign. In regard to S.B. 301, Mr. Nash indicated after lengthy talks with Mr. Steele, they agreed to the proposal made in the last session. This would require estimates only at the request of the customer.

Robert Steele, Nevada State Electronics Association, testified concerning S.B. 301. Under section 3, item 2, where the definition of consumer product is stated, they don't feel this is inclusive enough. He stated this could include anything that is used for home use. He felt the definition should be defined a little farther. Under section 6, article 2, retention of statement for two years, they feel this is too long and felt one year would be long enough. Under section 8, where it talks about the sign, he didn't feel the sign was necessary. Mr. Steele felt if a customer asked, the shop could tell them where to place complaints.

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Senator Monroe asked Mr. Steele what he suggested for improving the definition. Mr. Steele said to either add things that could be considered home use or should only define what things you want and not call them consumer goods. Senator Monroe stated there was not enough paper to list everything that could be considered consumer goods. Mr. Steele said he felt it would be better to list only the things you wanted in the bill and not call them consumer goods. Senator Raggio stated that would be inconsistent because if you regulate one item in a certain category, you must regulate the others in the same category. Mr. Steele said that was his point exactly. There was general discussion in the committee about the definition of consumer goods.

Mr. Nash stated he would agreed to changing the two years to one year. He also stated it was their intention to exclude mobile homes, repair of boats, motor vehicles, etc. He said the repair of boats should be included in S.B. 300. Senator Raggio said you should specifically exclude boats if you are going to cover them in another bill. Mr. Nash agreed.

Bob Guinn, Nevada Franchised Auto Dealers, testified next. He stated it wasn't until 9:00 p.m. the night before this meeting that he had gotten his people together in some kind of consensus to present to the committee. He stated the people in the automobile dealer business are not anxious to absorb any more obligations under the existing economic conditions.

The auto dealers would like to see the estimate made only on the request of the customer.

In the matter of the waiver on every request, there are some practical problems. They have people who come in and leave their cars, with the keys in, and call later to tell you what to fix. There is a system in Reno called the "early-bird system" where people bring the car in, leave the keys in a locked box with a note as to what they want done. There is a problem of vehicles jamming up in the early morning. The auto dealers are concerned about this because only five percent of their customers ask for an estimate. If it is asked for, they get it. The dealers ask that the estimate be in a lump sum. The final bill would detail the parts, labor, etc. They would like to make it clear that if the estimate is for diagnostic work only, it would include the cost of assembly and reassembly. They would also like the right to charge for storage on vehicles which are left in the shop after diagnosis for an extended length of time. They would also like to see language in the bill that they could charge for an estimate only if the customer were notified in advance that there would be a charge. They would like to see a provision for waiving the estimate in those cases where it is requested. Mr. Guinn stated the dealers feel there is no need for putting the minimum charge in. The dealers would also like to have a form, which would state the law requires them to give an estimate upon request and they may not go beyond the estimate without consent. The dealers would leave out how the consent may be obtained because of the controversy about the tape recording. The individual would sign an affadavit, with the notice that he is entitled to the call back and knows that he is waiving the estimate. The dealers would like some latitude on the call back on an estimate. The dealers would like to see the language about the replacement of parts cleaned up, because of warranties. They have problems with language in respect to penalties. They would like a flat sum for violation. There is objection on the part of the dealers to the sign. If there has to be a sign, they would propose the size and terminology of the sign be incorporated in the sign. They would also like the violations to willfully and knowingly. Mr. Guinn said they would like the sign to read: "State law requires that upon request, any person authorizing repairs, modification, or maintenance on a motor vehicle, such person shall be given a written estimate of total charges for labor, parts, and accessories, with no charge in excess of that estimate can be made without the consent of the person requesting or authorizing the work." This would be a large sign conspicuously displayed in the service area of the garage. Mr. Guinn said S.B. 300 applies to all motor vehicles. He said trying to apply these provisions to heavy duty equipment is a very bad situation; he would like to see it applied only to passenger cars and light trucks.

Senator Sheerin stated that he would like to see a complete piece of legislation from the auto dealers.

Senator Sheerin moved that we hold these bills for further action.
Senator Blakemore seconded the motion.
The vote was unanimous with Senator Bryan absent.

Senator Monroe asked Mr. Guinn if they were going to put anything in the new bill about charging for an estimate. Mr. Guinn said yes it would be in there with the provision that no charge could be made unless the customer is told in advance it will be made. This was discussed among the committee members and Mr. Guinn about the estimate.

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Senator Echols stated that he had had several calls from car dealers and used car dealers saying they felt it was time they shaped up their acts. They has asked Senator Echols to relay their feelings to the committee.

Senator Echols designated Senator Sheerin and Senator Blakemore to work with these people on the amendment to S.B. 300. Senator Echols and Senator Foote will work with Mr. Nash on amendments to S. B. 301.

A.B. 287: Gives labor commissioner authority to conduct hearings under labor laws.

Assemblyman Robert Benkovich was the sponsor of this bill and came forward at this time to testify in favor of it. Mr. Benkovich said this was a good bill for the people who are not represented by a union. The bill is needed because the only redress of grievance for the average employee is to go out and hire a lawyer and take the employer to court. Primarily what the bill does is allow the labor commissioner to hold hearings. Page 2, line 11, is the trial de novo provision, which was put in because many opposed the bill without it. Mr. Benkovich said if any amendments were to be considered by the committe he would like them to consider page 1, line 20, where a copy of the hearing would have to be made available at no cost. The labor commissioner indicated this would be a burden on his office but they could live with it. The amendment would be to simply leave the word "no" out.

Stan Jones, Labor Commissioner, testified next. His written testimony is attached. He did concur with Mr. Benkovich's remarks. He stated that an attorney, Paul Lamboli, has endorsed A.B. 287, and Mr. Lamboli has asked Mr. Jones to relay that message to the committee.

Senator Sheerin asked Mr. Jones who would hear the complaints if there were a seperate department of hearings officers. Mr. Jones stated if there were no cost to the depart-

ment all of these hearings they would be very pleased to hear them. He said their only desire was to see the labor laws effectively administered.

Senator Raggio asked what this bill gave him that he presently does not have. Mr. Jones stated that at the present time they have no authority to conduct hearings and issue findings of fact and conclusions of law. They conduct what amounts to advisory fact finding. After conducting the advisory fact finding, they are able to go to the employer and recommend a settlement. If the employer chooses to ignore that, it may be months before they can be heard in court. Senator Raggio said he thought Chapter 210 gave them the right to hold hearings. Mr. Jones said there was nothing in there that provides they will make findings of fact. It provides they will conduct the hearing. Then if they find there has been a violation all they can do is refer for a trial de novo. Senator Raggio said it seemed to him that the bill just enlarged their responsibilities. Senator Raggio indicated that he had had communications on this bill which said the labor commissioner would have dictatorial rule. Mr. Jones stated he didn't feel this was so and thought it was a method of effective administration of the labor and industrial relations laws of the State of Nevada. Senator Raggio said under Chapter 210, they already have the right to hold hearings if there is any dispute on any of these chapters. He asked Mr. Jones if there was some argument on that. Mr. Jones said yes.

Mr. Geno Menchetti, District Attorney's office, said there was no definite place in any NRS which gives the labor commissioner the power to issue a finding of fact. Senator Raggio said Chapter 607 gives the labor commissioner the right to enforce all of the labor laws of the state. He said A.B. 287 does not enlarge that authority in any way. Senator Raggio said what A.B. 287 did was to define the parameters of the hearing and provide a method to come down with some kind of a finding, judgement, or conclusion; then to set forth the manner in which it can be enforced apart from the procedure that is now in the law. Senator Raggio said now it was up to the district attorney to prosecute. Mr. Menchetti said that was right. Senator Raggio asked if these all had criminal penalties. Mr. Jones said no they were civil matters. Mr. Menchetti said what they had done was not increase the powers of the labor commissioner, but really defined them further. There was discussion between Mr. Menchetti and the committee about the judgement situation.

George Hawes, assistant to Lou Paley, AFL-CIO, testified next. His organization endorsed A.B. 287. He said Mr. Benkovich mentioned taking out the word "no" on page 1, line 20. They would like to see the word "no" left in as amended.

Senator Sheerin said Mr. Jones didn't mention the cost and wondered if there was a fiscal note. Mr. Jones stated there would be no fiscal note. He said the amendment could be added at no cost. Mr. Hawes said he would concede to that thought.

Bob Alkire, Kennecott Copper, testified next. He stated that he could not argue that the employee doesn't deserve equal protection under the law. He said that some of the "little people" mentioned today were represented by some of the most powerful labor unions in the country. His concern with A.B. 287 is that its elasticity may enable it to interfere with the collective bargaining procedures wherein they provide for binding arbitration and grievance procedures within their collective bargaining agreements. He would like to see the bill amended so that the labor commissioner could not interfere with that collective bargaining procedure and the grievance procedure. He would also like to add a section that says this statute does not apply to employees and employers who are covered by collective bargaining agreements in force or contemplated. He said they don't need a third party interfering until both sides agree that they can't move and they have provisions for that in their contracts now.

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Senator Sheerin asked Mr. Alkire if he had any proposed language. Mr. Alkire said he had suggested the added section mentioned in the previous paragraph. Senator Raggio asked if they had any problems at the present time. Mr. Alkire stated not at this time. Senator Raggio said the labor commissioner has the power to do these things and have you found any interference with the grievance procedures that are in the existing contracts. Mr. Alkire stated he was not aware of any problems with the existing statutes, but he felt this went somewhat beyond that. Mr. Alkire said the reason he said that was because the bill gives the labor commissioner power to determine what is a dispute and to enter that dispute and make a binding arbitration. The only appeal, as Mr. Alkire sees it, outside of the Administrative Procedures Act, is back to the labor commissioners own determination for judicial affirmation.

