

GOVERNMENT AFFAIRS COMMITTEE

MINUTES OF THE MEETING

March 14, 1975

MEMBERS PRESENT:

CHAIRMAN DINI
VICE-CHAIRMAN MURPHY
ASSEMBLYMAN CRADDOCK
ASSEMBLYMAN HARMON
ASSEMBLYMAN MAY
ASSEMBLYMAN MOODY
ASSEMBLYMAN SCHOFIELD
ASSEMBLYMAN FORD
ASSEMBLYMAN YOUNG

ALSO PRESENT:

Mr. F. E. DuBois, Inspector of Mines
Mr. Ralph Langley, Department of Safety, NIC
Assemblyman Nash Sena
Assemblyman Jack Jeffrey
Bob Alkire, Kennecott Copper
Mr. John Reiser, Nevada Industrial Commission
Dr. Arthur Baker, Mining Safety Advisory Board

(The following bills were discussed at this meeting: A.B. 15,
A.B. 16 and A.B. 360).

The chairman called the meeting to order. The first bill to be discussed was A.B. 15, which limits the possibility of consolidation of Boulder City. Assemblyman Sena testified and stated that he had a letter from the City of Henderson. He stated that he has had over 700 responses to the concept of consolidation and that Henderson would like to remain the way they are right now. He does not think that it is our duty to dictate to the cities.

Mr. Dini referred to the wording in the bill and stated that the last sentence was vague.

Mr. Craddock stated that on the fifth of March, the county commissioners passed a resolution where they consolidated the election department with Clark County.

Mr. Sena stated that there are certain entities that do not take a majority of the people, but when you are referring to public services, this is when you are going to hear the voice of the people. With the city counsel, the people will at least voice their opinion.

/~0427

Mrs. Ford asked if it was his intent on the last part that it be either or both. She questioned Mr. Sena as to whether or not it was both.

Mr. Sena stated no.

Mrs. Ford stated that if only a minority of the counsel wanted it, then you are saying that unless a majority of the counsel did want it, then they would have to put it on the ballot and the people will decide.

Mr. Jeffrey stated no. Most of these things that involve existing services as far as police and fire and public works, it would be the natural course of events for the city counsel to approve it. If it is not approved, it would be put on the ballot for the people to approve. He did not feel that it would ever get to that point. The intent of this bill was that the legislature should go on record not to tamper with small cities. In existing services, they will be asking to do that. Henderson, in the near future, will be working out an arrangement with the county for sewage. He does not feel the city will ever be interested. Mr. Jeffrey thinks that a city that cannot control the services has no reason for existence. There would be no reason to have a city counsel with no authority to handle city problems. They will probably be working more with the county.

Mr. Sena stated that he believes the city counsel should be able to express their opinion.

Mr. Jeffrey stated that the City of Boulder has a home rule charter. It cannot be taken over by legislative action. He finds the same feeling in Boulder that he finds in Henderson. The people are concerned with control of services being too far away from the people. Their rate is lower than the county as a whole. It is about 25% less in Henderson and is even less than that in Boulder City due to the federal government. The concept behind both of these bills is that they are able to provide the best service on the lowest cost scale.

When there is a problem with the services in this area, the people should be able to deal at the closest possible level of government.

Mr. Jeffrey spoke with regard to A.B. 16. He stated that four years ago there was a question on the ballot to eliminate the possibility of consolidation. He believed that it said no consolidation without a vote of the people. There may be a legal battle in his opinion and from what he has read, Henderson and Boulder City cannot be consolidated without a vote of the people.

Mr. Craddock asked if he felt that we should pass A.B. 15 and A.B. 16 while Senator Gibson is trying to come up with an overall plan.

Mr. Jeffrey stated that if the legislature does feel that they will leave the small cities as they are, there is no reason why they should not be passed. The people may be able to put these matters

on a referendum. Charter amendments could be rescinded by the legislature.

Mr. Craddock asked if the Urban Action Committee had recommended this.

Mr. Jeffrey stated that they did. Individual legislators did not have that intent. They were the group that were the most responsible for stirring people up.

Mr. Dini asked if the assembly chose to pass 15 and 16, it is indicating the assembly's intent to allow these cities to exist under these conditions.

