MINUTES

ASSEMBLY COMMERCE COMMITTEE

April 28, 1977

MEMBERS PRESENT

Chairman Harmon Vice Chairman Mello

Mr. Barengo

Mr. Demers

Mrs. Hayes

Mr. Price

Mr. Sena

Mr. Weise

MEMBERS ABSENT

Mr. Moody

GUESTS PRESENT

See Guest List Attached

Chairman Harmon called the meeting to order at 3 p.m. and stated that the first bill to be heard would be Senate Bill 476.

Rennie Ashleman, representing Nevada First Thrift, appeared in support of S.B. 476. Mr. Ashleman explained that it is becoming difficult to get insurance bonds. The bond that First Thrift presently has is backed by an irrevocable letter of credit which is in turn backed by cash and negotiable securities in excess of \$1 million. There is no problem in getting the letter of credit, but there is a problem getting the bonds. Mr. Ashleman proceeded to explain how the letter of credit would be issued and approved. He also stated that the change in experience requirements was necessary since it is difficult to get branch managers in the rural areas.

Mr. Ashleman said there was a problem in line 25 on page 2 that should be changed. The word "commissioner" should be changed to "director" since thrift companies are regulated by the Director of the Department of Commerce. Mr. Ashleman gave a brief resume of Nevada First Thrift's successful operations.

COMMITTEE ACTION

Senate Bill 476: Mr. Mello moved that S.B. 476 by amended by deleting the word "commissioner" on line 25, page 2, and inserting the word "director". Mr. Weise seconded. Motion carried.

Mr. Mello moved Do Pass S.B. 476 as amended. Mr. Weise seconded. Motion carried. Mr. Moody absent.

Senate Bill 447

John Ciadella, Chief of Motor Vehicles Registration, stated this bill was requested by the Motor Vehicle Department to change certain provisions for the licensing of motor vehicle salesman. The Department has worked with the Nevada Franchised Auto Dealers Association on this bill. S.B. 447 will allow a 6 month period before an applicant can reapply after being denied a license. Mr. Ciadella explained the other provisions in the bill covering the requirements for motor vehicle salesmen. Mr. Ciadella cited a case where the District Court had ruled that the present statute was vague and ambiguous. A copy of such findings of the court is attached as Exhibit 1.

Daryl E. Capurro, Nevada Franchised Auto Dealers Association, also appeared in support of S.B. 447.

Senate Bill 437

George Bennett, Secretary of the State Board of Pharmacy, stated that this bill allows the Board to issue a permit for the sale of veterinary drugs to feed stores and miscellaneous outlets. Mr. Bennett said that the Board had found a tremendous amount of outdated veterinary products in different outlets and further found that no one controlled the retail sale of veterinary drugs. Mr. Bennett further said that Dr. Burnett of the Veterinary Board was unable to be present but had asked that his approval of S.B. 437 be noted. In answer to questions by Mrs. Hayes, Mr. Bennett said this would include grocery stores, feed stores and any outlet that wished to sell veterinary drugs. He further told Mrs. Hayes no additional people would be required on the Board to inspect these outlets.

COMMITTEE ACTION

Senate Bill 437: Mr. Weise moved Do Pass, seconded by Mr. Sena. Motion carried. Mr. Demers and Mr. Moody absent.

Senate Bill 467

Mr. Bennett stated S.B. 467 addresses the inconsistency in the statutes concerning physicians' assistants and authorizes the State Board of Pharmacy to issue registration certificates to physicians' assistants for the possession, administration and dispensing of controlled substances. Mr. Bennett stated this was particularly necessary in rural areas and during the past year the Pharmacy Board has had several meetings with the Medical Board. S.B. 467 is a result of those meetings.

Dr. Kenneth Maclean, Secretary-Treasurer of the Board of Medical Examiners, also appeared in support of S.B. 467. He described the problems encountered in certain isolated, rural communities where there is insufficient population to support a physician. Dr. Maclean feels it is imperative that physicians' assistants in these areas have a limited and carefully controlled list of drugs in their possession. It is not intended for the use of physicians' assistants living in Las Vegas, Reno or the larger communities.

