

## Senate

## COMMERCE AND LABOR COMMITTEE

April 24, 1975

The meeting was called to order in Room #213 at 12:30 p.m. on Thursday, April 24, 1975, with Senator Gene Echols in the chair.

PRESENT: Senator Gene Echols  
 Senator Warren Monroe  
 Senator William Raggio  
 Senator Richard Blakemore  
 Senator Gary Sheerin  
 Senator Richard Bryan  
 Senator Margie Foote (P.M. Adj.)

A.B. 584: Limits vertical competition in distribution and marketing of alcoholic beverages.

Assemblyman Robert Weise, testified. It was his understanding at the time the bill was passed through the Assembly that the intent was designed principally towards manufacturers and large wholesalers, who would be bringing in franchises in the State of Nevada to preclude this. The bill does have an adverse affect on some people doing business in the State who are holding both licenses out of a convenience. The industry people agree that it was not their intention to preclude these people from doing business. They want to make sure these people could be grandfathered in.

Senator Echols asked Mr. Weise how many people that would include. Mr. Weise said he felt there would be very few, but he did know of one - Mr. Flagg, who lives in Mr. Weise's district. Discussion followed.

A.B. 308: Regulates mobile home parks and provides for mobile home warranty.

David Hoy, mobile home park owner, testified against A.B. 308. The original intent of A.B. 308 was to solve a problem apparently being created in Clark County area as the result of a few mobile home park managers being very strict with the tenants and forcing them to move for very poor reasons. This was imposing great burdens on the mobile home owner because it costs a great deal to dismantle one of them and move it.

Mr. Hoy stated he had no objection to the time limits that were placed in Section 3. He discussed this section briefly. He did object to the way the rest of the bill carries this idea forward, because it puts undue burden on the park owner. Section 3, subsection 2, line 4, states that the landlord must give, with specificity, a notice for the reason of termination. He said that took away the right of the landlord to terminate a rental agreement and that is a right that any other landlord has. The way subsection 2 reads and then Section 4, the rental agreement of this act may not be terminated except for - and the exceptions are listed. This means if someone doesn't pay their rent and they have a double wide mobile home, they have 45 days of free rental possible. He said this was becoming a real problem, particularly with the recession the country is in. Mr. Hoy suggested that the law be reconciled with the procedural aspects of Chapter 40 of NRS, which says if they don't pay their rent you give the tenant five days notice to quit or pay. Mr. Hoy explained this chapter to the committee.

Mr. Hoy suggested to clear up this bill that subsection 2 of section 3 be stricken in its entirety and that section 4 be written to read as follows: "The rental agreement described in Section 3 of this act may also be terminated for one or more of the following reasons." A section should be added which reads: "The exercise of the right to terminate a rental agreement shall be as provided in NRS 40.250." Mr. Hoy thought that cleaned up the bill with respect to the procedures that have to be followed to terminate a mobile home tenancy and it also protects the tenant from arbitrary termination.

Mr. Hoy said that Section 7 has a technical falw in it. It says that the landlord may require approval of a prospective buyer and tenant prior to a tenant's sale of his mobile home. It doesn't say, however, what happens if the landlord fails to approve. Mr. Hoy said that should be rewritten to say, "If the landlord does not approve the new tenant, he can require removal of the home from the park upon 30 days notice." There was discussion about this section of the bill.

Senator Sheerin said he didn't think that NRS 40.250 or 253 get to the problem because he didn't feel that applied to someone renting a space in a mobile home park. Mr. Hoy said he would agree to amending those chapters because of the clarity problem. Mr. Hoy said there was also a problem with the lien right because you have 45 days to get them out buty only 30 days to exercise the lien right after they are past due on their rent. This conceivably could give the tenant 50 or 60 days of free rent before you can get them out. Senator Sheerin asked Mr. Hoy to prepare some amendments and he stated he would.

Mr. Hoy and Senator Echols briefly discussed the cost involved in moving a mobile home. Mr. Hoy said he felt the mobile home owner should be given more time and that's why he didn't

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have any objection to Section 2. Senator Echols said he had attended a meeting of mobile home owners in Clark County and they had been having many problems in that area.

Senator Raggio asked what happened at the end of thirty days if the tenant doesn't move out of the park. Mr. Hoy said that presumably you go back to NRS Chapter 40 and go under the three day notice to quit under the unlawful detainer statute. The way the bill is written now though, unless you can show one of those four items, non payment of rent, etc., there is no way the landlord can terminate the tenancy. Senator Raggio said the reasons covered in Section 4 are pretty broad. He and Mr. Hoy discussed this briefly.

Senator Echols and Mr. Hoy discussed again the cost to set up or move a mobile home. Mr. Hoy said there had been a practice of ripping people off in setting up these homes. Mr. Hoy said it shouldn't cost more than \$1,500 to set up a double wide trailer. Senator Blakemore said these people have much money invested in such things as awnings, lawns, gardens, etc. The committee discussed this further.

Mrs. Jeri Lyons, mobile home park owner, testified next. She has had a mobile home park for the last 17 years, which she built, owns and manages. She was opposed to A.B. 308. She gave the following reasons for opposition. (1) It doesn't protect anyone but the bad tenants. (2) There are 11 legal loopholes. (3) Section 7 would be harmful to old people. This is because the bill would require anyone with a trailer that is over 10 years old to buy a new one. She said this bill discriminated against old people and briefly discussed this. Mrs. Lyons gave a final reason which was a plea to help protect the mobile home park owner.

In conclusion she suggested they vote this bill down and create a Governor's Commission. The reason was that a Governor's Commission would represent all the segments of the mobile home industry - tenants, dealers and park owners. This commission could police itself and the mobile home industry much more effectively than the law because they would be the people who are in the industry. Mrs. Lyon said if you had a Commission, you get rapid solutions to your problems. Mrs. Lyon said there was federal committee with federal regulations and if the governor appointed a committee this would be in affect.

Helen Close, mobile home park owner, testified next. Her views on this bill are based on 20 years experience. She objected to the section on waiting six months to change the rules, which is Section 4, line 31. She felt that six months was too long to make any corrective needs. She felt 30 days would be ample time. Mrs. Close gave her reasons for objecting to the time. Senator Echols asked for a specific example of when this might create a problem. Mrs. Close said there might be a redesign or they might have to move a laundry house. Senator Raggio asked Mrs. Close if she gave a list of rules to her tenants when they moved in, and if so, were those the rules she was referring to. Mrs. Close said she did give them rules, and they contain the usual things about pets, garbage, no working on cars, no loud noise, etc. Senator Raggio asked why it would pose such a hardship to give six months notice. Mrs. Close said that things change and people change. Mrs. Lyon spoke from the audience and gave an example. There was discussion from the committee about this.

Mrs. Close opposed the reason for eviction being in writing. The specific facts for eviction might lead to a lawsuit and there are many unknowns in renting to tenants. She also said there were some things you just didn't put in writing, but she did feel the tenant should have ample time to move. Mrs. Close felt it would be difficult to spell out on paper without being able to prove it. She felt that this law was far from protecting the law abiding tenant and would hurt the majority of good tenants more than it would help the bad ones.

Mrs. Close said Section 3, Line 3, is contrary to the traditional 30 days notice given to other tenants. She also agreed to the Governor's Commission suggested by Mrs. Lyon. Questions from the committee were answered.

A.B. 345: Revises chapter regulating dispensing opticians.

George Hamilton, Hamilton Opticians, testified about A.B. 345. He was in favor of the bill. The purpose of the bill is to put certain amendments into the present law. At the present time about 20 percent of their business is paid by a third party such as HMO's, Welfare, Medicare, SAMI, and other government organizations. There is a rumor that in the very near future a provision will be put in that will say unless they have continued education in their licensing, they will not be able to go for these payments. They want to put a provision in their law that in order to have the license renewal, you have to have some continued education every year. The other part of the bill is just to take care of apprentices. There is nothing in present law to do that at this time.

Mr. Hamilton went through the bill and highlighted what it does. They have put in the bill that each optician cannot have more than a certain number of apprentices working under him at one time. This is because they cannot supervise too many at once if they want to give them personal attention. There is also a provision that if a person is over 60 years of age and has 15 years experience, he doesn't have to have the continued education. Senator Bryan asked if they had a board to supervise them. Mr. Hamilton said there was a three man board appointed by the governor. Each year this board gives a license to applicants who apply.

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The applicant must have four years of practical experience in the shop and one year experience under a licensed dispensing optician before he is eligible to take the examination. He then takes a written examination and a practical examination, which is given by the three man board.

Senator Bryan asked what the justification was for the exemption of persons 60 years of age. Mr. Hamilton said he frankly didn't there was any justification. He said it was just put in there. He said he was neither for or against that provision. He did say he didn't think there was any problem with it.

Senator Bryan asked if the salary of \$50 per day for the board was uniform with what other boards were receiving. Senator Monroe said it was \$40 per day. Mr. Hamilton said he would have no objection to changing that to make it uniform. Senator Bryan asked if Section 6 where it says they must graduate from an accredited high school was an attempt to upgrade the standards. Mr. Hamilton said that was right. Senator Echols asked if that would include the GED test. Mr. Hamilton said yes. Senator Echols asked if there was a reason they would have to be 21 years of age. Mr. Hamilton said as a practical matter no one could qualify before they are 21 because they have to have years of training. He said they would have to start at age 16 to even get in the training by the time they were 21.

Senator Bryan moved to amend and do pass.

Senator Raggio seconded the motion.

The vote was five to nothing. Senators Foote and Sheerin were absent. Senator Bryan said he would get the amendments.

A.B. 584: Limits vertical competition in distributing and marketing of alcoholic beverages.