Mrs. Ford stated that it is not her intent to get them consolidated. To lock ourselves in and say we are not going to look at any change in delivery of services, there may be one or two services where the committee that we are working on might want to look at the idea of consolidation. The city counsel would still be needed. The word transfer is a problem and if this is going to be passed then "majority vote of the people at an election" has to be spelled out and it should state who calls that election. She stated that she would be in favor of holding the bill or removing the second sentence or sending it to Senator Gibson.

Mr. Jeffrey referred to the second portion of the bill. The mechanics are set up for a ballot vote. It may be a complicated matter to bring the question on to the ballot. The city counsel can work these problems out. This part was meant more to be a safety valve should there be a problem. The council will be a lot closer to the problems. If the committee feels it should be clarified, he has no objection.

Mr. May stated that he can see the value of the assembly passing this. He thinks they have done a good job, and he would have no objection to putting it on the floor. Mr. Craddock stated that he did not see anything wrong with the bill. We know that the City of Henderson does not have a sewer treatment plant.

Mr. Jeffrey stated that that was not true.

Mr. Craddock stated that it is a lagoon.

Mr. Jeffrey stated that one of the problems is that the county has the authority to take control of the sewage problem. Henderson has two alternatives. They can handle the problem or they can join with the county. As a matter of necessity they will probably have to join with the county. The lagoons are there primarily because of the way the city was built in the first place. As far as sewage disposal is concerned, he doesn't see a problem there. Sewage is a regional problem.

Mr. Dini asked if there were any questions and asked Mr. Warren if he wanted to testify. Mr. Warren stated that the city has already been well represented.

Mr. Dini stated that that concluded the testimony on A.B. 15 and A.B. 16.

The next bill to be heard on the agenda was A.B. 360, which makes certain changes in provisions relating to inspector of mines, mines, mining health and safety. Mr. F. E. DuBois, the State Mine Inspector testified. Mr. DuBois stated that he would give the committee some background. He stated that the office was created in 1909. Subsequent to the creation of office the NIC was created at that time for providing industrial insurance benefits for people in White Pine county. Throughout the years, the trend of mining has transferred from underground to open pit mining. 10% of the total mining is underground. The gross production for miners was 268 million and it employed 4,000 to 5,000 people.

Nevada leads in the mining of barite - 60% of it in the United States.

It was evident that at the time, considerable effort had been put forth to prepare the state for a plan agreement with the department of interior which would allow the state to provide health and services to the people in the mineral industry. In addition to that they feel that there should be some changes made in the existing chapter governing the duties of the inspector of mines, providing for more leeway and more services. They set out at that time to amend certain provisions in the chapter and this bill is the result of that.

The bill more clearly defines certain aspects of the chapter.

This bill defines a mine, and it defines eminent domain. It also defines operators and provides for developing programs for education and training of operators and workers. Mr. DuBois then read portions of the bill.

He stated that the act defines the methods and procedures for issuance and notice of a closure or withdrawal order as a result of an inspection when unsafe conditions are found. This bill more clearly defines the conflict of interest under a state plan agreement. One of the requirements is a very clear definition between the inspector of mines staff and any operation within the state. This bill changes the classifications of the deputies to 7 years total experience. Prior requirements were 7 years underground. This would be more clearly in line. They have changed the requirement in the biennial report to the governor to an annual report and have expanded on the contents of that report. This bill also provides for the denial of advance notice. This would facilitate investigation of an accident or injury. The bill provides for entitlement to workers giving them the opportunity to accompany the inspection team without loss of compensation. One of the changes is in section 22, which defines the procedures as a result of an inspection if the inspector finds the mine unsafe or unhealthy. The act also sets forth procedures for a representative of the workers when they feel that there is an eminent danger condition. Mr. DuBois read a letter which he had received from a minor which stated several unsafe conditions and practices.

Mr. DuBois stated that this was an example of prohibiting advance notice of an inspection.

