

Senate

COMMERCE AND LABOR COMMITTEE

April 8, 1975

The meeting was called to order in Room #213 at 3:15 p.m. on Tuesday, April 8, 1975, with Senator Gene Echols in the chair.

PRESENT: Senator Gene Echols
 Senator Richard Blakemore
 Senator Warren Monroe
 Senator Margie Foote
 Senator Gary Sheerin
 Senator William Raggio (3:45)

ABSENT: Senator Richard Bryan

OTHERS PRESENT: See Exhibit "A"

A.B. 370: Revises time limits for filing claims with Nevada Industrial Commission for compensation based on occupational disease.

Robert Haley, Nevada Industrial Commission, testified in favor of A.B. 370. He said this was just a clean up bill to make it easier to determine the time allowed for reporting the claim. They added "the employee has knowledge of the" which recognizes the fact that the disability is a progressive one. Mr. Haley gave some examples of occupational diseases, the most common being silicosis.

Senator Echols asked Mr. Haley how they were going to define "has knowledge of." Mr. Haley said the idea was that there would be a diagnosis presented to him. Senator Echols asked if there was any problem with saying that in the bill. Mr. Haley said you could say 90 days after diagnosis by a competent physician. After a short discussion by the committee it was decided to leave the language as it was.

Lou Paley, AFL-CIO, said he would leave the language as it is.

Senator Sheerin moved a do pass.

Senator Foote seconded the motion.

The vote was unanimous with Senators Monroe, Raggio, and Bryan absent attending other committee meetings. Senator Foote will defend on the floor.

A.B. 405: Deletes provision that disability or death from silicosis have resulted within 2 years following last injurious exposure as condition for payment for compensation.

Robert Haley, Nevada Industrial Commission, testified in favor of A.B. 405. A.B. 405 removed the requirement that death or disability from silicosis occur within 2 years from last injurious exposure. They have found that this is a progressive disease and they have had rulings in the courts that said that was an arbitrary limitation. Mr. Haley stated that putting this limitation on you actually encourage people to apply for Permanent Total Disability. Senator Sheerin asked Mr. Paley if they agreed with this bill and Mr. Haley stated yes.

Senator Monroe moved do pass.

Senator Sheerin seconded the motion.

The vote was unanimous with Senators Bryan and Raggio absent. Senator Blakemore will defend on the floor.

A.B. 426: Provides for forfeiture of industrial insurance benefits obtained by false statements and provides penalties for employers failure to provide compensation.

Robert Haley, Nevada Industrial Commission, testified in favor of A.B. 426. He stated there was another bill in process which provides coverage for the employees of uninsured employers. It was felt that they wanted to stiffen the penalty for not carrying workman's compensation insurance because of the fact that the uninsured employers fund might be an enticement to an employer to take a chance. He stated there is another bill which cuts the numeric limit out. They want to make the penalty stiff enough that they will think twice about not obtaining coverage. Senator Sheerin said A.B. 426 did cut the limitation from two employees to one. Mr. Haley said this was in anticipation of another bill that is in process.

Mr. Lou Paley stated he would have no objection to the bill as it is part of the package.

Senator Sheerin moved a do pass.

Senator Blakemore seconded the motion.

The vote was unanimous with Senator Bryan absent. Senator Raggio will defend on the floor.

Page Two
April 8, 1975
Commerce and Labor Committee

445

A.B. 429: Extends Nevada Industrial Insurance Act coverage to certain unpaid volunteer workers.

Robert Haley, Nevada Industrial Commission, testified in favor of A.B. 429. This bill extends coverage to volunteer organizations within state and local public organizations, federally assisted organizations, or private, incorporated non-profit organizations. There are a number of organizations that applied to the Commission to cover their volunteers. Senator Blakemore asked if this was elective coverage. Mr. Haley stated it would have to be a formal program, with a sponsorship that is recognized by the Commission. Senator Blakemore said this would have serious implications to schools, for instance, with volunteer aides. This could be made so mothers that came in to help out would have to be covered. Mr. Haley stated they didn't want to make it mandatory. The coverage is elective by the organization that is sponsoring the volunteers. Senator Raggio stated that was what troubled him about the bill. It doesn't say it is elective. He said he received a telegram from St. Mary's Hospital opposing the bill. He was wondering why they would oppose the bill. Mr. Haley said that St. Mary's Hospital would have to apply. Senator Raggio said he thought that could be interpreted to mean that if the volunteer organization applied and the Commission thought they should be covered, that they could mandate this. Senator Raggio stated it should be made clear that it requires the approval of the organization before they are covered.

