

**MINUTES OF THE  
SENATE COMMITTEE ON COMMERCE AND LABOR**

**Eightieth Session  
May 20, 2019**

The Senate Committee on Commerce and Labor was called to order by Chair Pat Spearman at 1:31 p.m. on Monday, May 20, 2019, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4404B of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator Pat Spearman, Chair  
Senator Marilyn Dondero Loop, Vice Chair  
Senator Nicole J. Cannizzaro  
Senator Joseph P. Hardy  
Senator James A. Settlemeyer  
Senator Heidi Seevers Gansert

**COMMITTEE MEMBERS ABSENT:**

Senator Chris Brooks (Excused)

**GUEST LEGISLATORS PRESENT:**

Assemblywoman Sandra Jauregui, Assembly District No. 41

**STAFF MEMBERS PRESENT:**

Cesar Melgarejo, Committee Policy Analyst  
Bryan Fernley, Committee Counsel  
Jennifer Richardson, Committee Secretary

**OTHERS PRESENT:**

Ray Fierro, Administrator, Division of Industrial Relations, Department of  
Business and Industry  
Todd Schultz, Nevada Safety Consultation and Training Section

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Josh Griffin, Nevada Subcontractors Association  
Heather Korbolic, Executive Director, Silver State Health Insurance Exchange

CHAIR SPEARMAN:

We will open the hearing on Assembly Bill (A.B.) 290.

**ASSEMBLY BILL 290 (1st Reprint)**: Revises provisions relating to occupational safety and health. (BDR 53-286)

ASSEMBLYWOMAN SANDRA JAUREGUI (Assembly District No. 41):

I am presenting A.B. 290. This bill would create an Occupational Safety and Health Administration (OSHA) registry within the State. The registry would serve as a place where OSHA trainers could submit a list of all trainees who have successfully completed their OSHA-10 and OSHA-30 courses.

Counterfeit OSHA cards are an ongoing problem in Nevada, as well as in various other states. Many states have been requesting a national OSHA training registry, however, no federal assistance has been available to attain this. This bill would make Nevada the first state to complete this goal.

Some people are going out of their way to acquire fake cards. What they save in time and money could cost a life. In 2017, New York state called for a crackdown after reporters unveiled a black market within New York City that was helping construction workers to obtain fraudulent OSHA cards.

The New York investigation began after over 30 construction workers died in construction-related accidents in less than 2 years. On February 15, 2019, the U.S. Department of Labor issued a statement after it was discovered that a trainer sold over 100 fraudulent cards to construction workers.

These training services intend to educate workers about safety issues they will encounter at the job site. Falsifying documents undermines the program and fails to protect workers on the job. Workplace safety is important. The bill intends to prevent future fraudulent cards and to help create safer workplaces for everyone.

There is little to zero action we can take to combat the fraudulent cards that have already been issued. This bill is a starting point. In time, this process will catch up to itself.

Section 5, subsection 2, paragraph (b) of the bill is intended to protect workers. This section is clear that the cost of the registry is not to be borne by the workers. With so many construction jobs in Nevada, we must take action to protect workers from bad actors.

As I was working on this bill, I had many conversations with the Department of Business and Industry, Division of Industrial Relations (DIR) and the Occupational Safety and Health Review Board. They witnessed a fraudulent card. They told a story about someone submitting an OSHA-10 and OSHA-30 card with the name of an instructor who has not taught a safety class for many years. The card stated that the person had recently taken this safety class from that instructor.

SENATOR HARDY:

The cost of the registry will not be paid by the people receiving the training. Is that correct? Who will bear the cost?

ASSEMBLYWOMAN JAUREGUI:

There is a fiscal note submitted by DIR for \$30,000 that covers construction of the website. The State would bear the cost.

SENATOR HARDY:

Is the cost of the OSHA card paid by the trainee?

ASSEMBLYWOMAN JAUREGUI:

Yes, the cost of the OSHA card is not changing. The fees associated with the card are paid by the trainee.

SENATOR HARDY:

The cost of the physical card is still paid by the trainee under this bill.

ASSEMBLYWOMAN JAUREGUI:

Yes, that is correct.

SENATOR SEEVERS GANSERT:

Is it possible to get the OSHA training for free? I have heard of organizations that provide that service free of charge.

Will the registry have the names of the trainers and trainees visible?

ASSEMBLYWOMAN JAUREGUI:

We would like a link on the current DIR website where an employer can look up the number on the OSHA card to see if it is valid. The number would be entered into the search field. The name of the employee, the trainer and the date of the completed class would be listed in the search results. There would not be any personal identifiable information.

SENATOR SEEVERS GANSERT:

That addresses my concern over confidentiality. Are OSHA classes available for free?

RAY FIERRO (Administrator, Division of Industrial Relations, Department of Business and Industry):

We have the Nevada Safety Consultation and Training Section (SCATS) that offers consultation classes for OSHA-10 and OSHA-30 that are free of charge. However, the physical card costs \$8 to produce. That is paid by the trainee.

SENATOR SETTELMAYER:

Groups, such as Nevada Chapter AGC, provide safety training classes twice per year. I have heard of individuals getting the training courses online where they pay the entire cost themselves. Is that correct?

MR. FIERRO:

Mr. Schultz could answer that question.

ASSEMBLYWOMAN JAUREGUI:

That is correct. The training is available online. This bill would not allow for tracking online training courses. This bill is limited to tracking trainers within the State.

TODD SCHULTZ (Nevada Safety Consultation and Training Section):

There are various online resources where the OSHA-10 and OSHA-30 training are available. The costs involved with online training courses depend on the provider. The U.S. Department of Labor OSHA website has a list of approved online training resources.

SENATOR HARDY:

Is there a federal website that tracks OSHA cards?