Mr. DuBois stated that he had prepared some amendments and passed them out to the committee members. A copy of the proposed amendments are attached to the minutes of this meeting and are made a part hereof. Mr. DuBois stated that Dr. Baker, the Dean of the Mackey School of Mines was with him and also John Reiser of the Nevada Industrial Commission and Ralph Langley. Mr. DuBois stated that on December 18th they had a meeting at the Nevada Industrial Commission with various members of the department of the interior. At this meeting they discussed the requirements for a state plan and he has received a telephone call from John Franz indicating that this proposed legislation would put Nevada into a position to enter into a state plan agreement with the department of the interior if Nevada so desires. He stated that Nevada will probably have 12 to 13 federal inspectors. Mr. DuBois mentioned a training center in Boulder City and stated that on February 18th the mining safety advisory board met. At that time this legislation was discussed and that matters pertinent to this bill were taken under advisement. Two sections were changed. One was Section 7, the requirement for deputy inspectors. Right now the staff has a total aggregate experience exceeding 100 years in the mineral industry.

Mr. Dini referred to page 1, line 7. Mr. DuBois referred to the definition of a mine and stated that as it appears it does not parrallel what he submitted for draft.

Dr. Baker stated that the definition covers mining in two ways. One in terms of time and one in terms of space. He stated that (a), (b) and (c) are time definitions.

Dr. Baker stated that there are three stages:

1. Experiment.
2. Development
3. Mining.

Dr. Baker stated that he covered it all the way from inception to production of miners. He stated that the space items are 2, 3 and 4.

Mr. May questioned gypsum and Dr. Baker stated that the word minerals covers everything that comes out of the ground. Mr. May questioned if an oil well was classified as a mine and asked if they wanted jurisdiction over those too.

Mr. DuBois stated that in the experiment stage it would cover it. Oil is a mineral commodity. He then referred to the definition of a mine in the bill. He stated that he felt that the definition of a mine is the number 1 priority and is the entire context and meaning of the chapter.

Mr. DuBois stated that the second important amendment is on page 11 of the Act, line 24. He then referred to the provisions of NRS 512.270 and referred to the amendment he had previously given to the committee.

/ - 0431

Mr. DuBois stated that it was the intention of the legislature in 1973 that the office be taken from elective and that the inspector of mines be appointed by the NIC. This transfers it wholly within the NIC. He stated that NRS 512.010 added it to the jurisdiction of the NIC. These items he stated would clearly indicate the intent of the 1973 legislature.

Mr. DuBois then discussed the other amendments with the committee.

Mrs. Ford asked why he would not post the termination or vacation of an order.

Mr. DuBois stated that tha was a good point.

Mr. Dini suggested that it be amended to "notice order or modification".

Mr. May stated that he had no problem with it.

Mr. DuBois indicated that termination should be posted.

Mr. May then read from page 5, line 6.

Mr. DuBois stated that since there may be overlapping jurisdiction, that they thought they could make concurrent inspections.

Mr. May asked if they were acting as a subordinate authorityi

Mr. DuBois stated that that was correct. Mr. May then stated that he saw what the intent was and that it was fine.

Mr. DuBois stated the thinking was that if the state were to enter into an agreement with the department of interior this would allow us to build a staff and to borrow competent people.

Mrs. Ford asked if the taking out of 512.250 and 512.260 was because they felt that they had covered this in the definition of a mine.

Mr. DuBois stated yes. The office will have jurisdiction over all mines. Mrs. Ford stated that there has never been a definition of a mine.

Mr. DuBois concurred and said that not to his knowledge.

Mrs. Ford asked if the amendments before the committee were all ideas basically in the draft made originally and the one that was turned in. Mr. DuBois stated that 90% of them were.

He stated that he received the draft and then worked on it.

Mrs. Ford asked why he felt that the report should be done annually and Mr. DuBois stated that the nature of the industry was somewhat volitile. Mine operations can exist for short periods of time. On an annual basis it would be more timely than biennially. It would allow for a wider spectrum of information which would be

more useful to people in the industry. He would like to see it available in time. 0432

Mr. May asked if he felt that "gross misdemeanor" was a heavy penalty if a worker would unknowingly violate one of the rules. Mr. May then questioned the word "worker" as opposed to "operator".

Mr. DuBois stated that that was in the Nevada Revised Statutes in Section 512.270 and stated that it has remained in there since 1909. The reason for increasing the penalty was the requirement at the federal level. The intention here was to make the provision the same as the federal act. A misdemeanor is not less than \$100 or more than \$3,000 or by imprisonment not to exceed 60 days, or both.

Mr. May asked what the liability was if Nevada does not conform to the federal law.

Mr. DuBois stated that we are being preempted by the department of interior. They have jurisdiction throughout all operations in the state.

