

MEMBERS PRESENT

Chairman Dini
Dr. Robinson
Mr. Craddock
Mr. Getto
Mr. Bedrosian
Mr. Bergevin
Mr. Marvel
Mr. Fitzpatrick
Mrs. Westall
Mr. Harmon
Mr. Jeffrey

GUESTS PRESENT

See Guest List Attached

* * *

Chairman Dini called the meeting to order at 9:00 A.M. He stated a quorum was present and the first consideration of business was AB-139.

AB-139 - AUTHORIZES INSPECTOR OF MINES TO ACCEPT AND ADMINISTER CERTAIN MONEY & REQUIRES CERTAIN NOTIFICATION BY MINE OPERATORS

F.E. DUBOIS, Inspector of Mines, State of Nevada

Mr. DuBois said the primary rationale behind AB 139 was to clean up the language to be consistent with the new Federal Metal and Non-Metal Mine Safety Act of 1977 which transferred the mine safety responsibility from the Interior Dept. to the Dept. of Labor and change the name from "Mining Enforcement Safety Administration" to "Mine Health and Safety Administration". He said that section 1 of the Bill reflects that change. He stated sub-section (a) of 512.131 is language recommended by Mr. Daykin who felt it was not necessary nor appropriate for the State to be mandated to adopt regulations that are developed and formulated by the Federal Government, that the state could be having its rights infringed, and felt they should adopt their own regulations that are consistent with the conditions and practices in Nevada and more consistent with the way the office functions.

Mr. Fitzpatrick asked Mr. DuBois who the Safety Advisory Board was and Mr. DuBois responded that it was abolished in the '77 legislature.

Mr. DuBois continued that in Section 2, 1, sub-section (a), he would like to recommend an introduction of some words in between "developed programs", namely, "develop and conduct programs". He said that at the present time Chapter 512 only says that they shall develop and not conduct training and education programs. He stated the rationale behind the thought was the Federal Mine and Health Safety Act and regulations promulgated pursuant to the Act have imposed exhaustive and intensive training regulations on the mining industry and he felt he could not understand how some of the smaller operations could stay in business if the regulations were enforced. He stated Congress felt all of the training should be done by the mine operators. He felt the state could provide the training and education. He said they had conducted about 22,000 instructional hours in the last three years for people in the mining industry. He said they would like to put more effort toward training and education of the mine workers and operators in the industry. He stated it has been productive and shown results. He said that the workmen's compensation rate for open pit metal and non-metal is lower than hotels, motels, bars, and casinos. He said the federal government has come right out and stated they will not provide the training and education and that Congress had cut the budget.

Mr. Marvel asked Mr. DuBois if he could conduct such a program with the personnel now available and Mr. DuBois responded he could. Chairman Dini remarked that he is probably the only state agency that gets about 60 hours a week out of his employees for 40 hours pay.

Mr. DuBois stated that No. 2 which deals with grants would make Nevada eligible for about \$90,000. He stated that if they were successful in obtaining a grant that they would return the benefits to the industry.

Mr. DuBois continued with Section 3, 512.160 and he stated that No. 1 was just a language change that Mr. Daykin made. He said he felt the important thing in the section was number three concerning notification of commencement of operation. He said the reason they felt it should be in the statutes is because when a new operator comes from out of state and seeks counsel that if the counselor is doing a good job he should go to the statutes and advise his client what he ought to do is contact the Inspector of Mines Office before commencing operation and he said they would also like to know when they close an operation so time is not wasted or money in going out to the facility.

Mr. DuBois stated that Section 4 was just a language change from "Mine Safety and Health Administration" to the "Dept. of Labor". He stated that whenever they issue a closure order to a mine operator because they find imminent danger they notify the Federal Mine Inspection Agency that the order has been issued.

Chairman Dini stated 512.070 has a salary that was never taken out and asked if it shouldn't come out. Mr. DuBois responded that it would be appropriate to take it out as it was redundant.

BOB WARREN, Nevada Mining Association

He stated that his group strongly supports AB 139 and the amendment because the small operators have no one else to whom they may turn for assistance in finding out how to train their employees. He said they support the concept of legislation which provides better training and better work conditions for employees. He commended Mr. DuBois for his efforts and the excellent job he is doing and hoped the Committee would give the Bill favorable consideration.