Art Senini, Beacon Distribution Company, testified in favor of the bill. He was also speaking for the Wine and Spirits Wholesalers of Nevada, and by proxy, the Nevada Beer Wholesalers Association. The intent of A.B. 584 is that no manufacturer that is a distributor, vendor or brewer may engage in the wholesaling of the same products in the state of Nevada. At the present time there is no such law or regulation. Nevada is one of 11 states that does not have any such law. Twenty-three districts do not have such applicable laws; seventeen are monopoly states and the balance is mentioned above. A.B. 584 will hopefully assist them in protecting their investments. Mr. Senini said it has been called to his attention that some of the senators are worried about how this bill will affect the private label business in the state. He said that A.B. 584 will in no way alter, prohibit or restrict any such current transaction. Mr. Senini explained private label business. He said this bill was not intended to put anyone out of business or hinder them from the act of business. Mr. Senini said they were, through proper legal channels, trying to arrive at an interpretation as to whether a grandfather clause is inferred, automatic or such needed to be written in. He urged the committee to look with favor upon A.B. 584.

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Senator Raggio asked what the evil was they were trying to solve with the bill. Mr. Senini said there is a problem where a manufacturer has also emerged as a wholesaler in the State of Nevada. This also precludes someone from stepping into a business which has invested many years and many dollars and saying to them that they don't need them anymore. Senator Raggio said he was sure Mr. Senini was aware that they don't like to legislate for special groups for special purposes. He asked what the distinction between this industry and any other where the same thing might occur. Mr. Senini, in answer, discussed the three tier system which is trying to be passed on the national level. He said the people in the industry are very keenly aware of the abuses that have been in existence since 1934. Mr. Senini said that they in the industry feel they can eliminate these abuses by clearly defining the three steps - manufacturer, wholesaler, and retailer. Each step would be obliged to govern his operation and there would be no over lapping of interests. Senator Raggio said he didn't think Mr. Senini understood the question. He stated he wanted to know the difference between liquor industry - wholesale-retail business - and some other wholesale-retail business in the state that warrants them taking this step in the liquor business. Mr. Senini said they in the liquor industry have been indoctrined and led to believe that they are a privileged industry by virtue of their licensing practices. They are closely regulated and policed. They also feel it behooves them to insure the continuity of the clean house operation.

Senator Bryan said that Mr. Senini mentioned the Congress is trying to pass legislation to create a three tier system of distribution. He asked what the abuses were they were trying to clean up with this system. Mr. Senini said it all stems back to the tied house operation. He said this bill could have been incorporated in S.B. 511. While one is related to the other, both are designed to eliminate the tied house situation, either by abuse or by extension of credit. Senator Echols said Mr. Senini still was not answering the question raised by Senator Raggio. He asked him to address himself to why their industry is so different from the others. Mr. Senini said he felt it was because of the nature of their business and because of the fine line in that business. He said it was also the fact they are subject to regulations from the federal government. Senator Echols said there was some very strong opposition to S.B. 511 because the legislature doesn't want to get involved in regulating unless they can be convinced it is necessary. Senator Raggio said he thought they had to be concerned with the public interest, not the private interest.

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Senator Monroe said he remembered spending many hours passing legislation for the franchised auto dealers. Senator Bryan said they did the same thing the previous session for the liquor industry.

Senator Echols again asked Mr. Senini to address himself to why their industry is so much different from others. Walt Martini spoke from the audience. He said the answer to that question is the 21st Amendment, and the fact that under the rules and regulations of the 21st Amendment, the responsibility for enforcement is put on the states. This industry is too rigidly controlled by the federal laws and that is why it is different from other industries. It is so completely different, that they feel it must be treated differently. Being under control of the federal government, it is heavily taxed and the state is heavily involved where they are not in other industries. Mr. Senini agreed with these statements.

Senator Bryan said they knew that Mr. Flagg in Reno has a problem and Mr. Senini had indicated that he has no problem with the grandfather clause. He asked if there was anyone in Clark County that would be affected today if they adopted this legislation. Mr. Martini said he had checked with the Tax Commission and there is one wholesale and retail license whose owner does not belong to any of the liquor associations, and neither does Mr. Flagg. Mr. Martini said that was why they were not aware of Mr. Flagg's problem until this hearing. Mr. Martini said the person in Las Vegas does not retail anything, but he has a wholesale business license for his personal consumption.

Jack Sheehan, Secretary of the Nevada Tax Commission and Governor of the Western Region of the National Conference of State Liquor Administrators, testified next. He said this type of legislation has been talked about in that organization for the last three or four years. Mr. Sheehan said some of the states argue in favor of the three tier system, and he thought that basically was the rationale for this type of legislation. Mr. Sheehan asked the committee to assume he was a wholesaler and he had the exclusive right to import Cutty Sark Scotch. If he also has the right to go out and acquire retail outlets, he, through his wholesale activity, can limit the sale of Cutty Sark to his own outlets. That is the abuse they are trying to eliminate through the three tier system.

Senator Sheerin asked if Mr. Sheehan thought that Cutty Sark would complain about that kind of activity. Mr. Sheehan thought they would.

Mr. Sheehan said he didn't know where they got the grandfather problems, because the present law defines a wholesaler as follows: Wholesale dealers licenses shall permit the holders thereof to sell liquor to other wholesalers, to retailers, and to those instrumentalities of the Armed Forces, etc." It goes on to say: "Sale by a wholesaler to himself as a retailer is not the transaction of a bona fide wholesale business." Mr. Sheehan said he thought the law precluded the sale of a wholesaler to himself as a retailer. He added that if this was in fact going on, they would take disciplinary action against the wholesale license. Senator Sheerin asked if the law took care of the example Mr. Sheehan gave. Mr. Sheehan said he thought a good argument could be made that it does. Senator Raggio asked if a man like Mr. Flagg was protected under the present law. Mr. Sheehan said he was not aware of what Mr. Flagg's activities were. He said if Mr. Flagg has a whole sale license and if he is selling to himself and distributing the merchandise at retail level, it would be a violation. This is NRS 369.470. Mr. Sheehan said he would support the bill because from his point of view, it does nothing bad and cures a potential problem.

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E.S. Flagg testified. Mr. Flagg said they had to have two separate corporations so he is not selling to himself, as such. He is selling from Global Imports, his wholesale outfit, to Wine Cellar, Inc, his retail outlet. They are two entirely separate operations, which are licensed by the federal government, state government and local government.

Senator Bryan asked if there was anything in the bill that would alter that situation. Mr. Flagg said he didn't know. He indicated he just found out about the bill in the latter part of last week. He said he was going to consult with his attorney. Senator Bryan asked if he could have his attorney call and let the committee know what his opinion was.

They meeting recessed at this time for the Senate Session. The meeting began again at 4:20 p.m.

A.B. 414: Requires superintendent of banks to establish certain limit on loans by bank to its directors, officers or employees.

Assemblyman Dan Demers testified in favor of the bill. He said all the bill is designed to do is give some of the younger bank employees the opportunity to get Master Charge at their bank at a preferred interest rate. The bill was written by the superintendent of banking. The bankers are pretty much in agreement with the bill. The reason for the three year limit because of the amount of turnover. After a short discussion, the following action was taken:

Senator Monroe moved a do pass.

Senator Bryan seconded the motion.

The vote was unanimous with Senators Raggio and Sheerin absent.



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S.B. 542: Provides for certification and regulation of landscape architects.

Chuck Saladino, Saladino and Associates, testified in favor of the bill. He was representing a committee of landscape architects and others who have put together this bill. He passed out a letter, EXHIBIT B, from the Truckee Meadows Branch of the Nevada Section of the American Society of Civil Engineers. This letter recommends the support of S.B. 542 and also recommends adding Section 35. They have discussed the language suggested in the letter with one of the attorney's representing the engineers and they would like to strike everything after Chapter 625 of NRS which takes out "if landscape architecture is an incidental part of any undertaking." The architects have agreed to that. They are asking for a new subsection 7 which would include anyone engaged in the practice of engineering, who is registered pursuant to Chapter 625 of NRS. The engineers back the bill with that included and so does their attorney. On Page 3, line 3, they feel the word architecture should be there instead of architect. Page 6 they would like to delete Section 2 completely. Senator Bryan asked if most nurseries didn't provide a service to do landscaping. Mr. Saladino said if they provide the service, they would be licensed under the contractors bill. Therefore, they feel it is redundant to have this in there.

They would like to delete in Section 35, from number three and number four, everything after it says NRS. The deletion would be "if landscape architecture is an incidental part of any undertaking." On page 7, line 29, they would like to add the word landscape in front of the word architecture. On Page 7, line 41, they would like to add two new numbers. Number 4 would state: "The board at its option may waive any or all requirements specified in Section 41, subsection 2, provided an oral interview of any candidate establishes his expertise." They was discussion about the addition of this section.

Jack McAuliffe, attorney, said this language is the result of his suggestion. He felt their language was more restrictive than what they really had in mind, so Mr. McAuliffe suggested the board have some authority to waive specific requirements. Senator Raggio asked if it was their purpose to allow anyone who has practiced for three years to come in or are you referring to three years in this state. Mr. Saladino said they had initially written Nevada in there. They way they set it up in item five is that applications would only last until July 1, 1976. He felt this would correct that. Senator Raggio asked who they were trying to exclude. Mr. Saladino said they were not trying to exclude anyone who is qualified. Senator Raggio asked if they were required to be contractors. Mr. Saladino said no, they work as an architect does. They design the facility and then put the specifications out to bid. There was discussion about what an architect does.

Senator Raggio asked what the logic was for the six years experience. Mr. Saladino said to get a degree from a university it is a five year program. They feel it is good to have at least two years experience before they are licensed. Senator Raggio asked where the bill provided for that six years. Mr. Saladino said he thought it would be in the rules and regulations. Discussion followed. Senator Raggio asked if this bill was patterned after any other. Mr. Saladino said it was patterned after bills in surrounding states.