Mr. Price questioned Dr. Maclean about physicians' assistants. Dr. Maclean explained it was a person who had completed a course in physicians' assistance which is approved by the American Medical Association, who has passed a national examination, who then applies to the Nevada State Board of Medical Examiners for a certificate. Mrs. Hayes asked Mr. Bennett if there was any opposition to this bill in the Senate. Mr. Bennett said there was not.

COMMITTEE ACTION

Senate Bill 467: Mr. Mello moved Do Pass S.B. 467, seconded by Mr. Demers. Motion carried unanimously. Mr. Moody not present.

Senate Bill 480

Mr. Bennett said this bill mainly clarifies the law. He further explained that Board members now receive only \$28 a day when they attend meetings. There are several meetings a year and the members are forced to stay in hotels that have convention rooms, telephones and are well known to the public. The \$28 per day is not sufficient to cover hotel expense and Board members are paying expenses out of their own pocket. Younger members who are merely employed and not business owners cannot afford this. Mr. Bennett stated that the Board wishes to attract and encourage these younger people to become members. Mr. Bennett also explained other provisions in the bill.

Mr. Barengo asked if the "designee" provided for in Subsection 2 of 639.247 would be a fact finder or one who could make some judgment decisions and not be given any power other than for a hearing procedure. Mr. Bennett said he would not have a vote

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but would merely act as a hearing officer. Mr. Mello said a salary of \$40 a day was consistent with other boards, but he did not feel that the language in line 12 and 13, page 1, was consistent. He questioned the transportation expenses for meetings in the State. Mr. Bennett explained the reasons they are requesting these additional expenses by describing how the Board of Pharmacy operates as opposed to other boards. Mr. Barengo also told Mr. Mello that when the Board of Pharmacy meets they have a continuing education program as a requirement so they must have a large hall available. This limits the places they may have meetings.

COMMITTEE ACTION

Senate Bill 480: Mr. Mello moved Do Pass, seconded by Mr. Sena. Motion carried. Mr. Moody and Mr. Price not present.

Senate Bill 447: Mr. Mello moved Do Pass, seconded by Mr. Demers. Motion carried. Messrs. Moody and Price absent.

Senate Bill 439

Mr. Bennett said this bill was introduced to correct a conflict in the statutes that has existed for two years. 639.019 is to be deleted in this bill and the concept is to be transferred to the previous definitions of "administer and dispense" which were missed by the bill drafter in 1973 and 1975. Mr. Bennett explained the various proposed changes contained in S.B. 439.

Russell McDonald said he was representing Senator Glaser and Assemblyman Rhoads for their constituents in Elko County. Mr. McDonald stated that there is a designation of what is known as Elko Nurse Practitioners who would like to practice in Wells with the designation of nurse practitioner. They suggest that S.B. 439 be amended to accommodate the concept contained in the physicians' assistant law and define the term "nurse practitioner".

Chairman Harmon requested Mr. McDonald to give the Committee time to vote on another bill.

COMMITTEE ACTION

Assembly Bill 725: Mr. Price moved to accept the amendments submitted by the bill drafter. Mr. Demers seconded. Motion carried.

Mr. Price moved Do Pass A.B. 725 as amended, seconded by Mr. Demers. Motion carried. Messrs. Moody, Barengo and Weise not present.

The discussion returned to S.B. 439. Mr. McDonald again requested that the bill be amended to define the term "nurse practitioner" and provide for them working under an agreement with a licensed M.D.

Mr. Bennett said that the Board of Pharmacy would oppose such an amendment. This would change the State Board of Nursing statutes and they have not had time to have an input. Perhaps this could be done next session, but they definitely oppose the amendment at this time. Dr. Maclean also said the Board of Medical Examiners would oppose such an amendment at this time and does not feel it is an adequate, safe provision to add to the law.

Chairman Harmon: Mr. McDonald, in fairness to your clients, Mr. Glaser and Mr. Rhoads, would you get us something in writing — what you propose as an amendment. I'll hold this bill and we'll take it up again Saturday. Then it is up to the appetite of the Committee—

Mr. McDonald said he would do this.

Shirley Howard, speaking on her own behalf, appeared in opposition to <u>S.B.</u> 439 and Mr. McDonald's proposed amendments. There was discussion among Ms. Howard, Dr. Maclean and Mr. Price concerning nurse practitioners, the definition and authority covering them. Ms. Howard said there was criteria for nurse practitioners.

