SENATE
COMMERCE & LABOR
COMMITTEE

Minutes of Meeting
Wednesday, March 2, 1977

The meeting of the Commerce and Labor Committee was held on Wednesday, March 2, 1977, in Room 213 at 1:30 P.M.

Senator Thomas Wilson was in the chair.

PRESENT: Senator Wilson
Senator Blakemore
Senator Hernstadt
Senator Young
Senator Close
Senator Bryan

ALSO PRESENT: See attached list

The committee considered the following:

S. B. 139 REGULATES PRACTICE OF OSTEOPATHIC MEDICINE AND DEFINES TERMS RELATING TO HEALTH CARE (BDR 54-81)

The Chairman presented the committee with a source index on S. B. 139. (See attached Exhibit A)

The first witness was SENATOR NORMAN TY HILBRECHT who stated that he represents a number of osteopaths who are also members of the board who became involved because of a memorandum sent by the Attorney General to them, regarding the drafting of regulations for the State Board of Osteopathy. They asked if he would request a bill draft which would in effect modify the existing and rather old osteopathic code. The general view among the osteopaths is that the code should generally align with the allopathic code, or Chapter 630.

He stated the justification for that was that there are two classes of practitioners under Nevada Statute which are identified as physicians and in hospital practice, prevalent throughout the Western United States, the schools of allopathy are recognized as general physicians for the purpose of general staff membership to acute care hospitals throughout the country. Furthermore, all the regulations of virtually all acute care hospitals provide for a limitation of the membership of committees, including the governing board, to these two professions (M.D. or D.O.).

It has become apparent that physicians of all kinds were experiencing some difficulties in increased incidents of medical liability and the repercussions

of it. The osteopaths to a lesser extent because they are fewer in number - this impacted the osteopaths, but over the interim he was advised that osteopaths too, were experiencing great difficulty in getting insurance. As a result, it became useful to them to consider adopting those modifications that we had put in the Medical Code during the last session of the Legislature concerning licensure, streamlined ability to control the practices of the profession through such things as involving the Attorney General on certain investigative facets, etc. This was the basis upon which he ordered the bill draft, following the Legislative Counsel's direction. He did not attempt to dictate a bill verbatim, but simply indicated the intentions that he expressed to the Committee in this hearing.

He indicated there were some specific provisions - the definition of the term "the practice of osteopathic medicine" - that was developed through an accord of the osteopaths - they felt this was far superior and a more modern definition of what osteopathy was than what the present statutory definition was.

Instead of internships being approved exclusively by the American Medical Association, he stated they should be approved by the American Osteopathic Assn.

Mr. Frank Daykin advised the committee that they did not begin to diverge from language that is either in the allopathic or osteopathic chapters until Section 8 of the bill.

When asked about Section 4 - "locality rule" - Mr. Daykin indicated that this is the proposal of the malpractice committee for amendment to Chapter 630, rather than in Chapter 630 at the moment. Stated this was a problem related to rural counties. Further, that it may impact D.O.'s more than M.D.'s because they tend to be more rural type family physicians.

SENATOR WILSON asked if Mr. Daykin was talking about adopting two rules for locality, and Mr. Daykin responded in the affirmative. (Section 4)

The bill was reviewed with the committee by Mr. Daykin as follows:

Section 8 - refers to the approval of internship by the American Osteopathic Assn.

Section 7 - Healing art in Chapter 629 was lifted out

and put back here. Refers to all schools and other learned health professions - such as dentists.

Section 10 - modernized definition of osteopathic medicine taken from the Michigan laws.

Section 14 - comes from Oklahoma and is the description of the School of Osteopathic Medicine, and refers again to the American Osteopathic rather than the American Medical. Stated professional incompetence is actually in 630, and this definition enlarges upon it, pursuant to the malpractice study.

Section 13 - is non status quo. It is not present medical law. The concept is, but the precise definition isn't.