Mr. May stated that we hopefully could retain jurisdiction if we go along with them. Mr. DuBois stated that there may be some duplication but that they felt with 10 or 11 federal inspectors their efforts could be best put in other areas. Mr. Murphy read from the statutes with regard to the penalties and Mr. DuBois stated that those were the federal penalties at the present time.

Mr. Murphy asked if Mr. DuBois was required to follow them.

Mr. DuBois stated no. In order to prepare the state they should provide for the same level of penalties. Mr. Murphy asked what that would come under. Mr. Dini asked if he anticipated the department of interior increasing the penalties.

Mrs. Ford asked if the plan was something that is required by the department of interior.

Mr. DuBois stated that under the federal Metal and Mine Act of 1967 they allowed this. It is something similar to OSHA. The department of interior would always monitor the state. Mr. Dini asked if the state would retain as much authority as it could. Mr. DuBois stated yes. Mr. Murphy stated that the current federal statute reference is to \$3,000 and not more than 60 days in jail and he asked Mr. DuBois if he was required to follow the federal statute. He questioned is there was any necessity for this or could Nevada make it a misdemeanor for these things.

Mr. DuBois stated that we would be required unless we have a state plan. Mr. DuBois referred to a plan agreement with regard to the penalties. The penalty provision should be at least equal to the penalty provisions of USC public law 89577. Mr. Dini asked what Mr. DuBois' time schedule was for getting the plan approved. Mr. DuBois stated that if the state desire it, it would probably be mid-year before it was implemented.

/- 0433

Mr. Murphy stated that the committee's concern is for the average man who makes a mistake and he should not have to spend a lot of money. The provisions are a little stringent and if we are not required at the state level, it sounds a little severe. Mr. Schofield asked if they would explain what the intent of this particular addition to the chapter is. Mr. Reiser stated that this is the occupational health and safety law. Mr. Schofield stated that under this particular provision it appeared to him that they were creating a problem for the mine owner whereby it may have been something that they did. It appeared to him that they were eliminating any possibility of them coming back against you for something that you did incorrectly. Mr. Reiser stated that the intent is to allow them to work with other state department. They are trying to do everything they can to make a safety inspector that takes advantage of the other state inspections.

Mr. Schofield stated that it looked like this was one-sided. He stated that it is so broad that it is one sided. Mr. Dini suggested a 5 minute recess to get counsel up to the meeting because it was now going into the legalities of the bill. The Committee took a short recess to await counsel.

Mr. Dini referred to the civil liability in the bill. Mr. Schofield stated that his question was that he felt that the amendment on page 3 seems to not be clear that the civil liability for any cause or omission for the inspector of mines is not qualified by stating that they would have no responsibility whatsoever. It sounded one sided to him.

Counsel stated that the intent of it was to grant them immunity from any civil liability from any cause or omission in the course of their performance of their duties. There are similar provisions in other chapters of NRS.

Mr. Schofield questioned whether or not this was the way to approach this and if they have a particular thing to be accomplished by this he stated that it should be spelled out and it should have more clarity. Counsel stated that there was a general provision on it. The general statute which has to do with liability of any actions against the state agencies or political subdivisions is in chapter 41.032. Counsel read from the chapter for the committee.

Mr. Dini indicated that we were just trying to conform chapter 512 to chapter 41. Counsel stated that this perhaps went a little farther. Mrs. Ford stated that Chapter 41 provided the other balance that is needed. Counsel stated that this portion of Chapter 41 is the waiver of the state's immunity and it is limited by other provisions.

Mr. May stated that that was covered under civil liability -vs- criminal liability. Counsel stated that they would be subject to civil liability for negligence, and that criminally you could go to jail or get fined. civilly you should be obligated to pay damages.

Mr. May asked if we were looking at the protection of the NIC investment fund.

Counsel stated that it protects the commission and presumably the fund from any liability.

Mr. May stated that if it was presumably, then let's spell it out.

Counsel stated that he was not sure that the fund would be subject to attach or subject to paying a judgment.

Mr. May stated that the inspector of mines would be exempt from any personal monetary obligations.

Counsel stated that that was one of the purposes. It exempts the commission. He stated that it might be desirable to specifically mention the State and the NIC Fund.

Mr. May asked if we could get some language to bring them all together. Mr. Dini asked in drafting this is this what you were shooting for.

