

SENATE
COMMERCE & LABOR
COMMITTEE

Minutes of Meeting
Monday, April 4, 1977

The meeting of the Commerce and Labor Committee was held on April 4, 1977, in Room 213 at 1:30 P.M.

Senator Thomas Wilson was in the chair.

PRESENT: Chairman Thomas R.C. Wilson
Vice-Chairman Richard Blakemore
Senator Clifton Young
Senator William Hernstadt
Senator Mel Close
Senator Richard Bryan

ABSENT: Senator Keith Ashworth

OTHERS

PRESENT: Peggy Westall
Mark Tully Massagli
Stan Jones, Dept. of Commerce & Labor
Heber P. Hardy, Public Service Commission
Assemblyman Jim Banner
Assemblyman Bob Barengo
Ms. Gale Smokler, Nev. Trial Lawyer's Assn.
Richard Bortolin, Appeals Officer
Bob Alkire, Kennecott Copper
Glen Taylor, Basic Management
Fred Hillerby, Nevada Hospital Assn.
George Vargas, American Insurance Assn.
Virgil Anderson, A.A.A.
Lou Paley, Nevada A.F.L.-C.I.O.
George Enomoto, Nev. Board of Architecture
Jerry Poncia, Board of Architecture
Frank Daykin, Legislative Counsel Bureau
Richard Pugh, Nevada Medical Assn.
Dr. William Edwards, Board of Oriental Medicine
William Isaeff, Deputy A.G.
Daryl Capurro
Jerry Lopez

The Committee considered the following:

A.B. 263 SPECIFIES QUALIFICATIONS OF THIRD MEMBER OF PUBLIC SERVICE COMMISSION. (BDR 58-710)

Assemblyman Peggy Westall said this bill began because people in her district felt that the layman does not have any representation on the Public Service Commission.

SENATOR YOUNG asked if there are any other states that have this type of set-up? Ms. Westall said that she did not know.

SENATOR HERNSTADT asked why businessmen were excluded as potential appointees? She stated that this was the only amendment suggested in the Assembly to delete this section, but the amendment was not approved.

Mr. Heber P. Hardy of the Public Service Commission said that this legislation should be opposed for the following reasons: (1) It limits the appointing power of the Governor and it limits the Governor to choose only those that have not had a business for profit; (2) the qualifications for the appointee are vague.

SENATOR CLOSE said that Section 2 says the same thing as is in Section 1. Mr. Hardy said that the bill-drafters pointed out to him that Section 2 is only transitory language which will be in the bill, but will not be codified. SENATOR HERNSTADT said that it appears as though it was the existing law.

SENATOR BRYAN said that the Legislative Statute Reviser can codify only the sections he feels are pertinent. Mr. Hardy said it was explained to him, as being much like the effective date of the law.

Mr. Hardy said that he felt that it was not good policy to label one member of the Commission as a "consumer representative", as the Commission is supposed to be impartial.

SENATOR BRYAN asked if it was necessary to categorize any of the Commission positions? Mr. Hardy said that it might be "wise" for the Commissioners to have a general knowledge of the areas listed in the current law.

S.B. 382 REQUIRES ENTERTAINMENT AGENCIES TO OBTAIN LICENSE FROM LABOR COMMISSIONER. (BDR 53-955)

(Continued testimony from Friday, April 1, 1977 hearing)

Mr. Mark Tully Massagli of the Musician's Union in Las Vegas said S.B. 382 would fill a void in the Senate

existing statute. He said that this bill would provide that an entertainment agency would be required to have a license through the Labor Commissioner of the State. Mr. Massagli said that the Union would also like to offer an amendment to the bill on page 4, line 6, that the penal sum of \$2,500 be reduced to \$1,000; and on line 22, that the \$10,000 amount be reduced to \$5,000. He stated that \$1,000 would separate those "good" businessmen from those who were not "good", and the \$3,500 would be punitive; and this also applies for the change in the \$10,000.

SENATOR YOUNG asked Mr. Massagli to cite some specific examples of problems that have occurred. Mr. Massagli said that people have circumvented the current law because independent production companies have said that the section did not apply to them as they were just "personal managers".

