

Amendment No. 113

Senate Amendment to Senate Bill No. 6

(BDR 53-46)

Proposed by: Senate Committee on Commerce and Labor**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) ***blue bold italics*** is new language in the original bill; (2) ***green bold italic underlining*** is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) ***green bold dashed underlining*** is newly added transitory language.

DP/WLK



Date: 4/14/2009

S.B. No. 6—Revises provisions regarding occupational diseases of volunteer firefighters. (BDR 53-46)



SENATE BILL NO. 6—SENATOR LEE

PREFILED NOVEMBER 24, 2008

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions regarding occupational diseases of volunteer firefighters. (BDR 53-46)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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 occupational diseases; revising certain provisions concerning heart disease as an occupational disease of volunteer firefighters; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

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** of this bill removes the requirement that the heart disease must have occurred before the volunteer firefighter reached 55 years of age. **Section 2** also revises the frequency with which the volunteer firefighter must submit to a physical examination to detect such heart disease **and makes the benefits of NRS 617.457 contingent upon the volunteer firefighter's submission to the physical examinations scheduled by his employer. Finally, section 2 provides that a volunteer firefighter applicant 50 years of age or older may be responsible for payment of the costs of his physical examinations but will be reimbursed for those costs if he becomes a volunteer firefighter.**

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

Section 1. NRS 617.454 is hereby amended to read as follows:
617.454 1. Any physical examination administered pursuant to NRS 617.455 or 617.457 must include:
(a) A thorough test of the functioning of the hearing of the employee; and
(b) A purified protein derivative skin test to screen for exposure to tuberculosis.
2. **Except as otherwise provided in subsection 7 of NRS 617.457, the tests required by this section must be paid for by the employer.**
~~Section 1~~ **Sec. 2.** NRS 617.457 is hereby amended to read as follows:
617.457 1. Notwithstanding any other provision of this chapter, diseases of the heart of a person who, for 5 years or more, has been employed in a full-time continuous, uninterrupted and salaried occupation as a firefighter or police officer

in this State before the date of disablement are conclusively presumed to have arisen out of and in the course of the employment.

2. Notwithstanding any other provision of this chapter, diseases of the heart, resulting in either temporary or permanent disability or death, are occupational diseases and compensable as such under the provisions of this chapter if caused by extreme overexertion in times of stress or danger and a causal relationship can be shown by competent evidence that the disability or death arose out of and was caused by the performance of duties as a volunteer firefighter by a person entitled to the benefits of chapters 616A to 616D, inclusive, of NRS pursuant to the provisions of NRS 616A.145 and who, for 5 years or more, has served continuously as a volunteer firefighter in this State ~~and who has not reached the age of 55 years before the onset of the disease.~~ by continuously maintaining an active status on the roster of a volunteer fire department.

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

4. A physical examination ~~is not required~~ for a volunteer firefighter ~~more than~~ is required upon initial employment and once every 3 years after ~~that~~ the initial examination ~~until the firefighter reaches the age of 50 years. Each volunteer firefighter who is 50 years of age or older shall submit to a physical examination once each year.~~

5. The employer of the volunteer firefighter is responsible for scheduling the physical examination.

6. Failure to submit to a physical examination that is scheduled by his employer pursuant to subsection 5 excludes the volunteer firefighter from the benefits of this section.

7. The chief of a volunteer fire department may require an applicant to pay for any physical examination required pursuant to this section if the applicant:

(a) Applies to the department for the first time as a volunteer firefighter; and

(b) Is 50 years of age or older on the date of his application.

8. The volunteer fire department shall reimburse an applicant for the cost of a physical examination required pursuant to this section if the applicant:

(a) Paid for the physical examination in accordance with subsection 7;

(b) Is declared physically fit to perform the duties required of a firefighter; and

(c) Becomes a volunteer with the volunteer fire department.

~~5. All~~ 9. Except as otherwise provided in subsection 7, all physical examinations required pursuant to ~~subsection~~ subsections 3 and 4 must be paid for by the employer.

~~6. 10.~~ Failure to correct predisposing conditions which lead to heart disease when so ordered in writing by the examining physician subsequent to the annual examination excludes the employee from the benefits of this section if the correction is within the ability of the employee.

~~7. 11.~~ A person who is determined to be:

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

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

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

~~10-~~ 12. Claims filed under this section may be reopened at any time during the life of the claimant for further examination and treatment of the claimant upon certification by a physician of a change of circumstances related to the occupational disease which would warrant an increase or rearrangement of compensation.

~~Sec. 2-~~ **Sec. 3.** This act becomes effective on July 1, 2009.