

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

**Case Nos. 73971**

**CITY OF RENO,**

**Appellant.**

**vs.**

**JODY YTURBIDE,**

**Respondent.**

Electronically Filed  
Apr 25 2018 09:35 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

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**ADDENDUM TO JOINT APPENDIX**

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**IN THE SUPREME COURT OF THE STATE OF NEVADA**

**AFFIRMATION**

**Pursuant to NRS 239B.030**

The undersigned does hereby affirm that the preceding document, **ADDENDUM** filed in **Case No. 73971** does not contain the social security number of any person.

Date: April 24, 2018.

/s/ Lisa Wiltshire Alstead

Lisa Wiltshire Alstead

## **CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I hereby certify that I am an employee of McDonald Carano, LLP and that on April 24, 2018, ADDENDUM was electronically filed with the Clerk of the Court for the Nevada Supreme Court by using the Nevada Supreme Court's E-Filing system (E-Flex). Pursuant to NRAP 30(f)(2), all Participants in the case will be served and provided an electronic copy via U.S. mail as follows:

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*Attorneys for Respondent*

/s/ Kelsey R. Heller

Kelsey R. Heller

1987

A.B. 757

1987

Assembly History, Sixty-fourth Session

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- May 7—From printer. To committee.
- Jun. 6—From committee: Do pass, and re-refer to Committee on Taxation. Re-referred to Committee on Taxation. To committee.
- Jun. 15—From committee: Amend, and do pass as amended. Placed on Second Reading File. Read second time. Amended. To printer. From printer. To engrossment. Engrossed. First reprint. Declared an emergency measure under the Constitution. Read third time. Passed, as amended. Title approved. To Senate.
- Jun. 16—In Senate. Read first time. Referred to Committee on Taxation. To committee.

A. B. 757—Committee on Labor and Management, May 6.

- Summary—Permits payment in lump sum of benefits under industrial insurance to certain claimants with permanent partial disabilities. (BDR 53-1535) Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes.
- May 6—Read first time. Referred to Committee on Labor and Management. To printer.
- May 7—From printer. To committee.
- May 20—From committee: Amend, and do pass as amended.
- May 21—Read second time. Amended. To printer.
- May 22—From printer. To engrossment. Engrossed. First reprint. Placed on General File. Read third time. Passed, as amended. Title approved. To Senate.
- May 25—In Senate. Read first time. Referred to Committee on Commerce and Labor. To committee.
- Jun. 13—From committee: Amend, and do pass as amended. Placed on Second Reading File. Read second time. Amended. To printer.
- Jun. 14—From printer. To re-engrossment. Re-engrossed. Second reprint. Placed on General File. Read third time. Passed, as amended. Title approved. To Assembly.
- Jun. 15—In Assembly. Senate amendment concurred in. To enrollment.
- Jun. 17—Enrolled and delivered to Governor. Approved by the Governor.
- Jun. 18—Chapter 614.
- Effective July 1, 1987.

A. B. 758—Committee on Taxation, May 6.

- Summary—Revises provisions governing revenue from certain taxes received by general improvement districts. (BDR 32-2031) Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No.
- May 6—Read first time. Referred to Committee on Taxation. To printer.
- May 7—From printer. To committee.

A. B. 759—Committee on Taxation, May 6.

- Summary—Imposes penalty for delinquent payment of property tax by private car line. (BDR 32-1877) Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No.
- May 6—Read first time. Referred to Committee on Taxation. To printer.
- May 7—From printer. To committee.
- May 20—From committee: Do pass.
- May 21—Read second time. To engrossment. Engrossed.
- May 22—Read third time. Amended. Re-referred to Committee on Taxation. To printer.
- May 25—From printer. To re-engrossment. Re-engrossed. First reprint. To committee.

1 Sec. 16. NRS 245.050 is hereby amended to read as follows:  
2 245.050 [All] Except in counties whose officers are appointed pursuant  
3 to section 6 of this act, all county officers and regular and temporary  
4 employees of the counties [shall] are entitled to be paid their salaries as  
5 fixed by law, ordinance or resolution either at regular 2-week intervals or in  
6 two equal semimonthly payments. If salaries are paid semimonthly, the first  
7 semimonthly payment for each month [shall] must be for the first half of that  
8 particular month, and the second semimonthly payment [shall] must be for  
9 the last half of the month.