Mr. Alkire stated that he wondered if the state wanted to get involved in day to day labor-management disputes. Senator Raggio the labor commissioner already has this authority. He said the bill really deleniates what happens at the hearings; it doesn't enlarge his area of jurisdiction. Mr. Alkire said he thought this was now binding on all parties and he wasn't aware that it was binding on all parties prior to this. Senator Raggio said he was sure it was intended to be because why give the labor commissioner power to hold hearings and subpoena witnesses if it wasn't supposed to have some meaning. Mr. Alkire said he had no problem with that but he felt it interferes with

the process that they already have and developed to handle this situation. Senator Raggio said that would be an alternate process. Mr. Alkire said yes, but it was just as binding. Senator Raggio said their grievance procedure results in a judgement. Mr. Alkire said they go to binding arbitration. Senator Raggio said that would be depending on the agreement. Senator Raggio said what Mr. Alkire was suggesting was language that a labor agreement may provide for procedures to determine grievances which must be exhausted before resorting to this procedure. Mr. Alkire said that wouldn't happen in their situation because their exhaustive procedure is binding arbitration.

Senator Monroe said suppose you have 100 men working in a mine that goes broke and they don't get their wages. He wanted to know if this was covered by binding arbitration or if the labor commissioner could step in. Mr. Alkire stated he didn't know that the labor commissioner didn't already have that power. Senator Monroe asked if he wanted to restrict him in that case. Mr. Alkire stated no, he wouldn't want to restrict that. Senator Blakemore said he thought Mr. Alkire's concern was that this could unbalance their contract. Mr. Alkire stated it would interfere with it. Senator Blakemore said the thrust of the bill is for the man who is not covered under a labor agreement. Mr. Alkire said maybe the way to say it is for those who are already covered by binding arbitration procedures under collective bargaining agreement. Senator Raggio said what if it doesn't cover all of the areas of the labor laws that have violations and what about matters that aren't covered by the contract. Mr. Alkire said the labor commissioner would still have power to intervene since those are outside the contract. Senator Raggio said what he was suggesting is that if there is a contract that covers this area, that the person must first exhaust his remedies under this contract. Senator Raggio asked Mr. Alkire if that would solve the problem. Mr. Alkire replied that he thought so, provided they are exhausted within the contract.

Senator Sheerin asked Mr. Benkovich why the Assembly rejected the proposed amendment. Mr. Benkovich stated it was a compromise. Senator Sheerin then asked Mr. Jones if he opposed the proposed amendment. Mr. Jones stated he was there to try and effectively administer the labor and industrial laws of the State of Nevada. He stated that no where in the labor and industrial laws will you find the authority given to the Nevada State Labor Commissioner, to intervene in a labor management collective bargaining dispute. Senator Sheerin asked if he opposed the amendment. Mr. Jones stated that there had been no amendment proposed in the Assembly. He stated they would agree to the amendment with the exception that they do not believe the employer should be able to conspire to violate the labor and industrial laws of the State. Mr. Jones stated that there was a labor-management agreement in existence that called for less than the statutory minimum wage; and he thought that labor and management shouldn't be able to do things of that nature. Senator Monroe said you could solve that problem by adding that the statute does not apply to those agreements unless it is violation of the labor laws of the State. Senator Raggio and Mr. Alkire discussed the amendatory language briefly.

At this time Senator Echols entered two telegrams into the record; one from Associated General Contractors and the other from Southern Nevada Home Builders. Both organizations were opposed to A.B. 287. (Exhibits "D" and "E".)

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Clint Knoll, Nevada Association of Employers, testified next. They are opposed to the bill very strongly for several reasons. They are as follows.

1). Appointees, such as Mr. Jones, are supposed to be disinterested parties.
2). Amended bill before the commitee allows the commissioner to appoint a designee.
3). The bill does not establish qualifications or restrictions on who the designee might be; and it is quite possible that he might appoint someone outside his office.
4). The determination as to what is a dispute is also left up to the commissioner or his designee. That is provided for in section three, paragraph one.
5). In section four, the decision becomes enforcable as law in ten days following such mailing of a decision.
6). This act provides that the labor commissioner may invite to the hearing people that have no specific interest in that hearing.
7). It gives him the power to engage in a class action suit in reverse. Mr. Knoll expounded upon this briefly.
8). This bill would deny any employer a day in court.
9). It is now proposed that the judicial review be made available, as provided in Chapter 233.B of the Revised Statutes. This is a reference to the Nevada Administrative Procedures Act. The intent of this chapter was to provide for an appeal procedure. Mr. Knoll discussed this point briefly.

Senator Sheerin asked if a state board of hearings officers had the power in A.B. 287, would the bill be more acceptable to Mr. Knoll. Mr. Knoll said they would not object to any bill with responsible, authoritative people qualified for the position. Senator Sheerin asked if Mr. Knoll was familiar with the procedures used with professional disputes with teachers. Mr. Knoll said yes. He also said he would much prefer that procedure over A.B. 287.

Henry Gardner, General Manager of Mallory Electric, testified next. He is also president of the Nevada Manufacturers Association, Carson City Branch. They are against

A.B. 287, especially Section 3, lines 8 to 13, in which the labor commissioner or his designee may conduct a hearing any place that is convenient to the parties. If there was another way of conducting these hearings without giving full judicial authority to the labor commissioner, he would like to see an amendment. They feel an employer should be a part of the commission. Senator Sheerin said they were only adding one person and that was the labor commissioner. Mr. Gardner said he felt management should be represented Senator Sheerin said if you added management you could have two people in a deadlock so you would have to add three people. Senator Sheerin said he was suggesting a single individual who is not employed by the labor commissioner or anyone else.

Senator Echols asked Senator Sheerin if there was some legislation being passed on that. Senator Sheerin asked Mr. Benkovich who stated that Assemblyman Barengo did have a bill.

Senator Sheerin asked Mr. Gardner if there were an independent neutral party, not the labor commissioner, in A.B. 287, would the bill be acceptable to his group. Mr. Gardner said he was sure it would.

John Madole, Associated General Contractors, testified next. He wanted to go on record as being opposed to A.B. 287. They do not view the labor commissioner as an independent third party.

Robert Guinn, Nevada Franchised Auto Dealers Association, said his organization would take the same position as the Associated General Contractors Association.

A.B. 28: Provides for state fire marshall to adopt minimum standards on installation of mobile homes in mobile home parks.

Dan Quinan, Nevada State Fire Marshal, testified in favor of A.B. 28. The purpose of the bill is to allow the division to adopt a standard for mobile home parks. These would be minimum standards and would not be retroactive; it addresses itself to new mobile home parks. He showed a booklet to the committee entitled "Standard for Mobile Home Parks." (Exhibit "F".) The purpose of the standards is to encourage uniformity throughout the nation. It covers mobile home park design and land use, mobile home lot and facilities, mobile home acessories and structures, mobile home park permanent buildings, mobile home park plumbing systems, mobile home park electrical systems, mobile home park fuel supply systems, and mobile home park fire safety. They are interested in setting these minimum standards because their control leaves off at the unit itself, and so there will be uniformity throughout the state. The City of North Las Vegas was the first city to adopt the standard and others are considering it. Senator Blakemore asked Mr. Quinan to speak to the sanitation. Mr. Quinan said there were sections of the code that refer to sanitation.

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Senator Blakemore said he wondered what the fire marshal was doing getting involved in something so far afield from fire protection. Mr. Quinan stated they were involved because many of their complaints are from consumers who have bought mobile homes and have no one to tell them how to connect them; and many are connected wrong. Senator Raggio said that last session they imposed many of these duties on the fire marshal and gave him mobile home jurisdiction. Mr. Quinan gave some examples of how connecting electricity would be connected to the fire marshal's office. Senator Raggio asked if they weren't getting into the area of planning and said the regional planning commissioner of Washoe County would have to approve them. Mr. Quinan said that was right and they didn't get into that at all. Senator Raggio said if this bill was passed, wouldn't it be mandatory for him to substitute these standards for the standards for the regional planning commission. Mr. Quinan said it doesn't address itself to zoning. This is an area that is set aside for local jurisdiction. He said there was nothing in there that addressed itself to that type of authority. They are talking about arrangements within the park parameters itself. Senator Raggio said the regional planning commission has to approve a layout of the park and the fire chief comes in to verify there are enough hydrants and room for fire trucks to turn around. Senator Raggio asked if there were any objections to the bill from planning commission, fire departments, or mobile home people. Mr. Quinan said they had received no objections to the bill.

Dick Bast, State Fire Marshal Office, said there problems enforcing the standards which were given to them in the last session.

Senator Raggio asked Mr. Quinan what the basis was for saying this would not be retroactive. Mr. Quinan read from the booklet, page 501A-7, part 1.1 General. Senator Raggio said this would not apply where there were any local regulations. Mr. Quinan said these would be minimum standards and the local governments could go beyond that. Mr. Bast stood from the audience and said the name of the booklet was going to changed and explained why.

Senator Monroe asked Mr. Quinan if he would have any objections to putting an amendment on this bill that the rules and regulations would have to be approved by the legislative commission before it could become affective. Mr. Quinan said no he would have no objec-

tion to holding hearings. Senator Raggio asked what commission would hold them and Mr. Quinan said the Governor's Commission on Mobile Homes. Senator Raggio asked what commission hears under the Administrative Procedures Act. He did say he thought it would be inappropriate for this to come before the legislative commission.

