

SENATE  
COMMERCE & LABOR

Minutes of Meeting  
Friday, April 15, 1977

The meeting of the Commerce and Labor Committee was held on April 15, 1977, in Room 213 at 1:00 p.m.

Senator Thomas Wilson was in the chair.

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

ALSO PRESENT:    See Attached List

The committee considered the following:

SB 466                    ALLOWS COMMISSIONER OF INSURANCE TO CONDITION CON-  
TINUATION OF CERTAIN LICENSES UPON COMPLETION OF  
APPROPRIATE COURSES OF STUDY (BDR 57-1513)

Mr. Dave Byington, representing the Nevada State Life Underwriters Association, stated after an unsuccessful attempt last session to get a similar bill passed, it was decided the best route would be to give the commissioner the power to achieve the bill's intent by regulation. That way it can be modified and changed when necessary. He requested that "each year" be struck from the bill. A continued education bill will make some of those agents who have been around for more than 10 years return to studying the books and enable them to better serve their policyholders. This is in the best interest of the consumer.

Mr. Dick Rottman, insurance commissioner, stated that the insurance division supports this bill. He also supported the proposed amendment.

AB 120                    REQUIRES COVERAGE FOR COMPLICATIONS OF PREGNANCY  
AS PART OF MATERNITY BENEFITS IN HEALTH INSURANCE  
(BDR 57-487)

Mr. Milo Terzich, representing the Health Insurance Association of America, stated he supported this bill.

SENATOR WILSON asked Mr. Terzich if he felt the provisions for coverage were reasonable.

Mr. Terzich said the commissioner's office enacted a regulation which accomplished the same thing. The

statute appears to be a better method of implementing it, however, because it is more specific.

AB 352

PLACES REQUIREMENTS ON LIFE AND HEALTH INSURANCE  
ADMINISTRATORS (BDR 57-1016)

Mr. Terzich stated this bill was instructed to be amended by the Assembly. Some of the proposed amendments were not implemented. With the amendments, the bill is supported. He submitted a written sheet of proposed amendments. Exhibit A is attached.

Mr. Rottman said the insurance commission agreed with the proposed amendments and supported the bill. The bill provides for the licensing and enacts regulations for the trustees who are administering the trusts granted to sell insurance to small businessmen.

SB 461

REVISES LICENSING REGULATIONS FOR REAL ESTATE BROKERS  
AND SALESMEN (BDR 54-1103)

Mr. Angus McLeod, Division of Real Estate, submitted a list of individuals notified about the hearing. Exhibit B is attached.

Ms. Jeanne B. Hannafin, Deputy Administrator of the Real Estate Division, stated it was intended to re-write chapter 645, which is the real estate brokers licensing act. There were numerous problems with the statute as it presently exists. Some of the problems which needed clarification dealt with trust funds and commission, disclosure, violations, owner-developers, hearings and appeals. She explained the bill section by section. Section one clarifies the definition of an advanced fee broker by deleting from the definition publications and general circulation. Section two pertains to the owner-developer. Section three corrects a previous bill drafting mistake. Section four adds to the definition of the real estate advisory commission. Section five enables the division to print, publish and sell educational materials. Section six excludes the financial records of licensees and owner-developers from public inspection. Section seven allows the division to provide a reference manual, which may or may not be published by the division. Section eight broadens the definition of records open to inspection. Section 10 better defines a regular employee in a management sense. It also allows corporate officers to sell land belonging to the corporation as long as they are not paid a commission. Section 11 includes the term broker-salesman and owner-developer in the payment of commissions. Section 12 establishes a time limit for the delivery of a fully-executed contract.

Section 13 deals with the owner-developer being responsible for the earnest money deposit. It also prohibits the conversion of funds and co-mingling. It makes it mandatory that the money be placed in trust by the brokers, unless all parties agree to have the money placed otherwise. Ms. Hannafin offered an amendment to section 14. Her proposed amendments are attached. See Exhibit C. Lines 19-25 are deleted in section 15 because there is no citizen requirement in the chapter. Section 16 clarifies that the applicant is licensed, but a corporation is not licensed. Section 17 deletes the requirement for a sworn statement of a resident citizen. Section 20 is another proposed amendment. See Exhibit C. Section 22 provides for an appeal to the advisory commission when the division has denied an application for examination or licensure.

SENATOR WILSON questioned whether it was good policy to give the commission the right to rule on appeals without making some criteria or standards on which to base the rulings. He requested that amendatory language be developed for line 44, page 10 in which the applicant has the right to petition for an appeal if the reason for the waiver is included in the statute. If it is not included in the statute, he cannot appeal.

Ms. Hannafin stated section 24 clarifies the amount of the penalty and refers to section 20. Section 29 deals with the display of licenses. Section 30 provides for the DBA on his signs on the place of business. The word "revocation" was replaced by "involuntary activation" in section 31, line 28. Section 33 deals with the reasons for being placed in the inactive status. Section 36 deals with the grounds for which the commission may suspend, revoke, or re-issue and license. She requested the removal of the limit to a real estate transaction because there is no definition of a real estate transaction.

The language "false promise" was discussed. Ms. Hannafin suggested deleting it.

Ms. Hannafin stated sections 36-39 are a clarification of the grounds for disciplinary action. Section 42 deals with the procedure for the revocation and suspension of a license and permits only the licensee to request for a continuance. Section 43 provides for the answer of charges of evidence to the division and the time period for the proceedings.

It was decided to delete lines 9-18 in section 43.

Ms. Hannafin requested that the brackets be deleted on line 44, adding, on line 48, part of the appeal process will be to serve upon the administrator a notice of appeal, a written petition for review and a demand in writing for the transcript. She also asked that "the petition for review shall be filed with the district court" be added on page 23, line 12. Section 48 adds a fee schedule. The difference in the fee schedules is the penalties have been included. The amounts are the same, with the exception of the recovery fund. Section 49 deals with the increase in the recovery fund. Section 50 raises the liability of the fund.

Mr. Bill Cozart, of the Nevada Association of Realtors, stated his organization supported the bill and the proposed amendments. He asked that the words "term 'realtor'" and the word "other" on page 17, line 49 be deleted because there are some legal problems with service mark.

SB 464 CHANGES TIME WITHIN WHICH TO FILE RECORD OF LAND SURVEY (BDR 54-1504)

No witnesses were present.

SB 460 CREATES OFFICE OF PUBLIC COUNSEL TO PROVIDE REPRESENTATION OF GENERAL PUBLIC IN MATTERS BEFORE PUBLIC SERVICE COMMISSION OF NEVADA (BDR 58-1048)

SENATOR RICHARD BRYAN stated he has long believed in the concept that the public being represented by an independent attorney before the Public Service Commission is indispensable in terms of representing the public's interest and in giving credibility to the decisions and findings of the Public Service Commission. Because this office would be authorized to take positions 180 degrees contrary to the Public Service Commission, the person should be appointed by the legislature rather than the executive branch of the government.

Mr. Jon Wellinghoff, Deputy District Attorney for Washoe County, stated the District Attorney supports the concept of the bill. This bill was introduced at the request of Mr. Larry Strew, Chief Civil Deputy in the District Attorney's Office. Subsequent to the request for this legislation, the District Attorney's Office has been working on AB 602. It is the opinion of the District Attorney's Office that AB 602 is more effective and the least expensive piece of legislation. It will accomplish the same purpose as SB 460.

