

SUMMARY—Revises provisions relating to the state militia. (BDR 36-398)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State: Yes.

AN ACT relating to the state militia; revising the benefits and compensation that a member of the state militia and the dependents of the member are entitled to receive if the member is wounded, injured, disabled or killed while on state active duty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law establishes that the militia of the State is composed of the Nevada National Guard and, when called into active service by the Governor, reservists to the Nevada National Guard and any volunteer military organizations licensed by the Governor. (NRS 412.026) Existing law entitles, with certain exceptions, any member of the militia of the State or his or her dependents to certain compensation pursuant to the Nevada Industrial Insurance Act or the Nevada Occupational Diseases Act if the member is wounded, injured, disabled or killed while in the line of duty in the service of the State. (NRS 412.142) Existing law further requires that certain compensation and benefits: (1) must be determined based on the member’s average income from all sources during the year immediately preceding his or her injury or death or the commencement of his or her disability; and (2) must not exceed the maximum amount prescribed by the Nevada Industrial



Insurance Act or the Nevada Occupational Diseases Act. (NRS 412.142) **Section 1** of this bill provides instead that the member or the dependents of the member are entitled to receive compensation and benefits that are equivalent to the federal compensation or benefits that the member would be entitled to receive if the wound, injury, disability or death arose from military duties performed pursuant to Title 10 or Title 32 of the United States Code.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 412.142 is hereby amended to read as follows:

412.142 1. Except as otherwise provided in subsection 2 ~~1~~
~~—(a) In~~, *in* all cases in which any member of the militia of the State is wounded, injured, disabled or killed while ~~in the line of~~ *on state active* duty ~~in the service of the State,~~ *or if that wound, injury or disability is aggravated or recurs while the member is on state active duty*, the member or the dependents of the member are entitled to receive compensation *and benefits* from the State of Nevada ~~in accordance with the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS. If that wound, injury or disability is aggravated or recurs while the member is in the line of duty in the service of the State, the member or the member's dependents are also entitled to receive such compensation.~~



~~—(b) In all cases, the member who has a disability or is deceased shall be deemed to be an employee of the State of Nevada. The compensation to be awarded to the member or to the dependents of the member must be determined upon the basis of the member's average income from all sources during the year immediately preceding the date of his or her injury or death or the commencement of his or her disability, but the compensation must not exceed the maximum prescribed in chapters 616A to 616D, inclusive, or chapter 617 of NRS.]~~ *that are equivalent to the federal compensation or benefits that the member would be entitled to receive if the injury, wound, illness, disability or death arose from military duties performed pursuant to Title 10 or Title 32 of the United States Code.*

2. The provisions of this section do not apply to a member of the militia of the State or any dependents of the member who is receiving or is entitled to receive compensation or benefits for an injury, wound, illness, disability or death described in this section pursuant to any law or regulation of the Federal Government, if:

(a) The federal compensation or benefits arise from military duties performed pursuant to Title 10 or Title 32 of the United States Code; and

(b) The wound, injury, illness or disability is not an aggravation or recurrence of a wound, injury, illness or disability that arose from previous duties performed pursuant to Title 10 or Title 32 of the United States Code.