Senator Raggio said he was concerned about Section 2 on page 1. Senator Monroe said that was his concern too. Senator Raggio and Mr. Quinan discussed this section briefly.

A.B. 241: Corrects internal reference in statute authorizing labor commissioner to gather statistics.

Stan Jones, State Labor Commissioner, testified in favor of A.B. 241. He provided each committee member with copies of Chapter 607.150 of NRS. (Exhibit "G".) This is prior to the 1973 Legislative Session. At the bottom of that same page is a copy of NRS 607.150 following the 1973 legislative session. The Nevada State Legislature in 1973 adopted an Occupational Safety and Health Act. This is chapter 618, and the cover page is attached. When the legislative bill drafter extracted 607.150 sub. 1B and took that from the Labor Commissioner's jurisdiction and placed it in the Nevada Industrial Commission's jurisdiction in Chapter 618, they made an error and inserted Chapter 618. That was not inteded and the Legislative Counsel Bureau indicated that was an error and submitted A.B. 241 for correction of an error they made in 1973. It is purely a housekeeping measure and does not add any new jurisdiction to the office of the Nevada State Labor Commission.

George Hawes, assistant to Lou Paley, AFL-CIO, testified and said they wished to go on record as being in favor of A.B. 241.

Clint Knoll, Nevada Association of Employers, testified next. He was opposed to this bill. He did agree that A.B. 241 was reverting back to former authority that was vested in the Labor Commissioner. He said this bill would allow the labor commissioner to appoint his officer or agents. He felt that someone with authority and responsibility should be allowed to look at these payroll records, etc. He didn't feel that just anyone should be allowed to look at these records.

Senator Raggio said what they were fearful of was that getting facts and statistics can allow him to look at payroll records. Mr. Knoll said he certainly could. Senator Raggio asked Mr. Jones if that was right. Mr. Jones replied that it would allow the office of the Nevada State Labor Commissioner to go in and gather facts and statistics that would be required to secure compliance with the labor and industrial relations laws. Senator Raggio asked if that meant they could go into Kennecott Copper and get their payroll records. Mr. Jones said they could go in and audit their payroll records if there were violations of the labor laws. That's as it was prior to 1973. Senator Raggio said he wasn't sure he would go along with the interpretation that the labor commissioner could go into a business and seize their records. Mr. Jones stated there were times that the only way to make a determination was to look at the records of the company. Senator Raggio asked what he has been doing without the authority. Mr. Jones stated they have been doing it. Senator Raggio said his problem was that getting the facts and statistics doesn't mean they have the right to go in and audit payroll records. There was discussion between the committee members about this.

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Mr. Knoll stated that when they go to these hearings, they bring their records. He said there was no problem there. Senator Raggio said Mr. Knoll's concern is that they will appoint someone else as his agent. Mr. Knoll said that was correct, someone who is not unbiased, disinterested, impartial auditor. Senator Raggio asked if that has ever occurred where he has appointed someone outside his office. Mr. Knoll said no.

Senator Raggio asked Mr. Jones if he regarded that language that is in there now to give him that authority to appoint someone who is not employed within your office to do that. Mr. Jones said absolutely not. He stated no one had ever been appointed outside the office of the Nevada State Labor Commissioner. He also said it would be physically impossible for him to do everything by himself. Senator Foote said that because of his budgetary situation he is going to have to appoint people within his office.

Senator Echols suggested some amendatory language which would say "the regularly employed." This language was discussed by the committee.

Raymond Bohart, Federated Employers Association, testified next. He stated that he opposed A.B. 241 and A.B. 287.

A.B. 256: Increases minimum wage for employees in private employment.

Stan Jones, Nevada State Labor Commissioner, testified in favor of the bill. The bill has been amended to comply with some of the objections that were raised in the Assembly. It comports with the minimum wages provided by the Federal Fair Labor Standards Act. It does not escalate at a more rapid rate or a larger rate than the Fair Labor Standards Act. The minimum wage in Nevada at this time is 10 cents per hour less than the Federal

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Fair Labor Standards Act for employees who were covered prior to 1966. The maximum of $2.30 per hour that A.B. 256 reaches on January 1, 1976 is at the same time as and in the same amount that the F.F.L.S.A.

Senator Sheerin asked what the difference between 206 A and 206 B were. Mr. Jones said 206 A is agriculture and 206 B is an employee that would come under the coverage of the Federal Fair Labor Standards Act as amended in 1967, 1972, and 1974. Senator Sheerin asked if these were federal requirements. Mr. Jones said it was the federal minimum wage.

George Hawes, assistant to Lou Paley, AFL-CIO, testified next. He stated they support A.B. 256 with the amendments and hoped it would pass.

Bob Alkire, Kennecott Copper, asked if the exceptions granted are the same that are granted in the Federal Fair Labor Standards Act. Mr. Jones stated that the amendments are as they are written into the Federal Fair Labor Standards Act. The bill does not conflict with the Equal Opportunity Employment Act.

Senator Monroe moved a do pass on A.B. 256.
Senator Foote seconded the motion.
Motion carried with Senators Echols, Bryan, and Raggio absent.

There being no further business the meeting adjourned at 5:45 p.m.

Respectfully submitted:

Kristine Zohner

Kristine Zohner, Committee Secretary

Approved by:

Senator Gene Echols, Chairman

Exhibit "A"

SENATE Commerce + Labor COMMITTEE

ROOM # 213
DAY Tuesday DATE April 1, 1975

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NAME	ORGANIZATION	ADDRESS	PHONE NUMBER
*NOTE: PLEASE PRINT ALL THE INFORMATION CLEARLY.			
ROBERT A. STEELE	NEV. STATE ELECTRONICS ASSN	1191 N. Rock SPARKS	359-2221
JOE LANGER	CONSUMER AFFAIRS DIV	NYE BLDG.	885-4340
D.J. GUINAN	STATE FIRE MARSHAL	108 W 2nd St. C.C.	885 4290
RAY TREASE	CONSUMER AFFAIRS DIV.	NYE Bldg	885-4340
Rusty Nash	Washoe County District Attorney	Washoe Co. Court House	785-5670
CLINT KNOLL	Nevada Assn of Employers	821 Maryland Reno	329-424
Stan Jones - Nevada State Labor Commissioner			
Geno Menchetti	Nevada Atty Gen. Office		4170
DON CRALLE	BBB	1890 Locust RENO	322-0657
Raymond D. Bohart,	Federated Employers L.V	2301 E. Sahara	457-2323
C. Hollock Hawes	AFL-CIC -	Carson City	882-1126
Robert F Guinn	NFAOA	Reno, Nev	323-5159
JACK B. CRAWFORD	NEVADA MANUFACTURERS ASSOC.	CARSON CITY	882-1580
HENRY GARDNER, SR	NEVADA MANUFACTURERS ASSOC. C.C.		882-6600
Jim Barrier	Nevada Mfg. Assoc.	Carson City, Nev.	882-6683

add boats to coverage of SB 300

Exhibit "B"

SENATE BILL NO. 300 354

SECTION 1: Chapter 598 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 12 inclusive, of this act.

SECTION 2: As used in sections 2 to 12 inclusive, of this act, unless the context otherwise requires:

1. "Garage" means any business establishment, sole proproprietorship, firm, corporation, association or other legal entity that engages in the business of repairing, modifying or performing maintenance work, including all warranty work, on motor vehicles.

2. "Garageman" means any person who owns, operates, controls or manages a garage.

3. "Motor vehicle" means every self-propelled device in, upon or by which any person is or may be transported or drawn upon a public highway, excepting devices used exclusively upon stationary rails or tracks.

4. "Person" means any natural person, corporation, firm, association, partnership, agent, employee and other legal entity capable of having legal rights and responsibilities.

SECTION 3: Whenever any garageman accepts or assumes control of a motor vehicle for the purpose of making or completing any repair, modification or maintenance work, including all warranty work, for which a charge of more than $ 25.00 is to be made, he shall comply with the provisions of sections 4 to 10, inclusive, of this act.

SECTION 4: 1. A garageman shall disclose orally and in the work order authorizing a diagnosis if a charge will be made for:

(a) Diagnosing a malfunction.

(b) Reassembling a motor vehicle if the customer does not authorize the repair, modification or maintenance after the motor vehicle has been disassembled.

2. The amount of any charge under subsection 1 shall be disclosed prior to the diagnosis.

SECTION 5: 1. The person authorizing the repair, modification or maintenance, including all warranty work, of a motor vehicle shall be furnished a work order that indicates the total estimated charge for all parts and labor necessary for a specific job.

2. The work order shall be signed by the garageman or by a person authorized by the garageman to make the estimate or statement.

3. The person authorizing the repair, modification or maintenance, including all warranty work, shall sign and be given a copy of the work order before any work is started.

SECTION 6: 1. The consent of the person authorizing the repair, modification or maintenance work, including all warranty work, shall be obtained for any additional charges necessary for the performance of such work, if the additional charges were not included in the original estimate or statement.

which exceed the total estimated charge by 20% or $50.00, whichever is the lesser,

SECTION 7: Upon request of the customer at the time the work order is taken, the automotive repair dealer shall return replaced parts to the customer at the time of the completion of the work excepting such parts as may be exempt because of size, weight, or other similar factors from this requirement by regulations of the department and excepting such parts as the automotive repair dealer is required to return to the manufacturer or distributor under a warranty arrangement. If such parts must be returned to the manufacturer or distributor, the dealer at the time the work order is taken shall offer to show, and upon acceptance of such offer or request shall show, such parts to the customer upon completion of the work, except that the dealer shall not be required to show a replaced part when no charge is being made for the replacement part.