Mr. Heber Hardy, member of the Public Service Commission, stated a separate staff from the PSC would be required under this bill, or else the credibility would be questioned. He felt all the functions proposed for the public counsel are presently being carried out by the Public Service Commission staff.

Mr. Joe Gremban, President of Sierra Pacific Power Company, said this bill duplicates the purpose of the Public Service Commission.

Mr. Ernest Newton, from the Nevada Taxpayers Association, stated the NTA is opposed to the duplication of representation in this bill. The Public Service Commission now takes the adversary position.

Mr. Clark Guild, an attorney representing Southwest Gas, said the law of Nevada is that the Public Service Commission is a legislative body. It does not act quasi-judicially. By the terms of this bill, another body would be created to look at another legislative body. An addition body getting into the act will continue to burden the utility process.

Mr. Stan Warren, of Nevada Bell, stated he supported Mr. Hardy's testimony.

SCR 31

REQUESTS PUBLIC SERVICE COMMISSION OF NEVADA TO  
HARMONIZE INTRASTATE WITH INTERSTATE UTILITY RATE  
SCHEDULES (BDR 1815)

Mr. Bill Branch, manager of Financial Planning and Regulatory Affairs for Sierra Pacific Power Company, stated this resolution, as it is presently written, would be impossible to apply to Sierra Pacific Power Company with respect to its electric operations and to Southwest Gas with respect to its gas operations. The basic problem as it relates to electric and gas utilities is that when a company serves in more than one jurisdiction, there are different regulatory philosophies and procedures in arriving at the revenue requirements which determine the rates. With respect to electric rates, the only rates Sierra Pacific Power Company set are wholesale rates to other utilities. There are no wholesale customers within the state of Nevada.

SENATOR WILLIAM HERNSTADT stated that his instructions to the bill drafter were to harmonize the intrastate and the interstate rates for telephone toll calls. Therefore, lines 1, 2, 7 and 10, where it reads "utility rates," should be replaced with "telephone toll calls."

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Mr. Hardy stated there would be no objection to this bill if the changes, as outlined by Senator HERNSTADT, were made. He said it must be understood that this is something which the public service commission can do if it does not necessitate a full-fledged rate case.

Mr. Warren said this is a complex issue. It will take time to achieve what this bill intends to do, but it can be done.

SB 467

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AUTHORIZES STATE BOARD OF PHARMACY TO ISSUE REGISTRATION CERTIFICATES TO PHYSICIANS' ASSISTANTS FOR POSSESSION, DISPENSING OF CONTROLLED SUBSTANCES, POISONS, DANGEROUS DRUGS AND DEVICES (BDR 57-1598)

Mr. George Bennett, Secretary of the State Board of Pharmacy, read a letter from the Nevada State Board of Medical Examiners. The letter is attached. See Exhibit D. He offered amendments to chapters 453 and 454. Copies of suggested amendments are attached. See Exhibit D.

Mr. Frank Titus reiterated Mr. Bennett's comments. He said the State Board of Pharmacy's hands have been tied and it has been allowing this to go on in violation of the law.

Mr. Fred Hillerby, of the Nevada Hospital Association, stated his organization supports the bill. This will enable the physicians' assistants to serve a broader area than before.

SB 465

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PROHIBITS BAIL BONDSMEN FROM MAKING CAMPAIGN CONTRIBUTIONS FOR OR AGAINST ELECTION OF CANDIDATES FOR CERTAIN PUBLIC OFFICES (BDR 57-1780)

Mr. Mike McGroarty, Deputy District Attorney in Clark County, represented Mr. Tom Batie, who drafted this bill. The bill attempts to correct appearances of impropriety. This prohibits the bondsmen from contributing to judges and prosecutors political campaigns.

SENATOR HERNSTADT submitted an article from the Las Vegas Review-Journal, concerning a judge being indicted for income tax evasion. He received taxable income from bail bondsmen. See Exhibit E, which is attached.



AB 13 ALLOWS PRIVATE INVESTIGATOR'S LICENSING BOARD TO PLACE LICENSES IN INACTIVE STATUS AND ELIMINATES BOND REQUIREMENT IN SUCH CASES (BDR 54-347)

No one was present to testify and it was decided to hold the bill.

AB 454 PERMITS PREPAID PROFESSIONAL SERVICES CONTRACTS (BDR 54-917)

Ms. Joyce Woodhouse, representing the Nevada State Education Association, stated the NSEA supports this bill. The bill pertains to professions, occupations and businesses and provides that any organization may contract with a professional person to provide any type of personal service for the members of that organization. This bill would allow organizations, such as the NSEA, to provide additional services to its members, such as legal services, dental and eye care programs. This feature would provide considerable savings to members. Excluded are chapters 630 and 633, relating to medical and osteopathic services. Conflicts exist there.

Mr. Ray Seeley, Executive Director of the Washoe County Teachers Association, stated this bill will enable teachers to receive the help of legal services. In response to a question as to how such a program would work, Mr. Seeley said it is basically an insurance program. A large group of people pay a stipulated sum of money to receive a broad variety of legal services.

ADMINISTRATIVE MEETING

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

Do pass motion on amendment by Senator Blakemore. Seconded by Senator Ashworth. Vote: All in favor, except Senator Young who abstained.

AB 407 AMENDS VARIOUS PROVISIONS RELATING TO ADMINISTRATION OF UNEMPLOYMENT COMPENSATION (BDR 53-871)

Senator Ashworth discussed this bill with committee regarding his conversation with Mr. McCracken.

No action taken - Senator Ashworth to again contact Mr. McCracken regarding time of notice problem.

AB 454 PERMITS PREPAID PROFESSION SERVICES CONTRACTS  
(BDR 54-917)

Senator Young moved to amend and do pass. Seconded by Senator Hernstadt. Vote: Unanimous.

SB 465 PROHIBITS BAIL BONDSMEN FROM MAKING CAMPAIGN CON-  
TRIBUTIONS FOR OR AGAINST ELECTION OF CANDIDATES  
FOR CERTAIN PUBLIC OFFICES (BDR 57-1780)

Senator Hernstadt moved to do pass. Seconded by Senator Young. Vote: Unanimous.

SB 467 AUTHORIZES STATE BOARD OF PHARMACY TO ISSUE REGIS-  
TRATION CERTIFICATES TO PHYSICIANS' ASSISTANTS FOR  
POSSESSION, DISPENSING OF CONTROLLED SUBSTANCES,  
POISONS, DANGEROUS DRUGS, AND DEVICES (BDR 54-1598)

Senator Blakemore moved to amend and do pass. Seconded by Senator Ashworth. Vote: All in favor, except Senator Young who abstained.

SCR 31 REQUESTS PUBLIC SERVICE COMMISSION OF NEVADA TO  
HARMONIZE INTRASTATE WITH INTERSTATE UTILITY RATE  
SCHEDULES (BDR 1815)

Senator Hernstadt moved to amend and do pass. Seconded by Senator Blakemore. Vote: All in favor, except Senator Wilson, who abstained.

