

ASSEMBLY BILL NO. 89—ASSEMBLYMEN PARNELL, BOBZIEN,
HOGAN, KIRKPATRICK, PIERCE AND SMITH

FEBRUARY 12, 2007

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions regarding industrial injuries and occupational diseases. (BDR 53-849)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State: Contains Appropriation not included in Executive Budget.

~

EXPLANATION – Matter in **bolded italics** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to public employees; including certain employees of the Department of Public Safety and certain park rangers and employees of the Division of State Parks of the State Department of Conservation and Natural Resources in the definition of “police officer” for various purposes relating to industrial injuries, occupational diseases and programs for public employees; revising certain provisions concerning heart disease as an occupational disease of volunteer firefighters; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law provides for certain police officers suffering from certain
2 occupational diseases to receive disability benefits. (NRS 617.135, 617.455,
3 617.457, 617.485, 617.487) Existing law defines “police officer” for the purpose of
4 providing those disability benefits to include various law enforcement officers in
5 this State. (NRS 617.135) Existing law also grants the powers of peace officers to
6 certain park rangers and employees of the Division of State Parks of the State
7 Department of Conservation and Natural Resources. (NRS 289.260) **Section 1** of
8 this bill expands the definition of police officer to make certain employees of the
9 Department of Public Safety and certain park rangers and division employees of the
10 State Department of Conservation and Natural Resources eligible for the disability
11 benefits provided to police officers. **Section 2** of this bill makes an appropriation to
12 the Division for physical examinations for those park rangers and division
13 employees.



* A B 8 9 R 2 *

Existing law provides that, under certain circumstances, heart disease of a volunteer firefighter constitutes an occupational disease for purposes of chapter 617 of NRS. (NRS 617.457) **Section 1.5** of this bill removes the requirement that the heart disease must have occurred before the volunteer firefighter reached 55 years of age. **Section 1.5** also revises the frequency with which the volunteer firefighter must submit to a physical examination to detect such heart disease. Further, **section 1.5** requires an applicant for employment as a volunteer firefighter to pay the cost of his initial physical examination and requires his employer to reimburse that cost if he is employed as a volunteer firefighter.

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

Section 1. NRS 617.135 is hereby amended to read as follows:
617.135 "Police officer" includes:

1. A sheriff, deputy sheriff, officer of a metropolitan police department or city policeman;

2. A chief, inspector, supervisor, commercial officer or trooper of the Nevada Highway Patrol Division of the Department of Public Safety;

3. A chief, investigator or agent of the Investigation Division of the Department of Public Safety;

4. *A chief, supervisor, investigator or training officer of the Training Division of the Department of Public Safety;*

5. *A chief or investigator of an office of the Department of Public Safety that conducts internal investigations of employees of the Department of Public Safety or investigates other issues relating to the professional responsibility of those employees;*

6. *A chief or investigator of the Department of Public Safety whose duties include, without limitation:*

(a) The execution, administration or enforcement of the provisions of chapter 179A of NRS; and

(b) The provision of technology support services to the Director and the divisions of the Department of Public Safety;

7. An officer or investigator of the Section for the Control of Emissions From Vehicles and the Enforcement of Matters Related to the Use of Special Fuel of the Department of Motor Vehicles;

~~5-1~~ 8. An investigator of the Division of Compliance Enforcement of the Department of Motor Vehicles;

~~6-1~~ 9. A member of the police department of the Nevada System of Higher Education;

~~7-1~~ 10. A:

(a) Uniformed employee of; or

(b) Forensic specialist employed by,



1 ↳ the Department of Corrections whose position requires regular
2 and frequent contact with the offenders imprisoned and subjects the
3 employee to recall in emergencies;

4 ~~[8-]~~ 11. A parole and probation officer of the Division of
5 Parole and Probation of the Department of Public Safety;

6 ~~[9-]~~ 12. A forensic specialist or correctional officer employed
7 by the Division of Mental Health and Developmental Services of the
8 Department of Health and Human Services at facilities for mentally
9 disordered offenders;

10 ~~[10-]~~ 13. The State Fire Marshal, his assistant and his deputies;
11 ~~[and]~~

12 ~~[11-]~~ 14. A game warden of the Department of Wildlife who
13 has the powers of a peace officer pursuant to NRS 289.280 ~~[]~~; and

14 15. *A ranger or employee of the Division of State Parks of the*
15 *State Department of Conservation and Natural Resources who has*
16 *the powers of a peace officer pursuant to NRS 289.260.*

17 Sec. 1.5. NRS 617.457 is hereby amended to read as follows:

18 617.457 1. Notwithstanding any other provision of this
19 chapter, diseases of the heart of a person who, for 5 years or more,
20 has been employed in a full-time continuous, uninterrupted and
21 salaried occupation as a firefighter or police officer in this State
22 before the date of disablement are conclusively presumed to have
23 arisen out of and in the course of the employment.

