

ASSEMBLY LABOR & MANAGEMENT COMMITTEE MEETING

274

April 1, 1975 (A.M. Session)

The meeting was called to order at 9:50 A.M. by Chairman Banner for the purpose of discussing A.B. 403-404, and if possible, the balance of a previous agenda, namely, A.B. 368 369-419 and 425.

MEMBERS PRESENT: Chairman Banner
Vice-Chairman Moody
Assemblyman Getto
Assemblyman Hayes
Assemblyman Benkovich
Assemblyman Barengo
Assemblyman Schofield

MEMBERS ABSENT: None

A.B. 403

Mr. Ralph Langley, State Director for O.S.H.A. (Nevada Industrial Commission) explained the changes the Commission wished to make in A.B. 403, and why. Some of them are housekeeping changes; some to clarify language; some are required in order to conform with Federal regulations (Attachment #1) He furnished the Committee with a copy of the changes, which is hereby attached to, and made a part of this record.

Assemblyman Barengo asked Mr. Langley in Change #19, did the Commission mean to repeal this section from the existing law, or just delete from this bill?

Mr. Langley replied that they wished it repealed from the law.

After Mr. Langley had finished going through the rest of the changes (Attachment #1), Chairman Banner asked the following question, "What would happen if we repealed the entire Act, would the Federal government continue"?

Mr. Langley replied that there are 26 states who now have plans approved by the government, but in some of them there has been no Occupational Safety & Health legislation enacted. If Nevada had no law, we would revert back to whatever the Commission decided should be done, and we would have federal enforcement.

Assemblyman Benkovich asked requiring the change in Chapter 618, referring to employee access to records of exposure toxic materials or harmful physical agents; "what kind of access do individuals have under the act to records that are kept by the NIC and the O.S.H.A. office"?

Mr. Langley replied that this is an area of "confidentiality" In the event there is a "civil liability" the records are made available to the employer and the employee, but not to a third person

A.B. 403 (Cont.)

Assemblyman Moody asked what was the purpose of the section that states "records must be available to employees if they are exposed"?

Mr. Langley replied that the records referred to in that section were the employer's records, and not of those in the possession of the NIC.

Assemblyman Benkovich asked if employers maintained records for O.S.H.A. that employees could not see.

Mr. Langley replied that the employer must keep records of the number of injuries, etc., that have occurred during the calendar year. At the end of that year, he must post a list of them where it is visible to his employees, before the end of February in the following year.

Chairman Banner stated that Clark County followed the Nevada standard, but filled out the federal forms in addition to that, and found that it was a very workable system, through all the levels, ending up with the O.S.H.A. 12 form which is a summary.

Mr. Langley
Raymond Bohart, representing Federated Employers of Nevada, and the Greater Las Vegas Chamber of Commerce, and also the Southern Nevada Home Builders, on behalf of their lobbyist, Jim Joyce, who was attending his wife's funeral, unfortunately, made the following comment regarding A.B. 403. It is my understanding that A.B. 403 and the modifications that had been suggested were in compliance with "existing federal statutes", and was not anticipatory. If that premise was correct, he had no objection to the bill in its present format.

Bob Alkire, representing Kennecott Copper and the Nevada Mining Association made the following comment, "I would hope that this bill would bring chaos out of calamity. I know that it will not mean the end of federal interruption of state control, but it is a step in the right direction

Assemblyman Schofield asked Mr. Langley if they intended to leave "director" instead of replacing it with "department" on Page 8, Section 19?

Assemblyman Barengo stated that he was concerned about the many places that the Commission wished to replace the word "director" with the word "department"; that in some places, it might be giving authority to act to a secretary, janitor, etc.

Mr. Langley stated that in most cases, the changes were being requested so that the supervisors of their branch offices in Las Vegas and Reno could act.

Assemblyman Barengo cited several places where he believed

A.B. 403 (Cont.)

the word "director" should be used, and several others where the word "department" should be used.

John Reiser explained that the changes were designed to speed up the NIC's procedures. Their legal staff advised them that, even though the changes were made, they still had to by their department rules and regulations, so there could be no misuse due to the changes.

Chairman Banner moved on to A.B. 364, since there was no one else who wished to speak on A.B. 403.

A.B. 364. Chairman Banner explained that at a previous meeting Mr. John Reiser of the NIC had made his comments in favor of A.B. 364, and the Committee would now hear from the opponents of the bill.

Mr. Raymond Bohart was the first speaker in opposition to A.B. 364. He stated that he was opposed to the bill in its present form, and gave the Committee a copy of some amendments that he proposed to the bill, for their consideration. (Attachment #2) That he was opposed to raising the base from \$15,600.00 to \$24,000.00.

Assemblyman Benkovich asked him if he would rather see the rates go up, instead of raising the base?

Mr. Bohart replied that he did not want to go on record as recommending that the rates be raised, but that he would imagine some adjustments would have to be made.

Since the Legislature was due to go into session, Chairman Banner recessed the meeting until the close of P.M. adjournment, approximately 2:30 P.M.