SB 460 CREATES OFFICE OF PUBLIC COUNSEL TO PROVIDE REPRESENT-  
ATION OF GERNAL PUBLIC IN MATTERS BEFORE THE PUBLIC  
SERVICE COMMISSION OF NEVADA (BDR 58-1048)

Senator Young moved to hold. Seconded by Senator Ashworth. Vote: Unanimous.

SB 464 CHANGES TIME WITHIN WHICH TO FILE RECORD OF LAND  
SURVEY (BDR 54-1504)

Senator Blakemore moved to hold. Seconded by Senator Ashworth. Vote: All in favor, except Senator Young who abstained.

SB 461 REVISES LICENSING REGULATIONS FOR REAL ESTATE BROKERS  
AND SALESMEN (BDR 54-1103)

Senator Bryan moved to amend and do pass. Seconded by Senator Young. Vote: Unanimous.



AB 352 PLACES REQUIREMENTS ON LIFE AND HEALTH INSURANCE  
ADMINISTRATORS (BDR 57-1016)

Motion to hold by Senator Blakemore. Seconded by Senator Bryan. Vote: All in favor, except Senator Young who abstained.

AB 120 REQUIRES COVERAGE FOR COMPLICATIONS OF PREGNANCY  
AS PART OF MATERNITY BENEFITS IN HEALTH INSURANCE  
(BDR 57-487)

Motion to do pass by Senator Bryan. Seconded by Senator Ashworth. Vote: All in favor, except Seantor Young who abstained.

SB 466 ALLOWS COMMISSIONER OF INSURANCE TO CONDITION CON-  
TINUATION OF CERTAIN LICENSES UPON COMPLETION OF  
APPROPRIATE COURSE OF STUDY (BDR 57-1513)

Motion to amend and do pass by Senator Young. Seconded by Senator Bryan. Vote: Unanimous.

SB 137 LIMITS INSURERS RIGHTS OF SUBROGATION UNDER MOTOR  
VEHICLE INSURANCE ACT (BDR 57-321)

Senator Bryan advised the committee that Gale Smokler had examined the amendment. Furthermore, the bill is on the desk. Secretary was advised to get amendment to Jan Wilson for Senator Bryan.

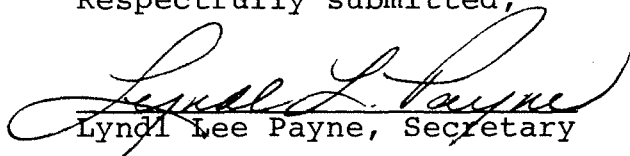
SB 358 REDUCES INTERVAL FOR PAYMENT OF WAGES (BDR 23-1230)

Motion to indefinitely postpone by Senator Ashworth. Seconded by Senator Young. Vote: Unanimous.

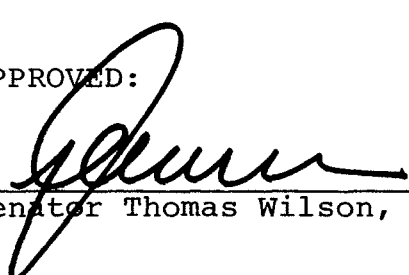
Motion to approve minutes for March 16th, March 21st and April 6th by Senator Close. Seconded by Senator Bryan. Vote: Unanimous.

Meeting was adjoured at 5:45 p.m.

Respectfully submitted,

  
Lyndi Lee Payne, Secretary

APPROVED:

  
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Senator Thomas Wilson, Chairman

PLEASE PRINT PLEASE PRINT PLEASE PRINT PLEASE PRINT PLEASE PRINT PLEASE

TESTIFYING?	NAME	ORGANIZATION	ADDRESS	PHON
460 yes	E. L. Newton	NTA	Box 633, CC	882-269
460 ?	C. A. Arkelstrom	N. R. A.	1 E. 1st St.	344-249
460 YES	HEBER P. HARDY	P. S. C.	C-C-	885-4180
460 V	Jay Wellinhoff	Washoe County	Washoe City Courthouse	785-562
	Wesley K. Brown	SPP Co.	Reno	
460 SCR 31 423	CLARK GUILD	Union Pac. Southwest 6145	Reno	786-236
	Tom Young	SPP Co.	Leno	
460 yes	Jay L. Brennan	SPP Co.	Reno	789-4274
460 yes	W. C. Branch	SPP Co.	Reno	789-453
460 15454	Euna Steward	Nevo. Ins. Div.	Carson	882-574
460 3352 120V	Joyce Woodhouse	NSEA	Carson	882-5574
	Milo Terzich	HIAA-ALIA	Zephyr Ave	882-4290
	Myron Fryer			
	Byington Dove			
	Dick Pettman			
	August McLeod			
	Dean Lynfan			
	Jim Barnes	AG		
	Bue Cozart			
	Bob Bryan			
	Heber Hardy	PSC		
	Les Bennett			
	Frank Titus			
	Red Keeley			
	Mike McBroarty			
	Ken Sernatosh			

AGENDA FOR COMMITTEE ON COMMERCE & LABOR

Friday

Date April 15, 1977 Time 1:00 P.M. Room 213

Bills or Resolutions to be considered	Subject	Counsel requested*
S. B. 466	Allows commissioner of insurance to condition continuation of certain licenses upon completion of appropriate courses of study (BDR 57-1513)	
A. B. 120	Requires coverage for complications of pregnancy as part of maternity benefits in health insurance (BDR 57-487)	
A. B. 352	Places requirements on life and health insurance administrators (BDR 57-1016)	
S. B. 461	Revises licensing regulations for real estate brokers and salesmen (BDR 54-1103)	
S. B. 464	Changes time within which to file record of land survey (BDR 54-1504)	
S. B. 460	Creates office of public counsel to provide representation of general public in matters before public service commission of Nevada (BDR 58-1048)	
S.C.R. 31	Requests public service commission of Nevada to harmonize intrastate with interstate utility rate schedules (BDR 1815)	
S. B. 467	Authorizes state board of pharmacy to issue registration certificates to physicians' assistants for possession, dispensing of controlled substances, poisons, dangerous drugs and devices (BDR 54-1598)	
S. B. 465	Prohibits bail bondsmen from making campaign contributions for or against election of candidates for certain public offices (BDR 57-1780)	
A. B. 13	Allows private investigator's licensing board to place licenses in inactive status and eliminates bond requirement in such cases (BDR 54-347)	
A. B. 454	Permits prepaid professional services contracts (BDR 54-917)	

\*Please do not ask for counsel unless necessary.

*Amend Section 13, page 4 lines 12-13, delete "which he has promulgated" and insert "of section 12 of this act"*

AMENDMENTS TO A.B. 352

Submitted by Milos Terzich representing American Life Insurance Association.

Amend Subsection 5 of Section 8, Page 3, Line 17, by deleting the word "his" and inserting the word "the".

Amend Subsection 1 of Section 11, Page 3, Line 38, by deleting the word "insured." and inserting the word "policyholder."