Roland Oakes, Associated General Contractors, stated that the purpose of the bill is to legalize what NIC is presently doing. That was to cover, at the request of the employer, Teenage Opportunity Program.

Roy A. Sebbas, State Director, Office of Nevada Voluntary Action, testified next in regard to A.B. 429. They were the initial requesters of the bill. Their intent when they first went to NIC to ask for the bill was to cover volunteers that were direct service volunteers. His written testimony is attached and marked Exhibit "B".

Senator Sheerin said he thought that the idea of covering these volunteer workers is a good one, but wanted to know who was going to pay for it. Mr. Sebbas stated it would be elective to the agency utilizing the volunteers, or the voluntary agency itself. The only stipulation is that it would have to be a formal volunteer program. Senator Raggio asked why St. Mary's Hospital is opposing the bill if they are not required to have this coverage. Mr. Sebbas stated they had been trying to research that out themselves. Senator Raggio suggested it should read \$100 a month and shall be entitled to the benefits of this chapter when such organization approves such coverage and implies with its provisions and implementing regulations. The amendment would be inserting "approves such coverage and." Mr. Oakes suggested saying "upon payment of the premium." Senator Blakemore said the volunteers are not going to be covered unless the employer approves the coverage. He said maybe there should be a paragraph of intent.

Ray Bohart, Federated Employers, said their reading of this bill was that this would apply for mandatory coverage in fraternal, church, civil or scouting volunteer work. They didn't see any elective nature in it. They would have no problem with the bill if it was amended to clearly state that the coverage is elective and that the contributions are totally self-supportive for the coverage provided. This would be so that the general fund is not covering the cost of benefits paid out. Mr. Reiser, NIC, said that this would be consistent with every other classification. The volunteer coverage would be established according to the exposure and would be changed every year according to the exposure.

over

Larry Keyes, Nevada Independent Insurance Agents, testified in support of A.B. 429 for two reasons. 1) the idea is a good one; and 2) he didn't see how it would be feasible to come up with a private insurance program.

Senator Monroe moved to amend and do pass.

Senator Raggio seconded the motion.

The vote was unanimous with Senator Bryan absent. Senator Raggio will draft the amendment and speak on the floor, if necessary.

A.B. 365: Allows Nevada industrial commission to provide first aid and transportation to injured employee when employer fails or refuses.

John Reiser, Nevada Industrial Commission, testified in favor of A.B. 365. He stated this would allow the NIC to provide first aid and transportation anytime that an injured worker is injured on the job. This would facilitate taking care of costs on a valid industrial injury even if the employer does have some objection to paying for that cost. This simply facilitates them to pay for medical treatment without having any delay.

Senator Raggio asked what brought this bill about. He asked if there are problems with the present law. Mr. Reiser stated there had been a few problems in cases where the employer would say he didn't think the transportation was necessary. Senator Blakemore asked if the man had to be flown to Houston, Texas on a chartered Lear Jet, would this

Page Three
April 8, 1975
Commerce and Labor Committee

447

be charged back to the employer. Mr. Reiser said you could extend this to a more realistic example. Senator Raggio said it says the nearest place of proper treatment. Senator Blakemore said in some burn cases the nearest place of proper treatment is in Houston, Texas. Mr. Reiser said that was a possibility. He said the employer would have to pay if it is a valid, required treatment. He said that burn treatment is a very good example.

Senator Monroe asked what if there was a dispute between the injured employee and the employer about how they should get to the hospital. Senator Monroe asked what they did in that case. Mr. Reiser said they would provide the type of transportation that is necessary to get the injured party to the closest place of treatment. He stated if there was an abuse of this the employer should, and would, have a right to appeal. The Commission then could go ahead and pay it. Senator Blakemore asked who makes the decision. Mr. Reiser said they would. He also stated there were so few problems with this that this was just clean up legislation. There was a short discussion about the above.

Roland Oakes said to assume that NIC did pay for the cost of flying the injured person to Houston in a Lear Jet, it would still be charged to the employer's account. You are not saving him any money. He stated the bill was just to make sure the ambulance was called. Senator Monroe said he didn't understand because he thought that when the employer paid for NIC insurance, everything was paid for, doctor's, hospitals, etc. Mr. Oakes said it affected his rate. There was discussion about this from the committee.

Senator Monroe suggested the wording be changed to read "emergency" treatment. Senator Raggio stated that this was already in the existing law, subsection 1. Mr. Oakes stated they had ambulances on their job sites, and they don't want to turn the responsibility of getting the employee to the hospital over to anyone else because it affects their rates.

Senator Foote moved do pass.

Senator Blakemore seconded the motion.

The vote was unanimous with Senator Bryan absent. Senator Blakemore will defend on floor.