Dr. Annette Ezell thanked Chairman Harmon for permitting Mr. McDonald to draft his bill as she feels this will clear up some confusion resulting from the testimony. Dr. Ezell feels there would be no disagreement from the nurses if the definitions are very carefully worked out.

Ethelda Sadie Thelen read a statement in opposition to $\underline{\text{S.B. 439}}$ which is attached as Exhibit 2.

Dr. William M. Edwards, Nevada State Health Division, appeared with Jeannette Clodfelter, Chief of Public Health Nursing. Dr. Edwards stated the Nevada State Health Division supports S.B. 439. A copy of Dr. Edwards' and Ms. Clodfelter's statements are attached as Exhibits 3 and 4 respectively. Dr. Edwards further stated they oppose the amendment as suggested by Mr. McDonald.

Mary Lou Jones, Washoe County District Health Department, also appeared in support of S.B. 439.

Mr. McDonald stated that after listening to the testimony he felt that S.B. 439 should stand on its own merits and he would draw an entire new bill covering his suggested amendments rather than trying to amend S.B. 439.

COMMITTEE ACTION

Senate Bill 439: Mr. Barengo moved Do Pass, seconded by Mr. Weise. Motion carried.

Senate Bill 489

Senator Hernstadt stated that <u>S.B. 489</u> was passed out of the Senate without a dissenting vote; however, since that time, an Assembly bill giving the Governor emergency powers over both water and electricity has passed both houses which eliminates the critical need for the bill. Senator Hernstadt still feels that the area covered in Lines 6 and 7 of <u>S.B. 489</u> wherein restaurants would be required not to serve water unless requested by a patron is important and would urge the Committee's support.

Mr. Weise questioned how appropriate a state statute would be stating that a restaurant shouldn't provide someone with a glass of water unless they ask for it. Senator Hernstadt said this has been done in other areas of the country and cited New York. He also felt it made people conservation ethic minded.

Chairman Harmon adjourned the meeting at 4:30 p.m.

Jane Dunne Assembly Attache

GUEST LIST

NAME	REPRESENTING	WISH T	O SPEAK
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OFFICE OF THE DISTRICT ATTORNEY WASHOE COUNTY RENO, NEVADA



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No. 314439		Karunia 1979
76-781	Deputy Parry/	
A vs. EDWARD D. FORCIER		
Gross Misdemeanor	Felony.	
Failure to transfer sale	osman's license	
Found guilty by RJC 6/3, Appealed to District Cou	/76. Fined \$50.	· .
District Court found not vague and ambiguous.	guilty 12/17/76	. Statute
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Granted:		
	Avs. EDWARD D. FORCIER Gross Misdemeanor Failure to transfer sale Found guilty by RJC 6/3, Appealed to District Court found not vague and ambiguous. Granted:	To the first section of the fi

WHITE - DISTRICT ATTORNEY FILE; CANARY - ARRESTING AGENCY; PINK - PUBLIC DEFENDER.

Evidence must be held until further written order.

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No. 314439

2 Dapt. No.

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF WASHOE.

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THE STATE OF NEVADA,

Plaintiff,

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v.

STATEMENT

MEMORANDUM

EDWARD D. FORCIER,

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Defendant

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OF FACTS AND ISSUE

STATEMENT OF FACTS

I.

The Defendant, EDWARD D. FORCIER, was employed as an automobile salesman by Reno Toyota and was terminated by Reno Toyota on February 2, 1976. Should he be required to testify, MR. BILL MEYERS, Sales Manager of Renc Toyotz, would confirm the termination of employment.

MR. FORCIER was re-employed on February 25, 1976, by Mount Rose Motors. Two witnesses could be summoned to testify to confirm this allegation, those witnesses being MR. JAMES ALFORD who purchased a motor vehicle from MR. FORCIER on February 25th, and MR. ARCHIE ROGERS, Investigator for the Department of Motor Vehicles, who was told by MR. FORCIER that he reinstituted employment on February 25th.

The applicable statutes read as follows:

NRS 482.363(6) A salesman's license issued hereunder may be transferred to another dealer or rebuilder upon application and the payment of a transfer fee of \$2.00. However, when a salesman holding a current salesman's license leaves the employment of one dealer or rebuilder for that of

another, the new employer may immediately employ the saleman pending the transfer of the salesman's license to his dealership or rebuilding business but the transfer must be completed within ten days.