Amend Section 13.2, Page 4 by deleting Lines 23 thru 38 and in its place and stead inserting the following:

Every administrator shall be bonded. The amount of the bond shall be not less than 10 per centum of the amount of total funds handled. In no case shall such bond be less than \$1,000 nor more than \$500,000 unless a larger amount has been agreed to between the insurer and the administrator. For purposes of fixing the amount of such bond, the amount of funds handled shall be determined by the total funds handled by the administrator during the preceding year, or if no funds were handled during the preceding year, the amount of funds reasonably estimated to be handled during the current calendar year by the administrator. Such bond shall provide protection to the insurer or insurers against loss by reason of acts of fraud or dishonesty and may include individual bonds or schedule or blanket forms of bonds. Only one such bond shall be required of the administrator for all insureds which utilize the services of the administrator, unless provided otherwise in the written agreement between the insurer and the administrator.

*Exhibit B*



STATE OF NEVADA  
CAPITOL COMPLEX  
DEPARTMENT OF COMMERCE  
REAL ESTATE DIVISION

MIKE O'CALLAGHAN  
GOVERNOR  
MICHAEL L. MELNER  
DIRECTOR  
DEPARTMENT OF COMMERCE

ADMINISTRATIVE OFFICE  
CARSON CITY, NEVADA 89710  
(702) 885-4280

ANGUS W. McLEOD  
ADMINISTRATOR  
REAL ESTATE DIVISION

Hearing on SB 461, Friday, April 15, 1977, 1:00 p.m., Room 213

Individuals notified:

- Betty Krolak - President, R.E. Advisory Commission
- Olivia Silvagni - Secretary, " " "
- Carl Fuetsch - Member, " " "
- Bob Hass - " " " "
- Fred Schultz - Vice Pres., " " "
- William Cozart - Exec. Secretary, Nevada Assoc. of Realtors
- Frank Sala - Past President, Nevada Association of Realtors
- Bob Bowers - Past President, Nevada Association of Realtors
- William Hoppe - Realtors' 1977 Legislative Committee
- D.E. Ted Mattson - Past President, Nevada Association of Realtors
- Bill Simon - Realtors' 1977 Legislative Committee
- LaVerne Mancuso - Realtors' 1977 Legislative Committee
- Tom Lewis - Realtors' 1977 Legislative Committee
- Jessie Emmett - President, Nevada Assoc. of Realtors
- Paul Argeres - Past President, Nevada Association of Realtors
- Gene Milligan - President, Carson-Douglas-Tahoe Board of Realtors
- Dick LaMay - President, Reno Board of REaltors
- Duane Laubach - President, Las Vegas Board of Realtors
- Wes Howell - President, Incline Village Board of Realtors
- John Kavinsky - President, Fallon Board of Realtors



STATE OF NEVADA  
CAPITOL COMPLEX

DEPARTMENT OF COMMERCE  
REAL ESTATE DIVISION

ADMINISTRATIVE OFFICE  
CARSON CITY, NEVADA 89710  
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*Exhibit C.*

MIKE O'CALLAGHAN  
GOVERNOR  
MICHAEL L. MELNER  
DIRECTOR  
DEPARTMENT OF COMMERCE

ANGUS W. MCLEOD  
ADMINISTRATOR  
REAL ESTATE DIVISION

April 15, 1977

The Honorable Thomas R. C. Wilson  
Nevada State Legislature  
Legislative Building  
Carson City, Nevada 89710

Dear Senator Wilson:

RE: SB 461

As per your request, attached is a proposed amendment to Section 22 of SB 461 which deals with the Commission's procedure in granting a hearing to an applicant if the Division has denied his application.

Sincerely,

*Jeanne B. Hannafin*

Jeanne B. Hannafin  
Deputy Administrator

JBH:mjs

Attachment



1 notification, no license shall be issued to him except upon another orig-  
 2 inal application, except that within 1 year of the due date a license may  
 3 be issued upon payment of a fee one and one-half times the amount  
 4 otherwise required for a license.

5 2. If an applicant for a broker's license has taken the examination  
 6 prior to meeting the experience requirements of subsection 3 of NRS  
 7 645.330, he shall pay the fee required in subsection 1 after he has met all  
 8 requirements qualifying him for a broker's license and at the time he  
 9 makes application to change his license status from broker-salesman to  
 10 broker.]

11 SEC. 21. NRS 645.420 is hereby amended to read as follows:

12 645.420. 1. Except as provided in subsection 2, all applications for  
 13 licenses as real estate brokers, *broker-salesmen* or [real estate] sales-  
 14 men shall be acted upon by the [real estate] division within 30 days from  
 15 the date of the written examination, as provided and scheduled in NRS  
 16 645.450, next following the filing of applications therefor. No license  
 17 [shall] *may* be issued by the [real estate] division until the application  
 18 therefor has been approved by the commission.

19 2. All applications for licenses as real estate brokers where the appli-  
 20 cant takes the written examination prior to meeting the experience  
 21 requirements of subsection 3 of NRS 645.330 shall be acted upon by the  
 22 [real estate] division within 30 days from the date the applicant furnishes  
 23 proof satisfactory to the division that all the requirements of this chapter  
 24 have been met.

25 3. If in the opinion of the [real estate] division additional investiga-  
 26 tion of the applicant appears necessary, the [real estate] division may  
 27 extend the 30-day period and may make such additional investigation as  
 28 it deems necessary or desirable prior to acting on the applicant's applica-  
 29 tion.

30 4. The burden of proof shall in every respect be upon the applicant  
 31 to establish to the satisfaction of the [real estate] division that he is  
 32 qualified to receive a license.

33 5. The division shall notify each applicant in writing of his passing  
 34 or failing the examination.

35 SEC. 22. NRS 645.440 is hereby amended to read as follows:

36 645.440. 1. If the [real estate] division, after an application in  
 37 proper form has been filed with it, accompanied by the proper fee, [and  
 38 the applicant's certification of trustworthiness, competency and integrity,]  
 39 denies an application, [to the applicant, the real estate] *the* division  
 40 shall give notice of the fact to the applicant within 15 days after its  
 41 ruling, order or decision.

42 2. Upon written request from the applicant, filed within 30 days  
 43 after receipt of such notice by the applicant, the *president of the* com-  
 44 mission shall, providing that said written request sets  
forth a prima facie statutory basis:

(a) qualifying him to take the examination, or

(b) qualifying him for issuance of a license, or

(c) enabling him to obtain a waiver of the educa-  
tional requirements for licensure as provided  
in NRS 645.343,

45 if he feels the request has merit] set the matter [down]  
 46 for a hearing to be conducted within 90 days after receipt of the appli-  
 47 cant's request.

48 3. The hearing shall be at such time and place as the commission  
 49 prescribes. At least 15 days prior to the date set for the hearing, the  
 50 [real estate] division shall notify the applicant [and other persons  
 interested or protesting,] and shall accompany such notification with an

1 or whose real estate license has not been revoked] *Suspension or revoca-*  
2 *tion of a license, under this chapter or a prior revocation or current sus-*  
3 *pension in this or any other state, district or territory of the United States*  
4 *or in any foreign country within 1 year prior to the date of application [.]*  
5 *is grounds for refusal to grant a license.*

6 3. A person shall not be licensed as a real estate broker unless he has  
7 been actively engaged as a full-time licensed real estate broker-salesman  
8 or salesman in this state, or actively engaged as a full-time licensed real  
9 estate broker, broker-salesman or salesman in another state or the District  
10 of Columbia, for at least 2 of the 4 years either immediately prior to the  
11 issuance of a broker's license or the date of application for examination for a broker's license.