Mr. Reiser stated that that was right. If we do not go in and exercise very careful judgment in protecting lives, you are not in compliance with the federal rules. They do not have the legal staff to handle a suit on every case.

Mr. Dini asked if he felt that the state and the NIC fund were covered.

Mr. Reiser stated that it was a good idea to put the state in the amendment. There is a question as to whether or not the state insurance fund is a separate trust fund from the state general treasury. Mr. Dini asked if it would satisfy the committee if Mr. Bennett prepared additional language.

Mr. May questioned as to whether or not there was some kind of limitation on it. He stated that he thought it was \$25,000. He stated that there should be some records available in the event of some liability. He stated that it was that language that had to be spelled out.

Counsel stated that it was the intent of the amendment to remove this situation from the waiver of immunity. The state is not waiving its immunity. The intent is that it would stop any action in 41.031. This would not leave that recourse available.

Mr. May asked if there was a special fund that that would be paid out of. He stated that he thought that the public should be protected in the event there is reasonable doubt that the state was at fault. There should be something allowed to these persons.

Counsel referred to 41.038. (insurance against liability). He stated that if the state carried insurance, the money would come out of the insurance.

/- 0435

Mr. May stated that there should be some recourse to the average citizen.

Mr. Dini asked why we don't change all of the statutes.

Mr. May stated that that was what he thought.

Mr. DuBois stated that he was referred to when in the course of an inspection or investigation, and that it was not intended to apply it at any other time.

Mr. Dini asked how the state could be responsible.

Mr. Dini then suggested that Mr. Bennett get a more detailed interpretation of this section and create the language that the committee could use in there.

Mrs. Ford stated that there had been a discussion of penalties written into the law in this bill. She referred to the penalties under OSHA and also to penalties under the federal code. She asked under certain labor laws where there is a conflict what policy it would follow.

Counsel stated that under OSHA it covers entirely different matter. He stated that he was not entirely familiar with this bill. He stated that we had gotten rid of 518, and he further stated that this last section, Section 27, is merely to show in the OSHA law that that chapter does govern the operations of the inspector of mines. It excludes the inspector of mines from OSHA. Mrs. Ford stated that anything covered under Section 512, would have nothing to do with it. She stated that on page 10 everything was listed that would be considered a "gross misdemeanor".

Mr. DuBois stated that the intention was to provide for penalties which were substantially the same or as effective as the federal penalties only because of the requirement to prepare the state to enter into the agreement. Mrs. Ford asked why not say the same in the United States Code.

Mr. DuBois stated that if the federal government amends the penalties maybe we do not wish to impose such high penalties.

Mrs. Ford asked if we could set our own set of penalties.

Counsel stated that he would certainly think so. A prosecution for a violation of Nevada law would be in the state courts and would be brought by the district attorney. For federal prosecution, it would have to be in the federal court. He stated that there was no constitutional reason why the penalties would have to be the same.

Mr. Dini stated that the worker did not have to be included.

Mr. Dini suggested the following language: "any operator or supervisory employee."

Mr. Dini asked counsel if we left the word operator in if it

1- 0436

would include supervisory personnel.

Counsel stated that section 6 of the bill had the definitions in it.

Mr. Dini stated that 90% of the problem would be eliminated by deleting the word "worker". It would be up to the committee if we wanted to impose no penalty on the worker.

Mr. DuBois stated that because of the nature and the hostile environment of mining, it is an unsafe business and very often the acts of an individual worker affect the safety of other fellow workers. He urged that some accountability be given.

Mr. Dini asked what the accountability was in OSHA.

Mr. DuBois stated that the only provision in Section 26 which would apply to a worker would be (a) and that the rest apply to operators.

Mr. Dini suggested that another section could be put in which would say that any worker who violates section (a) of this section would be guilty of a misdemeanor.

Mr. Craddock compared a mine worker to a pilot and stated that he thought that (a) was as far as the committee should go.

Mr. Dini stated that the meeting would be continued at 1:30 and the committee would adjourn until that time.

The committee was called back to order at 1:30 P.M. All of the committee members were again present.

Mrs. Ford referred to Section 618.335. Counsel stated that it may not necessarily be desirable that separate definitions be scattered through every chapter. It would be preferable if we are dealing with waiver of sovereign immunity to amend chapter 41 to cover these things generally. Counsel referred back to Mr. May's question of this morning and read from Section 41.032. He then read from 41.033. He stated that these sections are narrower than what is proposed here.