SENATOR HILBRECHT indicated that professional incompetence is presently defined in Chapter 630.022 as meaning "lack of ability safely and skillfully to practice medicine, or to practice one or more specified branches of medicine arising from (1) lack of knowledge or training; (2) impaired physical or mental capability of the physician; (3) indulgence in the use of alcohol or controlled substances; or (4) any other sole or contributing cause." Chapter 630 is the M.D. code and Chapter 633 is the Osteopathic code.

Section 19 - has a variety of origins.

Section 15 is drawn from a combination of the two facets of the existing law.

SENATOR HILBRECHT read the existing Section 15 for comparison.

Mr. Daykin indicated several deletions were made because they are prohibited substances elsewhere in the chapter.

SENATOR HILBRECHT recommended bills be drawn to actually amend 630 because he believes 633 is superior language in many respects.

Sections 16, 17, 18 - are the same.

Section 19 - has a multiplicity of sources. Called committee's attention to Section 19, line 31, stating this is where "healing art" comes in so that these chapters do not affect one another.

Sections 49, 50, 51 - are the Board's suggestion as to how they believe the licensing and renewal should be handled and are drawn in a large part from the Osteopathic law of the State of Michigan.

Mr. Daykin stated the remainder of the bill is substantively existing law, either medical or osteopathic.

SENATOR BLAKEMORE indicated that in Section 50, line 34, "Drug Enforcement Administration" was not called that anymore. Mr. Daykin indicated he was unaware of the change.

SENATOR WILSON asked about Section 53 - "the grounds of initiating disciplinary action under the chapter". SENATOR HILBRECHT indicated these are virtually identical with the grounds in Chapter 630 as rewritten. Mr. Daykin indicated these are set forth as clearly as he would like them to be in Chapter 630 and there is a bill in for that purpose - stated it does not change the substance of the law at all.

Section 54 - goes back to repeating in effect medical language for discipline modified only for the clarity.

SENATOR YOUNG asked for explanation of line 40, page 11- "the board shall not initiate disciplinary action on the ground of unprofessional conduct if the supporting alleged facts constitute gross or repeated malpractice or professional incompetence". SENATOR HILBRECHT answered that there are 2 categories of the handling of these matters. He said under the administrative jargon of the medical codes there is a difference he felt in the extent of the public offense for someone who simply advertises in an unsightly or indiscriminate fashion, or not in compliance with the rules and regulations, which would be unprofessional conduct as opposed to someone who commits acts of repeated or gross negligence in the performance of his professional duties. The reason why it is important to separate it, is that if an allegation includes the lesser included offense, this does not permit the board, if there is also an allegation of negligence - gross or repeated negligence or professional incompetence, to simply find the person responsible for unprofessional conduct, give him a written reprimand and say okay - go back to work. This is in keeping with the medical code as it has been redrafted. Some of these provisions are contained again in the medical malpractice language.

SENATOR HILBRECHT advised the committee that the end of the osteopathic code is on page 16. The following pages have to do with conforming and clarifying amendments which have really no substantive change, but try to create a consistency among all of the allied health fields in terms of phraseology used. Section 76 is not part of the osteopathic code, just part of the general NRS.

Mr. Bill Isaeff of the Attorney General's Office stated that it was his understanding that for some time the law in Nevada has recognized a difference between a chiropractor and an M.D. and a D.O. so far as certain legal rights are concerned. This particular statute does not, in his opinion, change the legal distinctions which are now recognized in Nevada law. Stated at the time he represented the board (chiropractors) he had rendered informal opinions to the effect that whenever the word physician appears in the NRS it does not include a chiropractor unless so specified in the statues itself. That, he said, has not been a popular opinion. Further, Mr. Isaeff stated that in his opinion, to include chiropractors in this would give them the same legal rights as M.D.'s and D.O.'s wherever the term physician then appeared in the Nevada Revised Statutes, unless otherwise indicated. He said there is a specific prohibition in their own chapter as to drugs and controlled substances and severing tissue which would prohibit them from doing surgery, etc. However, it would apparently provide them the legal right and access to hospitals -- which they do not now enjoy. There are a few changes where they might acquire some rights if they were included in the term physician - most of it would not change the present situation at all.