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Senator Bryan said in Section 15 a technical change would be needed and he explained. Mr. Saladino said they also had something from the Legislative Counsel Bureau, a letter from Mr. Crossley, which will be labeled EXHIBIT C.

Senator Raggio asked if the bill would prevent anyone from doing gardening at home. Mr. Saladino said no, homeowners are exempt. Senator Bryan asked what the justification was for the hearing to be held in private if a grievance is filed. Mr. Saladino said he would have no objection to that being changed.

Senator Raggio suggested they rescind their amendments and then take them to the bill drafter and coordinate it with other boards. Mr. Saladino was agreeable. Senator Echols asked who did the requesting of the bill drafter and Mr. Saladino said it was Senator Wilson. Senator Foote asked what they could do in connection with landscape architecture to be convicted of a felony. Senator Raggio explained that normally conviction of any felony is grounds for revocation of license, not particularly landscape architecture. He stated this didn't comply with other practice acts. Senator Monroe and Mr. Saladino discussed the public safety, health and welfare aspect of this bill briefly. Senator Echols appointed Senator Foote and Senator Blakemore to work with them to get the amendments.

John R. Crossley, State Highway Department, testified. He stated he was not trying to shoot down the bill, but he said the Highway Department would like to be exempted also. He said some of the improvements made to roadways, etc., would certainly be incidental. Senator Sheerin said if they are doing state work and they have their own classifications, they would not have to be registered. Mr. Saladino was asked if he would object to this exemption. Jack McAuliffe answered and said this was like most of these acts where it states holding yourself out to the public and selling services. He said he didn't see how that would apply to an employee on the staff of the Highway Department. Mr. Crossley said they would like to see that specifically clarified. Discussion followed between Mr. Crossley, Mr. McAuliffe, and committee members.

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Jack McAuliffe, representing State Board of Architects, testified. He is the legal counsel for the board. Mr. McAuliffe said there was a legitimate practice of landscape architecture, which is recognized in many states. It is a five year course in most colleges and universities. He said as far as he personally and the board is concerned, they are pleased to see this kind of legislation. He pointed out in the terms of the public health safety and welfare they have reached a point within the zoning statutes where they are designing cluster housing and then developing grounds around the cluster. They are also at a point where they are designing and building parks in the state and the quality of the designer is important. Mr. McAuliffe said he felt it did affect public welfare in terms of having a suitable environment, adequate parks, etc. He felt more professionalism should be encouraged in that kind of design.

Senator Raggio asked if it would be appropriate to include them under the architect's board rather than to create a separate board. Mr. McAuliffe said he didn't think so.

Senator Monroe said the expenses of the board were out of line with what other boards were receiving. The salary is correct, but the per diem is wrong. He said there would have to be an amendment if the bill is passed.

Ron Blakemore said they had projected 30 applicants in the first year in state, and said there would probably be just as many from out of state. He passed out a list which will be labeled EXHIBIT E.

S.B. 443: Requires posting of gasoline and other motor vehicle fuel prices and prescribes minimum visibility requirements as to advertising medium used.

Harry Gallaway, Nevada Department of Agriculture, testified. The Department is in support of the bill. He said he did not have information in the way of impact on the industry. He did suggest a number of amendments to this bill which would make it administratively feasible. He passed out a sheet explaining these amendments which will be labeled EXHIBIT F. He said the bill is silent as it relates to diesel fuel or liquid petroleum products, as they are used as motor vehicle fuels. The act also uses such things as grade and there is no definition of grade in the statutes. Mr. Gallaway said there is a definite practice in the industry to use what is a trade name in lieu of a grade.

Under Section 1, line 9, remove the word gasoline and simply refer to motor vehicle fuels. At line 18, insert the wording "that if" and add three subsections. (See Exhibit for the amendments.)

Senator Bryan asked the reason for including the words "with permit". Mr. Gallaway said the reason was because in the State of Nevada there is a dual system in practice on the diesel fuel. If it says with permit, they don't pay the 6 cent state tax. This would eliminate confusion and authorize the establishment to show the price with the permit and also show price with federal and state tax included.

Senator Bryan asked if the littering on most of the signs at service stations were six inches high. Mr. Gallaway said yes. Mr. Gallaway said they would need to amend 590.230 with Section 5. He said this would be depending on what the intent of the legislation was. If the intent is that the hours open, etc, would have to be included, then 590.230 would have to be amended to specifically set this forth. If that is not the intent, then the proposed Section 5 should be deleted. Senator Bryan said the bill drafter put this in and it was not at his request. Mr. Gallaway said the amount of service should be definitely set forth with the price. He discussed this briefly.

Pete Willey, President of Northern Nevada Petroleum Retailers Association, testified next. He stated they have no serious objection to the bill except they have already been legislated until they have no ability to expand their costs. He said the bill is asking them to control something they cannot control. He said they couldn't go with this because they would be forever changing signs. Mr. Willey said he felt it was wrong that they couldn't show the taxes separate from the price of the gasoline. After discussion, it was decided that there was nothing to preclude them from showing the taxes separate from the price of the gas. Mr. Gallaway agreed there was nothing to preclude them from doing that. Senator Bryan said this bill would not have anything in it to cover that situation. He said his sole purpose in introducing the bill was to have the price displayed. Mr. Willey said that was discriminatory because in Washoe County there is a law against posting the price of motel rooms. Senator Raggio explained why this law was on the books.

Mr. Willey said they were being discriminated against in many areas. The bill is asking them to post prices when their prices are not controlled by them. He said they were regulated in their pricing and motels are not. He said the bill was discriminatory and they were prepared to find out if this bill is passed. Mr. Willey said they feel the bill should be completely wiped out. Senator Bryan asked if he felt the consumer should have the right to know what the price of the gas is before they go in. Mr. Willey said if they were in a competitive situation he couldn't agree more, but they are not in a competitive situation. General discussion followed.

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Mr. Willey said they would be putting a burden on 85 percent of the industry who are in the same position he is in. He also said the reputable businessmen are already doing what the bill asks for.

S.B. 536: Prohibits certain practices by photography schools and provides enforcement procedures and penalties.

Tom White, Ross Photo Service in Sparks, testified in favor of the bill. He introduced into the record letters from other photographers who were in support of the bill. The will be labeled EXHIBIT G, EXHIBIT H, EXHIBIT I, AND EXHIBIT J. Mr. White has also been in contact with Fox Photo Studio in Elko, Randall's in Carson City and Portraits by Homer in Las Vegas. They were all to contact individual Senators about the bill.

Mr. White said 80 percent of his business is children's photography. He said there is presently a school in the area that is advertising free photography for children if they will let their students practice on them. In the 18 months they have been operating, they have cut into Mr. White's business so badly that they have had to consolidate two locations and sell out a camera store to stay in business, without raising prices unreasonably. Senator Raggio asked if he thought that was entirely the reason or if it could have something to do with the school pictures that are taken every year by the schools. Mr. White said they do about 18,000 school kids and 2,500 seniors per year. He said they do not shoot preschool children in the schools. Mr. White emphasized the problem of the photography school cutting into his business.

Mr. White said it was against the law to do this in California. They send people in from California, train them and send them back to California to work. He said it was very difficult to compete with people who give away pictures four or five times a year. He felt this was an unfair business practice just as it would be for the cosmetology schools to let their students practice on the public for free.

Mr. White had spoken to Rusty Nash in District Attorney's office who said they couldn't do anything about it except through legislation. Senator Bryan asked if these schools had to be licensed. Mr. White said he had called the city of Reno who said they were operating legally because there was no ordinance against what they are doing. Senator Raggio asked about the beauty colleges. Mr. White said they have to charge and tell you the work being done is by students. Senator Raggio said it was unusual for industries to come in and ask to be regulated. Mr. White said they didn't want to do it this way, but according to everyone he had talked to, legislation was the only way to go. He said they had even gone to the plant to see the manager, but the manager broke the appointment. The production manager promised to make another appointment with the manager, but he never did so.

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There was discussion about whether this problem could be taken care of through city or county ordinance. It was the general feeling of the committee that they did not like to legislate for special groups. Senator Bryan asked where the public was being misled through this practice. Mr. White said he didn't think they were being misled. The people are told the work is being done by students and they know they are getting about \$35 worth of pictures free. He said they just feel it is an unfair practice and they did legislate against it in California. Senator Raggio asked Mr. White where the public interest was that would allow them to legislate for special interests. Mr. White said he wasn't qualified to answer that and that his sole purpose for being there was to tell them that this school was cutting into his business.

Senator Bryan asked if this school was subsidized by tax dollars. Mr. White said he doubted it, but Senator Foote said they were cutting into the tax dollars of the State of Nevada. Senator Blakenore asked what they would estimate the tax loss to be. Mr. White said he didn't know, but he would venture to say they have lost 25 to 30 percent of the child sittings in their studios. Senator Raggio said he would hesitate to legislate in this area because what they are actually doing is legislating competition. Mr. White said again they had tried several different avenues and the advice they were given was legislation. Discussion followed.

Senator Bryan said if it was a local, not a state problem, perhaps it could be solved on the local level. He suggested Mr. White take this problem to his city or county commission and ask for ordinances on that level. This was discussed by Mr. White and the Committee. Senator Bryan asked if the problem would be solved if the city council or the county commission passed an ordinance. Mr. White said he thought so. Discussion followed. It was decided to hold the bill. Senator Foote will notify him of any action taken on the bill.

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

This bill had been amended and re-referred to committee. Senator Sheerin said he still saw some problems with the penalty structure. He also said that in S.B. 300 the automobile dealers were given a 20 percent leeway, which he thought should be given some consideration in this bill. Discussion followed.

A.B. 538: Clarifies exemption of insurer's general premium tax.