Respectfully submitted,

Betty Clugston
Acting Secretary

AGENDA FOR COMMITTEE ON LABOR & MANAGEMENT

Date April 1, 1975 Time 9:30 A.M. Room 336

271

Bills or Resolutions to be considered	Subject	Counsel requested*
A.B. 403	Makes certain changes in Nevada Occupational Safety and Health Act	
A.B. 404	Removes office buildings restriction from type of buildings that NIC may purchase	

AB 364

AB 365

AB 366

AB 367

AB 369

AB 405

AB 370

AB 372

AB 371

AB 426

AB 429

DATE: April 1, 1975

LABOR & MANAGEMENT COMMITTEE

LEGISLATION TO BE CONSIDERED: 403-404-364-368-419-425

277

9:30 AM - 10:30 AM

PLEASE PRINT LEGIBLY

3:20 PM - 4:00 PM

Only those persons who have registered below will be permitted to speak. All persons wishing to present testimony will please sign in below, stating their name, who they represent, and whether they wish to speak for or against the matter to be considered by the committee. Witnesses with long testimony on matters before the committee are encouraged to present their information in writing and make oral summary limiting it to five minutes or less. If you wish to speak more than five minutes please contact the committee chairman or the committee secretary. Questions from other than committee members are not in order and are not allowed. No applause will be permitted.

FOR

NAME	REPRESENTING
<i>Ralph Langley</i>	NEV. MID COMM DOSH
JOHN REISER	NIC
Bob ALKire	Kennecott Copper Corp.
Claude Evans	NIC

AGAINST

NAME	REPRESENTING
<i>Raymond A. Hart</i>	<i>United Employees of Nevada</i>

SECTION	PARAGRAPH	WHY/WHAT CHANGED	WHY/WHO REQUIRED CHANGE
1	618.095	Clarifying definition of "employer".	Federal legislative review letter
2	618.135	Housekeeping-"and health"	
3	618.145	Adds "public agency" to definition of person considered an employer.	Federal legislative review letter
4	618.195	Housekeeping-[on or before July 1, 1974].	Bill drafter update.
5	618.255	Housekeeping-"safety and health representative".	State Personnel Division wants "consultant" used only for contract positions.
6	618.295	Establishing six month time limit for temporary standards.	Agreed to in final review prior to approval of State Plan.
7	618.315	Delete reference to inspector of mines to allow for intra-NIC coordination of safety and health activities.	Check A.B. 360, change to 618.315
8	618.325	Housekeeping-delete "as consultants or representatives".	
None	618.335	If A.B. 360 is acted upon favorably (See page 11, line 47) this section will be deleted.	See NRS 616.181-Chapter 41.031-.03
9	618.345	Establishes time period for reporting of fatal or catastrophic accidents to DOSH.	Agreed to in final review prior to approval of State Plan.
10	618.365	Add language to review board procedures to protect confidentiality of trade secrets.	Requirement to meet Indices of 190 & Fed. legislative review letter.
11	618.375	Housekeeping-"and health".	
12	618.385	Housekeeping-"and/or healthful".	
13	618.395	Amended to include lessor as responsible person.	
14	618.425	Add language to advise employees when department	Federal legislative review letter
15	618.435	Housekeeping-replace "director" with "department".	

16	618.445	Strengthened to include language for protection of employees discriminated against for filing a complaint and spells procedures to be followed.	Federal legislative review letter
17	618.465	Housekeeping-change "he shall" to "the department shall".	Bill drafter update.
18	618.475	Housekeeping-replace "director" with "department".	
19	618.485	DELETE THIS SECTION	Federal legislative review letter.
20	618.535	Housekeeping-"and health".	
21	618.545	Housekeeping-delete "an inspector" add "a department representative".	Federal legislative review letter.
22	618.555	Add reference to Section 545.	
23	618.575	Housekeeping-update of review board language.	Bill drafter update.
24	618.585	" " "	" "
25	618.595	" " "	" "
26	618.605	Housekeeping-change "appeal" to "appeal or contest" and "commission" to "review board". <u>Also delete reference to 618.485.</u>	
27	618.615	Housekeeping-update of review board language.	Bill drafter update.
28	618.625	Housekeeping-change "commission" to "department".	
29	618.???	Entitles employee access to records of exposure to toxic materials or harmful physical agents. Also stipulates that employers must notify employees that they have been or are being exposed to toxic materials at levels exceeding prescribed standards and employer to advise employee of action being taken to correct the condition.	Federal legislative review letter.



SOUTHERN NEVADA HOME BUILDERS, INC.

AFFILIATED WITH
NATIONAL ASSOCIATION OF HOME BUILDERS
OF THE UNITED STATES

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280

AB 364 (Amendments to original bill)

Page 1 line 1t Retain the \$15,600 Maximum pay

Page 3 Sec. 5, line 15
Add after word month - But not to exceed a weekly
maximum of \$300.00 per week for each employee re-
ported.

line 20 Omit "by each employer"

line 23 Leave \$15,600 and add "or a maximum of \$300.00
per week."

Page 4 line 7 Leave at \$15,600.