REMOVE BRACKETS

NEW LANGUAGE  
NEW LANGUAGE

12 SEC. 15. NRS 645.340 is hereby amended to read as follows:

13 645.340 1. The [real estate] division shall not approve the [issu-

14 ance of] application for a broker's or salesman's license [to] of any  
15 person unless such person is a bona fide resident of the State of Nevada.  
16 2. The requirements of subsection 1 are applicable to each member  
17 of a copartnership or association and to each officer or director of a  
18 corporation who will actively engage in the real estate business.

19 [3. Any person licensed as a real estate broker or real estate sales-  
20 man within the State of Nevada at any time prior to July 1, 1949, shall  
21 be exempt from the citizenship requirements of this chapter. Nothing in  
22 this chapter shall affect the right of such noncitizen now holding a real  
23 estate broker's license or a real estate salesman's license to renewal or  
24 reinstatement of his license in accordance with the provisions of this  
25 chapter.]

26 SEC. 16. NRS 645.350 is hereby amended to read as follows:

27 645.350 1. Application for license as a real estate broker, [or]  
28 broker-salesman or salesman shall be made in writing to the [real estate]  
29 division upon blanks prepared or furnished by the [real estate] division.

30 2. Every application for a real estate broker's, [or] broker-  
31 salesman's or salesman's license shall set forth the following information:

32 (a) The name, age and address of the applicant. If the applicant is a  
33 copartnership or an association [.] doing business as a real estate  
34 broker, the name [.] age] and address of each member thereof. If the  
35 application is for a corporation [.] doing business as a real estate broker,  
36 the name [.] age] and address of each officer and director thereof.

37 (b) The name, if known, under which the business is to be conducted.  
38 The name is a fictitious name if it does not contain the name of the appli-  
39 cant or the names of the members of the applicant's firm, copartnership  
40 or association. A license shall not be issued under a fictitious name which  
41 includes the name of a real estate salesman or broker-salesman. A  
42 license shall not be issued under the same fictitious name to more than  
43 one licensee within the state. All licensees doing business under a ficti-  
44 tious name shall comply with other pertinent statutory regulations regard-  
45 ing the use of fictitious names.

46 (c) The place or places, including the street number, the city and  
47 county where the business is to be conducted, if known.

48 (d) The business or occupation engaged in by the applicant for a  
49 period of at least 2 years immediately preceding the date of the applica-  
50 tion, and the location thereof. If [the applicant is] a copartnership or

1 2. The recommendation shall [be under oath and shall:  
2 (a) Certify] state that the applicant bears a good reputation for hon-  
3 esty, truthfulness, fair dealing and competency.

4 [(b) Recommend that a license be granted to the applicant.]

5 SEC. 18. NRS 645.370 is hereby amended to read as follows:

6 645.370 1. Every copartnership [in its application for a license]  
7 *doing business as a real estate broker* shall designate and appoint one  
8 of its members, and every corporation [in its application for a license]  
9 *doing business as a real estate broker* shall designate and appoint one of  
10 its officers, to submit an application for a broker's license.

11 2. Upon such member's or officer's successfully passing the exami-  
12 nation, and upon compliance with all other requirements of law by the  
13 copartnership or corporation, as well as by the designated member or  
14 officer, the [real estate] division shall issue a broker's license to such  
15 member or officer on behalf of the corporation or copartnership, and  
16 thereupon the member or officer so designated is entitled to perform all  
17 the acts of a real estate broker contemplated by this chapter; except:

18 (a) That the license entitles such member or officer so designated to  
19 act as a real estate broker only as officer or agent of the copartnership  
20 or corporation, and not on his own behalf, except as provided in NRS  
21 645.385; and

22 (b) That if in any case the person so designated is refused a license  
23 by the [real estate] division, or in case he ceases to be connected with  
24 the copartnership or corporation, the copartnership or corporation may  
25 designate another person who shall make application and qualify as in  
26 the first instance.

27 SEC. 19. NRS 645.400 is hereby amended to read as follows:

28 645.400 1. In addition to the information required by this chapter,  
29 applications for brokers' or salesmen's *examinations and* licenses shall  
30 contain such other information pertaining to the applicants as the com-  
31 mission shall require.

32 2. The commission may require such other proof through the appli-  
33 cation or otherwise, [as it shall deem desirable,] with due regard to the  
34 paramount interests of the public as to the honesty, truthfulness, integrity  
35 and competency of the applicant.

36 3. The commission [is expressly vested with the power and authority  
37 to make and enforce any and all reasonable rules and] *may adopt* regu-  
38 lations connected with the application for any [license as shall be deemed  
39 necessary to administer and enforce the provisions of this chapter.]  
40 *examination and license.*

41 SEC. 20. NRS 645.410 is hereby amended to read as follows:

42 645.410 [1. Except as provided in subsection 2, every application  
43 for a license] *Every application for an examination* as real estate broker,  
44 *broker-salesman* or [real estate] salesman under the provisions of this  
45 chapter shall be accompanied by the examination fee prescribed by this  
46 chapter. [The applicant shall pay the original license fee and the real  
47 estate education, research and recovery fund fee within 30 days after he  
48 is notified in writing by the division that he has passed the examination.  
49 If an applicant fails to pay the prescribed fees within 30 days of such

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1 notification, no license shall be issued to him except upon another orig-  
2 inal application, except that within 1 year of the due date a license may  
3 be issued upon payment of a fee one and one-half times the amount  
4 otherwise required for a license.

5 [2. If an applicant for a broker's license has taken the examination  
6 prior to meeting the experience requirements of subsection 3 of NRS  
7 645.330, he shall pay the fee required in subsection 1 after he has met all  
8 requirements qualifying him for a broker's license and at the time he  
9 makes application to change his license status from broker-salesman to  
10 broker.]

11 SEC. 21. NRS 645.420 is hereby amended to read as follows:

12 645.420 1. Except as provided in subsection 2, all applications for  
13 licenses as real estate brokers, *broker-salesmen* or [real estate] sales-  
14 men shall be acted upon by the [real estate] division within 30 days from  
15 the date of the written examination, as provided and scheduled in NRS  
16 645.450, next following the filing of applications therefor, No license  
17 [shall] may be issued by the [real estate] division until the application  
18 therefor has been approved by the commission.

19 2. All applications for licenses as real estate brokers where the appli-  
20 cant takes the written examination prior to meeting the experience  
21 requirements of subsection 3 of NRS 645.330 shall be acted upon by the  
22 [real estate] division within 30 days from the date the applicant furnishes  
23 proof satisfactory to the division that all the requirements of this chapter  
24 have been met.

25 3. If in the opinion of the [real estate] division additional investiga-  
26 tion of the applicant appears necessary, the [real estate] division may  
27 extend the 30-day period and may make such additional investigation as  
28 it deems necessary or desirable prior to acting on the applicant's applica-  
29 tion.