A.B. 16 CHANGES CERTAIN LIMITATIONS ON FEES WHICH MAY BE IMPOSED BY EMPLOYMENT AGENCIES. (BDR 53-370)

Mr. Stan Jones, Commissioner of Labor for the State of Nevada, spoke in opposition to this bill. He stated that the place to increase agency profits, if necessary, would be to increase the rates that are charged to the consumer. He stated that the increase in fees to the employee, especially for "baby-sitting" will largely affect the senior citizens in this capacity. He said that the baby-sitters at the present time are earning an average of \$240 per month, of which they pay \$41.00 to the agency, which leaves them an average of \$199 per month (average rate in the city is from \$2.25 per hour to \$3.00 per hour). Mr. Jones stated that there are other laws that the baby-sitter agency must comply with if they wish to operate outside of the private employment agency laws of the State, i.e., F.I.C.A., Federal Withholding, Unemployment Compensation, and N.I.C.

SENATOR CLOSE asked why the language is being deleted on page 2? Mr. Jones said that most of the baby-sitting agencies are operated out of a private home.

Mr. Jones said to SENATOR YOUNG that this bill will effect a 33% increase to the baby-sitters. Mr. Jones said to SENATOR WILSON that currently the percentage to the Agency is 15% for each sitting and 40% of the first month's gross wages for career oriented ~~placement~~ placement.

Assemblyman Jim Banner said that he requested this bill because of a problem that a constituent was having. He stated that two years ago the law was changed for employment agencies and the fee to the agency was reduced from 20% to 15% and his constituent wants it back to 20%

SENATOR HERNSTADT asked if the people who own these baby-sitting agencies are qualified? Mr. Banner said they have to have a business license.

Assemblyman Robert Barengo said that he was concerned about the \$10.00 deposit required of the baby-sitters because it does not specify that it is a one-time fee, and the bill does not spell out what the \$10.00 is used for in the agency.

A.B. 37 EXTENDS CONSUMER PROTECTION POWERS OF DISTRICT ATTORNEYS. (BDR 52-64)

Assemblyman Robert Barengo said that the district attorneys were concerned in regards to the Consumer Affairs Division that they could not directly file the complaints and collective civil penalties, they had to act through the Commerce Department, and this was a "cumbersome" procedure.

A.B. 19 MAKES VARIOUS CHANGES IN WORKMENS COMPENSATION LAWS RELATING TO APPEALS OFFICERS. (BDR 53-610)

Mr. Banner said that this increases the number of appeal officers by one and increases their salaries.

Ms. Gale Smokler of the Nevada Trial Lawyer's Assn. said that her Association is supportive of two aspects of A.B. 19. They approve the additional appeal officer and they approve that the second officer be an attorney.

Mr. Richard Bortalin, the Appeals Officer stated that he has an average of around 46 matters per month and he finds it difficult to run the Las Vegas area from Reno. He said that he also prefers being "unclassified" as this is an additional detachment from the Nevada Industrial Commission. In reference to page 4, lines 7-8, Mr. Bortalin remarked that there is a problem with the 120 day time frame in that he is receiving documentation on the cases from various sources that requires a certain amount of time to

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receive, and he will have to remand a certain amount of cases because of the limited time provision. Therefore, he felt the section be deleted and the current law remain the status.

A.B. 20 REPEALS PROVISIONS PERMITTING EMPLOYEES TO PROVIDE ACCIDENT BENEFITS FOR EMPLOYERS. (BDR 53-503)

Assemblyman Banner said that the Reprint of the bill puts back into the law that an "ex-med employer" will report like any other employer, within six days after the accident. This bill includes the employer who contracts out to a private clinic for the service, and the employer who hires their physicians directly.

Mr. Bob Alkire of Kennecott Copper Inc. said that they are in support of this legislation.

Mr. Glen Taylor of Basic Management said they also support the Reprint of A.B. 20.

Mr. Fred Hillerby of the Nevada Hospital Association said that the Association has one hospital that does participate in the "ex-med" and two that are applying for this so they support the Reprint too.

A.B. 296 DELETES REQUIREMENT FOR DEDUCTION OF SOCIAL SECURITY FROM BENEFITS PAYABLE UNDER MOTOR VEHICLE INSURANCE ACT. (BDR 57-865)

Mr. George Vargas of the American Insurance Assn., said that he is in opposition to this bill because removal of Social Security benefits from the Motor Vehicle Insurance Act means that to the extent that Social Security payments are available, there is a duplicate payment. This increases the cost of insurance.