Page Eight  
April 24, 1975  
Commerce and Labor Committee

Milos Terzich testified in favor of the bill. This bill came from the American Life Insurance Association. All the bill does is add a new section to the chapter. The new section 408 permits a person whose employer does not have a pension plan to establish his own retirement plan by contributing \$1,500 per year in that plan. The affect of the bill is to allow the insurance companies to compete with the banks for this business on an equal basis and allows the consumer the equal tax treatment, whether he makes the contract with the bank or an insurance company. The federal law is attached and will be labeled EXHIBIT K. Questions from the committee followed after which the following action was taken:

Senator Raggio moved a do pass.

Senator Blakemore seconded the motion.

The vote was unanimous with all members present and voting.

S.B. 542 will be held.

S.B. 536 will be held.

S.B. 443: Senator Monroe moved to indefinitely postpone.

Senator Blakemore seconded the motion.

The vote was six to one. Senator Bryan voted no. The motion carried.

S.B. 301: Senator Sheerin asked to be allowed to do something with the penalty structure. This was fine with the committee, and Senator Sheerin will get the amendments.

Senator Bryan moved to amend and do pass.

Senator Monroe seconded the motion.

The vote was six to one. Senator Blakemore voted no. The motion carried.

A.B. 584: Senator Sheerin said the only way he would let the bill pass is if he doesn't have to defend it on the floor because he felt there was no way it could be explained anywhere. Senator Bryan said he wouldn't vote against the bill, but he said he wouldn't defend it on the floor either. He said he didn't see how you could defend it in the light of the testimony. Senator Bryan said he understood from Mr. Sheehan that there is a present law on this. It was decided to hold the bill.

A.B. 308 will be held for the proponents to testify.

A.B. 156 will be held because no one appeared to testify.

Over

652

A.B. 287: There was a discussion about adding an independent hearing officer to the bill. Senator Bryan moved to amend to add the hearing officer, do pass, and re-refer to Finance Committee.

Senator Monroe seconded the motion.

The vote was unanimous with all members present and voting.

S.B. 372: After a brief discussion, Senator Bryan moved to reconsider S.B. 372. Senator Raggio seconded the motion.

Senator Foote suggested Senator Bryan be given the opportunity to offer amendments to the committee. Senator Bryan said he could do that when the bill is presented on the floor. He did say he could not support the bill in its present form and said he had not heard any reasons why the alternative methods which have been proposed would not work. Discussion followed. It was decided to keep the bill in committee until such time as Senator Bryan could secure amendments and bring them back to the committee to review.

There being no further business, the meeting was adjourned at 6:50 p.m.

Respectfully submitted:

*Kristine Zohner*

Kristine Zohner, Committee Secretary

APPROVED BY:

*Gene Echols*  
Senator Gene Echols, Committee Chairman



SENATE Commerce & Labor COMMITTEE

Exhibit A

653

ROOM # 213  
 DAY Thursday DATE April 24, 1975

NAME                                      ORGANIZATION                                      ADDRESS                                      PHONE NUMBER

\*NOTE: PLEASE PRINT ALL THE INFORMATION CLEARLY.

NAME	ORGANIZATION	ADDRESS	PHONE NUMBER
Helen Close		Bx 1963	phone: 825-444 Reno 89502
Mrs. Jezi Lyons		Bx 5447	3222971 Reno 89503
E. S. FLAGG		90 MANKATO DR.	RENO 8950
Jim Rathbun		Tax Comm.	4892
John J. Stecker		Tax Comm	4892
Bruce R. Smith		Tax Comm	4892
John R. Crossley		LCB-Audit	5620
PETE WOOLLEY	NNPR	1790 MILL LN.	329-7744
H. E. Gallaway		NEV. DEPT. of Agric.	784-6401
A. Pennington		Neu Dept. of Agric	786-6413



TRUCKEE MEADOWS BRANCH  
828 Jones Street · Reno, Nevada 89503  
Telephone: (702) 786 4717

April 22, 1975

Mr. Charles S. Saladino, A.S.L.A.  
Saladino & Associates, Ltd.  
1395 Haskell Street  
Reno, Nevada 89502

Re: S.B. 542

Dear Mr. Saladino:

The Board of Directors of the Nevada Section of the American Society of Civil Engineers, upon the recommendation of the ASCE Legislative Committee, has elected to support S.B. 542, subject to the inclusion in Section 35 of engineers registered pursuant to Chapter 625 of NRS.

Section 35 should be amended to include a paragraph which reads as follows:

Any person engaged in the practice of Engineering who is registered pursuant to Chapter 625 of NRS if landscape architecture is an incidental part of any undertaking.

If the foregoing paragraph is included in S.B. 542, the American Society of Civil Engineers, Nevada Section, fully supports this legislation. We believe that this legislation is in the best interest of the public and a necessary tool for proper environmental development.

Sincerely,

J. Clark Gribben, Chairman  
ASCE - Nevada Section  
Legislative Committee

JCG/lcc

cc: Mr. Joseph N. Littlefield, P.E.  
Mr. William E. Adams, P.E.  
ASCE Legislative Committee Members:  
Messrs. Shewan, Hastings, Means, Sharp, Tynes

Exhibit C

STATE OF NEVADA  
LEGISLATIVE COUNSEL BUREAU  
LEGISLATIVE BUILDING  
CARSON CITY, NEVADA 89701

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

65-655



ARTHUR J. PALMER, Director

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

April 17, 1975

The Honorable Gene Echols  
Senator  
Chairman, Commerce and Labor  
c/o Nevada Legislature

Dear Senator Echols:

SB 542 is presently before your committee. It might be that the proposed Board of Landscape Architects should be treated audit wise as are all other professional licensing boards, that is, to be audited annually in accordance with the provisions of NRS 218.825.

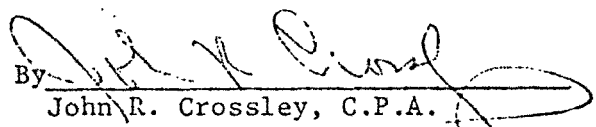
Accordingly, we would like to suggest that SB 542 be amended by adding a new section to read as follows:

"The provisions of NRS 218.825 apply to the board of landscape architects."

We are available to discuss this with you at your convenience.

Sincerely yours,

EARL T. OLIVER, C.P.A.  
LEGISLATIVE AUDITOR

By   
John R. Crossley, C.P.A.  
Chief Deputy Legislative Auditor

ETO:JRC:mn

April 24, 1975

Senator Eugene Echols, Chairman  
Committee on Commerce & Labor

Senate Bill 542

PROPOSED REVISIONS:

1. P. 3 line 3 to read: landscape architecture.

2. P. 6, Sec. 35: Section 35 should be amended to include a paragraph which reads as follows:

Any person engaged in the practice of Engineering who is registered pursuant to Chapter 625 of NRS, ~~if landscape architecture is an incidental part of any undertaking.~~

3. P. 7, line 29 to read: (a) Has engaged in the practice of landscape architecture for at least 3 years.

4. Section 41 should be amended to add 4 and 5.

~~4. At the option of the board, an oral interview of candidates' qualifications for certification will be held.~~

5. Applications for certification under Section 41 will be accepted until July 1, 1976.

4. THE BOARD AT ITS OPTION MAY WAIVE ANY OR ALL REQUIREMENTS SPECIFIED IN SECTION 41. 2. PROVIDED AN ORAL INTERVIEW OF ANY CANDIDATE ESTABLISHES HIS EXPERTISE.

5. DELETE SEC. 35. 2.

6. DELETE FROM <sup>SEC.</sup> 35. 3. & 4. ALL TEXT AFTER NRS BEGINNING WITH "IF".

7. DELETE FROM ENGINEERING BOARD (A.S.C.B) ALL TEXT AFTER NRS BEGINNING WITH "IF".

April 24, 1975

Senator Eugene Echols, Chairman  
Committee on Commerce & Labor

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Senate Bill 542

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Projected Operating Costs for 1st and 2nd year of Board operations (1975-1977):

Income First Year: \$ 2,550.00 (30 certificates)

" Second Year: 3,200.00 (30 renewals, 20 new certificates)

\$ 5,750.00

Expenses:

a. 8 meetings of Board	\$ 2,400.00
b. Certificate Printing	550.00
c. Secretarial (part-time)	1,400.00
d. Phone	800.00
e. Supplies	250.00
f. Postage	<u>250.00</u>

- 5,650.00

Balance -

\$ 100.00

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Prepared by Landscape Architectural Committee in support of SB 542

April 23, 1975

Senator Eugene Echols, Chairman  
Committee on Commerce and Labor  
Nevada State Legislature  
Carson City, Nevada 89701

Dear Senator Echols:

We wish to express our interest in, and urge your support of, Senate Bill 542, relating to the certification and regulation of landscape architects.

As practicing landscape architects, we have had the opportunity to observe the rapid growth of the state for a substantial period of time. During recent years, this growth has become rampant, primarily in our cities, but also throughout most accessible areas in the state. Due to its very nature, this growth has had a serious impact on the landscape, much of it to the detriment of the natural environment, as well as to the quality of life. This degradation of our state must be reduced by establishing controls which govern irresponsible consumption of our most precious resource -- the land. Such controls must be oriented toward creation and preservation of a wholesome environment, based on the capacity of the land to sustain life and maintain an ecological balance within the total environment. In this regard, we feel that SB 542 is most worthy of your support, and offer the following comments for your consideration.

The landscape architect, by means of his education, background, and experience, is particularly well qualified to deal with the development of land. Specifically, his talents and abilities are best suited to the following areas of expertise:

1. Demonstrated competence in the ability to solve complex problems associated with land development, sufficient to protect the public health, safety, and welfare.
2. Technical ability and training to physically manipulate landscape elements to satisfy basic functional and esthetic needs.
3. The ability to fit human activities to the physical environment with a minimum negative impact on that environment.
4. The ability to use plant materials to solve ecological and environmental problems, as well as esthetic problems.