30 4. The burden of proof shall in every respect be upon the applicant  
31 to establish to the satisfaction of the [real estate] division that he is  
32 qualified to receive a license.

33 5. The division shall notify each applicant in writing of his passing  
34 or failing the examination.

35 SEC. 22. NRS 645.440 is hereby amended to read as follows:

36 645.440 1. If the [real estate] division, after an application in  
37 proper form has been filed with it, accompanied by the proper fee, [and  
38 the applicant's certification of trustworthiness, competency and integrity,]  
39 denies an application, [to the applicant, the real estate] the division  
40 shall give notice of the fact to the applicant within 15 days after its  
41 ruling, order or decision.

42 2. Upon written request from the applicant, filed within 30 days  
43 after receipt of such notice by the applicant, the *president of the com-*  
44 *mission shall, if he feels the request has merit,* set the matter [down]  
45 for a hearing to be conducted within 90 days after receipt of the appli-  
46 cant's request.

47 3. The hearing shall be at such time and place as the commission  
48 prescribes. At least 15 days prior to the date set for the hearing, the  
49 [real estate] division shall notify the applicant [and other persons  
50 interested or protesting,] and shall accompany such notification with an

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1 3. Any rulings and decisions made by the director of the department  
2 of commerce as provided under NRS 645.440.

3 SEC. 36. NRS 645.630 is hereby amended to read as follows:

4 645.630 The commission may suspend, revoke or reissue subject  
5 to conditions any license issued under the provisions of this chapter at  
6 any time where the licensee has, by false or fraudulent representation,  
7 obtained a license, or where the licensee, whether or not acting as a  
8 licensee ~~in a real estate transaction~~ is found to be guilty of:

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9 1. Making any substantial misrepresentation [.] or false promise.

10 2. [Making any false promises of a character likely to influence,  
11 persuade or induce.

12 3.] Pursuing a continued and flagrant course of misrepresentation,  
13 or making of false promises through agents or salesmen or advertising  
14 or otherwise.

15 [4.] 3. Acting for more than one party in a transaction without  
16 the knowledge of all parties for whom he acts.

17 [5.] 4. Accepting a commission or valuable consideration as a  
18 real estate broker-salesman or salesman for the performance of any of  
19 the acts specified in this chapter from any person except the licensed real  
20 estate broker with whom he is associated [.] or the owner-developer  
21 by whom he is employed.

22 [6.] 5. Representing or attempting to represent a real estate broker  
23 other than the broker with whom he is associated, without the express  
24 knowledge and consent of the broker with whom he is associated.

25 [7.] 6. Failing, within a reasonable time, to account for or to  
26 remit any [moneys] money coming into his possession which [belong]  
27 belongs to others.

28 [8.] 8. Willfully using the term "realtor" or any other trade name or  
29 insignia of membership in any real estate organization of which the  
30 licensee is not a member, without the legal right so to do.

31 9. Disregarding or violating any of the provisions of this chapter,  
32 chapter 119 of NRS or of any regulation promulgated under either  
33 chapter.

34 10. Paying or receiving any rebate, profit, compensation or com-  
35 mission in violation of this chapter.

36 11. Inducing any party to a contract, sale or lease to break such  
37 contract for the purpose of substituting in lieu thereof a new contract  
38 with the same principal or a different principal, where such substitution  
39 is motivated by the personal gain of the licensee.

40 12. Forgery, embezzlement, obtaining money under false pretenses,  
41 larceny, extortion, theft, fraud, conspiracy, a crime involving moral  
42 turpitude or other like offense, whether arising from a real estate transac-  
43 tion or not, and has been convicted thereof in a court of competent  
44 jurisdiction.

45 13. Guaranteeing, or having authorized or permitted any person to  
46 guarantee, future profits which may result from the resale of real  
47 property.

48 14. Negligence, or failure to disclose or to ascertain and disclose  
49 to any person with whom such licensee is dealing, any material fact,

1 data or information concerning or relating to the property with which  
2 such licensee is dealing, which such licensee knew:

3 15. The practice of claiming, demanding or receiving a fee, com-  
4 pensation or commission under any exclusive agreement authorizing or  
5 employing a licensee to sell, buy or exchange real estate for compensa-  
6 tion or commission where such agreement does not contain a definite,  
7 specified date of final and complete termination.

8 16. The claiming or taking by a licensee of any secret or undisclosed  
9 amount of compensation, commission or profit or the failure of a licensee  
10 to reveal to the employer of such licensee the full amount of such  
11 licensee's compensation, commission or profit under any agreement  
12 authorizing or employing such licensee to sell, buy or exchange real  
13 estate for compensation or commission prior to or coincident with the  
14 signing of such agreement evidencing the meeting of the minds of the  
15 contracting parties, regardless of the form of such agreement, whether  
16 evidenced by documents in an escrow or by any other or different  
17 procedure.

18 17. The use by a licensee of any provision allowing the licensee an  
19 option to purchase in an agreement authorizing the licensee to sell, buy  
20 or exchange real estate for compensation or commission, except when  
21 such licensee, prior to or coincident with election to exercise such option  
22 to purchase, reveals in writing to the broker with whom he is associated  
23 the full amount of licensee's profit and obtains the written consent of the  
24 broker approving the amount of such profit.

25 18. Demonstrated negligence or incompetence in performing any act  
26 for which he is required to hold a license.

27 19. Any other conduct, whether of the same or a different character  
28 from that hereinbefore specified, which constitutes improper, fraudulent  
29 or dishonest dealing.

30 20. Any conduct, prior to his being licensed, which was in fact  
31 unknown to the commission and which would have been grounds for  
32 denial of a license had the commission been aware of such conduct.]

33 7. *Commingling the money or other property of his principals with  
34 his own or converting the funds of others to his own use.*

35 8. *Failure by a broker-salesman or salesman to place immediately in  
36 the custody of his licensed broker or owner-developer, any deposit money  
37 or other money or consideration entrusted to him by any person dealing  
38 with him as the representative of his licensed broker.*

39 9. *Accepting other than cash as earnest money unless that fact is  
40 communicated to the owner before his acceptance of the offer to pur-  
41 chase, and such fact is shown in the earnest money receipt.*

42 10. *Upon acceptance of agreement, failure to deposit any check or  
43 cash received as an earnest money deposit before the end of the next  
44 banking day unless otherwise provided in the purchase agreement.*

45 SEC. 37. Chapter 645 of NRS is hereby amended by adding thereto  
46 the provisions set forth as sections 38 and 39 of this act.

47 SEC. 38. *The commission may take such action as provided for in  
48 NRS 645.630 against any person subject to that section found guilty of:*

49 1. *Willfully using the term [realtor] or any other trade name or*

REALTOR



1 party to the proceedings desiring it shall be furnished with a copy of such  
2 transcript upon payment to the [real estate] division of such fee as it  
3 shall [prescribe by general rule or] *adopt by regulation*, not exceeding  
4 25 cents per folio.

5 SEC. 45. NRS 645.710 is hereby amended to read as follows:

6 645.710 1. Each witness who [shall appear] *appears* by order of  
7 the commission shall receive for his attendance the same fees and mileage  
8 allowed by law to a witness in civil cases, which amount shall be paid by  
9 the party at whose request such witness is subpoenaed.