Section 77 - SENATOR HILBRECHT indicated this section has terms to conform language to standardize definitions simply more than changing the word. If these were not in the bill, it is his understanding that a separate bill would have had to have been drawn called a "technical conforming bill" that would have gone to Health & Welfare, or to this committee, and would have been an omnibus bill to clear up conflicts in terminology.

SENATOR BRYAN asked if on page 20, line 46, they were not really eliminating the osteopathic practitioner from the no smoking prohibition - that he is now covered in physician. SENATOR HILBRECHT indicated that that was correct.

Jerry Lopez informed the committee that separate licenses are required for an acupuncturist, a doctor of herbal medicine, and a doctor of traditional oriental medicine in Chapter 634A.

SENATOR HILBRECHT advised that "provider of health care" is significant because it appears in other statutes, including some of the medical malpractice statutes.

SENATOR BRYAN indicated that on page 18 (bottom of page) the Judiciary Committee has tentatively suggested that the terminology "registered nurse" will be expanded to include nurses licensed under the chapter- LPN's to be included as well as registered nurses.

SENATOR BRYAN discussed the amendment offered by Milos Terzich.

The locality rule was discussed at length. The Chairman indicated the committee should hold on the locality rule until Judiciary acts. SENATOR HILBRECHT asked that if the new locality rule is not adopted, that the community be defined as it is in Chapter 630.013 presently.

Mr. Isaeff stated that the Attorney General, through him, appeared in connection with the bill to change the locality rule before the Senate Judiciary Committee. Stated they vigorously opposed that change and will vigorously oppose it before this committee. He stated he believes that Senator Hilbrecht really wants to create a locality rule for the tort law situation, and that he is trying to do it through changing the locality rule for administrative procedures. Stated that perhaps two locality rules were needed - one for civil actions and the one that is already in Chapter 630 for administrative board actions. He stated that this drastically ties the hands of the board of Medical Examiners and the Attorney General, to get qualified experts to testify at administrative proceedings against doctors for gross malpractice, malpractice, and professional incompetence. Further, he stated it runs completely counter to the national trends of trying to establish some degree of uniformity in the quality of medical care being provided.

SENATOR HILBRECHT asked why the committee didn't incorporate in Section 4, the language of 630.013, beginning with the definition of community which appears on the second page of that section, at the top of the page.

Mr. Isaeff indicated Section 52, the portion that is identified as 5, beginning on line 40, "the board shall not initiate disciplinary action on the ground of unprofessional conduct if the supporting alleged facts constitute gross or repeated malpractice, etc." Thinks this really unduly ties the hands of the administrative agency and perhaps tends to hold them in ill repute somewhat, to say that they should not have the maximum discretion to decide how the charges should be phrased.

Further, he suggested that the board and the Attorney General have the maximum freedom when it comes to tailoring the charges and believes that we need to place our trust in the persons that are appointed to this board to administer the law.

SENATOR HILBRECHT indicated that it is intended to mean that they will not deal with it strictly administratively, and that it cannot be understood unless you refer to Section 55.

SENATOR WILSON suggested that instead of barring the initiative of disciplinary action, for conduct which constitutes professional incompetence of gross or repeated malpractice that you mandate its conclusion as a lesser offense.

SENATOR HILBRECHT stated that they wanted to get into the process if it is determined not too frivolous (investigative process).

SENATOR WILSON asked why they didn't change it to the affirmative then - if they want it available as a lesser included.

Mr. Isaeff stated that they want it available in that way, or as a charge that he can make if the facts will warrant it. If this is only intended to keep the board from not referring something to the Attorney General that really should be, then he would have no problem with it.

