

ASSEMBLY BILL NO. 436—ASSEMBLYMEN SMITH, CONKLIN,
BUCKLEY, OCEGUERA; GANSERT AND LESLIE

MARCH 16, 2009

Referred to Committee on Commerce and Labor

SUMMARY—Provides for the payment of certain death benefits under industrial insurance under certain circumstances. (BDR 53-1083)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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

AN ACT relating to industrial insurance; providing for additional annual payments to certain persons entitled to receive death benefits; providing for an annual increase in certain death benefits; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 **Section 3** of this bill provides for an annual increase of death benefits in the
- 2 amount of 2.3 percent to persons entitled to receive such compensation as a result
- 3 of death caused by an industrial injury or a disablement from an occupational
- 4 disease that occurred on or after January 1, 2004.
- 5 **Section 2** of this bill requires the Administrator of the Division of Industrial
- 6 Relations of the Department of Business and Industry to withdraw funds from the
- 7 Account for Pensions for Silicosis, Diseases Related to Asbestos and Other
- 8 Disabilities to provide an annual payment in an amount not to exceed \$1,200 per
- 9 person to persons who are not otherwise entitled to an annual increase in death
- 10 benefits pursuant to **section 3** of this bill.

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

- 1 **Section 1.** Chapter 616C of NRS is hereby amended by adding
- 2 thereto the provisions set forth as sections 2 and 3 of this act.
- 3 **Sec. 2. 1. *If a widow, widower, surviving child or surviving***
- 4 ***dependent parent is entitled to receive death benefits on account of***
- 5 ***an industrial injury or a disablement from an occupational disease***



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1 and that person is not entitled to an annual increase in that
2 compensation pursuant to NRS 616C.510, 616C.520 or section 3
3 of this act, that person is entitled to an annual payment for death
4 benefits in an amount determined by the Administrator pursuant
5 to subsection 3, but such annual payments may not exceed \$1,200
6 per person. Except as otherwise provided in subsection 5, the total
7 payments made pursuant to this section may not exceed \$500,000
8 per year.

9 2. Each year, the Administrator shall withdraw from the
10 Account for Pensions for Silicosis, Diseases Related to Asbestos
11 and Other Disabilities established pursuant to NRS 617.1675 an
12 amount of the income realized from the investment of the assets in
13 the Account that is necessary to fund the payments calculated
14 pursuant to subsection 3.

15 3. The Administrator shall adopt regulations establishing a
16 method for the equitable distribution of the money withdrawn
17 from the Account pursuant to subsection 2. The regulations must
18 provide for payments that result in the largest proportional share
19 of the money being paid to persons who receive the lowest amount
20 of compensation pursuant to chapters 616A to 617, inclusive, of
21 NRS for death benefits. The Administrator may adopt any other
22 regulations that are necessary to carry out the provisions of this
23 section.

24 4. Except as otherwise provided in subsection 5, the
25 Administrator shall make the payment required by this section to
26 each person who is entitled to the payment not later than
27 October 1 of each year. Any payment received by a person
28 pursuant to this section is in addition to any compensation to
29 which the person is otherwise entitled by law.

30 5. The Administrator may make a payment from the Account
31 to a person that would have been payable in a prior year pursuant
32 to subsection 3 if the Administrator determines that the person was
33 entitled to the payment pursuant to subsection 1.

34 **Sec. 3.** 1. If a widow, widower, surviving child or surviving
35 dependent parent is entitled to receive benefits pursuant to
36 chapters 616A to 617, inclusive, of NRS for a death caused by an
37 industrial injury or a disablement from an occupational disease
38 that occurs on or after January 1, 2004, that person is entitled to
39 an annual increase in that compensation in the amount of 2.3
40 percent. The compensation must be increased pursuant to this
41 section:

42 (a) On January 1 of the year immediately after the year in
43 which the person becomes entitled to receive that compensation;
44 and



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(b) On January 1 of each successive year after the year specified in paragraph (a) in which the person is entitled to receive that compensation.

2. Any increase in death benefits provided pursuant to this section is in addition to any increase in compensation to which a claimant or a dependent of a claimant is otherwise entitled by law.

Sec. 4. NRS 617.168 is hereby amended to read as follows:

617.168 1. The money in the Account for Pensions for Silicosis, Diseases Related to Asbestos and Other Disabilities must be expended to provide:

(a) The continuing benefits described in subsection 6 of NRS 617.460;

(b) The increased benefits for permanent total disability described in NRS 616C.455; and

(c) The increased death benefits described in NRS 616C.510 ~~H~~ *and sections 2 and 3 of this act.*

2. Upon receiving a monthly statement showing the amount of benefits to be paid for the month to the persons entitled thereto pursuant to subsection 1, the State Treasurer shall pay an amount equal to that shown on the statement from the Account to the insurer.

3. At such time as all claimants, their dependents, widows, widowers, surviving children or surviving parent who are provided benefits or increased benefits pursuant to the provisions of subsection 1 are no longer eligible for those benefits, the balance of the Account must revert to the State General Fund.

Sec. 5. This act becomes effective on January 1, 2010.