10 2. When any witness [who has not been] , *not otherwise* required  
11 to attend, [at the request of any party shall be] *is* subpoenaed by the  
12 commission, his fees and mileage shall be paid from the funds of the  
13 [commission in the same manner as other expenses of the commission  
14 are paid.] *division*.

15 SEC. 46. NRS 645.740 is hereby amended to read as follows:

16 645.740 1. The commission shall render a decision on any complaint  
17 [before the adjournment of the next regular meeting of the commission  
18 or within 90] *within 150* days from the final hearing thereon, [whichever  
19 is later,] and shall give [immediate] notice in writing of such ruling or  
20 decision to the applicant *for licensure* or licensee affected thereby [, and  
21 where the investigation or hearing shall have been instituted by complaint  
22 filed, to the person or persons by whom the complaint was made, the  
23 notice to be given by registered or] *within 60 days. The notice shall be*  
24 *by certified mail to the last-known address of the person to whom the*  
25 *same is sent.*

26 2. If such ruling [shall be to the prejudice of or shall injuriously  
27 affect] *is adverse to* the licensee, the commission shall also state in the  
28 notice the date upon which the ruling or decision shall become effective,  
29 which date shall not be less than 30 days from and after the date of the  
30 notice.

31 3. The decision of the commission shall not be stayed by any appeal  
32 in accordance with the provisions of NRS 645.760, unless the district  
33 court so orders [.] , *upon motion of the licensee, notice to the division*  
34 *of the motion and opportunity for the division to be heard.*

35 4. [No] *An* appeal from a decision of the district court affirming  
36 the revocation or suspension of a license shall *not* stay the order of the  
37 commission unless the district or appellate court, in its discretion and  
38 upon petition of the licensee, *after notice and hearing*, orders such stay,  
39 [at which time the court shall also set the amount of the supersedeas.]  
40 *upon the filing of a cost bond in the amount of \$1,000.*

41 SEC. 47. NRS 645.760 is hereby amended to read as follows:

42 645.760 1. A ruling or decision of the commission [shall be] *in any*  
43 *disciplinary action is final when in favor of the licensee.*

44 2. ~~2.~~ If a ruling or decision is against the licensee, the licensee may  
45 within 10 days from the date of the decision appeal therefrom to the  
46 district court in and for the county in which the party adversely affected  
47 by the decision resides or has his place of business under the terms of  
48 this chapter, by serving upon the administrator a notice of such appeal,  
49 and a demand in writing for a certified transcript of all the papers on file  
50 in the office of the real estate division affecting or relating to the decision,

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a written petition for review,

1 and all the evidence taken on the hearing, and paying not more than 25  
 2 cents for each folio of the transcript and \$1 for the certification thereof.  
 3 Thereupon, the real estate division shall, within 30 days, make and certify  
 4 such transcript, and the appellant shall, within 5 days after receiving the  
 5 same, file the same and the notice of appeal with the clerk of the court.  
 6 *The petition for a review need not be verified but shall affirmatively set*  
 7 *forth in specific detail any ground for the licensee's appeal, including any*  
 8 *errors the licensee contends the commission committed at the hearing.*  
 9 *The commission shall be deemed to be a party to any such review pro-*  
 10 *ceedings. The petition for review may be served upon the administrator*  
 11 *by delivering a copy of the petition to his office or by sending a copy to*  
 12 *him by certified mail. The petition for review shall be filed with*

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the District Court.

13 3. Upon the hearing of the appeal, the burden of proof shall be upon  
 14 the appellant, and the court shall [receive and consider any pertinent  
 15 evidence, whether oral or documentary, concerning] *consider* the action  
 16 of the commission from which the appeal is taken, [but shall be] *and is*  
 17 limited solely to a consideration and determination of the question  
 18 whether there has been an abuse of discretion on the part of the com-  
 19 mission in making such decision.

20 SEC. 48. NRS 645.830 is hereby amended to read as follows:

21 645.830 The following fees shall be charged by and paid to the  
 22 [real estate] division:

23	[For each real estate broker's examination.....	\$40
24	For each original real estate broker's, broker-salesman's	
25	or corporate officer's license.....	40
26	For each renewal real estate broker's, broker-salesman's	
27	or corporate officer's license, for 1 year or fraction	
28	thereof.....	40
29	For each licensed real estate broker's or salesman's orig-	
30	inal license or renewal, in addition to the renewal	
31	fee, for the real estate education, research and recov-	
32	ery fund.....	10
33	For each real estate salesman's examination.....	40
34	For each original real estate salesman's license.....	25
35	For each renewal real estate salesman's license, for 1 year	
36	or fraction thereof.....	25
37	For each branch office broker's license, for 1 year or	
38	fraction thereof.....	25
39	For each original registration of an owner-developer.....	40
40	For each annual renewal of registration of an owner-	
41	developer.....	40
42	For each enlargement of the area of an owner-developer's	
43	registration.....	15
44	For each change of name or address.....	10
45	For each transfer of real estate salesman's license on	
46	change of association.....	10
47	For each duplicate license or pocket card where the orig-	
48	inal license or pocket card is lost or destroyed, and	
49	affidavit made thereof.....	10

Exhibit D

MIKE O'CALLAGHAN, Governor

## Nevada State Board of Medical

AIRPORT CENTER BUILDING  
1281 Terminal Way, Suite 211 • (702) 329-2559  
Mailing Address: Post Office Box 7238 • Reno, Nevada 89510

## Examiners

LESLIE A. MOREN, M.D., President  
KIRK V. CAMMACK, M.D. Vice President  
KENNETH F. MACLEAN, M.D., Secretary-Treasurer  
RICHARD D. GRUNDY, M.D.  
THEODORE JACOBS, M.D.

April 13, 1977

MRS. JOAN ROGERS, Executive Secretary

Committee on Commerce and Labor  
Capitol Complex  
Carson City, Nevada

Gentlemen:

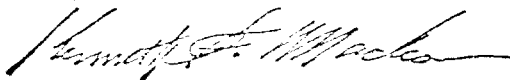
An unfortunate sequence of events will prevent any member of the Board of Medical Examiners or its legal counsel from appearing at your hearing of S.B. 467.

We, therefore, have asked Mr. George Bennett, Secretary of the Pharmacy Board to read this letter to you.

This legislation was drafted and introduced primarily at the request of the Board of Medical Examiners and was done so in an attempt to alleviate a situation which interfered with the medical care in rural Nevada.

There have been occasions in the past year when physicians' assistants have operated in satellite offices away from their supervising physician. In this situation, a physician's assistant's hands are tied by the current law which prohibits them from possession, dispensing or administering controlled substances. The Board of Medical Examiners, in conjunction and cooperation with the Pharmacy Board, has agreed with the principle presented in this bill which would permit a physician's assistant to effectively function in providing medical care in a satellite location away from his physician's office. It is our feeling that this legislation will correct this deficiency and still leave very careful control of the physician's assistant by both the physician and the Board of Medical Examiners.