SENATOR HILBRECHT responded that under the general language this is a catch all that says practice of medicine is not in the best interest of the public, etc. which is also included in unprofessional conduct.

Further, it is intended to reach a problem and that is, the apprehension of the Board of Medical Examiners that they were foreclosed from dealing with certain matters, if the charge had to do with something that appeared to be not gross or repeated malpractice. Wanted to make it clear in the act that they had the latitude of dealing administratively, but that they wanted this kind of investigative help and their recommendations in any case involving malpractice.

Mr. Isaeff stated that he had no problem with SENATOR HILBRECHT'S explanation of the two sections read together and would withdrawn any objection to it.

SENATOR WILSON summarized by saying all they had to do was amend 40-42 saying that where you initial disciplinary action upon those specified grounds, that you'll proceed under Sections 55 and 56. He further instructed Jerry Lopez to drawn an amendment for this.

Jerry Lopez asked if he understood correctly that if a gross or repeated malpractice or professional incompetence is alleged, or if the facts constitue those types of offense, they have to go through the Attorney General. SENATOR HILBRECHT responded that they have to go through the procedure of Section 55.

Jerry Lopez stated that the provision was designed to make a clear distinction between unprofessional conduct and gross and repeated malpractice or professional incompetence.

Mr. Isaeff stated that again, this was the type of situation where we must reply upon the integrity of the persons who are serving.

SENATOR HILBRECHT asked if you were to eliminate from unprofessional conduct the medical practice harmful to the public, then you would be delineating really the only area of overlap, and perhaps we ought to delete line 25 on page 3, as well as (1) Engaging in any: professional conduct which is intended to deceive

which is really what the intent to that section is.

Jerry Lopez responded that once you delete line 25, then he thought that lines 40-42, page 11, made sense exactly as they were.

Mr. Isaeff stated in regard to Section 58, this is identical to some language which is in a bill before the Judiciary Committee which the Attorney General objected to. This would allow the board, (this is not in the osteopathic act to his knowledge) to require a person to submit to a mental and physical examination. As he reads the act, it requires him to submit to it at the wrong time in the proceedings. In the present Medical Practices Act, whenever a complaint or written allegation of gross or repeated malpractice or professional incompetence is filed, the board may at that time stage order a physical or mental examination. The problem here is that this allows this to only take place in this language and in the language proposed now before Judiciary, when the board has determined to proceed with administrative action on a complaint reported to it by the Attorney General. That is after his investigation is over and he feels this causes the mental and physical examination which is frankly, rarely done, - to be done at the wrong stage in the proceedings. He stated they objected to this change and have asked the Judiciary to leave the Medical Practice Act as is. Further, he would suggest that the committee copy the language from the Medical Practices Act for the osteopaths board, and allow them to order such an examination in appropriate cases immediately upon the filing of the written allegations.

Jerry Lopez stated that the board, when it receives the complaint does nothing but determine whether it is frivolous or not - nothing more than that (page 12 lines 18-26). If it determines that the complaint is not frivolous, then it can send the complaint along to the Attorney General if it charges gross or repeated malpractice, etc. It is a policy question of assuming that requiring the physician to appear for a mental or physical examination involves some kind of embarrassment to the physician - assuming that, the policy question is at what point do you want to subject the physician.

SENATOR WILSON suggested they hold the point until Judiciary meets and discusses.

Mr. Isaeff told the committee that the present law has been in the statute books, he believes, since the

original malpractice major revisions occurred in 1947, and there have been no problems with this. This policy thing will cut off a significant investigative tool by changing it to as Mr. Lopez has suggested.

Mr. Isaeff stated 76 is a policy matter - and he sees it making no legal change in the status of chiropractors under Nevada law. He stated he believes the chiropractors themselves to be unhappy with 76.