ASSEMBLYWOMAN JAUREGUI:

Currently, no registry exists anywhere in the country. The website Mr. Schultz was referring to is the federal OSHA website that has a list of websites that offer the approved OSHA-10 and OSHA-30 training courses. There is no registry where employers can verify the validity of an OSHA card. That is the registry this bill intends to establish.

MR. FIERRO:

We have a registry for trainers. The fiscal note adds persons who successfully complete safety courses to the registry of trainers that we already have established at DIR.

SENATOR HARDY:

Is this website searchable by the employer?

MR. FIERRO:

Yes, the employer would search the registry by the number on the card, not by the name of the employee.

CHAIR SPEARMAN:

If there are different ways to complete the training, how do we reconcile the process so that all the training courses are verifiable on the website?

ASSEMBLYWOMAN JAUREGUI:

This bill intends to tackle the problem with counterfeit cards. There will be OSHA-trained employees from other states who will not be on the Nevada registry. The first step to address the problem with counterfeits is to tackle the problem within our State. Eventually, we hope to design a method to verify training cards for people who complete training online or in other states.

We hope that by starting a registry here in Nevada other states will follow our lead. If other states create registries for their employees, then we can figure out a method to cross check completed online courses from states with similar registries.

SENATOR DONDERO LOOP:

Does that mean that we never had a method for tracking OSHA training cards?

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ASSEMBLYWOMAN JAUREGUI:

That is correct. We have not been able to track or verify OSHA training cards. This bill will be our first attempt to solving this issue.

SENATOR DONDERO LOOP:

If I was the OSHA representative at my company, how does my employer verify the validity of my training card?

ASSEMBLYWOMAN JAUREGUI:

There is no way to verify the legitimacy of the employees' OSHA-10 or OSHA-30 cards provided to employers.

SENATOR DONDERO LOOP:

There are jobs that require the OSHA-10 or OSHA-30 card. How do employers verify that?

ASSEMBLYWOMAN JAUREGUI:

Currently, there is no way to verify the legitimacy of that card. That is why we are creating this registry. Fraudulent cards put other employees at risk when a person uses them to gain employment.

SENATOR HARDY:

Section 5, subsection 2, paragraph (b) states "the costs of establishing this registry must not be borne, directly or indirectly, by the construction workers ... ". Somebody has to pay to get this website up and running. Can we be sure the cost will not be indirectly passed on to the employee?

MR. FIERRO:

Through SCATS, the cost for the physical card is \$8. That cost covers the printing of the card. None of that money goes to the websites or to the registry. Private OSHA trainers charge what they choose to charge. We envision spending \$30,000 from the State to enhance the current registry of trainers to add trainees.

Funding for SCATS comes from assessments not the General Fund. We also get funding through federal grants. Most federal grants are a 90/10 split. The federal government pays 90 percent of the grant and the State pays 10 percent. Mr. Schultz can answer more specific questions about funding and money transactions.

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SENATOR HARDY:

You said assessments. Who are the assessments on?

MR. FIERRO:

Workers' compensation assessments are assessed on insurers within the State.

SENATOR HARDY:

Who pays the insurers? I want to be certain that the cost will not indirectly be passed to the employees.

MR. FIERRO:

The DIR is funded by an assessment on insurers in the State and by federal grants. The companies paying insurance premiums pay the assessments to DIR.

SENATOR HARDY:

Are insurance premiums paid by workers?

MR. FIERRO:

No, employers pay the premiums.

SENATOR HARDY:

If the employers are self-insured, do employees pay a portion of that cost?

MR. FIERRO:

No.

ASSEMBLYWOMAN JAUREGUI:

I specifically put this language in the bill, because I did not want the cost of the website to be borne by the employees. For example, I did not want anybody to add \$2 to the \$8 for the training card.

SENATOR HARDY:

That would be a direct cost to the employees. I am concerned over how we prevent indirect costs.

JOSH GRIFFIN (Nevada Subcontractors Association):

We support A.B. 290. This is a problem that has not been addressed. From the standpoint of an employer, it makes sense to be able to maintain safety on the job site by verifying applicants have the appropriate training. The employees

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deserve to know that the people they work with have received the safety training they are supposed to have.

CHAIR SPEARMAN:

We will close the hearing on A.B. 290 and open the hearing on A.B. 496.

**ASSEMBLY BILL 496**: Revises provisions governing the employees of the Silver State Health Insurance Exchange. (BDR 57-1215)

HEATHER KORBULIC (Executive Director, Silver State Health Insurance Exchange):  
I am presenting A.B. 496. I will read a prepared statement ([Exhibit C](#)).

SENATOR SEEVERS GANSERT:

We are on our way to creating a State-based exchange. I would like a tally of the costs associated with this bill, so we can compare those costs to the federal program.

SENATOR DONDERO LOOP:

You are adding nine employees. Have they been hired? Will those jobs be transitional or will they be for a specific area within the group?

Ms. KORBULIC:

Our goal is to hire nine positions to supplement the work that is currently done by the Centers for Medicare and Medicaid Services. In doing so, we are hiring consumer assistance representatives, policy analysts, etc.

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CHAIR SPEARMAN:

We will close the hearing on A.B. 496. With no public comment, the meeting is adjourned at 4:56 p.m.

RESPECTFULLY SUBMITTED:

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Jennifer Richardson,  
Committee Secretary

APPROVED BY:

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Senator Pat Spearman, Chair

DATE: \_\_\_\_\_

<b>EXHIBIT SUMMARY</b>				
<b>Bill</b>	<b>Exhibit / # of pages</b>		<b>Witness / Entity</b>	<b>Description</b>
	A	1		Agenda
	B	2		Attendance Roster
A.B. 496	C	1	Heather Korbulic / Silver State Health Insurance Exchange	Written Statement