Respectfully yours,



Kenneth F. Maclean, M.D.  
Secretary-Treasurer

2035

Amendments to S.B. 467 (BDR 54-1598)

Amend the bill as a whole by inserting on page 2 following line 24 the following:

" Sec. 2. NRS 453.021 is hereby amended to read as follows:

453.021 ~~as defined~~. "Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion or any other means, to the body of a patient or research subject by:

1. A practitioner or, in his presence, by his authorized agent;
2. A licensed nurse, at the direction of a physician; <sup>or</sup>
3. The patient or research subject at the direction and in the presence of the practitioner. <sup>or</sup>

~~(Added to NRS by 1971, 1999, A 1973, 579)~~

or

- UIS { 4. A physician's assistant, if authorized by the board pursuant to section 1 of this act.

Sec. 3. NRS 453.056 is hereby amended to read as follows:

453.056 ~~"Dispense" defined~~. A controlled substance or drug is "dispensed" if it is delivered to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, or is furnished to an ultimate user personally by a physician, dentist or podiatrist in any amount greater than that which is necessary for the present and immediate needs of the user. Dispensing includes the prescribing, administering, packaging, labeling or compounding necessary to prepare the substance for that delivery.

~~(Added to NRS by 1971, 2000, A 1973, 579)~~

- UIS { physician's assistant if authorized by the board pursuant to section 1 of this act,

Sec. 4. NRS 454.191 is hereby amended to read as follows:

- 454.191 ~~"Administer" defined.~~ "Administer" means the furnishing:
1. By a physician, surgeon, dentist, podiatrist or veterinarian to his patient of such amount of drugs or medicines referred to in NRS 454.181 to 454.381, inclusive, as are necessary for the immediate needs of the patient; or
  2. By a nurse pursuant to a chart order of individual doses of a drug or medicine:
    - (a) From an original container which has been furnished as floor or ward stock by a hospital pharmacy;
    - (b) From a container dispensed by a registered pharmacist pursuant to a prescription; or
    - (c) Furnished by a physician, dentist, podiatrist or veterinarian.
- ~~(Added to NRS by 1973, 1196)~~

UIS } physician's assistant if authorized by the board pursuant to section 1 of this act,

Sec. 5. NRS 454.211 is hereby amended to read as follows:

- 454.211 ~~"Dispense" defined.~~ "Dispense" means the furnishing of:
1. Drugs by a registered pharmacist upon the legal prescription from a physician, dentist, podiatrist or veterinarian; or
  2. Drugs or medicines to a patient personally by a physician, dentist, podiatrist or veterinarian in any amount greater than that which is necessary for the present and immediate needs of the patient.
- ~~(Added to NRS by 1973, 1197)~~

UIS } physician's assistant if authorized by the board pursuant to section 1 of this act,

Sec 6. NRS 454.221 is hereby amended to read as follows:

~~454.221. Dangerous drugs not to be furnished without prescription.~~

1. Any person who furnishes any dangerous drug except upon the prescription of a physician, dentist, podiatrist or veterinarian is guilty of a gross misdemeanor, unless the dangerous drug was obtained originally by a legal prescription.

2. The provisions of this section do not apply to the furnishing of any dangerous drug by a physician, dentist, podiatrist or veterinarian to his own patients as provided in NRS 454.301 or by a manufacturer or wholesaler or pharmacy to each other or to a physician, dentist, podiatrist or veterinarian or to a laboratory under sales and purchase records that correctly give the date, the names and addresses of the supplier and the buyer, the drug and its quantity. "

~~(Added to NRS by 1973, 1197, A 1975, 354)~~

U/S { physician's assistant if authorized by the board pursuant to section 1 of the act.

Tille ok R. McDonald 4-15-1977



Exhibit E

# Mullen faces false tax filing charges

By David Hill

R-J Staff Writer

A federal grand jury indicted embattled Municipal Judge Robert E. "Moon" Mullen Thursday for filing false income tax returns and lying.

The indictment charges him with three counts of subscribing to a false income tax return in 1973, 1974 and 1975.

He also is accused of perjury or four counts of making false declarations before a grand jury.

The maximum penalty for each of the three income tax evasion charges is a three-year prison term, a \$5,000 fine or both.



JUDGE MULLEN  
...tax indictment

(continued)

CP 11/11/77

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4

For each of the four perjury charges, the maximum penalty is a five-year prison term, \$10,000 fine or both.

According to the indictment, the judge failed to include in his 1973 return \$1,850 as taxable income he received from two Las Vegas bail bondsmen and a private investigator.

The indictment alleges he received \$450 from Barry K. Reisig, \$1,000 from Frederick D. Pfeifer and \$300 from Joseph Abrahams.

In 1974, the indictment charges, Mullen also failed to include as taxable income \$2,850 he received from the same trio.

Mullen received \$1,050 from Reisig, \$1,500 from Pfeifer and \$300 from Abrahams—the indictment claims.

The following year, the indictment alleges, the judge filed to claim as taxable income \$760 from Reisig and \$3,500 from Pfeifer.

According to the indictment, the three men made the payments to Mullen because of his judicial position or for acts performed in his capacity as judge on their behalf.

The indictment does not explain what favors were extended by Mullen.

Reisig is a private investigator; Pfeifer is an employe of Burton Bail Bonds, and Abrahams owns Joe's Bail Bonds. In the past Reisig has accused Mullen of splitting bribes with him on at least 20 occasions.

Under questioning by Asst. U.S. Atty. Richard A. Wright while under oath, Mullen denied before the grand jury receiving money from any of the men. He was questioned Jan. 27.

However, Mullen admitted receiving a check from David Kent, owner of Ace Bail Bonds, as a campaign contribution. He testified that he returned the check.

The indictment accuses Mullen of keeping the check which was payable to him for more than \$500.

The judge, who is seeking re-election, refused to make any comment about the indictment, although he indicated it did not surprise him.

According to Nevada law,

Mullen could remain a judge until the day he is sentenced, if he is found guilty.

Mullen was interviewed after voluntarily testifying before the grand jury Jan. 27. At that time, the judge accused "white elements of the community" of a conspiracy against him because he is black.

On the advice of his attorney, Clyde R. Maxwell of Newport Beach, Calif., Mullen declined to cite the names of persons he believes are involved in the alleged conspiracy.

Asked during the January interview why there would be a conspiracy against him, Mullen responded, "I won't allow the police department, news media, city attorney, district attorney, my wife or anyone to tell me how to run my court. It's because I've fought the establishment."

The judge has asked local and federal officials to investigate the seizing of several thousand traffic citations from his court by 13 IRS agents Nov. 28, 1975.

He said the agents should be punished "for stealing public records" and violating his civil rights.

The agents returned the records about a week after they took them during their probe into possible income tax violations by Mullen.

Mullen then filed a complaint against the IRS. It subsequently was dismissed by U.S. Dist. Judge Roger D. Foley.

In November, 1975 Reisig made the charge about splitting bribes after he was charged with influencing an elected official.

The Clark County grand jury launched an investigation into Mullen's alleged acceptance of bribes following the charge. That probe was never completed, pending the outcome of the federal grand jury investigation which resulted in Thursday's indictments.

In January, Mullen said his ability to serve as a judge had not been impaired by the accusations and investigations. He added that the controversy had damaged his reputation.