10 Sec. 17. NRS 361.453 is hereby amended to read as follows:  
11 361.453 [The] 1. Except as otherwise provided in subsection 2, total ad  
12 valorem tax levy for all public purposes must not exceed \$3.64 on each \$100  
13 of assessed valuation, or a lesser or greater amount fixed by the state board  
14 of examiners if the state board of examiners is directed by law to fix a lesser  
15 or greater amount for that fiscal year.

16 2. The total ad valorem tax levy in a county in which one or more of the  
17 county commissioners is appointed pursuant to section 5 of this act must not  
18 exceed \$5 on each \$100 of assessed valuation.

19 Sec. 18. The sections, townships and ranges used in the description of  
20 Bullfrog County are as represented on the map entitled "Beatty Quadrangle,  
21 Nevada-California, 1:100 000 Scale Series (Planimetric), 1978 Surface  
22 Management Status," edited and published by the United States Bureau of  
23 Land Management.

24 Sec. 19. As soon as practicable after the effective date of this act the  
25 governor shall appoint:

26 1. To the board of county commissioners of Bullfrog County:  
27 (a) Two persons qualified pursuant to section 6 of this act to serve until  
28 12 p.m. on December 31, 1990; and  
29 (b) One person qualified pursuant to section 6 of this act to serve until 12  
30 p.m. on December 31, 1988.

31 2. One or more officers for Bullfrog County pursuant to the provisions of  
32 sections 6 and 8 of this act.

33 Sec. 20. This act becomes effective upon passage and approval.

Ⓢ

ASSEMBLY BILL NO. 757--COMMITTEE ON LABOR AND MANAGEMENT

MAY 6, 1987

Referred to Committee on Labor and Management

SUMMARY--Permits payment in lump sum of benefits under industrial insurance to certain claimants with permanent partial disabilities. (BDR 33-1535)

FISCAL NOTE Effect on Local Government: No.  
Effect on the State or on Industrial Insurance: Yes.



EXPLANATION--Matter in italics is new, matter in brackets [ ] is material to be omitted.

AN ACT relating to industrial insurance, permitting the payment of benefits in a lump sum to certain claimants with permanent partial disabilities, 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 616.607 is hereby amended to read as follows:  
2 616.607 1. An award for a permanent partial disability may be paid in  
3 a lump sum under the following conditions:  
4 (a) A claimant injured on or after July 1, [1973, and before July 1,  
5 1981,] 1987, who incurs a disability that does not exceed [12] 25 percent  
6 may elect to receive his compensation in a lump sum. [A claimant injured on  
7 or after July 1, 1981, who incurs a disability that does not exceed 25 percent  
8 may elect to receive his compensation in a lump sum.]  
9 (b) The spouse, or in the absence of a spouse, any dependent child of a  
10 deceased claimant injured on or after July 1, 1973, who is not entitled to  
11 compensation in accordance with NRS 616.615, is entitled to a lump sum  
12 equal to the present value of the deceased claimant's undisbursed award for  
13 a permanent partial disability.

14 (c) Any claimant injured on or after July 1, 1987, who incurs a disability  
15 that exceeds 25 percent may elect to receive his compensation in a lump sum  
16 equal to the present value of an award for a disability of 25 percent. If the  
17 claimant elects to receive compensation pursuant to this paragraph, the  
18 insurer may pay the claimant compensation in a lump sum for that portion of

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self-insured employer should act in good faith which already exists in the law. Section 3, on services, states it should be the same as SIIS and he felt this was also already in the law. Section 4 which referred to not terminating monetary benefits, he explained the benefits cannot be terminated unless a stay has been granted along the way. He voiced there are mechanisms to redress this kind of problem and if the administrators are mishandling claims the burden is placed on the administrator as well as the employer. He stressed there is a mechanism in the regulatory agencies to address this problem. The Self-Insured Employers Association does not support the mishandling of claims and that is why penalties are provided. He testified the bulk of the bill was redundant to the mechanisms already existing.

Chairman Banner closed the hearing on A.B. 762.

ASSEMBLY BILL NO. 757 Makes various changes concerning certain benefits under industrial insurance provided by self-insured employer.