Dr. Lon Harter stated from the floor that the Attorney General's opinion in 1964 stated a chiropractor is a physician. SENATOR HILBRECHT stated that had been entirely repealed by action of the Legislature in 1975. He sat, as did SENATOR YOUNG, on the committee where the terms physicians were spelled out in the law, so that whatever the Attorney General said in 1964 would have no bearing on the present status of law.

Dr. Harter indicated that apparently his attorney was not aware of this. He informed the committee they had problems in this state as far as insurance and sales tax on vitamins- He stated licensed physicians (dentists and podiatrist) do not pay sales tax.

SENATOR HILBRECHT told the committee that if the law is changed it would be necessary to go back into the health code and amend all of the provisions which define in that code.

SENATOR WILSON stated it would be easier to address the sales tax.

Dr. Scrivner stated that he is a member of the State Board of Examiners and Vice President of the Board. The word physician as designated under 634 (Chiropractic Act) allows them the privilege of insurances. If the word physician were taken out, the insurance companies would allow they are not entitled to insurance payments on patients.

SENATOR BRYAN indicated their concerns are alleviated by the provisions contained on page 29, and addressed on lines 5-11, which the committee was amending to clarify. SENATOR HILBRECHT agreed. Further, SENATOR BRYAN indicated they are covered by the chiropractic act itself.

Dr. Scrivner indicated they wanted to clarify the term physician under this act and then they wouldn't have to go to the tax commission and change it there. SENATOR WILSON indicated it would be easier to handle with the tax commission and SENATOR HILBRECHT stated

he would prefer it be handled in the tax commission. Further, he stated physician alone means those in Chapters 630 and 633 in the law now.

SENATOR CLOSE asked that the minutes reflect that the committee means physician to refer to only those who practice in osteopathy and medicine and that the committee intends a different meaning to affix to a chiropractic physician. He is not intended to be a "physician", that is, physician that statutes are in right now, and that is the position the committee is in, when they leave the bill, unless there is something else that comes in to amend that concept.

Regarding Section 80, Mr. Isaeff informed the Committee that chiropractors and doctors of traditional oriental medicine are not currently included in the doctor-patient privilege.

Section 82 has to do with making reports on child abuse. Mr. Isaeff informed the committee that doctors of oriental medicine are not included in that.

Jerry Lopez advised the committee he would prepare the amendment to Section 4 depending on the work of the Senate Judiciary Committee. Would delete line 25 in Section 15, which is independent of the locality rule, amend Section 76, line 5, to refer to the practice of medicine as defined in 630 and 633. Consider and create an amendment based on the Milo Terzich submittal.

The following BDR's were introduced into committee:

BDR 54-320	ADDS LAY MEMBER TO NEVADA STATE BOARD OF CHIROPRACTIC EXAMINERS AND EXTENDS SCOPE OF PRACTICE OF CHIROPRACTIC PHYSICIANS
BDR 56-689	MAKES TECHNICAL CHANGES TO CERTAIN SAVINGS AND LOAN ASSOCIATION PROVISIONS
BDR 56-690	REVISES CERTAIN LOAN LIMITATIONS AND OTHER REGULATIONS APPLICABLE TO SAVINGS AND LOAN ASSOCIATIONS
S. B. 238	CHANGES PROVISIONS FOR DISPOSITION OF MONEY COLLECTED BY LABOR COMMISSIONER FROM EMPLOYERS OR PERSONS HAVING WAGE OR COMMISSION CLAIMS AND BONDING REQUIREMENTS FOR APPLICANTS SEEKING TO OPERATE PRIVATE EMPLOYMENT AGENCIES (BDR 53-327)

Mr. John Crossley, Chief Deputy, Legislative Auditor for the Legislative Council Bureau, referred committee to page 2, Section 2 of the bill. Stated this section (line 9) provides that an applicant for private employment agency license may put up cash in lieu of a surety bond. Found in the audit that applicants were being allowed to put up cash and that the commissioner was putting the money in his restricted bank account. Neither of which he could do. Have no problem with the applicants putting up cash and think that it probably should be allowed. Some of these might have a hard time getting a bond. Also, he indicated it provides a vehicle for him to account for that money in the form of a trust fund. At the present time, he stated, the Commissioner is still taking the cash money and depositing it in the General Fund and carrying it as a liability account - which really doesn't have anything to do with the General Fund.

