

DISCLAIMER

Electronic versions of the exhibits in these minutes may not be complete.

This information is supplied as an informational service only and should not be relied upon as an official record.

Original exhibits are on file at the Legislative Counsel Bureau Research Library in Carson City.

Contact the Library at (775) 684-6827 or library@lcb.state.nv.us.



WORK SESSION DOCUMENT

ASSEMBLY COMMITTEE ON COMMERCE AND LABOR

Friday, April 4, 2003

The following measures will be considered for action during the work session. Possible amendments are noted; these were either suggested during testimony or submitted in writing and do not necessarily have the approval of the Committee, but are merely compiled here to assist the Committee in its deliberations.

• **Assembly Bill 2 (Heard in Committee on 3/31/03—NACT)**

Limits right of employer to own certain intellectual property developed by employee. (BDR 52-365)

Assemblyman Ocegüera proposed an amendment to remove the provisions in Section 1 of the bill that require an employer to give written notice to the employee of the employer's intent to claim sole ownership of the patentable invention or trade secret. His proposed amendment also clarifies the conditions under which an employee would retain the right to a patentable invention or trade secret. See Exhibit A of the Work Session document.

• **Assembly Bill 184 (Heard in Committee on 3/26/03—NACT)**

Creates state board to review certain increases in rent relating to manufactured home parks. (BDR 10-386)

The following amendments were proposed during the hearing on this bill:

1. Sara Jones, Administrator, Division of State Library and Archives, proposed amending page 2, lines 39-40 and lines 43-44, to refer to "*Mason's Manual of Legislative Procedure.*"
2. Ms. Jones also proposed that Section 11 be deleted from the bill.
3. Assemblywoman Giunchigliani proposed that a sunset provision be added to the bill. She suggested that the provisions of this bill expire by limitation on September 30, 2007.

ORIGINALS ARE ON FILE IN
THE RESEARCH LIBRARY

ASSEMBLY COMMERCE & LABOR 1813
DATE: 4/04/03 ROOM: 4100 EXHIBIT F
SUBMITTED BY: L.C.B.

• **Assembly Bill 206 (Heard in Committee on 3/17/03—NACT)**

Revises provisions relating to repayment of compensation received in lump sum for permanent partial disability. (BDR 53-1103)

Assemblywoman Pierce proposed amendments that are incorporated into the attached mockup of A.B. 206 (Exhibit B of the Work Session document).

• **Assembly Bill 230 (Heard in Committee on 3/26/03—NACT)**

Revises provisions regarding mobile home parks. (BDR 40-202)

The following amendments were proposed during the hearing on this bill:

1. Ernest Nielsen, from the Senior Law Project for Washoe County, proposed an amendment to address the concerns of corporate cooperative mobile home parks. Because the tenants are the owners, Mr. Nielsen requested that cooperatives be exempt from the membership requirements pertaining to boards of directors in Section 1 of the bill.
2. The Las Vegas Valley Water District proposed reinstating the stricken provision on page 2, lines 11 through 18, and amending that provision to read:

In a county whose population is 400,000 or more, each mobile home park constructed after October 1, 1995, unless it is operated by a public housing authority, must provide direct water service, as provided in paragraph (b) of subsection 2, that is connected to individual meters for each lot. The individual meters must be installed in compliance with any uniform design and construction standards adopted by the public utility or city, county or other governmental entity, which provides water service in the county. Nothing in this section prohibits a mobile home park constructed on or before October 1, 1995, from expanding if the expansion can be accommodated under the capacity of the existing master meter.

• **Assembly Bill 261 (Heard in Committee on 3/19/03—NACT)**

Requires certain policies of health insurance and health care plans to provide coverage for continued medical treatment by provider of health care under certain circumstances. (BDR 57-814)

Several amendments to A.B. 261 have been proposed:

1. Assemblyman Mabey offered clarifying amendments contained in Exhibit C of this Work Session document.
2. Charles Duarte, Administrator, Division of Health Care Financing and Policy, Department of Human Resources, proposed an amendment to exclude Medicaid and Nevada Checkup from the provisions of the bill. His proposed amendment is contained in Exhibit D of this Work Session document.

• **Assembly Bill 288 (Heard in Committee on 3/31/03—NACT)**

Provides for judicial approval of certain contracts involving minors. (BDR 11-1116)

Several amendments to A.B. 288 have been proposed:

1. Mark Tratos, from the law firm of Quirk & Tratos, proposed changing the word "shall" to "may" on page 4, line 38.
2. Assemblyman Hettrick proposed that Section 15 of the bill (page 6, lines 41-45, and page 7, lines 1-18) be deleted to make the provisions of this bill resemble more closely California's law governing contracts with minors.