Mr. Raymond Badger, Chairman of the Nevada Trial Lawyers Workman's Compensation Committee, testified there were some fatal flaws in A.B. 757 and introduced a proposed amendment (Exhibit C). He explained a Nevada claimant with a permanent disability is entitled to a settlement which is computed based on a medical book by a doctor and done in percentages. A person is either 10 percent disabled or 20 percent disabled, and under the system a person can not reach 100 percent. Numerous changes from this committee have helped the injured worker concerning lump sum benefits. When a person is determined to have a disability the amount of money he is entitled to is based on his age, wage and the date of injury. Most of the people with a permanent injury have been out of work for a long time and are financially devastated. Any person under the present law can receive a full lump sum if their disability is 25 percent or less. Mr. Badger said he had reviewed the minutes from this committee during the last session and noted Mr. Laury Lewis testified 95 percent of the claims would fall into the category of 25 percent or less. Presently those people are protected and can receive a lump sum payment. There are 5 percent of the people who fall in the cracks and those people are the most severely injured and in the worst financial shape. This bill would treat everyone equally. "If a person was found to have a 30 percent permanent disability as the person with 25 he could get the value of 25 percent in a lump sum. The rest will be paid in remainders." The law does not allow just any case to be a lump sum because paralysis or a major amputation might dissipate all the funds. The installment payments would remain so as not to dissipate

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their entire compensation but it would treat those claimants the same as other injured workers. Presently if a worker goes to the doctor and gets a 26 percent disability he will find a lawyer. After telling the claimant he would receive a monthly payment and nothing else he would ask to have the lawyer lower the percentage. The claimant would then hire a lawyer to lower the percentage so he could receive a lump sum to salvage his financial situation. Some claimants who have been diagnosed as having a 40 percent disability would be willing to waive 15 percent just so they could receive a lump sum payment. Many people have tried going through the hearing process to lower their award which the system was not designed to handle. With this provision people would not need to hire a lawyer to get a lump sum payment.

Mr. Badger did not think this bill would change the cost to employers because a lump sum is presently discounted at the present value. The SIIS employers would be charged the same amount on a claim if it was a lump sum or an installment. The self-insured employer might have to pay money a little bit earlier but the bill would equalize the system. He explained the proposed amendment was favored over the original bill because of a case still pending in the Supreme Court. When a similar bill was passed by a previous legislature the language was removed about prior injuries. He voiced his concern over some insurance company saying anyone with a disability over 25 percent would receive any more payments. This would be for future laws, is not retroactive and would apply only to prospective claims.

Mr. Banner noted when he was injured with an injury over 12 percent he negotiated it down with the doctor to get a lump sum payment.

Mr. Badger stated after talking to lobbyists he felt there would be no problem with this amended version of the bill. He stressed if the amended version were not agreeable he would rather see the committee kill the bill as drafted. He felt it would cause a great disservice to people if the original bill were to pass.

Mr. Jeffrey concurred the amended version was what was originally asked for and he was unsure of what happened during the drafting.

Ms. Barbara Gruenewald, State Industrial Claimant's Attorney noted they had had similar problems to those outlined by Mr. Badger and supported the bill.

Mr. Larry Zimmerman, President of CDS of Nevada who administered self-insured programs supported the amended



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version of A.B. 757. He stressed if a claimant had a disability over 25 percent they have probably been out of work for a considerable amount of time and would need a lump sum settlement to get their affairs together.

Mr. Jim Wadhams, Self-Insured Employers Association testified they had no problem with the bill.

Ms. Pam Bugge, SIIS mentioned there would be no fiscal impact. She introduced an estimate, in FY 86, 96.9 percent of the PPD's did not exceed 25 percent. Mr. Banner asked at what percentage was a claimant made a permanent total disability. Ms. Bugge noted she knew of a man who was a 60 percent disability and a co-owner of a company still able to work. PT's would still be on an installment basis. She explained the average over 25 percent is about 40.

There being no further business Mr. Banner adjourned the meeting at 6:50 p.m.