SENATOR CLOSE asked if they elect to take the coverage, why shouldn't they receive the benefits? Mr. Vargas said that at that point there will be double payments for a single injury. SENATOR CLOSE said that if that is the case, then there is also a double premium for a single injury. Mr. Vargas said that the insurance association feels that this will affect the cost of insurance.

Assemblyman Barengo said that this bill came about because of a request from senior citizens in his

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district and a letter from a group of businessmen who felt that it was unfair to have their social security benefits deducted from their insurance coverage.

Mr. Virgil Anderson said that as a representative of A.A.A. he would like to concur in the opposition testimony given by Mr. Vargas. He said that if an individual has earned enough salary to be out of the Social Security system, the benefits can be payable to the extent that he is in excess of the \$3,000 income. Mr. Anderson said to Senator Blakemore that even if a person is carrying more than one policy, if a single policy pays the "whole" then the recovery is only for that single policy. He said this is if the insured is paying in accord with the risk. This is in the case of auto insurance where there are no other offsets other than Social Security or Workmen's Compensation.

SENATOR CLOSE said that he notes that when the individual turns 65 years of age, there is not a reduction in the amount of the premium, but that person will not receive benefits from that premium. Mr. Anderson said that it is part of the law, that the people are informed that it is no longer necessary for them to carry the premium when they are 65 years old (this refers only to the "no-fault" provision).

SENATOR CLOSE made the statement that this might be a problem for the individual who cancelled his private coverage because he was 65 years old, and then made over \$3,000 and was not covered by Social Security either.

At this point Senator Blakemore took the chair.

A.B. 281 PROHIBITS USE OF FALSE OR FORGED UNION CARD TO OBTAIN WORK. (BDR 53-817)

Mr. Lou Paley of the Nevada A.F.L.-C.I.O. said that this bill would make it a misdemeanor to falsify a union card in order to obtain employment.

S.B. 425 CHANGES CONDITION UNDER WHICH CERTAIN USE OF ARCHITECT'S SEAL IS UNLAWFUL. (BDR 54-1807)

Mr. George Enomoto of the Nevada State Board of Architecture said that the Board has unanimous opposition

to this measure. They are opposed because they do not want an architect putting his seal on plans drawn by a non-qualified person, as these plans may not meet building standards, etc. He said that it is the responsibility of the out-of-state architect to become properly registered in another state if he wishes to work on a project there, prior to drawing any plans.

SENATOR YOUNG said that he can only see that allowing a competent out-of-state architect to use a local architect's seal as more competition. Mr. Enomoto said that he felt there would be more competition if that out-of-state architect is required to be registered while practicing in Nevada.

SENATOR CLOSE said that Senator Bryan represents the Architect's Board and he represented a party on a matter over the issue of this bill and Senator Bryan won the case. SENATOR CLOSE gave the details of the case to the Committee. The Senator felt that it was a "useless duplication" to require an architect to re-draw professional plans, i.e., McDonald Inc. building and L.D.S. church building in order that it may have proper certification in this State.

Mr. Jerry Poncia, a member of the State Board of Architecture said the Senators are addressing the ideal situation and this bill deals with the registration process for those who may not be qualified to draw plans.

The Senators discussed with Mr. Poncia and Mr. Enomoto a possible compromise between the extreme cases of the qualified out-of-state architect for major projects and the under qualified layman who has drawn plans and their registration with this State.

A.B. 231 CORRECTS CERTAIN REFERENCES TO ARCHITECTS. (BDR 54-339)

Mr. Enomoto questioned lines 35-37 on page 2 of this bill. He asked if this meant that in-house, political subdivisions cannot do projects over \$15,000?

Mr. Frank Daykin said that the language on line 33 on page 2 was changed from "duly licensed" to "registered" in order to conform the language throughout the Chapter.

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Mr. Enomoto said that it is not clear to the community of architects in Las Vegas in regards to lines 49-50 on page 2, and lines 1-6 on page 3, how an architect is selected on competency and qualifications.

Mr. Daykin said that this section doesn't refer to employment in the sense of an ordinary employee, but to professional employment or retainer, therefore, this does not go through State Personnel. Also, Mr. Daykin said that this referred to architects that may be more qualified in a specific area than another architect, just as some attorneys qualify in criminal law rather than just civil cases.

At this point Senator Wilson re-entered as Chairman.

A.B. 264 ADDS LAY MEMBER TO BOARD OF MEDICAL EXAMINERS.
(BDR 54-7)

Mr. Richard Pugh, of the Nevada State Medical Assn., submitted a letter from Dr. John P. Sande as part of the record (Exhibit A).

