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Deputy Administrator

DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INDUSTRIAL RELATIONS
DIVISION COUNSEL

NOTICE OF INTENT TO ACT ON PROPOSED REGULATIONS

Notice of Hearing for the Adoption of Regulations of the Division of Industrial Relations, Department of Business and Industry

LCB File No. R059-15

The Division of Industrial Relations, Department of Business and Industry, State of Nevada (the "Division"), will conduct a public hearing to amend NAC 616C.498, to comply with NRS 616C.495, as amended by Section 3 of Senate Bill 232, Chapter 240, Statutes of Nevada 2015, at page 1141.

The public hearing on these proposed regulations will be conducted by videoconference on Friday, January 8, 2016 at 10:00 a.m. at the following locations:

NV OSHA
1301 N. Green Valley Parkway
1st Floor Training Room
Henderson, Nevada

NV OSHA
4600 Kietkze Lane
Bldg., F, #153, Videoconference Room
Reno, Nevada

Pursuant to NRS 233B.0603, the Division is providing the following information pertaining to the public hearing and the proposed regulations.

The need and purpose of the proposed regulations: *The Division of Industrial Relations, Workers' Compensation Section's proposed amendment to NAC 616C.498 is necessary to comply with NRS 616C.495, as amended by Section 3 of Senate Bill 232, Chapter 240, Statutes of Nevada 2015, at page 1141. This regulation allows an employee injured on or after January 1, 2016, who incurs a permanent partial disability that: (1) does not exceed 30 percent to elect to receive the compensation in a lump sum; and (2) exceeds 30 percent to elect to receive a portion of his or her compensation in a lump sum equal to the present value of an award for a disability of 30 percent.*

The terms and substance of the proposed regulations: *The Division will amend NAC 616C.498 to comply with the amended language of NRS 616C.495, as amended by Section 3 of Senate Bill 232, Chapter 240, Statutes of Nevada 2015, at page 1141, which allows an injured employee to elect to receive a permanent partial disability award in a lump sum up to 30% for injuries incurred on or after January 1, 2016.*

The estimated economic effect of the proposed regulations on (a) regulated businesses and (b) the public, including, stated separately: (i) adverse and beneficial effects; and (ii) immediate and long-term effects:

Adverse: *The Division believes that there will be no adverse effects that would negatively impact regulated businesses, either immediate or long-term. The Division also believes that there is no adverse effects anticipated that would negatively impact the general public, either immediate or long-term. This regulation merely reflects the amendment to NRS 616C.495(1)(a) and (c), increasing the maximum lump sum permanent partial disability payment from 25% to 30%.*

Beneficial: *The Division believes that there will be no beneficial effects on regulated businesses, either immediate or long-term. The Division believes that there will be no beneficial effects to the general public, either immediate or long-term.*

The methods used by the agency in determining the impact on a small business: *The Division considered the purpose and scope of the potential amendments in comparison to NRS 616C.495 as amended by the 2015 Legislature in SB 232, Sec. 3, effective January 1, 2016. Based on this review, the Division determined that this regulation will have some financial impact on insurers, self-insured employers, and employee leasing companies, will have no direct effect on small businesses, either adverse or beneficial, and will also have no indirect effect on small businesses, either adverse or beneficial. This regulation merely reflects the amendment to NRS 616C.495(1)(a) and (c), increasing the maximum lump sum permanent partial disability payment from 25% to 30%.*

The estimated cost to the Division for enforcement of the proposed regulations: *There is no additional cost to the Division for enforcement of this regulation.*

The Division believes that the proposed regulation does not overlap or duplicate any existing regulations. *The proposed regulations are not required by federal law; and there is no equivalent federal regulation.*

The proposed regulation does not establish a new fee or increase an existing fee.

The Division invites representatives of regulated businesses and the public to attend the public hearing and/or prepare written and/or oral comments concerning the proposed regulations. Interested persons may submit written comments to Donald C. Smith, Esq., Senior Division Counsel, Division of Industrial Relations, 1301 North Green Valley Parkway, Suite 200, Henderson, Nevada 89074. Written submissions must be received by the Division by January 5, 2016. If no person who is directly affected by the proposed regulation appears to make oral comments, the Division will proceed immediately to act upon any written submissions.

Persons with disabilities who require special accommodations or assistance at the public hearing must notify Alma Johnson, at the Division of Industrial Relations, Workers' Compensation Section, 1301 North Green Valley Parkway, Suite 200, Henderson, Nevada 89074, in writing or by calling (702) 486-9019 at least three (3) working days prior to the scheduled hearing date.

A copy of this notice and the proposed regulations are available at the Division's web page (http://www.dirweb.state.nv.us/WCS/wcs.htm), the Division's offices (400 West King, Suite 210, Carson City, Nevada; 1301 North Green Valley Parkway, Suite 200, Henderson, Nevada; 4600 Kietzke Lane, Suite F-153, Reno, Nevada) and at the main branch of the public library of each county. Additional copies of the notice and proposed regulations will be available at the main public

library, for inspection and copying by members of the public during business hours, in all counties in which an office of the Division is not maintained. This notice and the text of the proposed regulations are also in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the internet at http://www.leg.state.nv.us. Copies of this notice and the proposed regulations will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Notice required by NRS 233B.064: Upon adoption of any regulation, the agency (the Division), if requested to do so by an interested person, either before adoption or thirty days thereafter, shall issue a concise statement or the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice has been posted at the Division's offices; the Grant Sawyer Building, 555 East Washington Avenue, Las Vegas, Nevada; Director's Office, Department of Business and Industry, 555 E. Washington Avenue, #4900, Las Vegas, Nevada; the Bradley Building, 2501 West Sahara Avenue, Las Vegas, Nevada; and the Nevada State Library, Archives and Public Records, 100 Stewart Street, Carson City, Nevada. In addition, this notice has been posted on the Division's Web site at: http://dirweb.state.nv.us/WCS/wcs.htm.