Senator Eugene Echols, Chairman  
Committee on Commerce and Labor  
Page 2  
April 23, 1975

5. The ability to identify, develop, use, and preserve the relationships between man and his physical, social, and natural environments.
6. The awareness of, and ability to comply with, laws and other legal requirements relating to public health, safety, and welfare in all aspects of his professional practice.

With the above expertise in mind, many agencies, both state and federal, have recognized the value of the landscape architect. In Nevada, the Highway Department and the State Park System have these professionals on their staff. In addition, the National Park Service uses landscape architects exclusively for planning and design of National Parks, Monuments, and other park development work of this nature. The Lake Mead National Recreation Area has a landscape architect on its permanent staff. The Bureau of Land Management, and the U.S. Forest Service have staff landscape architects in Nevada.

We feel that the professional landscape architect can make positive and significant contributions to orderly growth in Nevada, while insuring the protection of public health, safety, and welfare. Some of the specific areas of involvement include development of utility corridors, roadway design and transportation systems, subdivision and land development, public parks and open space development, public buildings and grounds, schools and institutional facilities, city master plans, design of commercial and industrial areas and facilities, urban development and renewal, environmental impact studies, restoration of open pit mines, as well as other land development projects.

The establishment of certification requirements for landscape architects in Nevada will assist in assuring a high standard of land development practice by professionals trained and licensed to perform these services. It will not guarantee perfection, but it will certainly benefit the people of the state by providing a means of protecting the public health, safety, and welfare.

We urge your support, and trust you will carefully review the facts to render the best decision.

Senator Eugene Echols, Chairman  
Committee on Commerce and Labor  
Page 3  
April 23, 1975

If we can be of any assistance, or provide any additional information,  
please let us know.

Sincerely,

*Ronald E. Blakemore*

*Allen L. Scott*

*John B. Richardson*

Ronald E. Blakemore  
Allen L. Scott  
John B. Richardson  
Landscape Architects

Copy to: Senator Blakemore  
Bryan  
Foote  
Monroe  
Sheerin  
Raggio



1 SECTION 1. NRS 590.170 is hereby amended to read as follows:

2 590.170 1. [No person shall keep, maintain or display in this state  
3 any advertising medium which indicates or shows or advertises the price  
4 of gasoline or other motor vehicle fuel sold, offered for sale or advertised  
5 for sale from such premises, unless the actual price per gallon of gasoline  
6 or other motor vehicle fuel, including taxes, is also shown on such adver-  
7 tising medium, together with the word or words "gasoline", or "motor  
8 fuel," and the trade name or brand.] *Every person offering for sale or*  
9 *selling any [gasoline or other] motor vehicle fuel to the public from any*  
10 *place of business in this state shall display and maintain at all times when*  
11 *such place is open for business a sign, banner or other advertising*  
12 *medium:*

13 (a) *That is clearly visible from two opposite directions, during all busi-*  
14 *ness hours, from any street or highway adjacent to such place of business;*  
15 *and*

16 (b) *That indicates the brand name or the term "no brand" and the*  
17 *actual price per gallon, including all taxes, at which each grade of [gasoline*  
18 *or other] motor vehicle fuel is currently being offered for sale or sold, provided*  
19 *that if;*

20 (1) The motor vehicle fuel is gasoline the trade name  
21 may be used to designate the grade;

22 (2) The motor vehicle fuel is diesel fuel the sign or  
23 other advertising medium may also designate the actual  
24 price per gallon of fuel when sold under a special fuel  
25 permit of the Department of Motor Vehicles, and such sign  
26 shall include the words "with permit" in letters not less  
27 than two inches in height;

28 (3) The motor vehicle fuel is liquid petroleum gas it  
29 shall be exempt from the provision of this section.

30 2. For the purposes of subsection 1, retail devices displaying the unit  
31 price in order to compute or record deliveries shall not be considered an  
32 advertising medium.

33 3. *No such person may advertise in any manner any grade of gaso-*  
34 *line, motor fuel or other similar product that is not immediately available*  
35 *on the business premises to the public.*

1 SEC. 2. NRS 590.180 is hereby amended to read as follows:

2 590.180 1. No person offering for sale or selling any gasoline or  
3 motor vehicle fuel in the State of Nevada [shall] *may* post or display a  
4 sign or statement or other advertising medium reading, in substance,  
5 "save" a designated amount, or a designated amount per gallon, such as  
6 "save 5 cents" or "save 5 cents per gallon," or using the expression "off"  
7 a designated amount, such as "5 cents off" or "5 cents less," or "discount"  
8 of a given amount, such as "5 cents discount," or otherwise using the  
9 words "save," "off," "discount," "wholesale," "below," or any of them,  
10 or a word or words of similar meaning or other phraseology indicating a  
11 reduced price, unless [there] *such word or other phraseology* is posted  
12 and displayed in letters of equal size and as part of the [same sign, state-  
13 ment or other advertising medium the total price, including all taxes, at  
14 which gasoline or motor vehicle fuel is being sold or offered for sale,  
15 designating the price for each brand or trade name of gasoline or motor  
16 vehicle fuel being sold or offered for sale.] *sign required by NRS 590.170.*

17 2. The size of the letters, words, figures or numerals used for the pur-  
18 pose of indicating or showing the total price per gallon, including all taxes,  
19 shall be of a size as provided under the provisions of NRS 590.200.

20 SEC. 3. NRS 590.190 is hereby amended to read as follows:

21 590.190 [If gasoline] *Gasoline* or other motor vehicle fuel [is]  
22 offered for sale or advertised for sale from the premises of any place of  
23 business in this state, but not under any trade name or brand name, [then  
24 the words "no brand" shall be used and designated on the advertising  
25 medium.] *shall be identified on all advertising media by the term "no*  
26 *brand."*

1 SECTION 4. NRS 590.220 is hereby amended to read as follows:

2 ~~590.220 Size of letters, signs or numerals in announcing prices.~~  
 3 All letters, words, figures or numerals used on the advertising medium  
 4 referred to in NRS 590.160 to 590.330, inclusive, for the purpose of  
 5 indicating or showing prices of gasoline or other motor vehicle fuel sold  
 6 or advertised for sale shall be not less than six inches in height,  
 7 uniform in size and shall be not more than  
 8 twice the size of the letters, figures or numerals used to designate the  
 9 brand name, or the words "no brand."  
 10 [6:323:1951]

11 SECTION 5. NRS 590.230 is hereby amended to read as follows:

12 ~~590.230 Contents and form of advertising medium.~~ The advertising  
 13 medium referred to in NRS 590.160 to 590.330, inclusive, shall not con-  
 14 tain any other advertising matter whatsoever except words of description  
 15 of the product sold or offered for sale, and that required by  
 16 Section 7 and if words of description of the  
 17 product offered for sale or advertised for sale by any such sign are used,  
 18 the letters, figures or numerals which form any words, marks, letters, fig-  
 19 ures or numerals of description shall not be larger than the words, marks,  
 20 letters, figures or numerals used in forming or designating the brand name  
 or the words "no brand."

21 SECTION 6. NRS 590.250 is hereby amended to read as follows:

22 590.250 The numeral "1" or the letter "l" need not conform to [speci-  
 23 fications] the height-width ratio prescribed for other letters, words, figures  
 24 or numerals by NRS 590.160 to 590.330, inclusive, but all letters, words,  
 25 figures or numerals shall be the same type and design and shall be uniform  
 26 with other letters, words, figures or numerals with which they are used.

27 SEC. 7 Chapter 590 of NRS is hereby amended by adding thereto a  
 28 new section which shall read as follows:

29 Signs required by NRS 590.170 shall be changed in advance to indicate  
 accurately each change in:

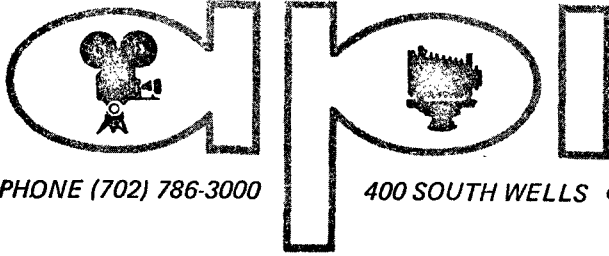
- 30 1. Availability of gasoline or other motor vehicle fuel;
- 31 2. The hours or days the facility will be open for business; and
- 32 3. The maximum or minimum limits on amounts that will be sold to  
 33 each customer.

34 4. The method of sale if other than full service.

S.B. 443 (continued)

1 SECTION 8. NRS Chapter 590 \_\_\_\_\_ is hereby amended by adding  
 2 thereto a new section which shall read as follows:

3 590. \_\_\_\_\_ The information required to be displayed by  
 4 Section 7, (2) and (3) shall be not less than two inches in  
 5 height, uniform with other letters, words, figures or  
 6 numerals with which they are used.

**ALLEN PHOTOGRAPHERS, INC.**

PHONE (702) 786-3000

400 SOUTH WELLS • SUITE 125 • RENO, NEVADA • 89502

Committee on Commerce and Labor  
Nevada State Senate  
Carson City, Nevada

April 22, 1975

**Senators:**

I welcome this opportunity to express my feelings on SB536 introduced by Senator Margie Foote. It confronts a serious and pressing problem existing in the Reno area and one which might soon spread to other areas of our state.

It is my opinion that the current practice of providing free merchandise or products to models or subjects at a training institute is a poor business practice. It acts as a deterrent to free enterprise and constitutes an unfair business practice for the professional photographers of this state.

I appreciate your interest and concern in this matter.