Mr. May stated that "exercising due care" would be okay. He stated that that wording would restrict it.

Mrs. Ford asked about working language in subsection 3 that refers back to 41.

Counsel stated that they strongly objected to duplicate sections being scattered around. The best way to handle it would be a separate bill to amend as necessary in Chapter 41. Mr. Dini suggested that language could be taken out of 41. Counsel suggested doing the opposite. Mrs. Ford stated that we needed some reference to it here. She suggested "notwithstanding any other section" would take care of it here.

Counsel stated no to this and said that that would mean that the inspector of mines and his representatives are immune from liability for any act which they perform in the course of an inspection or investigation. Counsel suggested that the committee may want to say "Except as provided in NRS 41.031 . . ."

Mr. Dini stated that that was what had to be done.

Mr. Schofield agreed that it would then be clarified.

Mr. Dini then referred to the point about penalties, and asked if we should amend that to read "any operator". He stated that (a) should refer to the worker and that it would be a misdemeanor and that b, c, d, e, f, g and h would refer to the operator.

Mrs. Ford stated that she believed that a and b should refer to the worker.

Mr. DuBois asked whether or not we would be including (i) which is the counterpart to (a).

Mr. Dini stated that (i) should go with the operator.

Mrs. Ford agreed that it would have to be for the operator.

Mr. Dini read the definition of an operator and the definition of a worker.

Mr. Reiser suggested that the committee withdraw the amendment on the liability. He stated that the suggestion was an excellent one to include the NIC employees.

Mr. Bob Alkire of Kennecott Copper testified next. He stated that he represented Kennecott Copper and the Nevada Mining Association. He stated that he has spoken with a number of people in mining and he says that the mining people support the concept of this legislation in large part and the bill itself. He stated that a more simplified bill would be preferred. He stated that they have been talking about OSHA and they really should have been talking about MESA. He stated that OSHA was the Occupational Safety and Health Administration and that MESA was the Mining Investment Safety Administration. He then gave the committee some suggested changes which he discussed with the committee.

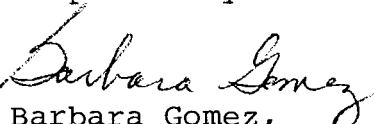
Mr. Douglas Miller next testified and he referred to Chapter 512. He complimented the mining Commission and Mr. DuBois. Mr. Miller stated that many problems exist between a mine operator and labor. Mr. Miller stated that labor was the greatest avenue of accident of any through carelessness. He stated that the mining inspector should be aware of training programs and that other states were having trouble. He then referred to page 3, line 17 and stated that this was a carry over from the old mining law. He stated that they thought that it should be revised. He stated that there should be coordination with the Advisory Mining Board and that one of their members should be on the board.

Mr. Dini asked if Mr. Miller would give the committee any suggested amendments and Mr. Miller stated that he would.

The testimony was then concluded and Mr. DuBois, Counsel, Mr. Dini, Mrs. Ford and Mr. Craddock then stayed to work out the language of the amendment. Counsel stated that he would work the amendment out and return them to the committee at the beginning of the week.

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

Respectfully submitted,


Barbara Gomez,
Committee Secretary

GUEST REGISTER

DATE: March 14, 1975

[illegible]

ASSEMBLY

AGENDA FOR COMMITTEE ON GOVERNMENT AFFAIRS
FRIDAY,
Date March 14, 1975 Time 8:00 A.M. Room 214

/-0425

Bills or Resolutions
to be considered

Subject

Counsel
requested*

THIS AGENDA SUPERSEDES THE AGENDA
FOR MARCH 14, 1975

- A.B. 360 Makes certain changes in provisions relating to inspector of mines, mines, mining health and safety.
- A.B. 15 Limits possibility of consolidation of Boulder City.
- A.B. 16 Amends Henderson City Charter to limit the possibility of consolidation.

SUGGESTED AMENDMENTS TO AB 360

1- 0440

Sec. 14 1 (a)

adding "or of a labor organization."

Sec. 14 2

can be a partial
at least 7 years of technical, operational or management experience in at least two of the following areas; mines, mills, beneficiation plants or smelters

Sec. 16 3 (a) include same qualifications as Sec. 14 2 above

Sec. 21 2

of such inspection. (eliminating phrase "without loss or deduction of pay," which is contrary to Labor Department rulings.

