



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. R136-14

The Division of Industrial Relations, Department of Business and Industry, State of Nevada (the "Division"), will conduct a public hearing to amend NAC 616C.490 and repeal NAC 616A.500 and NAC 616A.510.

**The public hearing on these proposed regulations will be conducted by videoconference on Thursday, February 18, 2016 at 9:00 a.m. at the following locations:**

Grant Sawyer Building  
555 East Washington Avenue  
Room 4412  
Las Vegas, Nevada

Legislative Building  
401 South Carson Street  
Room 2135  
Carson City, Nevada

This public workshop will also be available for viewing at that time on the Legislative Counsel Bureau's website at <https://leg.state.nv.us/App/Calendar/A/>.

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.490 will conform the language of this regulation with the Nevada Supreme Court holding in PACT v. Blake, 127 Nev. Adv. Op. 77, 265 P.3d 694 (2011), which struck down subsection 4; and repeal NAC 616A.500 and NAC 616A.510, to comply with Sections 1.7 and 3.5 of Chapter 521, Statutes of Nevada 2011, at pages 3589 and 3592-93, amending NRS 244.33505 and NRS 268.0955, respectively, regarding Form D-25.*

The terms and substance of the proposed regulations: *The Division will amend NAC 616C.490 to remove subsection 4 and renumber the remaining subsections and repeal NAC 616A.500 and NAC 616A.510 to comply with current statutory requirements.*

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, either immediate or long-term, that would negatively impact regulated business. The Division also believes that there are no adverse effects, either immediate or long-term, that would negatively impact the general public.*

*Beneficial: The Division believes that repeal of NAC 616A.500 and NAC 616A.510 will have both immediate and long-term beneficial effects for regulated businesses by removing unnecessary or duplicative regulations which are now covered in NRS 244.33505 and NRS 268.0955. The Division also believes that there are no beneficial effects, either immediate or long-term, that would impact the general public.*

The methods used by the agency in determining the impact on a small business: *Because there will be no affect from the adoption of these regulations, which will align the language of NAC 616C.490 with existing law in Nevada as determined by the Supreme Court and will repeal NAC 616A.500 and 616A.510 because of the amendment to NRS 244.33505 and NRS 268.0955. The Division determined that this regulation will have no effect on small businesses, either adverse or beneficial.*

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 February 16, 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 201, 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>.