Sincerely,

Gary Richert  
Reno Proprietor

# The Photo Factory

664

Photography - Custom Finishing - 105 North Sierra Street #202 Reno Nevada 89501 (702) 329-8407

April 25, 1975

To: Senate Committee  
Commerce and Labor  
Nevada State Senate

To members of said committee, The Photo Factory a rather new company doing business in photography, respectfully recommend to you passage of Senate Bill No. 536, which would prohibit unfair competition in said field.

We feel it unfair for pictures taken by students in any photographic school, to be given away free. This kind of practice is detrimental to established business any place in our State.

Your favorable consideration will be good for established business, and prohibit unfair competition.

Respectfully,

*J. E. Martie*  
The Photo Factory  
By: J. E. Martie, Secy Treas.

April 24, 1975

665

Committee on Commerce & Labor

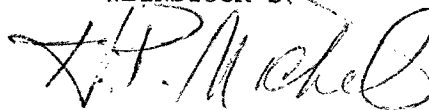
Dear Sir:

This letter is to inform you that I encourage support of Bill #536 pertaining to the Photo Studio.

I hope you will support the passage of this bill.

Sincerely,

WEINSTOCK'S



Henry P. Michel  
Store Manager

HPM/cg

666  
April 24, 1975

Gentlemen,

For quite some time now, there has been a photographic school in the Reno area giving away free portraits for the express purpose of enticing people to bring their children into their school so that they can train photographers to compete with, and in so many cases take business away from established studios through the use of the gimmicks such as the 99¢ special.

This competition we can cope with through greater service and better quality, but there isn't any way at all of competing with a free offer, and for this reason, I believe that unfair labor practices are involved.

I earnestly urge your committee to carefully consider "Senate Bill 536, because I sincerely believe that its passage is in the best interest of every studio in Nevada.

Sincerely

John A. Foringer  
Frey Real Portrait Studio

compensation includible in his gross income for such taxable year, or \$1,500, whichever is less.

"(2) *Covered by certain other plans.*—No deduction is allowed under subsection (a) for an individual for the taxable year if for any part of such year—

"(A) he was an active participant in—

"(i) a plan described in section 401 (a) which includes a trust exempt from tax under section 501(a),

"(ii) an annuity plan described in section 403(a),

"(iii) a qualified bond purchase plan described in section 405(a), or

"(iv) a plan established for its employees by the United States, by a State or political division thereof, or by an agency or instrumentality of any of the foregoing, or

"(B) amounts were contributed by his employer for an annuity contract described in section 403(b) (whether or not his rights in such contract are nonforfeitable).

"(3) *Contributions after age 70½.*—No deduction is allowed under subsection (a) with respect to any payment described in subsection (a) which is made during the taxable year of an individual who has attained age 70½ before the close of such taxable year.

"(4) *Recontributed amounts.*—No deduction is allowed under this section with respect to a rollover contribution described in section 402(a) (5), 403(a) (4), 408(d) (3), or 409(b) (3) (C).

"(5) *Amounts contributed under endowment contract.*—In the case of an endowment contract described in section 408(b), no deduction is allowed under subsection (a) for that portion of the amounts paid under the contract for the taxable year properly allocable, under regulations prescribed by the Secretary or his delegate, to the cost of life insurance.

"(c) *Definitions and Special Rules.*—

"(1) *Compensation.*—For purposes of this section, the term 'compensa-

Code Sec. 219(b) (2)

tion' includes earned income as defined in section 401(c) (2).

"(2) *Married individuals.*—The maximum deduction under subsection (b) (1) shall be computed separately for each individual, and this section shall be applied without regard to any community property laws".

(2) *Deduction allowed in arriving at adjusted gross income.*—Section 62 (defining adjusted gross income) is amended by inserting after paragraph (9) the following new paragraph:

"(10) *Retirement savings.*—The deduction allowed by section 219 (relating to deduction of certain retirement savings)".

(b) *Individual Retirement Accounts.*—Subpart A of part 1 of subchapter D of chapter 1 (relating to retirement plans) is amended by adding at the end thereof the following new section:

**"SEC. 408. INDIVIDUAL RETIREMENT ACCOUNTS.**

"(a) *Individual Retirement Account.*—For purposes of this section, the term 'individual retirement account' means a trust created or organized in the United States for the exclusive benefit of an individual or his beneficiaries, but only if the written governing instrument creating the trust meets the following requirements:

"(1) Except in the case of a rollover contribution described in subsection (d) (3), in section 402(a) (5), 403(a) (4), or 409(b) (3) (C), no contribution will be accepted unless it is in cash, and contributions will not be accepted for the taxable year in excess of \$1,500 on behalf of any individual.

"(2) The trustee is a bank (as defined in section 401(d) (1)) or such other person who demonstrates to the satisfaction of the Secretary or his delegate that the manner in which such other person will administer the trust will be consistent with the requirements of this section.

"(3) No part of the trust property shall be invested in life insurance contracts.

"(4) The interest in the balance in the trust shall not be forfeitable.

"(5) The assets of the trust shall not be commingled with those of any other trust, except in a common investment fund.

"(6) The entire trust property shall be distributed to the individual for whose life the trust was maintained will be distributed not later than the end of the year in which he attains age 70½, or will be distributed before the close of such taxable year in accordance with the regulations prescribed by the Secretary, over —

"(A) the life of the individual, or the lives of such individual and his spouse, or

"(B) a period not exceeding the life expectancy of the individual and his spouse, or

"(7) If an individual dies before the trust property is distributed to him, the trust property shall be distributed in accordance with paragraph (6) to his surviving spouse, and such surviving spouse shall receive the entire interest in the trust property (or the remainder of the trust property if distributed after the death of the surviving spouse), but not later than the end of the year in which he attains age 70½, or will be distributed before the close of such taxable year in accordance with the regulations prescribed by the Secretary, over —

"(A) the life of the individual, or the lives of such individual and his spouse, or

"(B) a period not exceeding the life expectancy of the individual and his spouse, or

"(C) a period not exceeding the life expectancy of the individual and his spouse, or

"(D) a period not exceeding the life expectancy of the individual and his spouse, or

"(E) a period not exceeding the life expectancy of the individual and his spouse, or

"(F) a period not exceeding the life expectancy of the individual and his spouse, or

"(G) a period not exceeding the life expectancy of the individual and his spouse, or

"(H) a period not exceeding the life expectancy of the individual and his spouse, or

"(I) a period not exceeding the life expectancy of the individual and his spouse, or

"(J) a period not exceeding the life expectancy of the individual and his spouse, or

"(K) a period not exceeding the life expectancy of the individual and his spouse, or

"(L) a period not exceeding the life expectancy of the individual and his spouse, or

"(M) a period not exceeding the life expectancy of the individual and his spouse, or

"(N) a period not exceeding the life expectancy of the individual and his spouse, or

"(O) a period not exceeding the life expectancy of the individual and his spouse, or

"(P) a period not exceeding the life expectancy of the individual and his spouse, or

"(Q) a period not exceeding the life expectancy of the individual and his spouse, or

"(R) a period not exceeding the life expectancy of the individual and his spouse, or

"(S) a period not exceeding the life expectancy of the individual and his spouse, or

"(T) a period not exceeding the life expectancy of the individual and his spouse, or

"(U) a period not exceeding the life expectancy of the individual and his spouse, or

"(V) a period not exceeding the life expectancy of the individual and his spouse, or

"(W) a period not exceeding the life expectancy of the individual and his spouse, or

"(X) a period not exceeding the life expectancy of the individual and his spouse, or

"(Y) a period not exceeding the life expectancy of the individual and his spouse, or

"(Z) a period not exceeding the life expectancy of the individual and his spouse, or

income as de-

uals. — The  
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"(3) No part of the trust funds will be invested in life insurance contracts.

"(4) The interest of an individual in the balance in his account is non-forfeitable.

"(5) The assets of the trust will not be commingled with other property except in a common trust fund or common investment fund.

"(6) The entire interest of an individual for whose benefit the trust is maintained will be distributed to him not later than the close of his taxable year in which he attains age 70½, or will be distributed, commencing before the close of such taxable year, in accordance with regulations prescribed by the Secretary or his delegate, over —

"(A) the life of such individual or the lives of such individual and his spouse, or

"(B) a period not extending beyond the life expectancy of such individual or the life expectancy of such individual and his spouse.

"(7) If an individual for whose benefit the trust is maintained dies before his entire interest has been distributed to him, or if distribution has been commenced as provided in paragraph (6) to his surviving spouse and such surviving spouse dies before the entire interest has been distributed to such spouse, the entire interest (or the remaining part of such interest if distribution thereof has commenced) will, within 5 years after his death (or the death of the surviving spouse), be distributed, or applied to the purchase of an immediate annuity for his beneficiary or beneficiaries (or the beneficiary or beneficiaries of his surviving spouse) which will be payable for the life of such beneficiary or beneficiaries (or for a term certain not extending beyond the life expectancy of such beneficiary or beneficiaries) and which annuity will be immediately distributed to such beneficiary or beneficiaries. The preceding sentence does not apply if distributions over a term certain commenced before the death of the in-

dividual for whose benefit the trust was maintained and the term certain is for a period permitted under paragraph (6).

"(b) Individual Retirement Annuity.—For purposes of this section, the term "individual retirement annuity" means an annuity contract, or an endowment contract (as determined under regulations prescribed by the Secretary or his delegate), issued by an insurance company which meets the following requirements:

"(1) The contract is not transferable by the owner.

"(2) The annual premium under the contract will not exceed \$1,500 and any refund of premiums will be applied before the close of the calendar year following the year of the refund toward the payment of future premiums or the purchase of additional benefits.