Sec. 22 2 (c) should be eliminated since the decision as to whether "equipment" is in imminent danger should be solely that of the operator, not the inspector

Sec. 25 1

add: No employee or group of employees will take any action contrary to the purposes of this section.

RC/SABU pmpt

- 7 2 29 Amend: "workers [for the purpose of remedying or preventing] in the recognition, avoidance and the prevention of accidents or unsafe or unhealthful"
- 10 2 30 Amend: "working conditions [of] in mines which are subject to the provisions of this"
- 6 2 35 Add after line 35:
3. Collect information and statistics relative to mines, mining and the minerals industry of the state.
- 10 2 40 Add: "Act (30 U.S.C. §§ 721-740), as amended."
- 10 2 43 Add: "Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. §§ 721-740), as amended."
- 9 3 24 Amend: "3. If an order is issued pursuant to [this chapter] subsection 1 of NRS 512.190 and the Mining"
- 10 4 26 Amend: "of accidents [at] in mines which are subject to the provisions of this chapter."
- 10 6 11 Include: "form as he may prescribe, reports of production, employment data, mine activity and"
- 10 6 14 Include: "2. The inspector of mines shall compile, keep, analyze and may publish,"
- 10 7 2-3 Amend: "...[examination] investigation of each and every part of such mine or mines."
- 10 7 18 Amend: "512.190 1. Whenever, as the result of the

Over

[examination] inspection of any mine,"

3 7 43 Amend: "that an imminent danger exists [with respect
to the condition of the] in such mine or"

3 7 44 Include: "with respect to the condition or manner
of use of equipment, machinery or apparatus, he"

5 8 6 Include: "there has been a violation of any health
or safety regulation or standard adopted pur-"

8 11 4-5 Delete: "(b) Interferes with, hinders or delays the in
specter of mines [or deputy or assistant inspectors
of mines] in carrying out the duties required under"

8 11 7-8 Delete: "(c) Refuses admission to the inspector of mines
[or deputy or assistant inspectors of mines] in carry-
ing out the duties required under"

2 11 24 Add after line 24:
(i) Violates, fails or refuses to comply with
an order of withdrawal issued pursuant to NRS 512.190.

AMEND CHAPTER 512.010, NRS

Include:

1. The office of inspector of mines for the State of Nevada
is hereby created under the jurisdiction of the Nevada Industrial
commission.

2. The office shall be administered by the State Inspector of
Mines.

3. Notwithstanding any other provision of the law, neither the
commission, the State Inspector of Mines nor their authorized
representatives are subject to civil liability for any acts or
ommissions in the course of any inspection or investigation for
the office.

over

AMEND CHAPTER 616, NRS

Include:

There is within the commission the office of the Inspector
of Mines for the State of Nevada as provided for in Chapter 512
of NRS.

AMENDMENTS PROPOSED TO A.B. 360 (CHAPTER 512, NRS) BY
INSPECTOR OF MINES

PRIORITY	PAGE	LINE	AMENDMENT
4	1	7	Include: "could have caused <u>death</u> , bodily injury or which endangered or could have"
3	1	13	Amend: "or serious physical harm to any worker if [mining] <u>mine</u> operations were to pro-"
1	1-2	18-13	Amend: Delete page 1, line 18 through page 2, line 13 in their entirety. Add: <u>(a) Where exploration is conducted to discover or delineate minerals or mineral commodities in any deposit; or</u> <u>(b) Where development is conducted to prepare or open any deposit of minerals or mineral commodities other than solid fuels for extraction; or</u> <u>(c) Where exploitation or extraction of minerals or mineral commodities other than solid fuels is conducted from any deposit;</u> <u>2. Private ways and roads appurtenant to such areas;</u>

over

3. Structures, equipment, machinery, apparatus or other property, upon the surface or underground, used or to facilitate the work of exploring, developing or extracting minerals or mineral commodities other than solid fuels in or from any deposit;

4. Beneficiation plants, mills, smelters, refineries or other property used or to facilitate the treatment or reduction of any minerals or mineral commodities, whether or not contiguous to an area where exploitation or extraction of minerals or mineral commodities is conducted from any deposit.