SECTION 8: 1. A garageman shall furnish the person authorizing the repair, modification or maintenance of a motor vehicle, including all warranty work, or the person entitled to possession of the motor vehicle an invoice of the charges which shall contain the following information:

(a) The name of the person authorizing the repairs;

(b) A statement of the total charges with separate subtotal prices for service work and parts and the amount of sales tax applicable to each subtotal;

(c) An itemization and description of all parts used to repair the motor vehicle and the total charge for each part. The invoice shall clearly state if:

(1) Any used, rebuilt or reconditioned parts were used;

(2) A part of a component system is composed of new and used, rebuilt or reconditioned parts; and

(3) Any work was subcontracted to another person;

(d) The hourly rate of labor and the number of hours charged. If the hours charged are not the actual hours worked, but are hours as determined by a flat-rate manual, the invoice shall indicate that fact and shall identify the flat-rate manual by name; and

(e) A description of all other charges.

2. In the case of a motor vehicle registered in the State of Nevada no lien for labor or materials provided under NRS 108.267 to 108.360, inclusive, may be enforced by sale or otherwise unless an invoice as described in subsection 1 has been given by delivery in person or by certified mail to the last-known address of the registered and the legal owner of the motor vehicle. In all other cases such notice shall be made to the last-known address of the registered owner and other person known to have or to claim an interest in the motor vehicle.

SECTION 9: The garageman shall retain copies of any work order or invoice required by sections 4 to 8, inclusive, of this act, as an ordinary business record of the garage, for a period of not less than 1 year from the date such work order or invoice is signed.

SECTION 10: A garageman who has performed diagnostic or repair work upon a motor vehicle shall not detain the motor vehicle pursuant to a common law or statutory lien for such work, or otherwise have the benefit of such lien, nor shall he have the right to sue on any contract for the repairs done by him, unless he has complied with the requirements of sections 4 to 10, inclusive, of this act.

SECTION 11: 1. The consumer affairs division of the department of commerce shall design and approve a sign which shall be placed in all garages in a place and manner conspicuous to the public.

2. The sign shall give the customer notice of the provisions of sections 4 to 10, inclusive, of this act and shall include a statement that:

(a) Inquiries and complaints regarding service may be made to the garageman; and

(b) Unresolved complaints may be brought to the attention of the consumer affairs division of the department of commerce.

3. The sign shall list the address and telephone number of the consumer affairs division of the department of commerce.

SECTION 12: 1. Any person who, in the course of his business or occupation, knowingly violates the provisions of sections 4-11, inclusive, of this act is engaging in a deceptive trade practice. Any such violation is subject to the provisions of NRS 598.360 to 598.640, inclusive.

2. The attorney general, commissioner of consumer affairs or any district attorney may bring an action to recover from any person who fails to comply in any material respect with the provisions of sections 4 to 8, inclusive, of this act a civil penalty as follows:

(a) $250 for the first violation.

(b) $500 for the second violation.

(c) $1,000 for the third or any subsequent violation.

In any action brought pursuant to NRS 598.540 and NRS 598.570 to 598.600, inclusive, the civil penalty provided in this subsection may be recovered in addition to the penalties provided in subsections 1 and 3 of NRS 598.640.

3. Such civil penalties shall be in addition to any other penalty or remedy available for the enforcement of sections 4 to 11, inclusive, of this act.

4. For any violation by an employee of a repair dealer, the employee and the repair dealer are jointly liable.

SECTION 13: NRS 686A.300 is hereby amended to read as follows:

686A.300 1. An insurer who issues vehicle insurance shall not delay making payment for any motor vehicle physical damage claim after receiving a statement of charges, pursuant to the provisions of [NRS 487.035,]

section 8 of this act, from any person or garage previously authorized by the insurer to perform the repair work required by such physical damage claim.

2. A delay, within the meaning of this section, is failure to issue a check or draft, payable to the person repairing or to the insured and person repairing jointly, within 30 days after the insurer's receipt of the statement of charges for repair work which has been satisfactorily completed.

SECTION 14: NRS 487.035 is hereby repealed.

Exhibit "C"

S. B. 301

SENATE BILL NO. 301 COMMITTEE ON COMMERCE AND LABOR

MARCH 5, 1975

Referred to Committee on Commerce and Labor

SUMMARY--Regulates ~~repair~~ service work on consumer goods and provides penalties. Fiscal Note: No. (BDR 52-229)

EXPLANATION--Matter in *italics* is new; matter in brackets [ ] is material to be omitted.

AN ACT relating to trade regulations and practices; regulating ~~repair~~ service work on consumer goods by setting requirements respecting work orders, statements of charges, disclosure, notice, customer's consent and the return of replaced parts; providing definitions; making certain acts a deceptive trade practice; providing civil and criminal penalties; ~~repealing NRS 167.035, relating to statement of charges for automobile repairs~~; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter 598 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this act.

SEC. 2. *As used in this chapter, "person" means any natural person, corporation, partnership, association or other legal entity.*

SEC. 3. *As used in sections 3 to 10, inclusive, of this act, unless the context requires otherwise:*

1. "Appliances" includes but is not limited to air conditioners, refrigerators, freezers, ranges, ovens, dishwashers, washing machines, clothes dryers, garbage disposals and trash compactors.

2. "Consumer goods" means any article, product or commodity of any kind or class which is used or bought for use primarily for personal, family or household purposes. The term includes appliances, bicycles, ~~boats~~, home electronic equipment, ~~mobile homes~~, ~~motor vehicles~~, sewing machines, ~~trailers~~ and typewriters.

3. "Home electronic equipment" includes but is not limited to calculators, television sets, radios, phonographs, amplifiers, tuners and other audio or video recording or playback equipment and components.

~~4. "Mobile home" is defined as in NRS 482.067.~~

~~5. "Motor vehicle" is defined as in NRS 482.075.~~

6. ~~"Repair dealer"~~ "Service dealer" means a person who, for compensation, engages

in the business of repairing, servicing, maintaining or diagnosing malfunctions of consumer goods, but does not include a person performing repairs that he is licensed to perform by the state contractors' board.

5. "~~Repair" or "repair work~~" "Service" or "service work" means all repairing, servicing, maintaining or diagnosing of malfunctions of consumer goods for compensation.

~~8. "Trailer" is defined as in NRS 482.125.~~

Section 4. ~~1. Except as otherwise provided in subsection 2, before a repair dealer performs upon consumer goods any diagnostic work for which a charge is to be made, or any repair work for which a charge of more than $10 is to be made, he shall show the customer a work order indicating the total estimated charge for the labor and parts necessary for such work. Whenever a work order is required by this section, no work may be done, and no charges accrue before the customer signs and is given a copy of such work order.~~ see attached section 1 following this page

2. A ~~repair~~ service dealer may charge for the making of a service call without having obtained written authorization from the customer, but the ~~repair~~ service dealer shall orally inform the customer of the amount of any such charge at the time the customer requests the service call.

3. If a charge is to be made for diagnosing a malfunction, or for reassembling the unit if the customer does not authorize repairs, the ~~repair~~ service dealer shall disclose each such charge to the customer orally as well as in the work order authorizing such diagnosis or any disassembly or reassembly.

Section 5. No charge may be made for ~~repair~~ service work done or parts supplied in excess of the price estimated in the work order without the consent of the customer, which shall be obtained after it is determined that the estimated price is insufficient and before the additional parts are supplied.

Section 6. 1. All ~~repair~~ service work done by a ~~repair~~ service dealer, including all warranty work, shall be recorded on a statement of charges which shall contain:

(a) A description of all repair work done and parts supplied;

(b) If the customer so requests at the time the work order is taken, an itemization of each part supplied with its part number and price, but miscellaneous small parts may be collectively described and priced;

(c) A clear identification as such of any used, rebuilt or reconditioned part supplied;

(d) The fact that a part of a component system repaired is composed of both new and used, rebuilt or reconditioned parts, where that is the case;

(e) The fact that any part of the repair work was subcontracted to another ~~repair~~ service dealer, where that is the case;

(f) Separate subtotals of charges for ~~repair~~ service work and for parts, not

1.(a) If a customer requests an estimate for repairs necessary for a specific job, the service dealer shall make such an estimate in writing, which estimate shall include parts and labor, and the service dealer may not charge for work done or parts supplied in excess of the estimate without prior consent of the customer. The estimate shall be signed by the customer and by the repair dealer or by a person authorized by the repair dealer to make the estimate, and a copy of the estimate shall be given to customer before any work is started.

(b) If a service dealer intends to charge a fee for preparing a written estimate, he shall advise the customer of the amount of such fee in writing prior to the preparation of said written estimate.

(c) No service dealer shall charge for work done or parts supplied in excess of the written estimate without prior oral or written consent of the customer; and if such consent is oral, the service dealer shall make a notation on the invoice of the date, time, name of the person authorizing the additional repairs, telephone number, if any, name of the person receiving such oral consent, conditions of such consent, if any, together with a specification of the additional parts and labor and the total additional cost.

including sales tax, and separate statements of the sales tax, if any, applicable to each subtotal;

(g) The hourly rate of labor and the number of hours charged, and

(h) The fact that the hours charged are not the actual hours worked, but are an estimate by a flat-rate manual, where that is the case, and in such case, the flat-rate manual shall be identified by name.

2. The ~~repair~~ service dealer shall give one copy of the statement of charges to the customer and retain one copy in his files for at least 2 years.

