Members present: Chairman Banner Mr. Bennett Mr. Brady Mr. Bremner Mr. Fielding Mr. Jeffrey Mr. Rhoads Mr. Robinson Mr. Webb

Minutes of the Nevada State Legislature Assembly Committee on Labor and Management Date: Feb. 26, 1979

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Guests present: See attached list

Chairman Banner called the meeting to order at 3:04 p.m. He explained the purpose of the meeting was to consider bills previously heard, and that limited testimony will be taken on some. Amendments to some will also be discussed.

<u>A.B. 27</u> - Establishes board to review functions of Nevada industrial commission.

Jack Kenney, Southern Nevada Home Builders Association, gave committee members a copy of his proposed amendments. These include: Sec. 1, subsection 2(e) adding "one member who is a certified public accountant." Sec. 2, subsection 2:each member of the board is entitled to be paid \$150 (instead of \$100) for each day of attendance at a meeting. Add subsection 3: "All necessary expenses incurred by the board shall be paid out of the State insurance fund." Section 3: adding (d), (e) and (f) governing reserves, rates and doctor's complaints. A copy of the above amendments is enclosed to these minutes as Exhibit "A".

Regarding Section 3, subsection 2: "The board shall prepare findings and conclusions which shall be binding on the Nevada industrial commission." He wants this to be the strong part of the bill.

On Section 4: "The board may contract for the services of an actuary in the field of workers' compensation and an investment counselor." They would like to have an actuary sit on the board. They thought of getting him out of the insurance division, but the director said you can't really get one who is qualified and keep him on the State payroll all the time. These seven members should be able to contract for that kind of work if there is any questionable actuarial work. This goes for investment counselors. This method would keep as much of the money as is possible in the State fund.

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Assemblyman Rhoads asked Mr. Kenney how strong is the wording "shall be binding" in Sec. 3, subsection 2. Mr. Kenney replied he was told by an attorney that this was very strong language. He stated further it's up to the committee to make it stronger.

Assemblyman Robinson questioned the same subsection, saying the words "shall prepare findings and conclusions" to be very vague. He said it does not direct anybody to do anything, or does it follow our legislative auditors where they issue a directive if they find something wrong. Mr. Kenney said, does this mean it should be done a certain number of days? Mr. Robinson further added to put in a punitive clause, such as if they fail to follow the directives of the board that it is cause for dismissal by the commission.

Assemblyman Bennett stated he supports what Assemblyman Robinson said about punitive damages.

Assemblyman Bremner asked Mr. Kenney what was his reason for changing the amount to be paid for each day's attendance from \$100 to \$150. Mr. Kenney replied, so you can get good quality people, such as a CPA, or those working for the State, to serve on this board.

Mr. Robinson asked if it is a good idea to put in the statute exactly that they have to meet once a month. What would happen if they fail to have a meeting once a month. Mr. Kenney replied it is only going to be for 24 months. But from the claimant's viewpoint, they don't have a place to go,or put their thumb on if they get stuck.

Assemblyman Jeffrey thinks that for anyone to go to this board at all, they should be able to show they were treated unfairly. He thinks the intent of the amendment was to not get into the position of having this board adjudicate all the claims, otherwise it would become a full time board.

Mr. Rhoads asked how do you weed out which ones are to be heard and which ones you do not hear. Mr. Kenney replied this board has broad powers; that it can even set up its own subcommittees. What is being attempted is to help people having problems getting through the NIC system.

Chairman Banner explained that the oversight committee would act in a way similar to the State Retirement Board -- they receive an agenda of complaints, and work from there. Along with this, there is a proposal to streamline the hearing procedure to speed it up. The way it is now it can go months and months, then probably even end up in court.

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Mr. Robinson asked Mr. Kenney how he arrived at the member who is to represent the AFL-CIO for organized labor, and not the teamsters or other groups. Assemblyman Jeffrey replied it was his suggestion, because he felt AFL-CIO represents more members in organized labor than any other organization in the State.

Mr. Kenney stated that the goals of AFL-CIO represent the people ' in the State of Nevada -- union or non-union.

Assemblyman Brady asked why there should be a representative from claimants. He said we have an appeals process, and it seems like it will only confuse the issue. Mr. Banner stated that they need not be part of the appeals process, but just to help get the guy into the door.

Mr. Jeffrey agreed with Mr. Brady on taking care of adjudication and other general areas. He believes there is validity where people felt if they are being treated unfairly, that there should be some place to go.

Mr. Kenney concluded by urging the committee to complete this bill as soon as possible.