• **Assembly Bill 352 (Heard in Committee on 3/26/03—NACT)**

Revises provisions relating to sale of older mobile home. (BDR 43-970)

Several amendments to A.B. 352 have been proposed:

1. Assemblywoman Ohrenschall proposed adding a provision to the bill to require that a landlord of a mobile home park prepare an annual earnings statement of the park and make copies of the statement available to each tenant and to the Manufactured Housing Division. See Exhibit E of the Work Session document.
2. Renee Diamond, Administrator, of the Manufactured Housing Division, suggested that the date on page 1, line 14, be changed to June 15, 1976, to correspond to the date that the federal Manufactured Home Construction and Safety Standards established by the U.S. Department of Housing and Urban Development (HUD) became effective. She indicated that all manufactured homes built for sale in the United States after June 15, 1976, must conform to these standards.

• **Assembly Bill 419 (Heard in Committee on 3/31/03—NACT)**

Provides that landlord of dwelling units intended and operated for persons 55 years of age and older may not employ person to perform work on premises unless person has work card issued by sheriff. (BDR 10-833)

Several amendments to A.B. 419 have been proposed:

1. Assemblywoman Pierce proposed changing the frequency with which a work card must be renewed from "each year" to "every 5 years" (page 2, line 7).

2. Assemblywoman Pierce proposed adding a new provision after line 7 on page 2 stating:

If an applicant's employment moves to another property, not within the same corporation, he must update his work card with the sheriff.

3. Assemblywoman Pierce proposed adding a new provision after line 18 on page 2 stating:

The sheriff of the county shall issue a temporary work card pending the results of the Federal Bureau of Investigation criminal history.

4. Assemblyman Hettrick and Assemblywoman Pierce proposed revising subsection 1 of Section 1 of the bill to provide that the bill applies only to dwelling units that limit occupancy to persons who are 55 years of age or older.

5. David Howard, representing the Northern Nevada Apartment Association and the Southern Nevada Multiple Housing Association, proposed amending subsection 1 of Section 1 (page 1, line 5) by replacing the words "any person" with the phrase "a full-time person with universal access to dwelling units."

• **Assembly Bill 438 (Heard in Committee on 3/28/03—NACT)**

Requires certain periodic increases in amount of compensation to which claimant or dependent of claimant is entitled to receive for permanent total disability under industrial insurance. (BDR 53-1162)

Rusty McAllister, representing the Professional Firefighters of Nevada, proposed two amendments. First, he suggested that on page 2 of the bill, subsection 1 of Section 1 be deleted and replaced with a revised cost of living escalator provision as described in Exhibit F of the Work Session document. Second, he suggested that the effective date of the bill be changed from July 1, 2003, to January 1, 2004.

• **Assembly Bill 497 (Heard in Committee on 3/31/03—NACT)**

Exempts licensed child care facility from regulation as food establishment. (BDR 40-1199)

During the hearing on A.B. 497, Chairman Goldwater and Assemblywoman Buckley suggested that the bill be amended to exempt child care facilities from regulation as food establishments to the extent that only limited food preparation occurs at those facilities.

• **Assembly Bill 498 (Heard in Committee on 3/31/03—NACT)**

Makes various changes to provisions governing manufactured home parks. (BDR 10-1296)

Several amendments to A.B. 498 have been proposed:

1. Assemblywoman Buckley proposed the following amendment:

Revise provisions concerning habitual failure to pay rent on page 11, lines 6-11; page 12, lines 6-9; and page 12, lines 41-43.

2. Joe Guild, representing the Manufactured Home Community Owners, proposed deleting lines 19-24 on page 3 of the bill and adding the following new sentence:

The refund must include interest on the amount of the deposit for the period during which the deposit is retained by the landlord. The interest must be calculated using a rate of interest equal to the average of the prevailing rates of interest for deposits, as determined by the Administrator.

3. Mr. Guild also proposed adding in Sections 8 and 9 of the bill (beginning on page 8) the following new provisions:

If a tenant elects to move the manufactured home without the aid of the landlord, the landlord must reimburse the tenant the fair market value of the home as determined by a licensed manufactured home broker agreed upon by the landlord and the tenant. If the landlord and the tenant cannot agree upon a broker, the Manufactured Housing Division shall choose the broker.