Respectfully submitted,



Martha Barnes  
Committee Secretary

Proposed amended version of A.B. 757

Section 1. NRS 616.607 is hereby amended to read as follows:

616.607 1. An award for a permanent partial disability may be paid in a lump sum under the following conditions:

(a) A claimant injured on or after July 1, 1973 and before July 1, 1981, who incurs a disability that does not exceed 12 percent may elect to receive his compensation in a lump sum. A claimant injured on or after July 1, 1981, who incurs a disability that does not exceed 25 percent may elect to receive his compensation in a lump sum.

(b) The spouse, or in the absence of a spouse, any dependent child of a deceased claimant injured on or after July 1, 1973, who is not entitled to compensation in accordance with NRS 616.615, is entitled to a lump sum equal to the present value of the deceased claimant's undisbursed award for a permanent partial disability.

(c) Any claimant injured on or after July 1, 1987, who incurs a disability that exceeds 25 percent may elect to receive his compensation in a lump sum equal to the present value of an award for a disability of 25 percent. If the claimant elects to receive compensation pursuant to this paragraph, the insurer shall pay that portion of the claimant's disability in excess of 25 percent in installment payments.

2. If the claimant elects to receive his payment for a permanent partial disability in a lump sum, all of his benefits for compensation terminate. His acceptance of that payment constitutes a final settlement of all factual and legal issues in the case. By so accepting, he waives all of his rights regarding the claim, including the right to appeal from the closure of the case or the percentage of his disability, except:

(a) His right to reopen his claim according to the provisions of NRS 616.545; and

(b) Any services for counseling, training or rehabilitation provided by the insurer.

The claimant must be advised in writing of the provisions of this subsection when he demands his payment in a lump sum, and has 20 days after the mailing or personal delivery of this notice within which to retract or reaffirm his demand, before payment may be made and his election becomes final.

May 14, 1987  
Exhibit C 434

3. Any lump sum payment which has been paid on a claim incurred on or after July 1, 1973, must be supplemented if necessary to conform to the provisions of this section.

4. The total lump sum payment for disablement must not be less than one-half the product of the average monthly wage multiplied by the percentage of disability.

5. The lump sum payable must be equal to the present value of the compensation awarded, less any advance payment or lump sum previously paid. The present value is calculated using monthly payments in the amounts prescribed in subsection 4 of NRS 616.605 and actuarial annuity tables adopted by the department. The tables must be reviewed annually by a consulting actuary.

6. If a claimant would receive more money by electing to receive compensation in a lump sum than he would if he receives installment payments, he may elect to receive the lump sum payment.

ASSEMBLY COMMITTEE ON LABOR AND MANAGEMENT

Sixty-Fourth Session  
May 15, 1987

A brief meeting, with all members present, was held at the desk of Chairman Banner, on Friday, May 15, 1987, at 11:30 a.m., for the purpose of considering the introduction of BDR 53-1600 and for the purpose of voting on A.B. 757.

ASSEMBLYMAN JEFFREY MOVED FOR A COMMITTEE INTRODUCTION OF THE BDR.

ASSEMBLYMAN THOMPSON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

ASSEMBLY BILL NO. 757 Permits payment in lump sum of benefits under industrial insurance to certain claimants with permanent partial disabilities.

ASSEMBLYMAN JEFFREY MOVED AMEND AND DO PASS A.B. 757.

ASSEMBLYMAN THOMPSON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

There being no further business the meeting was adjourned.