Mr. Pugh questioned what the duties of the lay members would be on the Board as this bill provides that they shall not have a vote.

A.B. 390 CHANGES NUMBER AND QUALIFICATIONS OF MEMBERS OF STATE BOARD OF ORIENTAL MEDICINE AND EXPANDS ITS SCOPE FOR INJUNCTIVE RELIEF. (BDR 54-484)

Dr. William Edwards, Secretary of the Board of Oriental Medicine, and Mr. William Isaeff, the Board's Deputy Attorney General testified in behalf of this bill.

Mr. Isaeff said that this bill provides for penalty of violating any provision of the Chapter dealing with the Board.

S.B. 356 REGULATES MOTOR VEHICLE DEALERS' FRANCHISES. (BDR 43-922)

Mr. Daryl Capurro submitted suggested amendments to this measure (Exhibit B) and read them into the record. At the request of Chairman Wilson, Mr. Capurro went through each amendment and explained the reasoning for the change.

Mr. Capurro said to SENATOR BLAKEMORE that the deputy Attorney General for D.M.V., Ms. Kathy Weise, did not make any suggestions for change.

SENATOR HERNSTADT was concerned because he had not heard a witness from the opposing side of this legislation. SENATOR WILSON suggested that if the Committee wished to do so, they could process this bill with Mr. Capurro's amendments and then give the opposition a chance to provide their suggestions after the Committee has the reprint for study. SENATOR YOUNG commented that during the Committee's hearing on Friday, April 1, 1977, the opposition to this bill had stated that they would bring in their amendments and present them on this date as requested, but apparently had "totally failed to honor this request of the Committee Chairman."

SENATOR YOUNG moved to adopt the amendments as stated in Exhibit B for S.B. 356.

Seconded by SENATOR CLOSE.

Vote: Senators Close, Wilson, Blakemore and Young voted "In Favor of Adoption". Senator Hernstadt abstained. Senator Ashworth was absent.

The Committee agreed to process the bill out of Committee by Wednesday, April 6, 1977, at 12:00 Noon.

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

Mr. Jerry Lopez explained the chart dealing with this bill, and the major changes that the Senate Judiciary Committee had requested. Mr. Lopez said instead of an allegation which would charge "malpractice", we would have to have one complaint that would contain any of the grounds for disciplinary action that are listed in the statutes.

SENATOR WILSON asked who could file this? Mr. Lopez said there is a list of those who can file, i.e., the Board itself, any grieved individual, any medical society, etc.

Also, Mr. Lopez pointed out that instead of the County Medical Society having an initial review

function as it does in S.B. 139 and in NRS 630, the Judiciary Committee suggested that the function be removed and the County Medical Society serves only as a "conduit" for that complaint, as it goes to the Board directly for their review. Also, the Judiciary Committee removed that initial review by the Secretary and President of the Board. Mr. Lopez said that if the charge is a conviction of a drug offense or suspension, or revocation of license in another jurisdiction, the Board hearing can be held right away, rather than have it investigated by the Attorney General. He said if the charge is gross or repeated malpractice, or professional incompetence, the Board must forward the complaint to the Attorney General for his investigation.

Mr. Lopez said that if the Board has decided that the complaint is not "frivolous" the Board can require the doctor to take a physical or mental examination; or require a competency examination. Currently, under the law, the Board can seek injunction only to stop a doctor from practicing without a license, but the changes would allow them to seek injunction for unprofessional conduct that is harmful to the public. He said that for complaints that allege malpractice and incompetency, the Attorney General would report back to the Board, and then the Board can either drop the complaint, or they can proceed with their hearing.

SENATOR HERNSTADT asked what would happen to the doctor's practice who is suspended and then found innocent? Mr. Lopez said that "summary suspension" can only be done in cases of emergency, and the court would not allow them to do that lightly. Mr. Lopez said there is nothing in the law to refund the physician for any financial loss.

Mr. Lopez assured SENATOR WILSON that the language in S.B. 139 provided for adequate due process in the cases where the Board holds hearings without having the case investigated by the Attorney General's Office.

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ADMINISTRATIVE MEETING

A. B. 390 CHANGES NUMBER AND QUALIFICATIONS OF MEMBERS OF STATE BOARD OF ORIENTAL MEDICINE AND EXPANDS ITS SCOPE FOR INJUNCTIVE RELIEF (BDR 54-484)

Senator Bryan moved for do pass on A. B. 390.
Senator Young seconded.
Vote - Unanimous (Senator Ashworth absent).

