

March 25, 1975 (P.M. Session)

The meeting was called to order at 2:35 P.M. by Chairman Banner for the purpose of discussing A.B. 367-366-372 & 369.

John Reiser, Chairman of the Nevada Industrial Commission was the first speaker in favor of A.B. 367. That the intent of the bill was to allow the NIC to pay "temporary total disability" longer than the 100 months provided for in the present statute. That very few people would be affected by this. Only one case in the years that he had been with the NIC came to mind. One young man who had undergone several back surgeries, but was able, and motivated, to work part time at light employment. As it is now, an employee like this would have to be determined to be "permanently totally disabled", or his benefits would cease after the 100 months.

Chairman Banner asked if there was anyone who wished to speak in opposition to A.B. 367. He asked Mr. Reiser to go over A.B. 366.

Mr. Reiser stated that the intent of A.B. 366 was to clarify a statute that did not make the distinction between husbands and wives. It simply eliminates the distinction between the two. That it was something everyone had missed when the law had been passed in 1973. That it was primarily a housekeeping change.

Mr. Barengo suggested that the bill be amended to read "spouse" instead of husband or wife, leaving in the phrase (regarding voluntary abandonment). Mr. Reiser agreed that this would clarify Sections A & B. Chairman Banner appointed Mr. Barengo a committee of one to amend the language of the bill.

No one present wished to speak in opposition to A.B. 366, so Chairman Banner asked Mr. Reiser to go over A.B. 365.

Regarding A.B. 365 said that it was a minor problem that had arisen in a few cases. The intent of the bill is to allow the NIC to pay for ambulance service or transportation so that an injured employee may receive prompt medical attention, if the employer fails or refuses to provide such service. The NIC would then bill the employer's account for the monies expended.

No one present wished to speak in opposition to A.B. 365, so Chairman Banner asked Mr. Reiser to go over A.B. 372.

Regarding A.B. 372, Mr. Reiser stated that it was intended to clarify the subrogation rights of the NIC. That the problem their legal staff had experienced involves the "Witt versus Jackson" dispute, a California case. It provides that the NIC can recover from a third person, notwithstanding any contributory negligence by an employer

Assemblyman Barengo said that there had been discussions on A.B. 304 in this same area, and asked if A.B. 372 was the only bill on this subject that was coming up.

A.B. 372 (Cont.)

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Mr. Reiser replied that S.B. 339 was under consideration by the Senate Judiciary Committee, and it concerned the same area.

Assemblyman Schofield asked for clarification on any other bills that might be coming to the Labor & Management Committee on this same problem.

Mr. Reiser said that S.B. 339 was the only one that he knew of.

Since there was no one who wished to speak in opposition to A.B. 372, Chairman Banner asked Mr. Reiser to go over A.B. 369.

Mr. Reiser said that A.B. 369 was another housekeeping bill. It clarifies a present statute, and should be considered along with A.B. 427. It provides that "permanent partial disability" benefits can be paid from the date of the injury, if there is no "temporary partial disability" benefits paid. As an example, a person may cut a finger and be able to return to work, but is still entitled to medical benefits.

Since there was no one who wished to speak in opposition to A.B. 369, Mr. R. W. McCoy stated that he wished to speak. On the matter of the bills heard at this meeting, he stated that the bills discussed were very desirable legislation, and that he supported them 100%.

Chairman Banner explained that there would be a short hearing Thursday, 9:30 A.M., March 27, as the Legislature would convene at 10 A.M.; that the hearing would then continue at 1 P.M., and not 2:30 P.M. as previously posted. At 1 P.M. there would be discussion of the 4 bills scheduled to be heard at 9:30 A.M.

Since there was no further business to come before the hearing, it was concluded at 3:35 P.M.

Respectfully submitted,

Betty Clugston
Acting Secretary

Bills or Resolutions
to be considered

Subject

Counsel
requested*

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- A.B. 367 Removes time limitation on temporary total disability benefits under Nevada Industrial Insurance Act.
- A.B. 366 Removes sex distinction from provision of Nevada Industrial Insurance Act establishing conclusive presumption of total dependence of spouse upon an injured or deceased employee.
- A.B. 365 Allows Nevada Industrial Commission to provide first aid and transportation to injured employee when employer fails or refuses.
- A.B. 372 Clarifies right of Nevada Industrial Commission to reduce compensation payable to injured employee or his dependents in amount equal to any damages that such employee or dependent may recover from a third person notwithstanding contributory negligence of employer.
- A.B. 369 Provides that temporary compensation benefits are not paid for minimum duration of incapacity.

