

Amendment No. 223

Assembly Amendment to Assembly Bill No. 254

(BDR 53-101)

Proposed by: Assembly Committee on Commerce and Labor**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date
Adopted	☐	Lost	☐ _____	Adopted	☐	Lost	☐ _____
Concurred In	☐	Not	☐ _____	Concurred In	☐	Not	☐ _____
Receded	☐	Not	☐ _____	Receded	☐	Not	☐ _____

EXPLANATION: Matter in (1) ***blue bold italics*** is new language in the original bill; (2) ***green bold italic underlining*** is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) ~~orange double underlining~~ is deleted language in the original bill that is proposed to be retained in this amendment; and (6) ***green bold underlining*** is newly added transitory language.

SLP/TMC



Date: 4/15/2011

A.B. No. 254—Revises provisions relating to the issuance of a citation for certain occupational safety and health violations. (BDR 53-101)



ASSEMBLY BILL NO. 254—COMMITTEE
ON COMMERCE AND LABOR(ON BEHALF OF THE LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO REVIEW THE
UNITED STATES DEPARTMENT OF LABOR'S REPORT ON THE NEVADA OCCUPATIONAL
SAFETY AND HEALTH PROGRAM)

MARCH 10, 2011

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to the issuance of a citation for certain
occupational safety and health violations. (BDR 53-101)FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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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; revising provisions governing the grounds for the issuance of a citation for certain occupational safety and health violations; providing for the issuance of a citation for certain occupational safety and health violations ~~in the absence of the observation of the violation~~ upon a determination by the Administrator of the Division of Industrial Relations of the Department of Business and Industry or the Administrator's authorized representative ~~if~~ that any employee has access to a hazard; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that if, upon inspection or investigation, the Administrator of the Division of Industrial Relations of the Department of Business and Industry or the Administrator's authorized representative believes an employer is in violation of the Nevada Occupational Safety and Health Act, the Division shall issue a citation to the employer for the violation. (NRS 618.465)

This bill provides that the Administrator or the authorized representative may find a violation to have occurred based upon ~~either: (1) the observation of the violation by the Administrator or authorized representative during an inspection; or (2) an investigation by a~~ determination of the Administrator or authorized representative that demonstrates the violation has occurred using depositions of witnesses, interviews or other reasonable evidence in the absence of the observation of the violation by the Administrator or authorized representative. any employee has access to a hazard. This bill also includes within the scope of behavior for which a citation may be issued the violation of any provision of a settlement agreement entered into that relates to the Nevada Occupational Safety and Health Act.

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

Section 1. NRS 618.465 is hereby amended to read as follows:

618.465 1. If, upon inspection or investigation, the Administrator or the Administrator's authorized representative believes that an employer has violated a requirement of this chapter, ~~for~~ any standard, rule or order adopted or issued pursuant to this chapter, or any provision of a settlement agreement entered into relating to this chapter, the Division shall with reasonable promptness issue a citation to the employer. Each citation must be in writing and describe with particularity the nature of the violation, including a reference to the section of this chapter, ~~for~~ the provision of the standard, rule, regulation or order, or the provision of the settlement agreement alleged to have been violated. In addition the citation must fix a reasonable time for the abatement of the violation. The Administrator may prescribe procedures for the issuance of a notice in lieu of a citation with respect to:

(a) Minor violations which have no direct or immediate relationship to safety or health; and

(b) Violations which are not serious and which the employer agrees to correct within a reasonable time.

2. A citation issued under this section may be based upon ~~for~~

~~(a) The observation of a violation by~~ a determination of the Administrator or the Administrator's authorized representative ~~during an inspection; or~~

~~(b) An investigation by the Administrator or the Administrator's authorized representative that relies upon depositions of witnesses, interviews or other reasonable evidence to demonstrate the existence of a violation in the absence of the observation of the violation by the Administrator or the Administrator's authorized representative;~~ that any employee has access to a hazard.

3. Each citation issued under this section, or a copy or copies thereof, must be prominently posted as prescribed in regulations adopted by the Administrator at or near each place a violation referred to in the citation occurred.

~~3.4~~ 4. No citation may be issued under this section after 6 months following the occurrence of any violation.

5. The Administrator may adopt regulations to carry out the provisions of this section.

Sec. 2. This act becomes effective on January 1, 2012.