If the tenant elects to leave a manufactured home on site, which if moved would be structurally damaged, the landlord must reimburse the tenant the fair market value of the home, minus the cost of removal and disposal of the home.

MOCK-UP

PROPOSED AMENDMENT TO ASSEMBLY BILL NO. 2

PREPARED FOR ASSEMBLYMAN OCEGUERA APRIL 3, 2003

PREPARED BY THE RESEARCH DIVISION

NOTE: THIS DOCUMENT SHOWS PROPOSED AMENDMENTS IN CONCEPTUAL FORM. THE LANGUAGE AND ITS PLACEMENT IN THE OFFICIAL AMENDMENT MAY DIFFER.

EXPLANATION: Matter in (1) blue bold italics is new language in the original bill; (2) green bold italic underlining is new language proposed in this amendment; (3) red strikethrough is deleted language in the original bill; (4) green bold double strikethrough is language proposed to be deleted in this amendment and (5) green bold dashed underlining is deleted language in the original bill that is proposed to be retained in this amendment.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. NRS 600.500 is hereby amended to read as follows:
2 600.500 Except as otherwise provided by express written agreement,
3 an employer is the sole owner of any patentable invention or trade secret
4 developed by his employee if:
5 1. The employer has:
6 (a) Provided written notice to the employee of the intent of the
7 employer to claim sole ownership pursuant to this section of any
8 patentable invention or trade secret developed by the employee; and
9 (b) Obtained written acknowledgment from the employee that the
10 employee has received the written notice required by this section.
11 2. The patentable invention or trade secret:
12 (a) Is developed after the employer:
13 (1) Provides the written notice required by this section; and
14 (2) Obtains the written acknowledgment required by this section;
15 (b) Is developed during the course of the employee's employment [that
16 relates] by the employer; and
17 (c) Relates directly to work performed by the employee during the
18 course of [the employment if + his employment by the employer.
19 1. The employee is expressly hired to invent; or
20 2. The employee is expressly directed to invent and the invention or
21 trade secret is developed pursuant to that direction.

Delete language

Keep original language

Type of employee is defined.

22
23 Sec. 2. The amendatory provisions of this act do not apply to any
24 patentable invention or trade secret developed before October 1, 2003.

H

MOCK-UP

PROPOSED AMENDMENT TO
ASSEMBLY BILL NO. 206

PREPARED FOR ASSEMBLYWOMAN PIERCE

PREPARED BY THE RESEARCH DIVISION

NOTE: THIS DOCUMENT SHOWS PROPOSED AMENDMENTS IN CONCEPTUAL FORM. THE LANGUAGE AND ITS PLACEMENT IN THE OFFICIAL AMENDMENT MAY DIFFER.

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~green bold double strikethrough~~ is language proposed to be deleted in this amendment and (5) green bold dashed underlining is deleted language in the original bill that is proposed to be retained in this amendment.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** NRS 616C.440 is hereby amended to read as follows:
2 616C.440 1. Except as otherwise provided in this section and NRS
3 616C.175, every employee in the employ of an employer, within the
4 provisions of chapters 616A to 616D, inclusive, of NRS, who is injured by
5 accident arising out of and in the course of employment, or his dependents
6 as defined in chapters 616A to 616D, inclusive, of NRS, is entitled to
7 receive the following compensation for permanent total disability:
8 (a) In cases of total disability adjudged to be permanent, compensation
9 per month of $66 \frac{2}{3}$ percent of the average monthly wage.
10 (b) If there is a previous disability, as the loss of one eye, one hand,
11 one foot or any other previous permanent disability, the percentage of
12 disability for a subsequent injury must be determined by computing the
13 percentage of the entire disability and deducting therefrom the percentage
14 of the previous disability as it existed at the time of the subsequent injury,
15 but such a deduction for a previous award for permanent partial disability
16 must be made in a reasonable manner and must not be more than the total
17 amount which was paid for the previous award for permanent partial
18 disability. The total amount of allowable deduction includes any

1 permanent partial disability compensation deducted from the employee's
2 temporary total disability compensation, or any other compensation.

3 (c) If the character of the injury is such as to render the employee so
4 physically helpless as to require the service of a constant attendant, an
5 additional allowance may be made so long as such requirements continue,
6 but the allowance may not be made while the employee is receiving
7 benefits for care in a hospital or facility for intermediate care pursuant to
8 the provisions of
9 NRS 616C.265.