SENATOR CLOSE discussed the possibilities of TCD's with Mr. Crossley. Mr. Crossley indicated that TCD's would be no problem. They would then go to the Treasurer's Office for safekeeping.

SENATOR BLAKEMORE stated that a surety bond is placed there for claims against a person who is putting up the bond. Getting into a limited area in allowing TCD's. Cited a bill before Transportation Committee dealing with Dept. of Motor Vehicles.

Mr. Stan Jones, Labor Commissioner, stated he didn't find any difficulty with it. He believes the court would make the ultimate decision on disposition of claims.

Committee discussed S.B. 5 which was before the committee earlier and concerned time deposits.

Mr. Crossley was asked to furnish the committee with amendatory language on line 22, page 2.

Referred the Committee of page 2, lines 4-7. Stated his audit showed $3,000 in the Carson City Office and $2,000 in the Las Vegas Office, which has now been reverted. Thought that rather than going back to the General Fund it should go back to the employers from which it was collected.

Mr. Jones indicated they must search 7 years to find the employer in order to revert funds. Further, he indicated to revert funds to an employer that had been recovered in behalf of an employee or a group of employees is to reward the employer for having violated the law.Money recovered is the lawful property of the employee and not that of the employer. The amount of money being escheated is a totally insignificant amount, representing approximately 1% of the total annual wage recovery being made by the Nevada State Labor Commission. Said it can represent a terrible administrative problem to the Labor Commission as well as to the employer. It could require the issuance of 40-50 checks to employers in amounts as little as $3.00 to an average of $100.00. The employer may have committed a covert act in failure to comply with Nevada Revised Stattues. Some employers, he said, will not cooperate now with the Labor Commission in its attempt to get wages that are due former employees. Said if the employer is to be rewarded for violating the law, he can see even less cooperation in the future than they have had in the past.

Motion to pass and amend was made by SENATOR YOUNG.

Seconded by SENATOR CLOSE.

Vote - unanimous.

S. B. 255 REVISES POWER AND MEMBERSHIP QUALIFICATIONS OF NEVADA REAL ESTATE ADVISORY COMMISSION (BDR 54-999)

SENATOR HILBRECHT stated S. B. 255 was one that is intended to be strictly clean up language in some provisions of the real estate code. He became involved in some administrative matters concerning the real estate code that he was not formerly familiar with, and in going through the matters set forth, on this very short bill, it appeared to him to raise some serious legal, if not constitutional questions. Believes there are some substantive changes, and doesn't commend to the committee that there are not.

Stated there are several matters that he did not author. Example, it does not matter to him whether it says "shall consist" or "consists of". However, on line 4 he did order that substantive change. Believes the statute is suspect for the reason that at least by implication it requires one trade association to the exclusion of conceivably a number of others from making recommendations to the Governor. The Governor makes the appointment. SENATOR HILBRECHT doubts that the deletion of this language is going to change the practice, but he believes that this is

one of those provisions in statute that create constitutional difficulties or due process difficulties when a section should be challenged.

He indicated there is a Daykinism on line 8. On line 11 there is a substantive change that he requested. He stated this language is contrary to the provisions of Chapter 233B. When they tried to clean up this section by recent amendment, this kind of language should have been picked up in his judgment. It is contrary to it because it says that the commission is an adjudicative body, for license matter. This statute says that they may delegate, by regulation, any authority inferred upon it. He stated that 233B.130 specifically prohibits the same person or persons from investigating, prosecuting, and sitting and adjudicating the same matter. This kind of language, therefore, is clearly suspect. He doesn't, in fact, think that they delegate all their authorities to the administrator, but, if you are going to have an advisory commission, it would be like the gaming commission.