Section 7. If the customer so requests at the time the work order is taken, the ~~repair~~ service dealer shall return replaced parts to the customer at the time of the completion of the work, except such parts as the ~~repair~~ service dealer must return to the manufacturer or distributor under a warranty arrangement. If parts must be returned to the manufacturer or distributor, the dealer at the time the work order is taken shall offer to show, and upon acceptance of such offer shall show, such parts to the customer upon completion of the work.

Section 8. The consumer affairs division of the department of commerce shall design and approve a sign which shall be placed in all ~~repair~~ service dealer locations in a place and manner conspicuous to the public. The sign shall give the customer notice of the provisions of sections 4 to 7, inclusive, of this act. The sign shall also notify the customer that inquiries and complaints regarding ~~repair~~ service work may be made to the attention of the consumer affairs division of the department of commerce and shall state the division's address and telephone number.

Section 9. A ~~repair~~ service dealer who has performed diagnostic or ~~repair~~ service work upon consumer goods shall not detain such goods pursuant to a common law or statutory lien for such work, and is not otherwise entitled to the benefit of such lien, or to sue on any contract for the ~~repair~~ service work done by him, unless he has complied with the requirements of sections 4 to 8, inclusive, of this act.

Section 10. 1. Any person who, in the course of his business or occupation, knowingly violates the provisions of sections 4 to 8, inclusive, of this act is engaging in a deceptive trade practice. Any such violation is subject to the provisions of NRS 598.360 to 598.640, inclusive.

2. The attorney general, commissioner of consumer affairs or any district attorney may bring an action to recover from any person who fails to comply in any material respect with the provisions of sections 4 to 8, inclusive, of this act a civil penalty as follows:

(a) $250 for the first violation.
(b) $500 for the second violation.
(c) $1,000 for the third or any subsequent violation.

In any action brought pursuant to NRS 598.540 and NRS 598.570 to 598.600, inclusive, the civil penalty provided in this subsection may be recovered in addition to the penalties provided in subsections 1 and 3 of NRS 598.640.

3. Such civil penalties shall be in addition to any other penalty or remedy available for the enforcement of sections 4 to 8, inclusive, of this act.

4. For any violation by an employee of a ~~repair~~ service dealer, the employee and the ~~repair~~ service dealer are jointly liable.

SEC. 11. NRS 598.410 is hereby amended to read as follows:

598.410 A person engages in a "deceptive trade practice" when in the course of his business or occupation he:

1. Knowingly passes off goods or services as those of another.

2. Knowingly makes a false representation as to the source, sponsorship, approval or certification of goods or services.

3. Knowingly makes a false representation as to affiliation, connection, association with or certification by another.

4. Uses deceptive representations or designations of geographic origin in connection with goods or services.

5. Knowingly makes a false representation as to the characteristics, ingredients, uses, benefits, alterations or quantities of goods or services or a false representation as to the sponsorship, approval, status, affiliation or connection of a person therewith.

6. Represents that goods are original or new if he knows or should know that they are deteriorated, altered, reconditioned, reclaimed, used or secondhand.

7. Represents that goods or services are of a particular standard, quality or grade, or that goods are of a particular style or model, if he knows or should know that they are of another.

8. Disparages the goods, services or business of another by false or misleading representation of fact.

9. Advertises goods or services with intent not to sell them as advertised.

10. Advertises goods or services with intent not to supply reasonably expectable public demand, unless the advertisement discloses a limitation of quantity.

11. Advertises under the guise of obtaining sales personnel when in fact the purpose is to first sell a product or service to the sales personnel applicant.

12. Makes false or misleading statements of fact concerning the price of goods or services, or the reasons for, existence of or amounts of price reductions.

13. Employs "bait and switch" advertising, which consists of an attractive but insincere offer to sell a product or service which the seller in truth does not intend or desire to sell, accompanied by one or more of the following practices:

(a) Refusal to show the product advertised.

(b) Disparagement in any material respect of the advertised product or the terms of sale.

(c) Requiring tie-in sales or other undisclosed conditions to be met prior to selling the advertised product or service.

(d) Refusal to take orders for the product advertised for delivery within a reasonable time.

(e) Showing or demonstrating a defective product which is unusable or impractical for the purposes set forth in the advertisement.

(f) Accepting a deposit for the product and subsequently switching the purchase order to a higher priced item.

(g) Failure to make deliveries of the product within a reasonable time or to make a refund therefor.

14. Knowingly fails to identify flood-damaged or water-damaged goods as to such damages.

15. Solicits by telephone or door to door as a seller, unless the seller identifies himself, whom he represents and the purpose of his call within 30 seconds after beginning the conversation.

16. Knowingly states that services, replacement parts or repairs are needed when no such services, replacement parts or repairs are actually needed.

17. Knowingly violates the provisions of sections 4 to 8, inclusive, of this act, relating to repair of consumer goods.

SEC. 12. NRS 598.510 is hereby amended to read as follows:

598.510 When the commissioner has cause to believe that any person has engaged or is engaging in any deceptive trade practice, he may:

1. Request such person to file a statement or report in writing under oath or otherwise, on such forms as shall be prescribed by the commissioner, as to all facts and circumstances concerning the sale or advertisement of property *or the ~~repair~~ of consumer goods as defined in section 3 of this act* by such person, and such other data and information as he may deem necessary.

2. Examine under oath any person in connection with the sale or advertisement of any property [.] *or the ~~repair~~ of consumer goods as defined in section 3 of this act.*

3. Examine any property or sample thereof, record, book, document, account or paper as he may deem necessary.

4. Make true copies, at the expense of the consumer affairs division of the department of commerce, of any record, book, document, account or paper examined, as provided in subsection 3 of this section, which copies may be offered into evidence in lieu of the originals thereof in actions brought pursuant to NRS 598.530 and 598.540.

5. Pursuant to an order of any district court, impound any sample of property which is material to such deceptive trade practice and retain the property in his possession until completion of all proceedings as provided in NRS 598.360 to 598.640, inclusive. An order shall not be issued pursuant to this subsection unless the commissioner and the court give the accused full opportunity to be heard and unless the commissioner proves by clear and convincing evidence that the business activities of the accused will not be impaired thereby.

SEC. 13. NRS 598.530 is hereby amended to read as follows:

598.530 If any person fails to cooperate with any investigation, as provided in NRS 598.510, or if any person fails to obey a subpena issued by the commissioner, the commissioner may apply to any district court for equitable relief. Such application shall state reasonable grounds showing that such relief is necessary to terminate or prevent a deceptive trade practice. If the court is satisfied of such reasonable grounds, the court may:

1. Grant injunctive relief restraining the sale or advertisement of any property *or the ~~repair~~ of consumer goods as defined in section 3 of this act* by such person.

2. Require the attendance of or the production of documents by such person, or both.

3. Grant other relief necessary to compel compliance by such person.

SEC. 14. NRS 598.640 is hereby amended to read as follows:

598.640 1. Any person who violates any court order or injunction issued pursuant to NRS 598.360 to 598.630, inclusive, upon a complaint brought by the commissioner or the district attorney of any county of this state shall forfeit and pay to the general fund in the state treasury a civil penalty of not more than $10,000 for each violation. For the purpose of this section, the court issuing any such order or injunction shall retain jurisdiction over any such action or proceeding. Such civil penalties shall be in addition to any other penalty or remedy available for the enforcement of the provisions of NRS 598.360 to 598.630, inclusive.

2. In any action brought pursuant to NRS 598.540 and NRS 598.570 to 598.600, inclusive, if the court finds that any person has willfully engaged in a deceptive trade practice enumerated in *subsections 1 to 16, inclusive, of* NRS 598.410, the commissioner or the district attorney of any county in this state bringing such action may recover a civil penalty not to exceed $2,500 for each violation.

3. Any person, firm, or any officer or managing agent of any corporation or association who knowingly and willfully engages in a deceptive trade practice enumerated in NRS 598.410 shall be punished:

(a) For the first or second offense, for a misdemeanor.

(b) For the third offense and all subsequent offenses, for a gross misdemeanor.

4. As used in this section the term "violation" includes a repetitive or continuous violation arising out of the same act.

~~SEC. 15. NRS 108.270 is hereby amended to read as follows:~~

108.270 Subject to the provisions of NRS 108.315 [.] *and section 9 of this act,* any person or persons, company or corporation engaged in the business of buying or selling automobiles or airplanes, or keeping a garage or airport, or place for the storage, maintenance, keeping or repair of motor vehicles or airplanes, motorcycles, motor or airplane equipment, or trailers, or keeping a trailer park for rental of parking space for trailers, and who in connection therewith stores, maintains, keeps or repairs any motor vehicle, airplane, motorcycle, motor or airplane equipment, or trailer, or furnishes accessories, facilities, services or supplies therefor, at the request or with the consent of the owner or its or his representatives, or at the direction of any peace officer or other authorized person who orders the towing or storage of any vehicle through any action permitted by law, has a lien upon such motor vehicle, airplane, motorcycle, motor or airplane equipment, or trailer, or any part or parts thereof for the sum due for such towing, storing, maintaining, keeping or repairing of such motor vehicle, airplane, motorcycle, motor or airplane equipment, or trailer, or for labor furnished thereon, or for furnishing accessories, facilities, services or supplies therefor, and for all costs incurred in enforcing such lien, and may, without process of law, detain such motor vehicle, airplane, motorcycle, motor or airplane equipment, ~~or trailer at any time it is lawfully in his possession until such sum is paid.~~

SEC. 16. NRS 108.370 is hereby amended to read as follows:

108.370 1. [Every] *Subject to the provisions of section 9 of this act, every* person, firm or corporation engaged in performing work upon

any watch, clock or jewelry, for a price, shall have a lien upon the watch, clock or jewelry for the amount of any account that may be due for the work done thereon. The lien shall also include the value or agreed price, if any, of all materials furnished by the lienholder in connection with the work.