10 2. Except as otherwise provided in NRS 616B.028 and 616B.029, an
11 injured employee or his dependents are not entitled to accrue or be paid
12 any benefits for a permanent total disability during the time the injured
13 employee is incarcerated. The injured employee or his dependents are
14 entitled to receive ~~such~~ those benefits when the injured employee is
15 released from incarceration if he is certified as permanently totally
16 disabled by a physician or chiropractor.

17 3. An employee is entitled to receive compensation for a permanent
18 total disability only so long as the permanent total disability continues to
19 exist. The insurer has the burden of proving that the permanent total
20 disability no longer exists.

21 4. If an employee who has received compensation in a lump sum for a
22 permanent partial disability pursuant to NRS 616C.495 is subsequently
23 determined to be permanently and totally disabled, the *amount of the*
24 *actual lump sum must be recovered from the employee in a single*
25 *payment pursuant to the employee's request or by a reduction of the*
26 compensation for the permanent total disability ~~{must be reduced}~~ as
27 follows:

28 ~~(a) If the employee has not received a minimum lump sum,~~
29 ~~the insurer of the employee's employer shall deduct from the~~
30 ~~compensation for the permanent total disability an amount equal to~~
31 ~~the monthly installment rate for awards for permanent partial~~
32 ~~disability until the insurer has deducted an amount that equals the~~
33 ~~amount it has already paid out as a lump sum; or~~

34 ~~(b) If the employee received a minimum lump sum, the~~

35 ~~(a) The insurer of the employee's employer shall {deduct} :~~

36 (1) Deduct from the compensation for the permanent total disability
37 an amount of not more than 10 percent of the rate of compensation for a
38 permanent total disability until the amount of the actual lump sum is
39 recovered ~~{}~~; or

40 (2) Upon the request of the employee, accept in a single payment
41 from the employee an amount that equals the amount of the actual lump
42 sum less all deductions made to date from the actual lump sum amount
43 paid by the employee. ~~which has not been deducted pursuant to~~
44 ~~subparagraph (1).~~

Intent of this change is to allow insurer to recapture the actual amount of the lump sum and not the value of the lump sum.

1 ~~The provisions of this subsection are retroactive for all claims for~~
2 ~~compensation for a permanent total disability remaining open on~~
3 ~~January 1, 2000 [.] and all claims for which deductions are made on or~~
4 ~~after July 1, 2003, pursuant to subparagraph (1) of paragraph (b).~~
5

6 Sec. 2. On July 1, 2003:

7 1. Each insurer who deducted, pursuant to subsection 4 of NRS
8 616C.440, any amount from any compensation paid for a permanent
9 total disability on any claim that was open on any date between January
10 1, 2000, and July 1, 2003, shall recalculate pursuant to this section the
11 amount of the lump sum required to be repaid by the employee pursuant
12 to subsection 4 of NRS 616C.440. To recalculate the amount of the lump
13 sum required to be repaid by the employee, the insurer shall subtract
14 from the actual amount of the lump sum paid to the employee the total of
15 the actual amounts of all deductions taken from the employee's
16 compensation pursuant to subsection 4 of NRS 616C.440. The result of
17 such subtraction is the maximum amount that the insurer may require
18 the employee to repay pursuant to subsection 4 of NRS 616C.440.
19 2. If the recalculation required pursuant to subsection 1 indicates
20 that an employee has, pursuant to subsection 4 of NRS, repaid an actual
21 amount that is greater than the actual amount of the lump sum, the
22 insurer shall immediately refund to the employee the amount of the
23 overpayment.
24

Insurer is instructed
to recalculate the
amount of the lump
sum required to be
repaid by the
employee.

25 **Sec. 2.** This act becomes effective on July 1, 2003.

H

Proposed Amendment to AB261

EXHIBIT C

By Assemblyman Mabey

In sections 1, 3, 4, 5 and 8 of the bill:

1. Amend subsection 2(a) to specify that, for the patient to continue to obtain treatment, the patient must be undergoing an active course of treatment that is medically necessary and, by agreement of the doctor and the patient, it must be desirable to maintain the continuity of care.
2. Amend subsection 2(b) to specify that, for the doctor to receive reimbursement, the doctor must agree to accept the same reimbursement rate and the same contract terms with regard to this patient as applied to the doctor before the contact was terminated.
3. Also amend subsection 2(b) to specify that, for the doctor to receive reimbursement, the doctor must agree not to seek or accept payment from the patient of any amounts for which the doctor could not obtain payment if the doctor were still under contract with the insurer.
4. Amend subsection 3(a) to change "180th day" to "120th day".
5. Amend subsection 4(a) to change "incompetence or misconduct" to "medical incompetence or professional misconduct".