On line 20, SENATOR HILBRECHT stated that the construction of Chapter 645 is such that the real estate advisory commission sits in judgment on the question of examinations, the adoption of regulations and rules for the industry and also, in the adjudication of disciplinary matters. There are two distinct classes of licensure under Chapter 645. They are not classes wherein one necessarily or inevitably ever leads to the other. You can't say - you represent salesmen by representing brokers, although it is true that on a prospective basis, all brokers will have to at one time have served as salesmen before they could become brokers. SENATOR HILBRECT said it would seem to him that access to the board should be available to both classes of licensees.

He stated the division is the prosecutor. The commission has the subpoena power to get the witnesses in.

SENATOR BRYAN asked if Senator Hilbrecht thought some structure ought to be built into the bill as to the number of brokers and salesmen. SENATOR HILBRECHT stated that he was only interested in establishing access to the board.

The next witness was Mr. Bill Cozart, Nevada Assn. of Realtors. He stated Jeanne Hannifan of the Real Estate Division had indicated to him that the Division feels they have no real problems with this bill.

With regard to the changes on lines 4 and 5, the Nevada Association of Realtors is opposed to the deletion of

this section which requires the Governor to obtain and consider a list of nominees from the association. The key word, he said, is "consider". The association does not wish to tell the Governor whom to appoint, but feels that it is beneficial to get the input from the industry. The association is interested in the Governor appointing qualified, respected members of the industry who will enforce NRS 645, and the rules and regulations thereto, to their fullest. The association is in a position to give the Governor wise counsel regarding nominees.

Mr. Cozart stated he had no problems with lines 11-13.

As far as salemen are concerned, he stated they are not "red hot" about the idea. Would think, if it is to remain, they would like to have some type of wording so that the majority would remain brokers, to avoid having all 5 possibly salesmen.

He stated the association is strongly opposed to having consumers on the Real Estate Advisory Commission. The reason is that they want the strongest enforcement of the statutes and regulations and rules. They do not feel that enforcement can be enhanced by consumers being on that advisory commission.

ADMINISTRATIVE MEETING

Senator Hernstadt asked that information received from Mr. Cassidy on fines in the dairy industry be included in the minutes of February 24, 1977.

SENATOR YOUNG moved that the minutes for February 14 and February 23rd be approved.

SENATOR CLOSE seconded.

Vote unanimous.

S. B. 11 — EXTENDS DEFINITION OF CASUAL EMPLOYMENT (BDR 53-288)

Secretary furnished committee copy of letter from Mr. Reiser on S. B. 11. Advised Mr. Reiser had no amendments or modifications to make. Bill should be processed. CHAIRMAN Wilson instructed secretary to contact Mr. Reiser once more before moving on the bill.

S. B. 255 — REVISES POWERS AND MEMBERSHIP QUALIFICATIONS OF NEVADA REAL ESTATE ADVISORY COMMISSION (BDR 54-999)

SENATOR BRYAN moved that the committee delete all the provisions of the bill except the provision of Daykinisms, delete lines 11-13, and provide for salemen representation but limit to four brokers and one salesman...On line 5, change word "obtain" to "request".

Seconded by SENATOR YOUNG.

The following BDR's were submitted to committee for introduction by Mr. Virgil Anderson of AAA. SENATOR YOUNG objected to introduction of all of them. Introduction refused.

BDR 57-1082 — RAISES MONETARY THRESHOLD WHICH COSTS OF MEDICAL TREATMENT MUST EXCEED BEFORE INJURED PERSON MAY RECOVER DAMAGES FOR NONECONOMIC DETRIMENT RESULTING FROM MOTOR VEHICLE ACCIDENT.

BDR 57-1080 — REQUIRES CERTAIN CLAIMANTS FOR MOTOR VEHICLE ACCIDENT REPARATION BENEFITS TO SUBMIT TO MEDICAL EXAMINATION.