2. If any account for work done or materials furnished shall remain unpaid for 1 year after completing the work, the lienholder may, upon 30 days' notice in writing to the owner specifying the amount due and informing him that the payment of the amount due within 30 days will entitle him to redeem the property, sell any such article or articles at public or bona fide private sale to satisfy the account.

3. The notice may be served by registered or certified mail with return receipt demanded, directed to the owner's last known address, or, if the owner or his address be unknown, it may be posted in two public places in the town or city where the property is located.

4. The proceeds of the sale, after paying the expenses thereof, shall first be applied to liquidate the indebtedness secured by the lien, and the balance, if any, shall be paid over to the owner.

5. Nothing contained in this section shall be construed as preventing the lienholder from waiving the lien herein provided for, and suing upon the amount if he elects to do so.

~~Sec. 17. NRS 108.670 is hereby amended to read as follows:~~

108.670 1. Every boat or vessel used in navigating the waters of this state or constructed in this state is subject to a lien:

(a) For wages due to persons employed, for work done or services rendered on board such boat or vessel.

(b) [For] *Subject to the provisions of section 9 of this act, for* all debts due to persons, firms or corporations by virtue of a contract, express or implied, with the owners of a boat or vessel, or with the agents, contractors or subcontractors of such owner, or with any person having them employed to construct, repair or launch such boat or vessel, on account of labor done or materials furnished by mechanics, tradesmen or others in the building, repairing, fitting and furnishing or equipping such boat or vessel, or on account of stores or supplies furnished for the use thereof, or on account of launchways constructed for the launching of such boat or vessel.

(c) For all sums for wharfage, anchorage or towage of such boat or vessel within this state.

(d) For all costs incurred in enforcing such lien.

2. Any person, firm or corporation entitled to a lien as provided in subsection 1 may, without process of law, detain such boat or vessel at any time it is lawfully in his possession until the sum due to him is paid.

3. The classes of claims specified in subsection 1 shall have priority ~~according to the order in which they are enumerated.~~

~~Sec. 18. NRS 686A.300 is hereby amended to read as follows:~~

686A.300 1. An insurer who issues vehicle insurance shall not delay making payment for any motor vehicle physical damage claim after receiving a statement of charges, pursuant to the provisions of [NRS ~~487.035.~~] *section 5 of this act*, from any person or garage previously

authorized by the insurer to perform the repair work required by such physical damage claim.

2. A delay, within the meaning of this section, is failure to issue a check or draft, payable to the person repairing or to the insured and person repairing jointly, within 30 days after the insurer's receipt of the statement of charges for repair work which has been satisfactorily completed.

SEC. 16. ~~NRS 487.035,~~ [598.190 and 598.430] are hereby repealed.

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Exhibit D

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western union Mailgram

UNITED STATES POSTAL SERVICE U.S.MAIL

371

SENATOR GENE ECHOLS CHAIRMAN COMMERCE AND
LABOR COMMITTEE
LEGISLATIVE BLDG
CARSON CITY NV 89701

THE SOUTHERN NEVADA HOME BUILDERS ASSOCIATION WISHES TO HAVE READ INTO THE RECORDS OUR POSITION OPPOSING AB287. WE CANNOT GIVE THE STATE LABOR COMMISSIONER THE AUTHORITY TO CONDUCT HEARINGS WHEREBY THE RESULTS ARE NOT SUBJECT TO JUDICIAL REVIEW.

ALL MEMBERS OF THE SOUTHERN NEVADA HOME BUILDERS ASSOCIATION
PO BOX 5516 LAS VEGAS NV 89102

1904 EST

MGMRNOA RNO

minutes 4-1-75

Exhibit E

MGMRNOA RNO

MGMRNOA RNO
2-038673E087 03/28/75
ICS IPMBNGZ CSP
7024576875 MGM TDBN LAS VEGAS NV 100 03-28 0446P EST
ZIP

372

SENATOR JAMES ECHOLS, CHAIRMAN, COMMERCE AND
LABOR COMMITTEE
LEGISLATIVE BLDG
CARSON CITY NV 89701

COPIES TO SENATORS B MAHLON, BLAKEMORE, RICHARD H BRYAN, MARGIE FOOTE, WARREN MONROE, GARY SHERRIN, AND WILLIAM RAGGIO

AB287 APPEARS TO UNNECESSARILY EXPAND THE POWERS OF THE STATE LABOR COMMISSIONER AND DENIES FOR EMPLOYERS THE RIGHT OF JUDICIAL REVIEW WE THEREFORE RESPECTFULLY URGE YOUR OPPOSITION TO THIS BILL
ALLAN M BRUCE MANAGER THE ASSOCIATED GENERAL CONTRACTORS OF AMERICA NEVADA CHAPTER SOUTHERN NEVADA DIVISION

1648 EST

NNOA RO

NFPA No.
501A
1974

Exhibit F

STANDARD FOR

MOBILE HOME PARKS

FXF

Mobile Homes Manufacturers Association
14650 Lee Road, Chantilly, VA 22021

National Fire Protection Association
470 Atlantic Avenue, Boston, MA 02210

Trailer Coach Association
3855 E. La Palma Ave., Anaheim, CA 92806

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10 Pages,
- Copy complete with originals - State Archives

Mobile Homes Manufacturers Association

The Mobile Homes Manufacturers Association (MHMA) is a non-profit trade organization to serve the mobile home industry and promote industry growth by providing better tools for successful operation. It is voluntarily supported by manufacturers, suppliers, and related service organizations. It has a Standards Division with field engineering personnel to visit member plants regularly, inspecting units and assisting when necessary in the correction of any deviations from the standards applicable to mobile homes. MHMA Manufacturers must comply with the provisions of this Standard as a condition of membership.

National Fire Protection Association

The National Fire Protection Association (NFPA) is a non-profit technical and educational organization to promote the science and improve the methods of fire protection. Organized in 1896, the Association has a broad-scale standards-making program to aid in its objective to reduce loss of life and destruction of property by fire. The Association publishes the standards developed under its aegis in pamphlet editions (such as this) and in what is known as the National Fire Codes (a multi-volume compilation annually updated, containing all current NFPA Codes, Standards and Recommended Practices). For full information about the Association and for a list of its publications, write to the Association's Headquarters.

Trailer Coach Association

The Trailer Coach Association represents the manufacturers of mobile homes and recreational vehicles, dealers and suppliers in the Western States while drawing its members from all sections of the country. Founded in 1936, the Association sponsors mobile home and recreational vehicle shows in the major western cities and has research programs dedicated to advance the proper use of mobile homes and recreational vehicles. It has a Standards Department which works with the enforcing officials in the various Western States to encourage compliance with the recommendations contained in this Standard.

American National Standards Institute

The American National Standards Institute (ANSI) is the national coordinating institution for voluntary standardization in the U.S.A. through which organizations concerned with standardization may cooperate in recognizing, establishing and improving standards in this country. Approval of a standard by the Institute is based on a consensus of those essentially concerned with its scope and provisions. The Institute has a Member Body Council, a Consumer Council, and a Company Member Council. The Member Body Council is composed of non-profit technical, professional, scientific, trade, or other membership associates, societies, or organizations which are of national scope and recognition. The Mobile Homes Manufacturers Association, National Fire Protection Association, and the Trailer Coach Association are Member Bodies of the ANSI. The address of the ANSI is 1430 Broadway, New York, N.Y. 10017.

Standard for Mobile Home Parks

NFPA No. 501A— 1974
ANSI A119.3

1974 Edition of Standard for Mobile Home Parks

This Standard was developed by the Sectional Committee on Mobile Home Parks and processed through the Correlating Committee on Mobile Homes and Recreational Vehicles. The involved committees are organized under the aegis of the American National Standards Institute (ANSI), sponsored by the Mobile Homes Manufacturers Association, the National Fire Protection Association, the Recreational Vehicle Institute, and the Trailer Coach Association. A listing of the Correlating Committee and the Sectional Committee membership is shown on the following pages.

This Edition of the Standard was approved by the National Fire Protection Association at its 78th Annual Meeting held in Miami Beach, Florida, May 20–24, 1974.

Revisions of the 1973 Standard (as approved by NFPA and ANSI) for this 1974 edition include new or revised provisions in Paragraphs 2.17, 3.1, 3.3, 3.3.2, 3.6, 4.1, 5.11.2, 6.3, 6.4, 7.1.2.4, 7.1.5, 7.1.5.3, 7.2.2, 7.2.3.4, 9.1.3.1, 9.1.3.2, 9.1.5, 9.1.6, 10.1.7, 10.2.1, 10.2.2, 10.3, 10.4.1, 10.4.2, 10.5.1, 10.5.7, and the Appendixes. In addition, Chapter 8 has been revised to coordinate the provisions of this Standard with Part B of Article 550 of the National Electrical Code (NFPA No. 70–1974; ANSI C1–1974). Vertical rules on the margin of the affected pages indicate those provisions containing *substantive* revisions.

History and Development of the Standard

NFPA activity in this general area commenced in 1937 when the NFPA organized its first Committee on Trailers and Trailer Courts. The first standard covering Trailer Coach Camps appeared in 1939, with revisions in 1940, 1952, 1960, 1964, 1971, 1972, and 1973. This Edition replaces the 1973 and earlier NFPA documents and is a companion to the Standard for Mobile Homes (NFPA No. 501B–1974; ANSI A119.1).