CLAUDE EVANS, representing A.F.L.-CIO

He stated that he firmly supports the Bill before the Committee, he supports Mr. DuBois and his staff, and they are doing an excellent job.

M. DOUGLAS MILLER, Miners Association

Mr. Miller stated he was in support of the Bill. He stated he represented the small miners and operators and this new Bill had been studied for four years and could not see how his people could continue and survive under the Federal regulation. He said the only protection they had was through their state agency. He said the small operator cannot last unless the training program is in effect.

Chairman Dini then announced the testimony on AB-139 was concluded.

Chairman Dini then stated the next order of business would be AB 176.

SAM MAMET, Management Analyst, Clark County

Mr. Mamet stated that the current statute requires the county to mail out to all attorneys in the county (over 500) any ordinance and regulation changes relative to rulings by the Business License Board and the Liquor & Gaming Board. He said they would like to change that so it is not necessary to mail them but rather just make them available for public inspection. He stated they are published in the newspapers and they calculate it was costing the county about \$5,500 in postage. He requested the favorable consideration of the Committee in regard to same.

RUSS McDONALD, representing Nevada Association of Counties

He stated that they endorse the enactment of AB 176. He stated this goes back, historically, to prohibition days, when counties were allowed exact license fees from bootleggers. He said this was what it was all about. He said that in about 90% of the counties this provision which Mr. Mamet testified to, and which is the main thrust of the Bill, is not being complied with anyway. He said mailing to licensees in a larger county is a waste of public money. He said the legislature would be doing everyone a favor by getting rid of this historical accident, and urged its passage.

Chairman Dini then stated testimony on AB 176 was concluded.

Chairman Dini then announced the next order of business would be AB-214. He stated this was a clean up Bill by Mr. Daykin and deletes on page 2 - brackets out the director may appoint an advisory board because under 523.061 it takes care of the advisory board. He said when it was revised last time they just forget to delete section 8.

Chairman Dini then stated that AB-215 is the same type of Bill. NRS 631.140 provides 8 members of the Dental Board; 3 from Washoe, 3 from Clark, and 3 from the rest of the state but there has to be two from the rest of the state. He stated it was just a technical correction.

Chairman Dini then stated that AJR-26 of the 59th Session was in order and called a five minute recess to call Mr. Daykin to explain the Bill.

FRANK DAYKIN, Legislative Counsel

Mr. Daykin stated the affect of this amendment is to remove a restriction on the investment of the money in the State Permanent School Fund. As the law reads now that money must be invested in government bonds or farm loans within the state. The amendment would remove the testriction. The Constitution would still require that the principal had to be kept in tact and only the interest of the Permanent School Fund spent but it would then permit the legislature to provide by law for what media of investment could be used such as corporate bonds, shorter term obligations, or whatever other medium of investment the legislature might see fit to authorize.

Mr. Marvel asked Mr. Daykin what the sources of the funds were and Mr. Daykin responded that they were enumerated near the beginning of the regulation but the only ones that go on are fines for violation of the Penal Laws and escheats where a person dies with no known heirs and his property passes to the state.

Chairman Dini announced testimony on AJR-26 was concluded.

COMMITTEE ACTION:

AB-139 - Mr. Getto moved Amend and DO PASS, seconded by Mr. Marvel, and carried unanimously.

AB-176 - Mr. Craddock moved DO PASS, seconded by Mrs. Westall, carried unanimously.

AB-214 - Mr. Harmon moved DO PASS, seconded by Mr. Jeffrey, carried unanimously.

AB-215 - Mr. Harmon moved DO PASS, seconded by Mr. Jeffrey, carried unanimously.

Mrs. Westall moved that AB-214 and AB-215 be put on the Consent Calendar, seconded by Mr. Craddock, carried unanimously.

AJR-26 - Mr. Bergevin moved DO PASS, seconded by Mr. Craddock, carried unanimously.

Chairman Dini then stated Mr. Coulter had given him a Bill for Committee introduction which enables local governments to purchase motor vehicle fuel to sell to non-profit organizations which provide transportation especially for the elderly and handicapped.

COMMITTEE ACTION:

BDR 27-992^{*} - Mr. Getto moved to introduce, seconded by Mrs. Westall, carried unanimously.

There being no further business to come before the meeting, it was adjourned.

Respectfully submitted,



Sandra Shatzman
Assembly Attache

*A.B.247