A.B. 41 - Removes specific condition under which heart diseases are considered occupational diseases for certain policemen and firemen.

Chairman Banner explained it was desirable to take out the traumatic segment that's in the bill. He had an amendment drafted that would include all people; with the understanding that the guy was a five-year resident, that he would have to have a physical examination every five years, and have to follow through with the doctor's recommendations. He stated he felt it is not going any place; that he had the amendments but is not going to propose them. All he wanted to do was clarify the law and get some guidelines. He also said the fiscal notes he got from NIC do not say much because they vary; that nobody can put a price tag on it as far as fiscal notes is concerned. Mr. Banner said he thought Mr. McGroarty, appeals officer from Las Vegas, might have something unbiased to say about the heart bills.

Mr. McGroarty agreed totally that stress and overwork has nothing to do with occupational disease.

Mr. Banner reminded Mr. McGroarty that he used his particular case (Campbell) as an example to get the bill drafted. He asked whether we'd end up in more court cases if nothing was done about it. Mr. McGroarty replied that if something is done, it would merely make his job easier as an adjudicator. He said what we have now does not cover heart disease.

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He explained that stress can influence the acceleration of the heart disease. Even then, once you recognize the situation there is no way of distinguishing asteriosclerosis from stress.

<u>A.B. 230</u> - Includes heart diseases as occupational diseases under certain circumstances and requires employee contributions for occupational disease coverage.

J. Michael McGroarty, appeals officer, Las Vegas, said <u>A.B. 230</u> attempts to qualify coverage on the basis of non-industrial and industrial origin of heart attacks. The state of medical knowlege in this area, he said, is not very clear. Therefore it forces the adjudicator to make a finding that nobody else can make. It's basically guessing. If he had any recommendations at all, it is to cover all heart attacks, because you cannot differentiate a industrial heart attack from a non-industrial heart attack.

He went on to say the statute attempts to qualify coverage of heart cases, but does not give a standard. Is it usual exertion, unusual exertion, combination of the two; is it a physiological exertion, or trauma? It doesn't give a guideline.

<u>A.B. 170</u> - Requires annual physical examinations of employees exposed to toxic substances.

Robert Gagnier, State of Nevada Employees Association, stated that amendments to <u>A.B. 170</u> were made after the first hearing, and should be with the bill drafters. This will delete lines 8, 9 and 10 so it will read something like: Each employee exposed to toxic substances, as defined by the department (Occupational Safety) must submit to any physical examination required by the commission. He said the two objections were where toxic substances were defined; and where physical exams might be required more than annually, or it might not be necessary except on a one time basis.

Ralph Langley, Department of Occupational Safety, NIC, stated he had no basic objections to the comments made by Mr. Gagnier.

Chairman Banner explained he requested the amendments lastweek, and that he has not gotten them back.

Glen Taylor, Basic Management, from Henderson Nevada, commenting on <u>A.B. 170</u>, stated most toxic substances are covered under OSHA rules and regulations, and the statutes. Concerning dangerous properties of industrial materials, Mr. Taylor quoted a section from a book being used by the Environmental Protection Agency. "Toxicology may be defined as the science of poisons, their effects, antidotes, and detection." A copy of this is attached to these minutes as <u>Exhibit "B</u>". EPA uses this book to determine toxic substances in checking plants and other industrial concerns.



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Committee Action:

A.B. 27 - Mr. Webb moved to Amend and Do Pass, seconded by Mr. Bennett.

Mr. Robinson opposed the motion, saying he would like to see the draft of the amendments first before recommending a Do Pass.

The motion was amended to:the Committee get an amendment draft and bring it back to the committee. It was agreed to include specifically: (1) add subsection 3 to Sec. 2: All necessary expenses incurred by the Board shall be paid out of the State insurance fund. (2) That more teeth be put into Sec. 3, subsection 2, including the punitive provisions.

Chairman Banner appointed Mr. Robinson to bring the amendments back to the committee. Motion to bring the amendments to the committee was carried unanimously.

A.B. 230 - Mr. Robinson moved to Indefinitely Postpone, seconded by Mr. Bremner. Motion carried, with Chairman Banner voting "No".

A.B. 41 - Mr. Webb moved to Indefinitely Postpone, seconded by Mr. Rhoads. Motion carried, with Mr. Banner and Mr. Jeffrey voting "No".

There being no further business, the meeting adjourned at 3:53 p.m.