A. B. 264 ADDS LAY MEMBER TO BOARD OF MEDICAL EXAMINERS (BDR 54-7)

Senator Blakemore moved to do pass.
Senator Young seconded.
Vote: Do Pass - Senators Bryan, Wilson, Blakemore, Young, Hernstadt.
No - Senator Close. Absent - Senator Ashworth.

A. B. 231 CORRECTS CERTAIN REFERENCES TO ARCHITECTS (BDR 54-339)

Senator Hernstadt moved to do pass.
Seconded by Senator Young.
Vote: Senator Bryan abstained. Senator Ashworth absent. Yes to do pass - Senators Close, Wilson, Blakemore, Young and Hernstadt.

S. B. 425 CHANGES CONDITION UNDER WHICH CERTAIN USE OF ARCHITECT'S SEAL IS UNLAWFUL (BDR 54-1807)

Motion made to HOLD by Senator Young.
Seconded by Senator Close.
Vote: Yes to hold except for Senator Ashworth who was absent.

A. B. 281 PROHIBITS USE OF FALSE OR FORGED UNION CARD TO OBTAIN WORK (BDR 53-817)

Senator Blakemore moved to pass.
Senator Close seconded.
Vote: Unanimous. Senator Ashworth absent.

A. B. 296 DELETES REQUIREMENT FOR DEDUCTION OF SOCIAL SECURITY FROM BENEFITS PAYABLE UNDER MOTOR VEHICLE INSURANCE ACT (BDR 57-865)

Motion to do pass by Senator Young.
Seconded by Senator Hernstadt.
Vote: Unanimous. Senator Ashworth absent.

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A. B. 20 REPEALS PROVISIONS PERMITTING EMPLOYERS TO PROVIDE
ACCIDENT BENEFITS FOR EMPLOYEES (BDR 53-503)

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

A. B. 19 MAKES VARIOUS CHANGES IN WORKMENS COMPENSATION
LAWS RELATING TO APPEALS OFFICERS (BDR 53-610)

Do pass motion made by Senator Young.
Seconded by Senator Blakemore.
Vote: Unanimous. Senator Ashworth absent.

A. B. 263 SPECIFIES QUALIFICATIONS OF THIRD MEMBER OF PUBLIC
SERVICE COMMISSION (BDR 58-710)

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

Amendment: Deletion of qualifications on all
board members.

A. B. 37 EXTENDS CONSUMER PROTECTION POWERS OF DISTRICT
ATTORNEYS (BDR 52-64)

Motion to do pass by Senator Hernstadt.
Seconded by Senator Young.
Vote: Unanimous. Senator Ashworth absent.

A. B. 16 CHANGES CERTAIN LIMITATIONS ON FEES WHICH MAY BE
IMPOSED BY EMPLOYMENT AGENCIES (BDR 53-370)

Motion to kill by Senator Blakemore.
Seconded by Senator Young.
Vote: Unanimous. Senator Ashworth absent.

S. B. 382 REQUIRES ENTERTAINMENT AGENCIES TO OBTAIN LICENSE
FROM LABOR COMMISSIONER (BDR 53-955)

Motion to amend and do pass by Senator Blakemore.
Seconded by Senator Hernstadt.
Vote: Unanimous. Senator Ashworth absent.

Amend: Page 4, line 6 instead of \$2500 reduce
to \$1,000. Page 4, line 22 from \$10,000 to \$5,000.

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ADMINISTRATIVE MEETING - Page 13

S. B. 366 REQUIRES EXAMINATIONS FOR CERTAIN FRATERNAL
BENEFIT INSURANCE AGENTS (BDR 47-1214)

Motion to amend and pass by Senator Close.
Seconded by Senator Young.

Vote: Yes to amend and pass Senators Close, Wilson,
Blakemore, Young, and Hernstadt. Senators
Ashworth and Bryan absent.

Amend: Limit fraternal to a maximum policy limit
of \$10,000 - any calendar year \$250,000. No more
than 25 persons. On line 31 change January to July.

Secretary furnished Chairman with amendments to
S. B. 366 prepared by Mr. Petty. To be incorporated.
Chairman to check word "effect". Chairman to check
on fines for insurance agents, and make it the same
in this bill.

