

**NOTICE OF PUBLIC WORKSHOPS TO SOLICIT COMMENTS ON
PROPOSED REGULATIONS
LCB File No. R127-17**

(THIS IS NOT A NOTICE OF INTENT TO ACT ON A REGULATION)

The Division of Industrial Relations, Department of Business and Industry, State of Nevada, (“Division”), will conduct a public workshop to amend NAC 616C.502, to comply with NRS 616C.495, as amended by Section 9 of Assembly Bill 458, Chapter 216, Statutes of Nevada 2017, at page 1167. This regulation deletes the actuarial annuity table for the calculation of lump-sum permanent partial disability (“LS PPD”) payments in accordance with the requirements of NRS 616C.495(5), as amended, and repeals NAC 616C.498 which has become unnecessary based on the amendment of NRS 616C.495(1).

A public workshop will be conducted by videoconference on Friday, December 1, 2017, at 9:00 a.m. at the following locations:

Sawyer Building
555 East Washington Avenue
Room 4401
Las Vegas, Nevada

Legislative Building
401 South Carson Street
Room 3137
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.608 and 233B.609, the Division is providing the following statements pertaining to the workshop on proposed changes to NAC 616C.502 and repeal of NAC 616C.498.

The need and purpose of the proposed revisions to regulations: *The Division of Industrial Relations, Workers’ Compensation Section’s proposed amendment to NAC 616C.502 is necessary to comply with NRS 616C.495, as amended by Section 9 of Assembly Bill 458, Chapter 216, Statutes of Nevada 2017, at page 1167. This regulation deletes the actuarial annuity table for the calculation of lump sum permanent partial disability (“LS PPD”) payments in accordance with the requirements of NRS 616C.495,as amended. NAC 616C.498 is being repealed as this regulation has been supplanted by the amendment to NRS 616C.495(1) in Section 9 of Assembly Bill 458, Chapter 216, Statutes of Nevada 2017, at page 1167.*

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:

(a) Regulated businesses:

(i) Adverse and beneficial effects:

The Division anticipates no adverse effects, either direct or indirect, on regulated businesses as the result of the amendment to NAC 616C.502. The adverse

effects, if any, are difficult to determine at this time. There will be no direct or indirect cost to regulated or small businesses.

The Division believes that there will be no beneficial effects, either direct or indirect, on regulated businesses as the result of the amendment to NAC 616C.502.

(ii) Immediate and long-term effects:

The Division does not anticipate any immediate effects, either adverse or beneficial, on regulated and small businesses as a result of the amendment of NAC 616C.502. There will be no direct or indirect costs to regulated or small businesses.

The Division does not anticipate any long term effects, either adverse or beneficial, on regulated and small businesses as a result of the amendment of NAC 616C.4502. There will be no direct or indirect costs to regulated or small businesses.

(b) The public:

(i) Adverse and beneficial effects:

The Division anticipates no adverse effects, either direct or indirect, on the public as the result of the amendment to NAC 616C.502. There will be no direct or indirect cost to regulated or small businesses.

The Division believes that there will be no beneficial effects, either direct or indirect, on the public as the result of the amendment to NAC 616C.502.

(ii) Immediate and long-term effects:

The Division does not anticipate any immediate effects, either adverse or beneficial, on the public as a result of the amendment of NAC 616C.502. There will be no direct or indirect costs to regulated or small businesses.

The Division does not anticipate any long term effects, either adverse or beneficial, on the public as a result of the amendment of NAC 616C.502. There will be no direct or indirect costs to regulated or small businesses.

The estimated cost to the Division for enforcement of the proposed regulations: The Division does not anticipate incurring any additional cost for enforcing any proposed amendment to NAC 616C.502 or repealing NAC 616C.498.

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

The proposed regulation does not establish a new fee or increase an existing fee. The proposed regulation does not provide for a new fee or increase an existing fee payable to the Division.

A copy of the proposed language for LCB File No. R127-17, may be obtained at the Workshop or downloaded from the Nevada Workers' Compensation Section website: <http://dir.nv.gov/WCS/Hearings/>. Before the Public Workshop, 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.

After the comments have been reviewed and considered, the Division will give notice of intent to act on the regulation and conduct one or more public hearings to solicit written and/or oral comments, data, and views on the proposed regulation.