BDR 57-1081 — MODIFIES EXISTING LAW TO PERMIT ONLY PERSONS WHO HAVE SUFFERED CERTAIN SERIOUS INJURIES RESULTING FROM A MOTOR VEHICLE ACCIDENT TO RECOVER DAMAGES FOR NON-ECONOMIC DETRIMENT.

S. B. 137 — LIMITS INSURER'S RIGHTS OF SUBROGATION UNDER MOTOR VEHICLE INSURANCE ACT (BDR 57-321)

Amendments made on this bill are on line 7 of page 3 - take out comma after noneconomic detriment and add "and unrecovered economic detriment". Do same thing on line 27.

SENATOR YOUNG made motion to amend and do pass.

SENATOR BLAKEMORE seconded.

Vote unanimous. (Reminded that vote was taken on amend/pass on February 21, 1977)

S. B. 59 — LIMITS POWER OF LOCAL GOVERNMENTS TO ISSUE CONTRACTOR'S LICENSES (BDR 54-477)

Committee agreed to bring back S. B. 59 to committee for further study.

Motion made by SENATOR BRYAN.

Seconded by SENATOR YOUNG.

Vote unanimous.

Meeting adjourned at 5:00 P.M.

Respectfully submitted,

Lyndl Lee Payne, Secretary

APPROVED BY:

Senator Thomas Wilson, Chairman

GUEST REGISTER

SENATE COMMERCE & LABOR COMMITTEE

DATE: March 2, 1977

THOSE WISHING TO TESTIFY SHOULD IDENTIFY THEMSELVES BEFORE GIVING TESTIMONY.....

NAME (Please Print)	DO YOU WISH TO TESTIFY	BILL NO.	REPRESENTING	PHONE
Sen. Helbrecht	Yes			
Bill Isaeff			Nev. Atty General	
Dr E M. Scrivner		SB-139	Nevada State Board of Chiro.	882-3585
Dr Lon L Harter	YES	SB-139	Nevada Chiro. Assoc	882-0528
Jeneane Harter			Chiropractic Assn. of Nv.	882-0528
T. Carpenter		SB139	Chiropractic Assn. of Nev	831-1353
Stan Jones	Yes	SB238	Nev. State Labor Commission	885-4850
Jeanne Hannafin	no	SB 255	Real Estate D.J.	885-4280
Richard Pugh	NO		NSMA	
David Roberts MD	NO		NSMA	
Bill Cozad	YES	SB 255	Nev Assoc & Realtors	329-6648
Ernest A. Lopez		SB 139	Legislative Counsel Bureau	
John R Crosby	yes	SB 238	LCB - Budget	

SENATE

AGENDA FOR COMMITTEE ON COMMERCE & LABOR

Date Wednesday March 2, 1977 Time 1:30 P.M. Room 213

Bills or Resolutions to be considered	R E V I S E D Subject	Counsel requested*
S. B. 139	Regulates practice of osteopathic medicine and defines terms relating to health care (BDR 54-81)	
S. B. 238	Changes provisions for disposition of money collected by labor commissioner from employers or persons having wage or commission claims and bonding requirements for applicants seeking to operate private employment agencies (BDR 53-327)	
S. B. 255	Revises power and membership qualifications of Nevada real estate advisory commission (BDR 54-999)	

*Please do not ask for counsel unless necessary.

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Exhibit H

Source Index for S.B. 139 (BDR 54-81)

M.C.L.A. = Michigan Compiled Laws Annotated

Okla. Stat. Ann. = Oklahoma Statutes Annotated

All other number references are to NRS.

Sec. 3. - 630.010

Sec. 4. - 630.013

Sec. 5. - 633.015

Sec. 6. - 630.012

Sec. 7. - 630.020

Sec. 8. - 633.010(2)

Sec. 9. - 630.013

Sec. 10. - M.C.L.A. § 338.101(a)

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