The American National Standards Institute (ANSI) approved the 1972 NFPA edition on May 8, 1973 and the 1973 NFPA edition on December 28, 1973. It was first designated ANSI A177.1 but was redesignated in 1973 as A119.3.

Attention is also called to the Standard for Mobile Homes (NFPA No. 501B–1974; ANSI A119.1), to the Standard for Recreational Vehicles (NFPA No. 501C–1974; ANSI A119.2), and to the Standard for Recreational Vehicle Parks (NFPA No. 501D–1974; ANSI A119.4). All are produced under the auspices of the Correlating Committee on Mobile Homes and Recreational Vehicles.

Mobile Homes Manufacturers Association

The Mobile Homes Manufacturers Association (MHMA) is a non-profit trade organization to serve the mobile home industry and promote industry growth by providing better tools for successful operation. It is voluntarily supported by manufacturers, suppliers, and related service organizations. It has a Standards Division with field engineering personnel to visit member plants regularly, inspecting units and assisting when necessary in the correction of any deviations from the standards applicable to mobile homes. MHMA Manufacturers must comply with the provisions of this Standard as a condition of membership.

National Fire Protection Association

The National Fire Protection Association (NFPA) is a non-profit technical and educational organization to promote the science and improve the methods of fire protection. Organized in 1896, the Association has a broad-scale standards-making program to aid in its objective to reduce loss of life and destruction of property by fire. The Association publishes the standards developed under its aegis in pamphlet editions (such as this) and in what is known as the National Fire Codes (a multi-volume compilation annually updated, containing all current NFPA Codes, Standards and Recommended Practices). For full information about the Association and for a list of its publications, write to the Association's Headquarters.

Trailer Coach Association

The Trailer Coach Association represents the manufacturers of mobile homes and recreational vehicles, dealers and suppliers in the Western States while drawing its members from all sections of the country. Founded in 1936, the Association sponsors mobile home and recreational vehicle shows in the major western cities and has research programs dedicated to advance the proper use of mobile homes and recreational vehicles. It has a Standards Department which works with the enforcing officials in the various Western States to encourage compliance with the recommendations contained in this Standard.

American National Standards Institute

The American National Standards Institute (ANSI) is the national coordinating institution for voluntary standardization in the U.S.A. through which organizations concerned with standardization may cooperate in recognizing, establishing and improving standards in this country. Approval of a standard by the Institute is based on a consensus of those essentially concerned with its scope and provisions. The Institute has a Member Body Council, a Consumer Council, and a Company Member Council. The Member Body Council is composed of non-profit technical, professional, scientific, trade, or other membership associates, societies, or organizations which are of national scope and recognition. The Mobile Homes Manufacturers Association, National Fire Protection Association, and the Trailer Coach Association are Member Bodies of the ANSI. The address of the ANSI is 1430 Broadway, New York, N.Y. 10017.

Standard for

Mobile Home Parks

NFPA No. 501A — 1974
ANSI A119.3

1974 Edition of Standard for Mobile Home Parks

This Standard was developed by the Sectional Committee on Mobile Home Parks and processed through the Correlating Committee on Mobile Homes and Recreational Vehicles. The involved committees are organized under the aegis of the American National Standards Institute (ANSI), sponsored by the Mobile Homes Manufacturers Association, the National Fire Protection Association, the Recreational Vehicle Institute, and the Trailer Coach Association. A listing of the Correlating Committee and the Sectional Committee membership is shown on the following pages.

This Edition of the Standard was approved by the National Fire Protection Association at its 78th Annual Meeting held in Miami Beach, Florida, May 20–24, 1974.

Revisions of the 1973 Standard (as approved by NFPA and ANSI) for this 1974 edition include new or revised provisions in Paragraphs 2.17, 3.1, 3.3, 3.3.2, 3.6, 4.1, 5.11.2, 6.3, 6.4, 7.1.2.4, 7.1.5, 7.1.5.3, 7.2.2, 7.2.3.4, 9.1.3.1, 9.1.3.2, 9.1.5, 9.1.6, 10.1.7, 10.2.1, 10.2.2, 10.3, 10.4.1, 10.4.2, 10.5.1, 10.5.7, and the Appendixes. In addition, Chapter 8 has been revised to coordinate the provisions of this Standard with Part B of Article 550 of the National Electrical Code (NFPA No. 70–1974; ANSI C1–1974). Vertical rules on the margin of the affected pages indicate those provisions containing *substantive* revisions.

History and Development of the Standard

NFPA activity in this general area commenced in 1937 when the NFPA organized its first Committee on Trailers and Trailer Courts. The first standard covering Trailer Coach Camps appeared in 1939, with revisions in 1940, 1952, 1960, 1964, 1971, 1972, and 1973. This Edition replaces the 1973 and earlier NFPA documents and is a companion to the Standard for Mobile Homes (NFPA No. 501B–1974; ANSI A119.1).

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Exhibit G A.B. 241

PRIOR TO 1973 LEGISLATIVE CHANGE

607.150 INSPECTION OF PLACES OF EMPLOYMENT; PENALTY FOR REFUSAL TO ALLOW ENTRY TO LABOR COMMISSIONER.

1. The labor commissioner shall have the power to enter any store, foundry, mill, office, workshop, mine or public or private works at any reasonable time for the purpose of:

(a) Gathering facts and statistics contemplated by this chapter; and

(b) Examining safeguards and methods of protection from danger to employees, the sanitary conditions of the buildings and surroundings; and

make a record thereof.

2. Any owner, corporation, occupant or officer who shall refuse such entry to the labor commissioner, his officers or agents shall be guilty of a misdemeanor.

FOLLOWING LEGISLATIVE CHANGE AND CITATION ERROR

607.150 INSPECTION OF PLACES OF EMPLOYMENT; PENALTY FOR REFUSAL TO ALLOW ENTRY TO LABOR COMMISSIONER.

1. The labor commissioner shall have the power to enter any store, foundry, mill, office, workshop, mine or public or private works at any reasonable time for the purpose of gathering facts and statistics contemplated by chapter 618 of NRS and to make a record thereof.

2. Any owner, corporation, occupant or officer who shall refuse such entry to the labor commissioner, his officers or agents shall be guilty of a misdemeanor.

TITLE, PURPOSE AND DEFINITIONS

618.005 Short title. This chapter may be cited as the Nevada Occupational Safety and Health Act.
(Added to NRS by 1973, 1010)

618.015 Purpose of chapter.
1. It is the purpose of this chapter to provide safe and healthful working conditions for every employee by:
(a) Establishing regulations;
(b) Effectively enforcing such regulations;
(c) Educating and training employees; and
(d) Establishing reporting procedures for job-related accidents and illnesses.
2. The legislature finds that such safety and health in employment is a matter greatly affecting the public interest of this state.
(Added to NRS by 1973, 1010)

618.025 Definitions. As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 618.035 to 618.165, inclusive, have the meanings ascribed to them in such sections.
(Added to NRS by 1973, 1010)

618.035 "Board" defined. "Board" means the review board established by NRS 618.565.
(Added to NRS by 1973, 1010)

618.045 "Commission" defined. "Commission" means the Nevada industrial commission.
(Added to NRS by 1973, 1010)

618.055 "Department" defined. "Department" means the department of occupational safety and health.
(Added to NRS by 1973, 1010)

618.065 "Director" defined. "Director" means the director of the department of occupational safety and health.
(Added to NRS by 1973, 1010)

618.075 "Emergency order" defined. "Emergency order" means a restraining order issued by the department for full or partial cessation of operations where conditions may cause death or serious physical harm.
(Added to NRS by 1973, 1010)

618.085 "Employee" defined. "Employee" means every person who is required, permitted or directed by any employer to engage in any

Exhibit H

The significant amendment contained in this proposed bill occurs in line 5 where the reference for authority is changed from chapter 618 of NRS to chapter 607 of NRS.

Chapter 618 refers specifically and solely to occupational safety and health. Thus, the existing power of the labor commissioner to enter the premises of an employer and gather information is limited to matters affecting occupational safety and health.

By deleting reference to chapter 618 and substituting a reference to 607, the above-mentioned powers of the labor commissioner are taken out from under the limitations set forth in 618. The new chapter 607 has no limitations whatsoever with respect to the objective or nature of visits to and demands upon employers for information.

Our strong objection to this bill is found in line 8 "his officers or agents". This would allow the labor commissioner to appoint a business agent of a union as an "officer" or "agent". It is entirely possible that the union business agent could be involved in a dispute with the employer.

If this bill is necessary the words "his officers or agents" should be deleted from line 8.

NEVADA ASSOCIATION OF EMPLOYERS

CLINTON G. KNOLL
General Manager

Attachment 1

REMARKS ON A.B. 287

BY

STAN JONES

NEVADA STATE LABOR COMMISSIONER

DURING THE BIENNIUM 1972 - 74 THE NEVADA STATE LABOR COMMISSION RECEIVED AND PROCESSED IN EXCESS OF 65,000 WAGE CLAIMS AND COMPLAINTS IN WHICH THERE WAS ALLEGED A VIOLATION OF THE LABOR AND INDUSTRIAL RELATIONS LAWS OF NEVADA. DURING THE SAME BIENNIUM WE RECOVERED NEARLY ONE-HALF MILLION DOLLARS IN UNPAID WAGES.