Respectfully submitted,

Sýlvia Maýs ⁽⁾ Assembly Attache

Encls: Exh. A&B Guest list

ASSEMBLY BILL NO. 27 NIC

Exhibit "A"

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SECTION 1. A board of review for the Nevada industrial commission, consisting of seven members, is hereby created.

The attorney general shall appoint an attorney from 1. his staff who shall be legal adviser for the board and shall represent the board in any legal proceeding to which it is a party.

2. The governor shall appoint:

One member who is a representative of the (a) A.F.L.-C.I.O.

(b) One member who is representative of public employees.

One member who is representative of a small (c)business as defined by the Small Business Administration.

(d) One member who is representative of large business.

> One member who is a certified public accountant. (e)

These members shall serve at the will of the governor. The governor shall not replace more than three members in any twelve-month period unless for misfeasance, malfeasance or nonfeasance in office.

The legislative commission shall appoint: 3.

(a) One member who is a senator.

(b) One member who is an assemblyman.

The board shall elect a chairman and secretary from among its members.

Any vacancy on the board shall be filled by the governor for the remainder of the unexpired term in the same manner as the original appointment was made.

SECTION 2. 1. The board shall meet at least once a month at a place and time designated by the chairman.

Each member of the board is entitled to be paid 2. \$150 for each day of actual attendance at a meeting of the board, in addition to the subsistence allowances and travel expenses provided by law, all of which must be paid from the state insurance fund. 3. SECTION 3. 1. The board shall review:

(a) Any complaint made by a claimant's representative of unfair procedures, practices, or policies set by the Nevada industrial commission.

SECTION 1775 BUSELEN 3. All necessary expenses incurred by the board shall be paid out of the state insurance fund.

ASSEMBLY BILL NO. 27 (continued)

(b) The policies governing the investment of money in the funds administered by the Nevada industrial commission.

(c) The manner in which the Nevada industrial commission administers the functions assigned to it.

(d) The policies governing setting of reserves.

(e) The policies governing setting of rates.

doctor or doctor's representative concerning the setting of fee schedules.

2. The board shall prepare findings and conclusions which shall be binding on the Nevada industrial commission,

SECTION 4. The board may contract for the services of an actuary in the field of workers' compensation and an investment counselor.

SECTION 5. This act shall become effective upon passage and approval.

From "Dangerous Portesties of Industria" materials" - Sand ut caction > William Sand ut caction > Exhibit "B"

SECTION 9

TOXICOLOGY

WILLIAM F. DURHAM, Ph.D. Director, Pesticides and Toxic Substances Effects Laboratory National Environmental Research Center Environmental Protection Agency Research Triangle Park, NC

Toxicology may be defined as the science of poisons, their effects, antidotes, and detection.

In the modern-day world with our constant exposure to foreign chemicals in the form of food additives, pesticides, fertilizers, cosmetics, therapeutic drugs, and air pollutants, it is important to have some knowledge of toxicology. Basic to the science of toxicology is the fact that chemical compounds vary in their hazard to man, domestic animals, and other living members of the environment.

Thus, while practically all materials can be toxic under the proper conditions, there is a classification of materials of high toxicity and high hazard under normal conditions of use and encounter in small quantities which are called poisons. The final section of this book discusses the toxic qualities of a large number of commonly-encountered chemical materials. See also Section 1.

In addition, the dosage or amount of the chemical required to produce harm is important. The numbers used to express the toxic level constitute the quantitative aspect of toxicology.

TOXICITY RATINGS

In Section 12 in this book, the following system of toxicity ratings is used to indicate the relative hazard:

$\mathbf{U} = \mathbf{U}\mathbf{n}\mathbf{k}\mathbf{n}\mathbf{o}\mathbf{w}\mathbf{n}$

This rating has been assigned to chemicals for which insufficient toxicity data were available to enable a valid assessment of hazard to be made. These compounds usually are in one of the following categories:

(a) No toxicity information could be found in the literature and none was known to the authors. (b) Limited information based on animal experiments was available but in the opinion of the authors this information could not be applied to human exposures. In some cases this information is mentioned so that the reader may know that some experimental work has been done.

(c) Published toxicity data were felt by the authors to be of questionable validity.

0 = No Toxicity

This designation is given to materials which fall into one of the following categories:

(a) Materials which cause no harm under any conditions of normal use.

(b) Materials which produce toxic effects on humans only under the most unusual conditions or by overwhelming dosage.

1 =Slight Toxicity

(a) Acute local. Materials which on single exposures lasting seconds, minutes, or hours cause only slight effects on the skin or mucous membranes regardless of the extent of the exposure.