A.B. 367: Removes time limitation on temporary total disability benefits under Nevada Industrial Insurance Act.

John Reiser, Nevada Industrial Commission, testified in favor of A.B. 367. This bill was intended to remove a limitation on Temporary Total Disability benefits. The present statute limits duration of Temporary Total Disability to go more than 100 months. Senator Monroe asked when the determination was made that a person is permanently disabled. Mr. Reiser said when no more could be done for them medically and cannot be rehabilitated.

OVER

Senator Monroe moved do pass.
Senator Raggio seconded the motion.
The vote was unanimous with Senator Bryan absent. Senator Monroe will defend on floor.

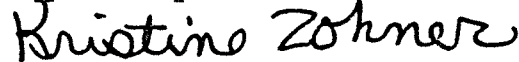
A.B. 369: Provides that temporary compensations benefits are not paid for minimum duration of incapacity.

John Reiser, Nevada Industrial Commission, testified in favor of A.B. 369. He said this bill was designed to clarify present policy. Present statute read no compensation shall be paid under this chapter which does not incapacitate employee for a period of at least five days. He stated there were a number of motivated people who return to work with no temporary total disability. The intent is to clarify that permanent partial disability benefits are to be paid back to the date of injury if the individual does return to work with no loss of time.

Senator Raggio moved do pass.
Senator Blakemore seconded the motion.
The vote was unanimous with Senator Bryan absent. Senator Sheerin will defend on floor.

There being no further business, the meeting adjourned at 4:45 p.m.

Respectfully submitted:



Kristine Zohner, Committee Secretary

APPROVED BY:


Senator Gene Echols, Chairman

SENATE Commerce + Labor COMMITTEE

ROOM # 213

419

DATE Tuesday April 8, 1975

NAME	ORGANIZATION	ADDRESS	PHONE NUMBER
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*NOTE: PLEASE PRINT ALL THE INFORMATION CLEARLY.

Larry Keas	Nevada Independent Insurance Agents,	317 N. Carson St.,	882-1366
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JOHN MADOLE	ASSOCIATED GENERAL CONTRACTORS RENO 329-6116		
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Roy A. Sebbas	Office of Nevada Voluntary Action	111 W. Telegraph,	CL 885-4420
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Exhibit "B"



STATE OF NEVADA
OFFICE OF NEVADA VOLUNTARY ACTION
CAPITOL COMPLEX
CARSON CITY, NEVADA 89701
TELEPHONE (702) 885-4422

450

MIKE O'CALLAGHAN
GOVERNOR

ROY A. SEBBAS
DIRECTOR

April 8, 1975

TO: The Chairman and Members of the Nevada State Senate Committee
on Labor and Commerce

FROM: Roy A. Sebbas, State Director *Roy Sebbas*

RE: AB 429 (NIC coverage for certain unpaid volunteer workers)

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1. Nevada Voluntary Action, the Governor's agency concerned with volunteering in Nevada, approached NIC requesting inclusion of this legislation in their package to permit agencies and organizations to elect to offer NIC benefits and coverages to unpaid volunteers while those volunteers were offering a direct service to which a general community clientele has general access. It is not intended that this coverage would extend to sectarian activities, activity only for the benefit of a select group or immediate membership nor fund-raising activity or campaigns.
 2. The rationale for this coverage is due to the service nature of direct service volunteering and the potential to state government for this means of supporting and expanding public services but, at the same time, providing a basic protection to this unpaid service provider should injury occur; this act seems only just if our society has deemed such coverage essential for the paid worker. Precedent in Nevada for such coverage for direct service volunteers exists in statutes pertaining to volunteer firemen, ambulance corps and volunteers in Nevada Mental Health Institute. Recently, State of Washington enacted similar legislation, requested there by my counterpart.
 3. Other categories included are volunteers in federally assisted programs since many federal funding sources permit volunteer hours to serve as "soft" or "in-kind" match to Federal monies;

private, non-profit, incorporated grew out of a request from Voluntary Action Center of Greater Las Vegas that they be able to elect such coverage and this agency is private, non-profit.
 4. This agency, Nevada Voluntary Action, would encourage support of the extension of full coverages, hospitalization and temporary disability, since a direct service volunteer may be in another capacity a personal sole source of support or a primary wage-earner.

SENATE

HEARING

COMMITTEE ON..... COMMERCE AND LABOR.....

451

Date.. April 8, 1975 .. Time. P.M. Adj. .. Room. 213 ..

