

SENATE BILL NO. 316—COMMITTEE ON COMMERCE AND LABOR

(ON BEHALF OF DEPARTMENT OF BUSINESS AND
INDUSTRY—INDUSTRIAL RELATIONS)

MARCH 12, 2001

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to safety program for certain employers.
(BDR 53-556)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to occupational safety; requiring the division of industrial relations of the department of business and industry to keep confidential certain reports or other information concerning visits or consultations with an employer under certain circumstances; requiring the division to ensure that the written guide developed by the division concerning written safety programs for employers is available for use by each employer; and providing other matters properly relating thereto.

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

- 1 **Section 1.** NRS 618.341 is hereby amended to read as follows:
2 618.341 1. Except as otherwise provided in this section, the public
3 may inspect all records of the division which contain information
4 regarding:
5 (a) An oral or written complaint filed by an employee or a
6 representative of employees alleging the existence of an imminent danger
7 or a violation of a safety or health standard that threatens physical harm;
8 (b) The manner in which the division acted on any such complaint;
9 (c) Any citation issued by the division to an employer and the reason for
10 its issuance; and
11 (d) Any penalty imposed by the division on an employer and the reason
12 ~~therefor.~~ ***for the imposition of that penalty.***
13 2. The division shall, upon oral or written request and payment of any
14 applicable charges, provide to any person a copy of any record of the
15 division which is open to public inspection pursuant to subsection 1. The
16 first six pages reproduced pursuant to each such request must be provided



1 without charge. The charge for each additional page copied must not
2 exceed the cost of reproduction.

3 3. Except as otherwise provided in subsection 4, the division shall
4 keep confidential:

5 (a) The name of any employee who filed any complaint against an
6 employer or who made any statement to the division concerning an
7 employer; ~~and~~

8 (b) Any information which is part of a current investigation by the
9 division, but the fact that an investigation is being conducted is public
10 information ~~+~~; and

11 (c) *Except as otherwise provided in 29 C.F.R. §§ 1908.1 et seq., any*
12 *report or other information maintained by the division concerning any*
13 *visit or other consultation between an employer and the section for safety*
14 *and health consultation, education, information and training of the*
15 *division if:*

16 (1) *The employer requested the visit or consultation by the section;*

17 (2) *The visit or consultation was conducted to determine*
18 *compliance by the employer with the provisions of this chapter; and*

19 (3) *The employer was not the subject of a current investigation by*
20 *the division at the time of the visit or consultation.*

21 As used in this subsection, "current investigation" means any investigation
22 conducted before the issuance of a citation or notice of violation or, if no
23 citation or notice of violation is issued, an investigation which is not
24 closed.

25 4. The division shall, upon the receipt of a written request from a law
26 enforcement agency, disclose otherwise confidential information to that
27 law enforcement agency for the limited purpose of pursuing a criminal
28 investigation.

29 **Sec. 2.** NRS 618.383 is hereby amended to read as follows:

30 618.383 1. Except as otherwise provided in subsections 8 and 9, an
31 employer shall establish a written safety program and carry out the
32 requirements of the program within 90 days after it is established.

33 2. The written safety program must include:

34 (a) The establishment of a training program for employees concerning
35 safety in the workplace, particularly in those areas where there have been
36 recurring injuries or where explosives are manufactured.

37 (b) If an employer has more than 25 employees, or if an employer's
38 employees are engaged in the manufacture of explosives, the establishment
39 of a safety committee. The safety committee must include representatives
40 of employees. If the employees are represented by a labor organization, the
41 representatives of employees must be selected by the employees and not
42 appointed by the employer.

43 3. A representative of employees while engaging in the business of a
44 safety committee, including attendance at meetings, authorized inspections
45 or any other activity of the committee, must be paid by his employer as if
46 that employee were engaged in his usual work activities.

47 4. The written safety program and all training programs required
48 pursuant to this section must be conducted and made available in a
49 language and format that is understandable to each employee.



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- 1 5. The administrator ~~{of the division}~~ shall adopt regulations
2 establishing the minimum requirements for a written safety program.
- 3 6. The administrator ~~{of the division shall develop and provide each~~
4 ~~employer with}~~ shall:
- 5 (a) *Develop* a written guide for establishing a written safety program ~~{}~~
6 ; and
- 7 (b) *Ensure that the written guide is available for use by each*
8 *employer.*
- 9 7. An employer who contracts with a temporary employment service
10 shall provide specialized training concerning safety for the employees of
11 the service before they begin work at each site or as soon as possible
12 thereafter.
- 13 8. An employer who has 10 or fewer employees is exempted from the
14 provisions of this section unless the employer has employees engaged in
15 the manufacture of explosives.
- 16 9. For the purposes of this section, an employer in the mining industry
17 shall not be deemed to be a manufacturer of explosives.
- 18 10. Except as otherwise provided in subsection 11, as used in this
19 section, "explosives" means gunpowders, powders used for blasting, all
20 forms of high explosives, blasting materials, fuses other than electric
21 circuit breakers, detonators and other detonating agents, smokeless
22 powders, other explosive or incendiary devices and any chemical
23 compound, mechanical mixture or device that contains any oxidizing and
24 combustible units, or other ingredients, in such proportions, quantities or
25 packing that ignition by fire, friction, concussion, percussion or detonation
26 of the compound, mixture or device or any part thereof may cause an
27 explosion.
- 28 11. For the purposes of this section, an explosive does not include:
- 29 (a) Ammunition for small arms, or any component thereof;
- 30 (b) Black powder commercially manufactured in quantities that do not
31 exceed 50 pounds, percussion caps, safety and pyrotechnic fuses, quills,
32 quick and slow matches, and friction primers that are intended to be used
33 solely for sporting, recreation or cultural purposes:
- 34 (1) In an antique firearm, as that term is defined in 18 U.S.C. §
35 921(a)(16), as that section existed on January 1, 1999; or
- 36 (2) In an antique device which is exempted from the definition of
37 "destructive device" pursuant to 18 U.S.C. § 921(a)(4), as that section
38 existed on January 1, 1999; or
- 39 (c) Any explosive that is manufactured under the regulation of a
40 military department of the United States, or that is distributed to, or
41 possessed or stored by, the military or naval service or any other agency of
42 the United States, or an arsenal, ~~{a}~~ navy yard, ~~{a}~~ depot or any other
43 establishment owned by or operated on behalf of the United States.
- 44 **Sec. 3.** This act becomes effective on July 1, 2001.