(b) Acute systemic. Materials which can be absorbed into the body by inhalation, ingestion, or through the skin and which produce only slight effects following single exposures lasting seconds, minutes, or hours, or following ingestion of a single dose, regardless of the quantity absorbed or the extent of exposure.

(c) Chronic local. Materials which on continuous or repeated exposures extending over periods of days, months, or years cause only slight and usually reversible harm to the skin or mucous membranes. The extent of exposure may be great or small.

(d) Chronic systemic. Materials which can be absorbed into the body by inhalation, ingestion, or through the skin and which produce

SECTION 9

only slightly usually reversible effects following continuous or repeated exposures extending over days, months, or years. The extent of the exposure may be great or small.

In general, those substances classified as having "slight toxicity" produce changes in the human body which are readily reversible and which will disappear following termination of exposure, either with or without medical treatment.

2 = Moderate Toxicity

(a) Acute local. Materials which on single exposure lasting seconds, minutes, or hours cause moderate effects on the skin or mucous membranes. These effects may be the result of intense exposure for a matter of seconds or moderate exposure for a matter of hours.

(b) Acute systemic. Materials which can be absorbed into the body by inhalation, ingestion, or through the skin and which produce moderate effects following single exposures lasting seconds, minutes, or hours, or following ingestion of a single dose.

(c) Chronic local. Materials which on continuous or repeated exposures extending over periods of days, months, or years cause moderate harm to the skin or mucous membranes.

(d) Chronic systemic. Materials which can be absorbed into the body by inhalation, ingestion, or through the skin and which produce moderate effects following continuous or repeated exposures extending over periods of days, months, or years.

Those substances classified as having "moderate toxicity" may produce irreversible as well as reversible changes in the human body. These changes are not of such severity as to threaten life or produce serious physical impairment.

3 =Severe Toxicity

(a) Acute local. Materials which on single exposure lasting seconds or minutes cause injury to skin or mucous membranes of sufficient severity to threaten life or to cause permanent physical impairment or disfigurement.

(b) Acute systemic. Materials which can be absorbed into the body by inhalation, ingestion, or through the skin and which can cause injury of sufficient severity to threaten life following a single exposure lasting seconds, minutes, or hours, or following ingestion of a single dose.

(c) Chronic local. Materials which on continuous or repeated exposures extending over periods of days, months, or years can cause injury to skin or mucous membranes of sufficient severity to threaten life or cause permanent impairment, disfigurement, or irreversible change.

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EXHIBIT

(d) Chronic systemic. Materials which can be absorbed into the body by inhalation, ingestion or through the skin and which can cause death or serious physical impairment following continuous or repeated exposures to small amounts extending over periods of days, months, or years.

TYPES OF TOXICITY

Toxicity is the ability of a chemical molecule or compound to produce injury once it reaches a susceptible site in or on the body. Hazard is the probability that injury will be caused by the circumstances of the exposure.

One subdivision of toxicity may be made on the basis of duration of exposure.

(1) Acute exposure: This term is used to mean "of short duration." As applied to materials which are inhaled or absorbed through the skin, it refers to a single exposure of a duration measured in seconds, minutes, or hours. As applied to materials which are ingested, it refers generally to a single quantity or dose.

(2) Subacute exposure: This refers to exposures of intermediate duration, i.e., between acute and chronic. Generally speaking, sub-acute exposures include durations up to about 90 days.

(3) Chronic exposure: This term will be used in contrast to "acute" and means "of long duration." As applied to materials which are inhaled or absorbed through the skin, it refers to prolonged or repeated exposures of a duration measured in days, months, or years. As applied to materials which are ingested, it refers to repeated doses over a period of days, months, or years. The term "chronic" will not refer to severity of symptoms but will carry the implication of exposures or doses which would be relatively harmless unless extended or repeated over long periods of time (days, months, or years).

It is important to differentiate between acute and chronic *exposure* and acute and chronic *effects*. Although the expression "chronic toxicity" is sometimes used to indicate the result of repeated exposure to a chemical or to ionizing radiation, it would be much clearer if "chronic toxicity" were equated with chronic illness resulting from these agents without any commitment regarding the duration of exposure. The fact is that some compounds have a strong tendency to produce chronic illness

sen though the exposure may be acute (i.e., asy a single dose). Such compounds include he beavy metals and most carcinogens. Of course, their tendency to produce chronic sickaccentuated if they are absorbed in redoses. At the opposite extreme are nds such as cyanide with which it is virtually impossible to produce chronic illness even though a single excessive dose may proace acute poisoning and rapid death. Most compounds lie somewhere between the two exsenes. Ordinary alcoholic intoxication is scute, but years of excessive drinking and the scompaning malnutrition can produce chronic organic disease that remains even though no more alcohol is consumed.