Bill or Resolution to be considered	Subject
A.B. 370	Revises time limits for filing claims with NIC for compensation based on occupational disease.
A.B. 405	Deletes provision that disability or death from silicosis have resulted within two years following last injurious exposure as condition for payment of compensation.
A.B. 426	Provides for forfeiture of industrial insurance benefits obtained by false statements and provides penalties for employer's failure to provide compensation.
A.B. 429	Extends Nevada Industrial Insurance Act coverage to certain unpaid volunteer workers.
A.B. 365	Allows NIC to provide first aid and transportation to injured employee when employer fails or refuses.
A.B. 367	Removes time limitation on temporary total disability benefits under Nevada Industrial Insurance Act.
A.B. 369	Provides that temporary compensation benefits are not paid for minimum duration of incapacity.

A. B. 370**ASSEMBLY BILL NO. 370—COMMITTEE ON LABOR
AND MANAGEMENT**

MARCH 5, 1975

Referred to Committee on Labor and Management

SUMMARY—Revises time limits for filing claims with Nevada industrial commission for compensation based on occupational disease. Fiscal Note: No. (BDR 53-1118)

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to occupational diseases; revising the time limits within which claims for compensation must be filed with the Nevada industrial commission.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. NRS 617.330 is hereby amended to read as follows:
 2 617.330 In all cases of occupational disease or death resulting from
 3 occupational disease, except as otherwise provided in this chapter, a claim
 4 for compensation shall be forever barred, unless, within [4 months after
 5 the disability due to the disease began, or within 6 months after death
 6 occurred,] *90 days after the employee has knowledge of the disability, or*
 7 *within 1 year after death occurred,* a claim therefor [shall be] is filed
 8 with the commission.

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 405

ASSEMBLY BILL NO. 405—COMMITTEE ON
LABOR AND MANAGEMENT

MARCH 14, 1975

Referred to Committee on Labor and Management

SUMMARY—Deletes provision that disability or death from silicosis have resulted within 2 years following last injurious exposure as condition for payment of compensation. Fiscal Note: No. (BDR 53-1114)

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to industrial insurance; deleting provision that disability or death from silicosis have resulted within 2 years following last injurious exposure as condition for payment of compensation.

*The People of the State of Nevada, represented in Senate and Assembly,
do enact as follows:*

- 1 SECTION 1. NRS 617.460 is hereby amended to read as follows:
2 617.460 1. Silicosis shall be considered an occupational disease and
3 shall be compensable as such when contracted by an employee and when
4 arising out of and in the course of the employment.
5 2. Claims for compensation on account of silicosis shall be forever
6 barred unless application shall have been made to the commission within
7 1 year after temporary or total disability or within 6 months after death.
8 3. Nothing in this chapter shall entitle an employee or his dependents
9 to compensation, medical, hospital and nursing expenses or payment of
10 funeral expenses for disability or death due to silicosis in the event of the
11 failure or omission on the part of the employee truthfully to state, when
12 seeking employment, the place, duration and nature of previous employ-
13 ment in answer to an inquiry made by the employer.
14 4. No compensation shall be paid in case of silicosis unless, during
15 the 10 years immediately preceding the disablement or death, the injured
16 employee shall have been exposed to harmful quantities of silicon dioxide
17 dust for a total period of not less than 3 years in employment in Nevada
18 covered by the Nevada industrial commission.
19 5. Compensation [, medical, hospital and nursing expenses] on
20 account of silicosis shall be payable only in the event of temporary total
21 disability, permanent total disability, or death, in accordance with the pro-
22 visions of chapter 616 of NRS. [, and only in the event of such disability

A. B. 426

ASSEMBLY BILL NO. 426—COMMITTEE ON
LABOR AND MANAGEMENT

MARCH 18, 1975

Referred to Committee on Labor and Management

SUMMARY—Provides for forfeiture of industrial insurance benefits obtained by false statements and provides penalties for employers' failure to provide compensation. Fiscal Note: No. (BDR 53-1112)



EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to industrial insurance; providing for forfeiture of benefits obtained by false statements; providing penalties for failure of employers to provide and secure compensation; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly,
do enact as follows:*