S. B. 362 AUTHORIZES ADOPTION OF STANDARDS OF PROFESSIONAL
CONDUCT FOR LIFE INSURANCE UNDERWRITERS (BDR 57-1213)

Senator Young moved to kill.
Senator Blakemore seconded.

Vote: Unanimous. Senators Bryan and Ashworth absent.

S. B. 358 REDUCES INTERVAL FOR PAYMENT OF WAGES (BDR 23-1230)

Senator Young moved this bill be placed on hold until
Senator Echols furnishes the Committee with further
information.

Seconded by Senator Blakemore.

Vote: Unanimous. Senators Ashworth and Bryan absent.

S. B. 305 REQUIRES CERTAIN CLAIMANTS FOR MOTOR VEHICLE ACCIDENT
REPARATION BENEFITS TO SUBMIT TO MEDICAL EXAMINATION
(BDR 57-1080)

Chairman submitted amendments to Committee prepared
by Mr. Petty. Chairman to get with Mr. Daykin to
check on the travel expense wordage.

Senator Hernstadt moved to amend and pass.
Seconded by Senator Close.

Vote: Unanimous. Senators Bryan and Ashworth absent.

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

Senator Close suggested that Chairman Wilson will get approval of Mr. Rottman on amendment offered Committee by bill drafter, and if acceptable, amend and do pass.

Chairman Wilson indicated during discussion that the intent was to separate economic and non-economic detriment and say that you are entitled to recover both if you recover economic from your no fault motorist statute, then your no fault carrier was not entitled to offset subrogation. But if you recovered economic from no fault and economic and non-economic both from your uninsured motorist carrier, then their right of subrogation is limited to the first category, so that you were still going to be whole.

Secretary to get with Mr. Rottman to get an evaluation of amendment by April 5, 1977.

An amendment was offered to Committee by the Chairman which had been furnished by Mr. Rottman, Insurance Commissioner.

Senator Close moved that the Chairman find a bill that the amendment should accompany.
Motion seconded by Senator Young.
Vote: Unanimous. Senators Bryan and Ashworth absent.

BDR 40-1657 REQUIRES RECORDS OF REFILLED PRESCRIPTIONS FOR
DANGEROUS DRUGS TO INDICATE NUMBER OF DOSAGE UNITS
AND SEPARATE REGISTRATION OF PLACES OF BUSINESS
OF LABORATORIES, MANUFACTURERS AND WHOLESALERS

Senator Young moved for introduction.
Seconded by Senator Blakemore.
Introduction accepted.

BDR 40-1600 PROPOSES VARIOUS AMENDMENTS TO CONTROLLED
SUBSTANCES LAW

Senator Young moved for introduction.
Seconded by Senator Close.
Introduction accepted.

BDR 54-1599 REGULATES RETAIL SALES OF VETERINARY DRUGS

Senator Young moved for introduction.
Seconded by Senator Blakemore.
Introduction accepted.

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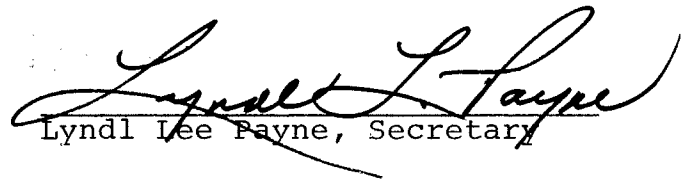
Senator Young moved for approval of minutes for March 11 and March 25.

Seconded by Senator Blakemore.

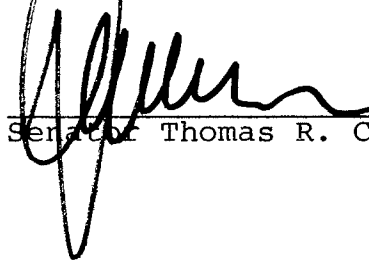
Vote: Unanimous.

Meeting adjourned 6:30 P.M.