NRS 482.363(8) In the event that a salesman ceases to be employed by a licensed and bonded dealer or rebuilder, his license to act as a salesman shall be automatically suspended and his right to act as a salesman shall thereupon immediately cease, and he shall not engage in the activity of a salesman until re-employed by a licensed and bonded dealer or rebuilder. Every licensed salesman shall report in writing to the Department every change in his residence address, place of employment, or termination of employment within five days of the date of making such change.

ISSUE OF LAW BEFORE THE COURT

The issue before the Court is whether a salesman who leaves the employment of one dealer has ten days from the date of termination to transfer his license, or whether he has an indefinite period of time to seek new employment, and thereupon has ten days to effect a transfer of his license.

As applied to this case, the issue is whether. upon his leaving the employment at Reno Toyota on February 2, 1976, EDWARD FORCIER had until February 12th to transfer his salesman's license, (the ten day period), or whether he had an indefinite period of time to seek new employment (in this case starting February 25th) and once he found new employment (Mount Rose Motors) he had ten days following the February 25th date to transfer his license.

DATED this day of December, 1976.

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LARRY R. HICKS District Attorney

TOESLER

Accorney for Defendant

WILLIAM G. COSS

Deputy District Attorney

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No. 314439

Dept. No. 2

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF WASHOE

THE STATE OF NEVADA,

FILED

Plaintiff,

Dec 28 11 23 AH '76 ALEX COON, CLERK

BY R HASSON II

EDWARD D. FORCIER,

Defendant.

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ORDER

This matter came on for hearing before the aboveentitled Court on the 17th day of December, 1976, the STATE OF NEVADA being represented by WILLIAM G. COBB, Deputy District Attorney, and the defendant being represented by W. H. TOBELER, Esa.

A Statement of Facts and Issue of Law was presented. to the Court prior to the hearing, and at the time set for the hearing oral arguments were made by WILLIAM G. COBB for the plaintiff and N. H. TOBELER for the defendant, regarding the merits of NRS 482.363(6) and (8).

Upon hearing argument, the Court believes that the above are ambiguous and conflicting in that they do not set forth specific guidelines regarding termination and reemployment of autornally salesmen;

MOW, THEREFORE, upon the reading of the Statement of Pacts and Issue of Law, and upon oral argument by both parties hereto, the Court finds insufficient evidence to find the defendant quilty beyond a reasonable doubt.

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IT IS ORDERED that this matter be remanded back to Reno Justice Court and that the appeal bond heretofore posted be exonerated.

DATED this Of December, 1976.

John W. Zameett
DISTRICT JUDGE

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TISTIMONY ON SB 439 PRESENTED TO THE COMMITTEE ON COMMERCE AND LABOR

I am Ethelda Sadie Thelen, professional nurse in Nevada for the past 26 years serving as Chief of Public Health Nursing for this state for over 15 years, author of the planning grant and co-author of the project for the Rural Nurse rractitioner Program at the University of Nevada, Reno, and qualified to practice as a public health or school nurse in both this state and California.

I oppose the addition of a professional nurse functioning in an approved public health program as a threat to the public's safety and as discriminatory action on the practice of professional nursing.

FTRST: This bill would establish a category of second-class health citizens receiving medications dispensed by persons without proper preparation in the pharmaceutical field. If it takes a qualified pharmacist to dispense my medications to me, why not to all citizens in Nevada?

SECONDLY: The practice of one health profession cannot be defined by another. NRS 632 defines the practice of nursing and provides through rules and regulations, controls for nurses functioning in expanded roles. Such authority belongs there and should not be delegated to another board. Professional nurses practice under their own licenses and are fully accountable to their patients and the Board of Nursing under the law. Rules and regulations governing the practice of nursing do not belong under NRS 454 or NRS 639. The Board of Nursing in cooperation with the nursing profession in the state is in the process of revising the rules and regulations governing expanded roles with the goal of better definition of areas of competence. If a professional nurse is to be expected to function in an expanded role in the pharmaceutical field, guidelines for proper preparation should be jointly decided between the nursing and pharmaceutical professions and administered by the Board of Nursing.