"(3) The entire interest of the owner will be distributed to him not later than the close of his taxable year in which he attains age 70½, or will be distributed, in accordance with regulations prescribed by the Secretary or his delegate, over—

"(A) the life of such owner or the lives of such owner and his spouse, or

"(B) a period not extending beyond the life expectancy of such owner or the life expectancy of such owner and his spouse.

"(4) If the owner dies before his entire interest has been distributed to him, or if distribution has been commenced as provided in paragraph (3) to his surviving spouse and such surviving spouse dies before the entire interest has been distributed to such spouse, the entire interest (or the remaining part of such interest if distribution thereof has commenced) will, within 5 years after his death (or the death of the surviving spouse), be distributed, or applied to the purchase of an immediate annuity for his beneficiary or beneficiaries (or the beneficiary or beneficiaries of his surviving spouse) which will be payable for the life of such beneficiary or



beneficiaries (or for a term certain not extending beyond the life expectancy of such beneficiary or beneficiaries) and which annuity will be immediately distributed to such beneficiary or beneficiaries. The preceding sentence shall have no application if distributions over a term certain commenced before the death of the owner and the term certain is for a period permitted under paragraph (3).

"(5) The entire interest of the owner is nonforfeitable.

Such term does not include such an annuity contract for any taxable year of the owner in which it is disqualified on the application of subsection (e) or for any subsequent taxable year. For purposes of this subsection, no contract shall be treated as an endowment contract if it matures later than the taxable year in which the individual in whose name such contract is purchased attains age 70½; if it is not for the exclusive benefit of the individual in whose name it is purchased or his beneficiaries; or if the aggregate annual premiums under all such contracts purchased in the name of such individual for any taxable year exceed \$1,500.

"(c) Accounts Established by Employers and Certain Associations of Employees.—A trust created or organized in the United States by an employer for the exclusive benefit of his employees or their beneficiaries, or by an association of employees (which may include employees within the meaning of section 401(c)(1)) for the exclusive benefit of its members or their beneficiaries, shall be treated as an individual retirement account (described in subsection (a)), but only if the written governing instrument creating the trust meets the following requirements:

"(1) The trust satisfies the requirements of paragraphs (1) through (7) of subsection (a).

"(2) There is a separate accounting for the interest of each employee or member.

Code Sec. 408(b)(5)

The assets of the trust may be held in a common fund for the account of all individuals who have an interest in the trust.

"(d) Tax: Treatment of Distributions.—

"(1) In general.—Except as otherwise provided in this subsection, any amount paid or distributed out of an individual retirement account or under an individual retirement annuity shall be included in gross income by the payee or distributee, as the case may be, for the taxable year in which the payment or distribution is received. The basis of any person in such an account or annuity is zero.

"(2) Distributions of annuity contracts.—Paragraph (1) does not apply to any annuity contract which meets the requirements of paragraphs (1), (3), (4), and (5) of subsection (b) and which is distributed from an individual retirement account. Section 72 applies to any such annuity contract, and for purposes of section 72 the investment in such contract is zero.

"(3) Rollover contribution.—An amount is described in this paragraph as a rollover contribution if it meets the requirements of subparagraphs (A) and (B).

"(A) In general.—Paragraph (1) does not apply to any amount paid or distributed out of an individual retirement account or individual retirement annuity to the individual for whose benefit the account or annuity is maintained if—

"(i) the entire amount received (including money and any other property) is paid into an individual retirement account or individual retirement annuity (other than an endowment contract) or retirement bond for the benefit of such individual not later than the 60th day after the day on which he receives the payment or distribution; or

"(ii) the entire amount received (including money and any other property) represents the entire amount in

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"(B) Limitation.—Paragraph (1) does not apply to any amount received by an individual retirement account or individual retirement annuity during the taxable year in which the amount is received if the individual for whose benefit the account or annuity is maintained is an individual retirement beneficiary who is eligible in his application.

"(4) Excise tax on distributions before due date.—Paragraph (1) does not apply to any distribution of any contribution to an individual retirement account or individual retirement annuity if such contribution is allowable under section 219 if—

"(A) such distribution is made on or before the date of the distribution (including

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the account or the entire value of the annuity and no amount in the account and no part of the value of the annuity is attributable to any source other than a rollover contribution from an employee's trust described in section 401(a) which is exempt from tax under section 501(a) (other than a trust forming part of a plan under which the individual was an employee within the meaning of section 401(c) (1) at the time contributions were made on his behalf under the plan), or an annuity plan described in section 403(a) (other than a plan under which the individual was an employee within the meaning of section 401(c) (1) at the time contributions were made on his behalf under the plan) and any earnings on such sums and the entire amount thereof is paid into another such trust (for the benefit of such individual) or annuity plan not later than the 60th day on which he receives the payment or distribution.

*"(B) Limitation.*—This paragraph does not apply to any amount described in subparagraph (A)(1) received by an individual from an individual retirement account or individual retirement annuity if at any time during the 3-year period ending on the day of such receipt such individual received any other amount described in that subparagraph from an individual retirement account, individual retirement annuity, or a retirement bond which was not includible in his gross income because of the application of this paragraph.

*"(4) Excess contributions returned before due date of return.*—Paragraph (1) does not apply to the distribution of any contribution paid during a taxable year to an individual retirement account or for an individual retirement annuity to the extent that such contribution exceeds the amount allowable as a deduction under section 219 if—

"(A) such distribution is received on or before the day prescribed by law (including extensions of time) for fil-

ing such individual's return for such taxable year,

"(B) no deduction is allowed under section 219 with respect to such excess contribution, and

"(C) such distribution is accompanied by the amount of net income attributable to such excess contribution.

Any net income described in subparagraph (C) shall be included in the gross income of the individual for the taxable year in which received.

*"(5) Transfer of account incident to divorce.*—The transfer of an individual's interest in an individual retirement account, individual retirement annuity, or retirement bond to his former spouse under a divorce decree or under a written instrument incident to such divorce is not to be considered a taxable transfer made by such individual not withstanding any other provision of this subtitle, and such interest at the time of the transfer is to be treated as an individual retirement account of such spouse, and not of such individual. Thereafter such account, annuity, or bond for purposes of this subtitle is to be treated as maintained for the benefit of such spouse.

*"(e) Tax Treatment of Accounts and Annuities.*—

*"(1) Exemption from tax.*—Any individual retirement account is exempt from taxation under this subtitle unless such account has ceased to be an individual retirement account by reason of paragraph (2) or (3). Notwithstanding the preceding sentence, any such account is subject to the taxes imposed by section 511 (relating to imposition of tax on unrelated business income of charitable, etc. organizations).

*"(2) Loss of exemption of account where employee engages in prohibited transaction.*—

*"(A) In general.*—If, during any taxable year of the individual for whose benefit any individual retirement account is established, that in-

Code Sec. 408(c)(2)

dividual or his beneficiary engages in any transaction prohibited by section 4975 with respect to such account, such account ceases to be an individual retirement account as of the first day of such taxable year. For purposes of this paragraph—

"(1) the individual for whose benefit any account was established is treated as the creator of such account, and

"(2) the separate account for any individual within an individual retirement account maintained by an employer or association of employees is treated as a separate individual retirement account.

"(B) *Account treated as distributing all its assets.*—In any case in which any account ceases to be an individual retirement account by reason of subparagraph (A) as of the first day of any taxable year, paragraph (1) of subsection (d) applies as if there were a distribution on such first day in an amount equal to the fair market value (on such first day) of all assets in the account (on such first day).

"(3) *Effect of borrowing on annuity contract.*—If during any taxable year the owner of an individual retirement annuity borrows any money under or by use of such contract, the contract ceases to be an individual retirement annuity as of the first day of such taxable year. Such owner shall include in gross income for such year an amount equal to the fair market value of such contract as of such first day.

"(4) *Effect of pledging account as security.*—If, during any taxable year of the individual for whose benefit an individual retirement account is established, that individual uses the account or any portion thereof as security for a loan, the portion so used is treated as distributed to that individual.

"(5) *Purchase of endowment contract by individual retirement account.*—If the assets of an individual retirement account, or any part of

such assets are used to purchase an endowment contract for the benefit of the individual for whose benefit the account is established—

"(A) to the extent that the amount of the assets involved in the purchase are not attributable to the purchase of life insurance, the purchase is treated as a rollover contribution described in subsection (d)(3), and

"(B) to the extent that the amount of the assets involved in the purchase are attributable to the purchase of life, health, accident, or other insurance, such amounts are treated as distributed to that individual (but the provisions of subsection (f) do not apply).

"(6) *Commingling individual retirement account amounts in certain common trust funds and common investment funds.*—Any common trust fund or common investment fund of individual retirement account assets which is exempt from taxation under this subtitle does not cease to be exempt on account of the participation or inclusion of assets of a trust exempt from taxation under section 501(a) which is described in section 401(a).

"(f) *Additional Tax on Certain Amounts Included in Gross Income Before Age 59½.*—

"(1) *Early distributions from an individual retirement account, etc.*—If a distribution from an individual retirement account or under an individual retirement annuity to the individual for whose benefit such account or annuity was established is made before such individual attains age 59½, his tax under this chapter for the taxable year in which such distribution is received shall be increased by an amount equal to 10 percent of the amount of the distribution which is includible in his gross income for such taxable year.

"(2) *Disqualification cases.*—If an amount is includible in gross income for a taxable year under subsection (e) and the taxpayer has not attained age 59½ before the beginning

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of such taxable year, his tax under this chapter for such taxable year shall be increased by an amount equal to 10 percent of such amount so required to be included in his gross income.

**"(3) Disability cases.**—Paragraphs (1) and (2) do not apply if the amount paid or distributed, or the disqualification of the account or annuity under subsection (e), is attributable to the taxpayer becoming disabled within the meaning of section 72(m)(7).