KENNY C. GUINN
Governor

STATE OF NEVADA
DEPARTMENT OF HUMAN RESOURCES
DIVISION OF HEALTH CARE FINANCING AND POLICY
1100 E. William Street, Suite 101
Carson City, Nevada 89701

EXHIBIT D

MICHAEL J. WILLEN
Director

CHARLES DUARTE
Administrator

March 26, 2003

David E. Goldwater, Chairman
Assembly Committee on Commerce and Labor
401 S. Carson Street, Suite 4115
Carson City, Nevada 89701

SUBJECT: PROPOSED AMENDMENTS TO A.B. 261 DRAFT DATED MARCH 20, 2003

Dear Mr. Goldwater:

Thank you for the opportunity to propose an amendment to A.B. 261 in order to resolve conflicts with federal Medicaid regulations. The amendment below adds a new Section 5 to the bill to read as follows:

The requirements of this section do not apply when:

- (a) The provider of health care has been excluded from participation in Medicare and/or Medicaid, or the provider of health care is no longer enrolled to provide services under the state plan for Medicaid or insurance pursuant to the state children's health insurance program because the Medicaid Provider Contract between Nevada Medicaid and the provider of health care was suspended or terminated; or*
- (b) A recipient becomes ineligible under the state plan for Medicaid or the insurance pursuant to the state children's health insurance program.*

Please feel free to call if you have any questions or concerns. Again, we appreciate the opportunity with work with you on this bill.

Sincerely,

Charles Duarte
Administrator

Cc: Michael J. Willden, Director, Department of Human Resources
Assemblyman Garn Mabey

**Proposed Amendment by Assemblywoman Ohrenschall
to Assembly Bill No. 352**

Goal: Add language from AB 389 of the 2001 session that requires the landlord of a mobile home park to prepare an annual statement regarding profitability of the park and to post and distribute the statement to address concerns about price fluctuations and to gather data.

Suggested Language: Add a new section to the bill to read as follows:

Section __. Chapter 118B of NRS is hereby amended by adding thereto a new section to read as follows:

1. *At the beginning of each tax year, the landlord shall prepare an annual statement which contains the following information:*

(a) *The net profits earned by the landlord for the preceding tax year;*

(b) *The landlord's rate of return for the mobile home park for each of the 5 preceding tax years, or if the landlord has owned or leased the mobile home park for fewer than 5 years, for each year that he has owned or leased the mobile home park; and*

(c) *The number of years that the landlord has owned or leased the mobile home park.*

2. *Not later than May 1 of each year, the landlord shall:*

(a) *Post a copy of the annual statement required pursuant to subsection 1 in a conspicuous and readily accessible place in the community or recreation facility of the mobile home park or other common area of the mobile home park;*

(b) *Mail, return receipt requested, or personally deliver a copy of the annual statement to each tenant of the mobile home park and obtain the tenant's signature acknowledging receipt of the statement; and*

(c) *Submit a copy of the annual statement to the division.*

3. *The landlord shall provide a current version of the annual statement prepared pursuant to subsection 1 to each prospective tenant of the mobile home park.*

REVISED AMENDMENT PROPOSAL
For Assembly Bill 438
By the Professional Firefighters of Nevada
Rusty McAllister (702) 493 - 2796

Replace Section 1, subsection 1. (a) through (e) with the following:

Section 1. *Chapter 616C of NRS is hereby amended by adding thereto a new section to read as follows:*

- 1.) *If a claimant or a dependent of a claimant is entitled to receive compensation pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS for a permanent total disability caused by an industrial injury or a disablement from an occupational disease, that claimant or dependent of a claimant will be entitled to annual increases to that compensation in the amount of 2.3 %. This increase will be for any injury or disability that occurs on or after the effective date of January 1, 2004.*
- 2.) *Annual 2.3 % increases will be given on January 1 of each successive year after the effective date of January 1, 2004.*
- 3.) *Any increases in compensation provided pursuant to this section is in addition to any increase in compensation to which a claimant or a dependent of a claimant is otherwise entitled.*

Add a new Section 2 to read as follows:

Section 2. *This act becomes effective on January 1, 2004.*