The words acute and chronic applied to illmess have nothing to do with severity but only with the duration and character of illness. The common cold, intoxication from social drinking, plague, and parathion poisoning are all acute illnesses. The first two are mild, the last two potentially fatal; all are brief with little tissue reaction. Pulmonary tuberculosis and lead poisoning are almost always chronic discases. They are characterized by a prolonged course and by pathological changes in tissue that reflect continuing injury and perhaps ineffectual repair.

Toxic effects may also be subdivided on the basis of site of action:

(1) Local effect: This term means that the action takes place at the point or area of contact. The site may be skin, mucous membranes of the eyes, nose, mouth, throat, or anywhere along the respiratory or gastrointestinal system. Absorption does not necessarily occur.

(2) Systemic effect: This term refers to a site of action other than the point of contact and presupposes that absorption has taken place. It is possible, however, for toxic agents to be absorbed through a channel (skin, lungs, or intestinal canal) and produce later manifestations on one of those channels which are not a result of the original direct contact. Thus is possible for some agents to produce harm-ful effects on a single organ or tissue as a result of both "local" and "systemic" actions.

DOSAGE

The single most important factor in determining whether or not illness will occur as the result of exposure to a specific chemical compound is dosage. The dosage concept leads to the conclusion that no chemical compound is completely safe and that none is entirely harmful. The same idea was expressed by Paracelsus (1493-1541), who wrote Au poisonous poisons, for there is nothing without poisonous qualities. It is only the dose which makes a thing a poison." See also Section 1.

Compounds vary tremendously in their toxicity (see also Section 1). Usually harmless and even essential substances, such as water and salt, may cause illness or death if consumed in sufficient amount. Even compounds recognized as poisons may differ in toxicity by a factor of at least ten billion. The most toxic material presently known is botulinum toxin, which is more poisonous by several orders of magnitude than any other compound known. It is interesting to note that this is not a synthetic compound but is a material of biological origin.

In comparing the toxicity of different compounds, it is convenient to have a standardized notation for describing the toxic level. The most commonly used notation is the median lethal dose or LD₅₀, which is a statistical estimate of the dosage necessary to kill 50 per cent of an infinite population of the test animals. The LD₅₀ is usually expressed in terms of the weight of poison per unit of body weight, most often as mg of chemical/kg of animal (mg/ kg). This permits a meaningful comparison of the susceptibility of animals of different species regardless of their size.

The LD₅₀ is a special case of a more general measure of effect, the median effective dosage (ED₅₀). The ED₅₀ is the dosage necessary to produce any specified effect in 50 per cent of the test animals. The effect may be anything that can be observed. It may be a specified degree of inhibition of an enzyme. It may be the production of a tumor. These measures of effect i.e., ED₅₀ or LD₅₀ for a particular compound have meaning only if experimental conditions are defined, including the species, age, and sex of experimental animal, the number of doses and the route of administration.

In addition to the identity of the compound involved and dosage, there are a number of less important factors which play a role in determining whether or not illness may result from any particular exposure episode.

Among the other factors which should be considered are:

1. Route of exposure: It is important to learn whether the toxicant was ingested, inhaled, spilled on the skin, or, as most often happens, exposure was caused by some combination of these.

2. Type of formulation or state of dispersion of the toxicant.

3. Temperature.

EXHIBITS

ASSEMBLY

LABOR & MANAGEMENT COMMITTEE

GUEST LIST

NAME

REPRESENTING

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Feb. , 1979

ASSEMBLY LABOR & MANAGEMENT COMMITTEE

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GUEST LIST

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ASSEMBLY LABOR & MANAGEMENT COMMITTEE

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LEGISLATIVE ACTION

SUBJECT A.B. 41 - Removes specific condition under which heart diseases are considered occupational diseases for certain policemen and firemen.				
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	· · · ·	60th NEVADA LEGISLATURE
	ASSEMBL	Y LABOR & MANAGEMENT COMMITTEE
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SUBJECT A.	certain c	heart diseases as occupational diseases under ircumstances and requires employee contribution ational disease coverage.
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60th NEVADA LEGISLATURE

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ASSEMBLY LABOR & MANAGEMENT COMMITTEE

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SUBJECT	A.B. 27 - Establishes h industrial co	poard to review functions of pommission.	Nevada
MOTION:			
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