Respectfully submitted,


Lyndl Lee Payne, Secretary

APPROVED BY:



Senator Thomas R. C. Wilson, Chairman

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TESTIFYING?	NAME	ORGANIZATION	ADDRESS	PHONE
NO	STEVEN STUCKER	NORTH LAS VEGAS	1816 HOWARD AVE, L.V.	649-6568
Yes	Reggie Westall	assemblyman		
Yes	Stan Jones	Labor Commissioner		885-485
NO	Clark Guild	JWG	102 Roff Way	786-236
NO?	STAN WARREN	NOV BELL	RENO	789-610
NO	RICHARD DENTON	CONTEL OF NEV	GARDNERVILLE	787-36
YES	HEBER P. HARDY	P.S.C.	C.C.	885-480
YES	MARK TULLY MASSAGLI	MUSICIANS UNION 495 VEGAS	5020 STALEY AVE. 89405	648-4653
✓	Jim Banner	Assemblyman		
✓	Assemblyman	Assemblyman		
✓	Dale Smoller	NTLA		
✓	Richard Tortolin			
✓	Bob Alhine	Kinnecull		
✓	Glen Taylor			
✓	Fred H. Kelly			
✓	Rep. Paisus			
✓	Vergil Anderson	AAA		
✓	Lawley			
✓	Geo. Anonato	board of architects		
✓	LARRY PONCIA	ARCHITECT	RENO	
✓	Jack Hugh			
✓	Daryl Capurso			

SENATE

AGENDA FOR COMMITTEE ON COMMERCE & LABOR

Monday
Date April 4, 1977 Time 1:30 PM Room 213

Bills or Resolutions to be considered	REVISED	Subject	Counsel requested*
A. B. 16		Changes certain limitations on fees which may be imposed by employment agencies (BDR 53-370)	
A. B. 37		Extends consumer protection power of district attorneys (BDR 52-64)	
A. B. 263		Specifies qualifications of third member of public service commission (BDR 58-710)	
2:30 P.M.			
A. B. 19		Makes various changes in workmen's compensation laws relating to appeals officers (BDR 53-610)	
A. B. 20		Repeals provisions permitting employers to provide accident benefits for employees (BDR 53-503)	
A. B. 296		Deletes requirement for deduction of social security from benefits payable under Motor Vehicle Insurance Act (BDR 57-865)	
3:30 P.M.			
A. B. 281		Prohibits use of false or forged union card to obtain work (BDR 53-817)	
S. B. 425		Changes condition under which certain use of architect's seal is unlawful (BDR 54-1807)	
A. B. 231		Corrects certain references to architects (BDR 54-339)	
A. B. 264		Adds lay member to board of medical examiners (BDR 54-7)	
A. B. 390		Changes number and qualifications of members of state board of Oriental medicine and expands its scope for injunctive relief (BDR 54-484)	

*Please do not ask for counsel unless necessary.

Exhibit A

NEVADA STATE MEDICAL ASSOCIATION

JOHN W. CALLISTER, M.D., President
ROBERT L. BROWN, M.D., President-Elect
RICHARD C. INSKIP, M.D., Secretary-Treasurer
WILLIAM K. STEPHAN, M.D., Immediate Past President
G. NORMAN CHRISTENSEN, M.D., AMA Delegate
LEONARD H. RAIZIN, M.D., AMA Alternate Delegate

RICHARD G. PUGH, Executive Director
3660 Baker Lane
Reno, Nevada 89509 • (702) 825-6788

DOUGLAS HACKETT, Associate Director
850 E. Desert Inn Road, #802
Las Vegas, Nevada 89109

April 4, 1977

Senator Thomas Wilson, Chairman
SENATE COMMERCE AND LABOR COMMITTEE
Nevada State Legislature
Carson City, Nevada 89710

Dear Senator Wilson:

The Nevada State Medical Association supports the package of bills which we believe will help alleviate the malpractice insurance problem in Nevada. There is one bill, however, which has caused our Association some concern. A.B. 264 would add lay members to the Board of Medical Examiners, and this issue has been a problem since its inception in the SCR-21 Committee hearings.

The attached letter was sent to Assemblyman Patrick Murphy, chairman of the Government Affairs Committee, concerning A.B. 278. I believe that the letter is self-explanatory. It is my understanding that the bill was discussed at length in committee and that rather than being reported out, it will be referred to an interim committee for further study and recommendations for the 1979 legislative session. I am confident that such action will allow the committee to gather all pertinent facts pertaining to the appointment of lay members to all state agency boards and commissions.

It is our Association's desire, therefore, to petition you and the members of the Commerce and Labor Committee to defer action on A.B. 264 during this session to allow an interim study committee to evaluate the matter fully. It is our belief that considerable testimony and input is needed in order to make appropriate recommendations for any changes in our present statutes.