**"(g) Community Property Laws.**—This section shall be applied without regard to any community property laws.

**"(h) Custodial Accounts.**—For purposes of this section, a custodial account shall be treated as a trust if the assets of such account are held by a bank (as defined in section 401(d)(1)) or another person who demonstrates, to the satisfaction of the Secretary or his delegate, that the manner in which he will administer the account will be consistent with the requirements of this section, and if the custodial account would, except for the fact that it is not a trust, constitute an individual retirement account described in subsection (a). For purposes of this title, in the case of a custodial account treated as a trust by reason of the preceding sentence, the custodian of such account shall be treated as the trustee thereof.

**"(i) Reports.**—The trustee of an individual retirement account and the issuer of an endowment contract described in subsection (b) or an individual retirement annuity shall make such reports regarding such account, contract, or annuity to the Secretary or his delegate and to the individuals for whom the account, contract, or annuity is, or is to be, maintained with respect to contributions, distributions, and such other matters as the Secretary or his delegate may require under regulations. The reports required by this subsec-

tion shall be filed at such time and in such manner and furnished to such individuals at such time and in such manner as may be required by those regulations.

**"(j) Cross References.**—

**"(1)** For tax on excess contributions in individual retirement accounts or annuities, see section 4973.

**"(2)** For tax on certain accumulations in individual retirement accounts or annuities, see section 4974."

**(c) Retirement Bonds.**—Subpart A of part I of subchapter D of chapter 1 (relating to retirement plans) is amended by inserting after section 408 the following new section:

**"SEC. 409. RETIREMENT BONDS**

**"(a) Retirement Bond.**—For purposes of this section and section 219(a), the term 'retirement bond' means a bond issued under the Second Liberty Bond Act, as amended, which by its terms, or by regulations prescribed by the Secretary or his delegate under such Act—

**"(1)** provides for payment of interest, or investment yield, only on redemption;

**"(2)** provides that no interest, or investment yield, is payable if the bond is redeemed within 12 months after the date of its issuance;

**"(3)** provides that it ceases to bear interest, or provide investment yield on the earlier of—

**"(A)** the date on which the individual in whose name it is purchased (hereinafter in this section referred to as the 'registered owner') attains age 70½; or

**"(B)** 5 years after the date on which the registered owner dies, but not later than the date on which he would have attained the age 70½ had he lived;

**"(4)** provides that, except in the case of a rollover contribution described in subsection (b)(3)(C) or in section 402(a)(5), 403(a)(4), or 408(d)(3) the registered owner may not contribute for the purchase of such

Code Sec. 409(a)

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 345

ASSEMBLY BILL NO. 345—ASSEMBLYMAN MAY

MARCH 4, 1975

Referred to Committee on Commerce

SUMMARY—Revises chapter regulating dispensing opticians. Fiscal Note:  
No. (BDR 54-544)

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

AN ACT relating to dispensing opticians; providing for employment and supervision of apprentice dispensing opticians; requiring continuing education for licensed dispensing opticians; providing reinstatement fee for a previously revoked certificate; revising the amount of compensation and travel expenses paid to members of the board of dispensing opticians; and providing other matters properly relating thereto.

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

- 1 SECTION 1. Chapter 637 of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 2 and 3 of this act.
- 3 SEC. 2. 1. *A licensed dispensing optician may employ any person to*  
4 *engage in the business of dispensing optician if such person is registered*  
5 *with the board as an apprentice dispensing optician.*
- 6 2. *A licensed dispensing optician shall:*
- 7 (a) *Supervise all work done by an apprentice dispensing optician.*
- 8 (b) *Be in attendance, except for brief absences, whenever an apprentice*  
9 *dispensing optician is engaged in ophthalmic dispensing.*
- 10 3. *A licensed dispensing optician may not have under his supervision*  
11 *more than two apprentice dispensing opticians at any one time.*
- 12 SEC. 3. 1. *Except as provided in subsection 2, all licensed dispensing*  
13 *opticians are required to complete a yearly program of continuing educa-*  
14 *tion in ophthalmic dispensing.*
- 15 2. *Licensed dispensing opticians:*
- 16 (a) *On active military service; or*
- 17 (b) *Who are 60 years of age or more and have been continuously*  
18 *engaged in full-time ophthalmic dispensing for a minimum of 15 years*  
19 *after reaching 35 years of age,*  
20 *are exempt from the requirement of this section.*
- 21 3. *The program of continuing education in ophthalmic dispensing*  
22 *shall:*

(REPRINTED WITH ADOPTED AMENDMENTS)

SECOND REPRINT

A. B. 414

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 ASSEMBLY BILL NO. 414—ASSEMBLYMEN DEMERS, MAY,  
MANN, HAYES, SCHOFIELD AND JEFFREY
 

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MARCH 17, 1975

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 Referred to Committee on Commerce

SUMMARY—Requires superintendent of banks to establish certain limit on loans by bank to its directors, officers or employees. Fiscal Note: No. (BDR 55-482)



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

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AN ACT relating to banks; increasing the amount of an unsecured loan that may be made to certain directors, officers and employees of a bank; and providing other matters properly relating thereto.

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

- 1 SECTION 1. NRS 668.035 is hereby amended to read as follows:  
 2 668.035 1. It is unlawful for any director, officer or employee of any  
 3 bank, directly or indirectly, for himself or as the agent of others, to bor-  
 4 row money in excess of \$250 from such bank, *except as provided in sub-*  
 5 *section 2*, unless he gives good and sufficient security for the repayment  
 6 of such loan, which loan and security must be approved by a majority  
 7 vote of the directors, in regular or in special meeting assembled, the appli-  
 8 cant not voting. All the proceedings relating thereto shall be recorded at  
 9 length in the records of the bank, and shall immediately be reported in  
 10 writing to the superintendent.  
 11 2. *If a director, officer or employee has been employed by, or other-*  
 12 *wise associated with, such bank for at least 3 consecutive years, such*  
 13 *director, officer or employee may, at the discretion of such bank, borrow*  
 14 *not more than \$1,000 from such bank without pledging security for the*  
 15 *repayment of such loan. Approval of such loan shall be obtained in*  
 16 *accordance with the provisions of subsection 1.*

## S. B. 443

## SENATE BILL NO. 443—SENATOR BRYAN

APRIL 3, 1975

Referred to Committee on Commerce and Labor

SUMMARY—Requires posting of gasoline and other motor vehicle fuel prices and prescribes minimum visibility requirements as to advertising medium used. Fiscal Note: No. (BDR 51-698)

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

AN ACT relating to the advertisement of petroleum products; requiring posting of gasoline and other motor vehicle fuel prices; prescribing minimum visibility requirements as to the advertising medium used; and providing other matters properly relating thereto.

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

- 1 SECTION 1. NRS 590.170 is hereby amended to read as follows:  
 2 590.170 1. [No person shall keep, maintain or display in this state  
 3 any advertising medium which indicates or shows or advertises the price  
 4 of gasoline or other motor vehicle fuel sold, offered for sale or advertised  
 5 for sale from such premises, unless the actual price per gallon of gasoline  
 6 or other motor vehicle fuel, including taxes, is also shown on such adver-  
 7 tising medium, together with the word or words "gasoline" or "motor  
 8 fuel," and the trade name or brand.] *Every person offering for sale or*  
 9 *selling any gasoline or other motor vehicle fuel to the public from any*  
 10 *place of business in this state shall display and maintain at all times when*  
 11 *such place is open for business a sign, banner or other advertising*  
 12 *medium:*  
 13 (a) *That is clearly visible from two opposite directions, during all busi-*  
 14 *ness hours, from any street or highway adjacent to such place of business;*  
 15 *and*  
 16 (b) *That indicates the brand name or the term "no brand" and the*  
 17 *actual price per gallon, including all taxes, at which each grade of gasoline*  
 18 *or other motor vehicle fuel is currently being offered for sale or sold.*  
 19 2. For the purposes of subsection 1, retail devices displaying the unit  
 20 price in order to compute or record deliveries shall not be considered an  
 21 advertising medium.  
 22 3. *No such person may advertise in any manner any grade of gaso-*  
 23 *line, motor fuel or other similar product that is not immediately available*  
 24 *on the business premises to the public.*

(REPRINTED WITH ADOPTED AMENDMENTS)

SECOND REPRINT

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 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 practices; regulating the performance of service work on appliances and home electronic equipment; and providing other matters properly relating thereto.

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

- 1 SECTION 1. Chapter 598 of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 2 to 9, inclusive, of this act.
- 3 SEC. 2. *As used in this chapter, "person" means any natural person,*  
4 *corporation, partnership, association or other legal entity.*
- 5 SEC. 3. *As used in sections 3 to 9, inclusive, of this act, unless the*  
6 *context requires otherwise:*
- 7 1. *"Appliances" includes but is not limited to air conditioners, refrig-*  
8 *erators, freezers, ranges, ovens, dishwashers, washing machines, clothes*  
9 *dryers, garbage disposals and trash compactors.*
- 10 2. *"Electronic service dealer" means a person who, for compensa-*  
11 *tion, engages in the business of repairing, servicing, maintaining or diag-*  
12 *nosng malfunctions of appliances and home electronic equipment, but*  
13 *does not include a person performing repairs that he is licensed to per-*  
14 *form by the state contractors' board.*
- 15 3. *"Home electronic equipment" includes but is not limited to calcu-*  
16 *lators, television sets, radios, phonographs, amplifiers, tuners and other*  
17 *audio or video recording or playback equipment and components.*
- 18 4. *"Service" or "service work" means all repairing, servicing, main-*  
19 *taining or diagnosing of malfunctions of appliances and home electronic*  
20 *equipment for compensation.*
- 21 SEC. 4. 1. *If a customer requests an estimate for service work neces-*  
22 *sary for a specific job, the electronic service dealer shall make a written*  
23 *estimate of the total cost, including labor and parts. The estimate shall*