THIRD: The proposed bill discriminates against those of us who are qualified to practice public health nursing by not allowing us to dispense medications unless we are employed in a public health program. Supposedly, I am prepared to function in my role as a professional nurse with basic and continued education no matter where the client receives his medical care.

FOURTH: If a public health program is providing pharmaceutical services to its clients, the employment of pharmacists should be seriously considered if quality care is the goal of the agency.

FIFTH: If an amendment is considered with this bill to include a nurse practitioner, I would object on the same basis as the above with the additional comment following. There has been no mutually acceptable definition of a nurse practitioner adopted by the profession, either nationally or in this state at this time. In Nevada, there are nurses with a range of continuing education past their R.N. from six weeks to two years that is aimed at allowing them to function in expanded roles. These roles run the gauntlet from: Family Planning Nurse, Family Nurse, Rural Nurse, Geriatric Nurse, Critical Care Nurse, Nurse Anesthetist, Nurse Midwife to Pediatric Nurse—all with the suffix of "Practitioner".

L. S. Thelen 4/28/77

Exhibit 2



NEVADA STATE DIVISION OF HEALTH

BUREAU OF COMMUNITY HEALTH SERVICES

CAPITOL COMPLEX 505 EAST KING STREET CARSON CITY, NEVADA 89710

(702) 885-4800

April 28, 1977

Assemblyman Nevada State Legislature Carson City, NV. 89701

> Re: SB 439, 1st Reprint Nurses in Public Health Programs

Dear Assemblyman:

I am writing to you as a member of Assembly Commerce Committee urging your support of the above captioned Bill.

The Bill is submitted by the State Board of Pharmacy, and has passed the Senate. It is endorsed by Nevada State Medical Association, Nevada State Health Division, State Board of Health, Nevada State Board of Medical Examiners, and the administrators of Nevada public health agencies.

It is primarily a "housekeeping Bill", which places the wording into the correct section of the State Pharmacy Statutes. In the rural Nevada counties in the many places where there are no physicians or drugstores, it provides the essential mechanisms of allowing the Nevada State Health Division's Public Health Nurses to serve as "physician-extenders" in the best sense of the term. In under-served city areas, it serves the same function.

I speak of places like Goldfield, Fernley, Silver Springs, Austin, Eureka, Pahrump, Operation Life Clinics, EOB Clinics -- and even places like Tonopah, Pioche, Caliente, Hawthorne, and Battle Mountain, when physicians leave the area rendering the communities doctor-less, as frequently happens.

It affects all segments of Nevada population from the cradle to the grave, without regard to their lack of income or their social status. And the programs presently include the distribution of Vitamins and Iron preparations to Infants in Well-Baby Clinics, anti-V.D. and anti-Tuberculosis medications, Family Planning Services, Immunizations, Gamma Globulin shots for Hepatitis contacts, prophylaxis of contacts to diseases like Meningitis, and virtually the entire gamut of Preventive Medical services.

Very truly,

William M. Edwards, M.D., M.P.H.

Chief, Community Health Services

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STATE OF NEVADA DEPARTMENT OF HUMAN RESOURCES

DIVISION OF HEALTH

CAPITOL COMPLEX
CARSON CITY, NEVADA 89710

April 28, 1977

Assemblyman Nevada State Legislature Carson City, NV. 89701

Re: SB 439, 1st Reprint
Nurses in Public Health Programs

Dear Assemblyman:

We in the State Health Division strongly support S.B. 439. This bill allows public health nurses to provide needed personal health care services to individuals throughout Nevada.

Public health nurses are stationed in Washoe and Clark Counties under the auspices of the District Health Departments and in the rural counties under the direction of the State Health Division. They are all operating within the scope of public health programs as mentioned in S.B. 439.

The State Health Division is mandated by law to provide selected health care programs, including family planning and tuberculosis control. Public health nurses are responsible for implementing certain components of these programs. The dispensing of selected drugs is an integral part of that implementation.

The bill as it is written provides legal support for the implementation of needed public health programs. Without it, services could be seriously curtailed and the individuals currently enrolled in the programs would go unserved.

Very truly,

Jeannette Clodfelter, R.N. Chief, Public Health Nursing

JC/bws

Exhibit 4

DATE April 28, 19	77			
SUBJECT A.B. 7	25			
MOTION: Am	end and Do Pass			
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DATE April 28, 1977		
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