NOT TO BELABOR YOUR TIME BUT I WOULD LIKE TO READ PARTS OF SOME OF THE LETTERS WE RECEIVE. I DO THIS SO THAT YOU WILL KNOW THE ADMINISTRATION OF OUR LABOR LAWS IS DONE IN AN OBJECTIVE AND IMPARTIAL MANNER. *

I THINK THESE WILL GIVE YOU SOME IDEA OF THE PROBLEMS WE FACE EVERY DAY. IT'S ALSO OBVIOUS WE'RE NOT GOING TO WIN VERY MANY POPULARITY CONTESTS.

LET ME GIVE YOU AN EXAMPLE OF A CASE AND RESULTING COMPLAINT THAT WOULD NOT HAVE HAPPENED IF A.B. 287 HAD BEEN LAW. IT IS IRONIC PERHAPS THAT ONE OF THE MORE VOCAL OPPONENTS OF THIS BILL REPRESENTED THE EMPLOYER AT THE FACT FINDING LEVEL.

THE CLAIMANT WAS A 56 YEAR OLD FEMALE AND 35 YEAR RESIDENT OF NEVADA. SHE WAS EMPLOYED AT $2.70 PER HOUR. SHE FILED A COMPLAINT WITH THE LABOR COMMISSION AND FOLLOWING PROPER NOTICE TO THE RESPONDENT AND THE RESPONDENT'S MANAGEMENT TEAM OF REPRESENTATIVES A FACT FINDING MEETING WAS CALLED.

FOLLOWING THE PRESENTATION OF ALL PERTINENT FACTS SUFFICIENT EVIDENCE TO MAKE

A PRIMA FACIE CASE WAS FOUND. NOW, IF A.B. 287 HAD BEEN LAW THE LABOR COMMISSIONER WOULD HAVE BEEN REQUIRED TO ISSUE A WRITTEN DECISION, SETTING FORTH FINDINGS OF FACT AND CONCLUSIONS OF LAW DEVELOPED AT A HEARING CONDUCTED IN ACCORDANCE WITH STRICT REQUIREMENTS OF THE BILL. ANY DECISION WOULD HAVE BEEN SUBJECT TO JUDICIAL REVIEW IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURES ACT.

AS THE LAW IS AT THE PRESENT TIME THE LABOR COMMISSIONER MAY ONLY CONDUCT WHAT AMOUNTS TO ADVISORY FACT FINDING AND REFER TO TRIAL IF A PRIMA FACIE SHOWING HAS BEEN MADE.

THE EMPLOYER, AND I PRESUME THE EMPLOYER'S ASSOCIATION OF EMPLOYERS, MADE A STRONG PROTEST OF THE ACTIONS OF THE LABOR COMMISSIONER IN HIS FOLLOWING THE LABOR AND INDUSTRIAL RELATIONS LAWS. THEY DON'T WANT AN ADMINISTRATIVE HEARINGS BILL AND THEY DON'T WANT THE LABOR COMMISSIONER TO FOLLOW THE LAW.

IT MAKES ONE WONDER IF THEY BELIEVE THE WORKERS HAVE ANY RIGHTS AT ALL; EXCEPTING, OF COURSE, THE RIGHT TO WORK.

IF A RECENT DISCUSSION ON COURT RULES WAS CORRECT THEN CIVIL CASES MAY BE HELD IN ABEYANCE INDEFINITELY AT THE BEST AND A COMPLETE MORATORIUM ON ALL CIVIL CASES AT THE WORST.

ONE ATTORNEY OBSERVED, "THE JUDICIAL SYSTEM IS NOT FOR THE BENEFIT OF THE JUDGES OR THE LAWYERS BUT FOR THE PEOPLE." -- I SUBMIT A.B. 287 IS FOR THE PEOPLE. I SUPPOSE THERE ARE THOSE WHO WOULD JUST AS SOON SEE THE ENFORCEMENT OF OUR LABOR LAWS HELD IN CIVIL ABEYANCE INDEFINITELY OR A COMPLETE MORATORIUM IN THE PERFORMANCE OF THE STATUTORY OBLIGATION OF THE NEVADA STATE LABOR COMMISSIONER.

WHAT WOULD, OR WHAT WILL HAPPEN, TO OUR CIVIL JUDICIAL SYSTEM IF THE LABOR COMMISSIONER IS COMPELLED TO REFER MORE THAN 3,000 CASES TO AN ALREADY CLOGGED CIVIL COURT CALENDAR.

I SUBMIT TO YOU THAT FEARS OF ARBITRARY OR CAPRICIOUS AUTHORITY ARE HOGWASH AND INSTEAD A CHARADE PERPETRATED TO FRUSTRATE OR RENDER THE LABOR AND INDUSTRIAL RELATIONS LAWS UNENFORCEABLE.

THERE ARE A GOOD NUMBER OF CHECK POINTS IN A.B. 287 INCLUDING PUBLIC EXAMINATION AND JUDICIAL REVIEW.

YOU'VE HEARD WE'RE AGGRESSIVE IN ENFORCEMENT AND I SUGGEST THAT'S A COMPLIMENT BECAUSE THAT'S THE DUTY WE'RE CHARGED WITH. WHAT I'LL TELL YOU IS WE'RE FAIR AND COMPLY WITH THE LAW WITH OUR AGGRESSIVE ENFORCEMENT AS THE NEARLY 1000 CLAIMS WE'VE DROPPED WILL ATTEST TO.

WE RECOGNIZE THERE ARE THREE MAJOR INTERESTS INVOLVED IN OUR ADMINISTRATION; THE PUBLIC, THE EMPLOYEE AND THE EMPLOYER. THE NEVADA STATE LABOR COMMISSIONER KNOWS THESE THREE INTERESTS ARE INTERRELATED. INDUSTRIAL PEACE, REGULAR AND ADEQUATE INCOME FOR THE EMPLOYEE, AND UNINTERRUPTED PRODUCTION OF SERVICES ARE PROMOTIVE OF ALL THE INTERESTS AND WE BELIEVE A.B. 287.[WHICH WOULD GIVE THE LABOR COMMISSIONER AUTHORITY TO CONDUCT HEARINGS UNDER THE LABOR LAWS] WILL BE SUPPORTIVE OF THE PUBLIC POLICY OF NEVADA.

THE INTERACTIONS - THE INTERRELATIONSHIPS OF PEOPLE - ARE NOT ALWAYS PREDICTABLE AND THE NEVADA STATE LABOR COMMISSIONER MUST DEAL WITH THAT HUMAN VARIABLE IN THEIR RELATIONSHIPS TO EACH OTHER AND WITH HUMAN EMOTIONS. A.B. 287 WILL PROVIDE WHAT IS NEEDED FOR SUPPORT OF THE FUNDAMENTAL RIGHTS AND PRIVILEGES OF

THE LABOR AND INDUSTRIAL RELATIONS LAWS OF NEVADA.

A NEVADA COURT SAID:

> "LEGISLATION WHICH IS ENACTED WITH THE OBJECT OF PROMOTING THE WELFARE OF LARGE CLASSES OF WORKERS WHOSE PERSONAL SERVICES CONSTITUTE THEIR MEANS OF LIVELIHOOD MUST CERTAINLY BE REGARDED AS OF DIRECT AND VITAL CONCERN TO EVERY COMMUNITY AND AS CALCULATED TO CONFER DIRECT OR INDIRECT BENEFITS UPON THE PEOPLE AS A WHOLE, SEEKING AS IT DOES TO PROMOTE THE WELFARE OF A LARGE CLASS AGAINST A REAL AND EXISTING DANGER."

EMPLOYERS AND EMPLOYER REPRESENTATIVES MAKE JUDGEMENTS OF LAW EVERY DAY. JUDGEMENTS THAT EFFECT THEIR EMPLOYEE'S RIGHTS AND PRIVILEGES UNDER THE LABOR AND INDUSTRIAL RELATIONS LAWS OF NEVADA. THEIR JUDGEMENTS HOWEVER, DON'T COME UNDER THE SAME SCRUTINY AND THE SAME JUDICIAL REVIEW THAT IS PROVIDED IN A.B. 287 WHICH IS BEFORE YOU TODAY. THE EMPLOYER OR THE EMPLOYER'S REPRESENTATIVE, MANY OF WHOM ARE LOBBYISTS LOBBYING AGAINST THIS BILL, THEIR DECISIONS, THEIR FINDINGS OF FACT ARE NOT SUBJECT TO THE LIGHT OF PUBLIC EXAMINATION AS IS THE FINDINGS OF THE NEVADA STATE LABOR COMMISSION SUBJECT TO PUBLIC EXAMINATION AND JUDICIAL REVIEW.

Read From A.P.A. As Highlite
Paul Lamboley -

IN CONCLUSION THEN, AS YOU HEAR THOSE WHO OPPOSE THIS BILL, WHICH MIGHT BE REFERRED TO AS THE LABORERS' BILL OF RIGHTS, AS YOU LISTEN TO THE TESTIMONY CONSIDER CAREFULLY ITS FACTUALITY AND RELEVANCY TO A.B. 287. ASK IF THE TESTIMONY IS OPPOSITION FOR THE SAKE OF OPPOSITION. ASK IF THEY HAVE CONFINED THEIR TESTIMONY TO THE LABOR AND INDUSTRIAL RELATIONS LAWS OF NEVADA AND HEARINGS OF THOSE LAWS OR IF THEY HAVE THROWN UP A SMOKESCREEN OF HALF-TRUTHS AND VEILED REFLECTIONS.

I HOPE YOU CAN CONCLUDE AS THE ASSEMBLY HAS THAT A.B. 287 IS LEGISLATION THAT WILL ASSIST THE ADMINISTRATION OF OUR LABOR LAWS IN A FAIR AND EQUITABLE MANNER.