- 1 SECTION 1. NRS 616.630 is hereby amended to read as follows:
2 616.630 1. [If any] Any employer within the provisions of NRS
3 616.285 [shall fail] *who fails* to provide and secure compensation
4 [under the terms of] *as required by this chapter* [, he shall be fined
5 not more than \$500 for each offense.] *shall be guilty of a gross mis-*
6 *demeanor.*
- 7 2. If the commission or interested employee [shall complain] *com-*
8 *plains* to the district attorney of any county that an employer in his
9 county has violated the provisions of this section, it shall be the manda-
10 tory duty of the district attorney to investigate the complaint. If, after
11 investigation, he [shall find] *finds* that the complaint is well founded, he
12 shall prosecute the employer for the offense.
- 13 3. If the commission or interested employee [shall complain] *com-*
14 *plains* to the attorney general [of any neglect of any district attorney in
15 the premises,] *that the district attorney has neglected the duty imposed*
16 *by subsection 2*, it shall be the mandatory duty of the attorney general
17 to investigate the complaint. If, after investigation, he [shall find] *finds*
18 that the complaint is well founded, he shall forthwith institute proceed-
19 ings against the district attorney as for a misdemeanor or to remove him
20 from office.
- 21 4. The duty of the district attorney and of the attorney general shall
22 be enforced as to procedure in the same manner as is provided in the

A. B. 365**ASSEMBLY BILL NO. 365—COMMITTEE ON
LABOR AND MANAGEMENT**

MARCH 5, 1975

Referred to Committee on Labor and Management

SUMMARY—Allows Nevada industrial commission to provide first aid and transportation to injured employee when employer fails or refuses. Fiscal Note: No. (BDR 53-1121)

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to the Nevada industrial commission; allowing the commission to pay for costs of first aid and transportation for injured employee if the employer fails or refuses; authorizing the commission to charge the employer for reimbursement; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. NRS 616.340 is hereby amended to read as follows:
 2 616.340 1. It **[shall be]** *is* the duty of every employer within the
 3 provisions of this chapter, immediately upon the occurrence of an injury
 4 to any of his employees, to render to the injured employee all necessary
 5 first aid, including cost of transportation of the injured employee to the
 6 nearest place of proper treatment where the injury is such as to make it
 7 reasonably necessary for such transportation.
 8 2. The employer shall forthwith notify the commission of the acci-
 9 dent, giving:
 10 (a) The name of the injured employee.
 11 (b) The nature of the accident.
 12 (c) Where and by whom the injured employee is being treated.
 13 (d) The date of the accident.
 14 3. *The commission may pay the costs of rendering such necessary*
 15 *first aid and transportation of the injured employee to the nearest place of*
 16 *proper treatment if the employer fails or refuses to pay the costs. The*
 17 *commission may charge to and collect from the employer, as reimburse-*
 18 *ment, the amount of the costs incurred by the commission in providing*
 19 *such first aid and transportation services to the injured employee.*

A. B. 367**ASSEMBLY BILL NO. 367—COMMITTEE ON LABOR
AND MANAGEMENT**

MARCH 5, 1975

Referred to Committee on Labor and Management

SUMMARY—Removes time limitation on temporary total disability benefits under Nevada Industrial Insurance Act. Fiscal Note: No. (BDR 53-1116)

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to industrial insurance; removing time limitation on temporary total disability benefits.

*The People of the State of Nevada, represented in Senate and Assembly,
do enact as follows:*

- 1 SECTION 1. NRS 616.585 is hereby amended to read as follows:
2 616.585 Every employee in the employ of an employer, within the
3 provisions of this chapter, who shall be injured by accident arising out of
4 and in the course of employment, or his dependents as defined in this
5 chapter, shall be entitled to receive the following compensation for tem-
6 porary total disability:
7 1. During the period of temporary total disability, [but in no event
8 for more than 100 months,] 66⅔ percent of the average monthly wage.
9 2. Any increase in compensation and benefits effected by the amend-
10 ment of subsection 1 shall not be retroactive.
11 3. For purposes of temporary total disability benefits under this
12 section, the period of temporary total disability shall cease [prior to
13 expiration of 100 months] when any competent medical authority deter-
14 mines such employee is capable of any gainful employment.

A. B. 369

ASSEMBLY BILL NO. 369—COMMITTEE ON
LABOR AND MANAGEMENT

MARCH 5, 1975

Referred to Committee on Labor and Management

SUMMARY—Provides that temporary compensation benefits are not paid for minimum duration of incapacity. Fiscal Note: No. (BDR 53-1122)

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to industrial insurance; providing that temporary compensation benefits are not paid when incapacity is for minimum duration; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. NRS 616.570 is hereby amended to read as follows:
 2 616.570 1. No *temporary compensation benefits* shall be paid under
 3 this chapter for an injury which does not incapacitate the employee for
 4 a period of at least 5 days from earning full wages, but if the incapacity
 5 extends for a period of 5 or more days, compensation shall then be
 6 computed from the date of the injury.
 7 2. The period of time prescribed in this section shall not apply to
 8 accident benefits, whether the same be furnished pursuant to NRS 616.-
 9 410 or pursuant to NRS 616.415, the injured employee being otherwise
 10 within the provisions of this chapter and entitled thereto.