Sincerely,


JOHN P. SANDE, M.D., Chairman
Commission on Governmental Affairs

JPS:d
attachment

NEVADA STATE MEDICAL ASSOCIATION

JOHN W. CALLISTER, M.D., President
ROBERT L. BROWN, M.D., President-Elect
RICHARD C. INSKIP, M.D., Secretary-Treasurer
WILLIAM K. STEPHAN, M.D., Immediate Past President
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March 7, 1977

The Hon. Patrick Murphy, Chm.
ASSEMBLY COMMITTEE ON GOVERNMENTAL AFFAIRS
Nevada State Legislature Building
Carson City, Nevada 89701

Dear Assemblyman Murphy:

The Nevada State Medical Association House of Delegates has voted to oppose the addition of lay persons to the State Board of Medical Examiners. Additionally, we oppose the appointment of lay personnel to the State Board of Health.

From the large number of citizens attending the joint Governmental Affairs hearing on AB 278 last week, it appears that there is considerable opposition to the blanket placement of lay persons to all boards and commissions, and we support others who have testified to this feature of the bill.

If, after deliberations by your committee, however, the bill is approved it would be much appreciated if regulations could be developed to more clearly define the role of such lay persons. Assembly Bill 278 indicates at present that the general public representatives "...shall not participate in preparing, conducting, or grading any examinations required by the (medical examining) board..." We would certainly endorse this concept, but are curious as to exactly what the role of the non-physician would be.

One other request our association would make of you and your committee would be allowing the professional organization to make nominations or suggestions to the Governor in the appointment of all members of the respective boards. This has not been the process in the past in filling vacancies on the Medical Examining Board, and we suspect on the other boards as well.

In conclusion, the NSMA is in opposition to the addition of lay persons to the Medical Examining Boards and the State

The Hon. Patrick Murphy, Chm.
ASSEMBLY COMMITTEE ON GOVERNMENTAL AFFAIRS
March 7, 1977
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Board of Health. If these provisions of AB 278 are approved by your committee, we would urge your consideration of the above amendment.

Thank you for your many past courtesies, and please call on me or our legislative representatives if you need additional information on this matter.

Sincerely,

JOHN P. SANDE, M.D.
NSMA Legislative Chairman

JPS:dg

AMENDMENTS TO SENATE BILL 356 PROPOSED BY THE NEVADA FRANCHISED
AUTO DEALERS ASSOCIATION

*Naryl
Copured
SB 356
Exhibit B*

Amend Section 9, page 2, line 23 by deleting "franchise" and substituting therefore "franchised dealership".

Amend Section 9, page 2, line 30 by deleting the period and adding "or unilateral modification of the franchise."

Amend Section 10, page 2, line 34 by deleting "franchise." and substituting therefore "franchised dealership."

Amend SECTION 13, PAGE 4, LINE 2 by deleting "FRANCHISE" AND substituting THEREFORE "FRANCHISED DEALERSHIP".

Amend Section 13, page 4, line 15 by deleting "business" and substituting therefore "dealership".

Amend SECTION 13, PAGE 4, LINE 3 by deleting "FRANCHISE" AND substituting THEREFORE "FRANCHISED DEALERSHIP".

Amend Section 13, page 4, line 17 by deleting "franchise" and substituting therefore "franchised dealership".

Amend Section 14, page 4, line 43 by deleting the entire line, and substituting therefore "pate in the ownership of the franchised dealership or successor franchised dealership for 2".

Amend Section 16, page 5, lines 45 and 46 by deleting "not to exceed three times the actual damages".

Amend Section 16, page 5, line 48 by deleting "franchise" and substituting therefore "franchised dealership".

Amend the bill as a whole by adding a new section:

"Section 23. This act shall become effective after passage and approval."

AMEND NRS 679B.270 TO READ AS FOLLOWS:

1. Upon completion of an examination, the examiner (in charge) designated by the commissioner shall make a true report thereof which shall comprise only facts appearing upon the books, the records or other documents of the person examined, or as ascertained from the sworn testimony of its officers or agents or other individuals examined concerning its affairs, and such conclusions and recommendations as may reasonably be warranted from such facts. The report of examination shall be verified by the oath of the examiner (in charge thereof) making such report.

2. Such a report of examination of an insurer so verified shall be prima facie evidence in any action or proceeding for the receivership, conservation or liquidation of the insurer brought in the name of the state against the insurer, its officers or agents upon the facts stated therein.