Persons with disabilities who require special accommodations or assistance at the workshop must notify Cynthia Hernandez, at the Division of Industrial Relations, 1301 North Green Valley Parkway, Suite 200, Henderson, Nevada 89074, or by calling (702) 486-9112 by 5:00 p.m., Monday, November 27, 2017.

This Notice of Workshops to Solicit Comments on Proposed Regulations has been posted at the following locations: the Division's offices at 400 West King Street, Suite 210, Carson City, NV 89703; 1301 North Green Valley Parkway, Suite 200, Henderson, NV 89074; 4600 Kietzke Lane, Suite F-153, Reno, NV 89502; the Grant Sawyer Building, 555 E. Washington Avenue, Las Vegas, Nevada 89101; the Nevada Business Center, 3300 West Sahara Avenue, #425, Las Vegas, Nevada 89102; and the Nevada State Library, Archives and Public Records, 100 Stewart Street, Carson City, Nevada 89701. In addition, this notice has been posted on the Division's Web site: <http://dir.nv.gov/WCS/Hearings/>.

**STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INDUSTRIAL RELATIONS**

**SMALL BUSINESS IMPACT STATEMENT
AS REQUIRED BY NRS 233B.0608 AND 233B.0609
LCB FILE NO. R127-17**

November 7, 2017

Note: Small Business is defined as “a business conducted for profit which employs fewer than 150 full-time or part-time employees.” (NRS 233B.0382).

1. Describe the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.

ANSWER: To determine whether the amendment of NAC 616C.502 is likely to have an impact on small businesses, the Division of Industrial Relations (“Division”) considered the purpose and scope of the potential amendments in comparison to NRS 616C.495 as amended by the 2017 Legislature in AB 458, Sec. 9, effective July 1, 2017. While the regulation may have some financial impact on insurers, self-insured employers, associations of self-insured employers and employee leasing companies which was contemplated by the legislature, the Division determined that this regulation implementing the statutory change 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) and (5), respectively amending the provisions regarding the election of lump-sum permanent partial disability awards up to thirty percent (30%) and setting forth the criteria for the adjustment of factors to be applied to calculate lump-sum permanent partial disability awards set forth in NAC 616C.502

2. The manner in which the analysis was conducted.

ANSWER: As noted in Answer 1, above, there will be no financial effect on small businesses as a result of this regulation. The Division determined that this regulation will have no direct or indirect effect on small businesses, either adverse or beneficial.

3. The estimated economic effect of the proposed regulation on the small businesses which it is to regulate, including, without limitation:

(a) Both adverse and beneficial effects; and

(b) Both direct and indirect effects.

ANSWER: The Division anticipates no adverse or beneficial effects, either direct or indirect, on small businesses as the result of the adoption of this regulation.

4. Describe the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods.

ANSWER: Because there will be no impact on small businesses, there are no methods available to reduce the impact the Division could have considered.

5. The estimated cost to the agency for enforcement of the proposed regulation.

ANSWER: There is no additional cost to the agency for enforcement of this regulation.

6. If the proposed regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

ANSWER: The proposed regulation does not provide for a new fee or increase an existing fee payable to the Division.

7. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary.

ANSWER: The proposed regulation does not include any provisions which duplicate or are more stringent than existing federal, state, or local standards.

8. The reasons for the conclusions of the agency regarding the impact of a regulation on small businesses.

ANSWER: The Division complied with NRS 233B.0608 by considering the purpose and scope of the proposed amendments in comparison to NRS 616C.495(1) and (5) as amended by the 2017 Legislature in AB 458, Sec. 9, effective July 1, 2017, and by making a concerted effort to determine whether the proposed amendments impose a direct or significant economic burden upon small businesses, or directly restricts the formation, operation, or expansion of a small business. The Division determined that these regulations will have no effect on small businesses and will not restrict the formation, operation or expansion of small businesses.

I, JOSEPH (JD) DECKER, Administrator of the Division of Industrial Relations, certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and that the information contained in the statement was prepared properly and is accurate.

DATED this 8th day of November, 2017.



JOSEPH "JD" DECKER, Administrator
Department of Business and Industry
Division of Industrial Relations