24 2. Notwithstanding any other provision of this chapter, diseases
25 of the heart, resulting in either temporary or permanent disability or
26 death, are occupational diseases and compensable as such under the
27 provisions of this chapter if caused by extreme overexertion in times
28 of stress or danger and a causal relationship can be shown by
29 competent evidence that the disability or death arose out of and was
30 caused by the performance of duties as a volunteer firefighter by a
31 person entitled to the benefits of chapters 616A to 616D, inclusive,
32 of NRS pursuant to the provisions of NRS 616A.145 and who, for 5
33 years or more, has served continuously as a volunteer firefighter in
34 this State . ~~[and who has not reached the age of 55 years before the~~
35 ~~onset of the disease.]~~

36 3. Except as otherwise provided in subsection 4, each
37 employee who is to be covered for diseases of the heart pursuant to
38 the provisions of this section shall submit to a physical examination,
39 including an examination of the heart, upon employment, upon
40 commencement of coverage and thereafter on an annual basis during
41 his employment.

42 4. A physical examination ~~[is not required]~~ for a volunteer
43 firefighter ~~[more than]~~ *is required upon initial employment and*
44 *once every 3 years after [an] the initial examination [] until the*
45 *volunteer firefighter reaches the age of 50 years. Each volunteer*



1 *firefighter who is 50 years of age or older shall submit to a*
2 *physical examination once each year. The employer of the*
3 *volunteer firefighter is responsible for scheduling the physical*
4 *examination.*

5 5. *An applicant for the position as a volunteer firefighter who*
6 *is 50 years of age or older shall pay the cost of his initial physical*
7 *examination described in subsections 3 and 4. If the applicant is*
8 *accepted for employment as a volunteer firefighter, the employer*
9 *of the volunteer firefighter shall reimburse him the cost of the*
10 *initial physical examination.*

11 6. ~~[A]]~~ *Except as otherwise provided in subsection 5, all*
12 *physical examinations required pursuant to ~~[subsection]~~ subsections*
13 *3 and 4 must be paid for by the employer.*

14 ~~[6-]~~ 7. Failure to correct predisposing conditions which lead to
15 heart disease when so ordered in writing by the examining physician
16 subsequent to the annual examination excludes the employee from
17 the benefits of this section if the correction is within the ability of
18 the employee.

19 ~~[7-]~~ 8. A person who is determined to be:

20 (a) Partially disabled from an occupational disease pursuant to
21 the provisions of this section; and

22 (b) Incapable of performing, with or without remuneration, work
23 as a firefighter or police officer,

24 ➔ may elect to receive the benefits provided under NRS 616C.440
25 for a permanent total disability.

26 ~~[8-]~~ 9. Claims filed under this section may be reopened at any
27 time during the life of the claimant for further examination and
28 treatment of the claimant upon certification by a physician of a
29 change of circumstances related to the occupational disease which
30 would warrant an increase or rearrangement of compensation.

31 **Sec. 2.** 1. There is hereby appropriated from the State
32 General Fund to the Division of State Parks of the State Department
33 of Conservation and Natural Resources, for the physical
34 examinations required pursuant to NRS 617.454, 617.455, 617.457,
35 617.485 and 617.487 for rangers or employees of the Division who
36 are police officers pursuant to NRS 617.135 as amended by
37 section 1 of this act:

38 For the Fiscal Year 2007-2008..... \$31,391.05

39 For the Fiscal Year 2008-2009..... \$13,109.20

40 2. Any balance of the sums appropriated by subsection 1
41 remaining at the end of the respective fiscal years by the entity to
42 which the appropriation is made or any entity to which money from
43 the appropriation is granted or otherwise transferred in any manner,
44 and any portion of the appropriated money remaining must not be
45 spent for any purpose after September 19, 2008, and September 18,



1 2009, respectively, by either the entity to which the money was
2 appropriated or the entity to which the money was subsequently
3 granted or transferred, and must be reverted to the State General
4 Fund on or before September 19, 2008, and September 18, 2009,
5 respectively.

6 **Sec. 3.** 1. A person who, on July 1, 2007, is employed as a
7 ranger or employee of the Division of State Parks of the State
8 Department of Conservation and Natural Resources who has the
9 powers of a peace officer pursuant to NRS 289.260 shall submit to a
10 physical examination pursuant to NRS 617.454, 617.455 and
11 617.457 and a blood test to screen for hepatitis C pursuant to NRS
12 617.487 on or after July 1, 2007, but on or before September 30,
13 2007. Each physical examination and blood test must be paid for by
14 the Department.

15 2. Notwithstanding the provisions of NRS 617.455, 617.457
16 and 617.487, if a person fails to submit to a physical examination or
17 blood test required pursuant to subsection 1, the conclusive
18 presumption relating to diseases of the lungs created by NRS
19 617.455, diseases of the heart created by NRS 617.457 and
20 infections of hepatitis C pursuant to NRS 617.487 shall be deemed,
21 with regard to that person and for the purposes of those sections, to
22 create a rebuttable presumption that the disease of the lungs or heart
23 or infection of hepatitis C arose out of and in the course of the
24 employment of the person as a ranger or employee specified in
25 subsection 1.

26 **Sec. 4.** This act becomes effective on July 1, 2007.