Respectfully submitted,

*Martha Barnes*

Martha Barnes  
Committee Secretary

May 21, 1987

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Amendment adopted.  
Bill ordered reprinted, engrossed and to third reading.  
Assembly Bill No. 559.  
Bill read second time, ordered engrossed and to third reading.  
Assembly Bill No. 675.  
Bill read second time.  
The following amendment was proposed by the Committee on Judiciary:  
Amendment No. 770.  
Amend section 1, page 2, line 26, after "act," by inserting:  
"*The victim shall not disclose to any other person the information so disclosed by the district attorney.*"  
Assemblyman Sader moved the adoption of the amendment.  
Remarks by Assemblyman Sader.  
Amendment adopted.  
Bill ordered reprinted, engrossed and to third reading.  
Assembly Bill No. 757.  
Bill read second time.  
The following amendment was proposed by the Committee on Labor and Management:  
Amendment No. 802.  
Amend section 1, pages 1 and 2, by deleting line 18 on page 1 and lines 1 and 2 on page 2 and inserting: "*insurer shall pay in installments to the claimant that portion of the claimant's disability in excess of 25 percent.*"  
Assemblyman Banner moved the adoption of the amendment.  
Remarks by Assemblyman Banner.  
Amendment adopted.  
Bill ordered reprinted, engrossed and to third reading.  
Assembly Bill No. 759.  
Bill read second time, ordered engrossed and to third reading.  
Assembly Bill No. 774.  
Bill read second time, ordered engrossed and to third reading.  
Assembly Bill No. 788.  
Assembly Bill No. 801.  
Bill read second time, ordered engrossed and to third reading.  
Senate Bill No. 24.  
Bill read second time and ordered to third reading.  
Senate Bill No. 203.  
Bill read second time and ordered to third reading.  
Senate Bill No. 223.  
Bill read second time.  
The following amendment was proposed by the Committee on Judiciary:

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Amendment No. 834.  
Amend section 1, page 1, line 3, before "device" by inserting: "*key or other.*"  
Assemblyman Sader moved the adoption of the amendment.  
Remarks by Assemblyman Sader.  
Amendment adopted.  
Bill ordered reprinted, re-engrossed and to third reading.  
Senate Bill No. 275.  
Bill read second time and ordered to third reading.  
Senate Bill No. 289.  
Bill read second time.  
The following amendment was proposed by the Committee on Government Affairs:  
Amendment No. 806.  
Amend sec. 4, page 5, after line 41, by inserting: "*other means provided for registering the quantity consumed or supplied, unless otherwise approved by the district.*"  
Amend sec. 4, page 6, by deleting lines 10 through 12 and inserting: "*of subsection 1 is guilty of a gross misdemeanor.*"  
Amend sec. 4, page 6, line 37, by deleting "treble".  
Amend sec. 4, page 7, by deleting lines 1 through 10.  
Amend sec. 6, page 10, line 23, by deleting "political" and inserting "political".  
Amend sec. 7, page 11, line 1, by deleting "roads" and inserting "roads".  
Amend sec. 7, page 11, by deleting line 2 and inserting "highways, subways".  
Amend sec. 7, page 11, line 4, after "culverts" by inserting: "*owned or maintained by the state or a county.*"  
Assemblyman McGaughey moved the adoption of the amendment.  
Remarks by Assemblyman McGaughey.  
Amendment adopted.  
Bill ordered reprinted, re-engrossed and to third reading.  
Senate Bill No. 318.  
Bill read second time and ordered to third reading.  
Senate Bill No. 415.  
Bill read second time and ordered to third reading.  
Senate Bill No. 191.  
Bill read second time and ordered to third reading.  
Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.  
Assembly in recess at 11:47 a.m.

1 the claimant's disability in excess of 25 percent, but the claimant is not  
2 entitled to that compensation.  
3 2. If the claimant elects to receive his payment for a permanent partial  
4 disability in a lump sum, all of his benefits for compensation terminate. His  
5 acceptance of that payment constitutes a final settlement of all factual and  
6 legal issues in the case. By so accepting he waives all of his rights regarding  
7 the claim, including the right to appeal from the closure of the case or the  
8 percentage of his disability, except:

9 (a) His right to reopen his claim according to the provisions of NRS  
10 616.545; and  
11 (b) Any services for counseling, training or rehabilitation provided by the  
12 insurer.

13 The claimant must be advised in writing of the provisions of this subsection  
14 when he demands his payment in a lump sum, and has 20 days after the  
15 mailing or personal delivery of this notice within which to retract or reaffirm  
16 his demand, before payment may be made and his election becomes final.

17 3. Any lump sum payment which has been paid on a claim incurred on  
18 or after July 1, [1973,] 1987, must be supplemented if necessary to conform  
19 to the provisions of this section.

20 4. The total lump sum payment for disablement must not be less than  
21 one-half the product of the average monthly wage multiplied by the  
22 percentage of disability.

23 5. The lump sum payable must be equal to the present value of the  
24 compensation awarded, less any advance payment or lump sum previously  
25 paid. The present value is calculated using monthly payments in the amounts  
26 prescribed in subsection 4 of NRS 616.605 and actuarial annuity tables  
27 adopted by the department. The tables must be reviewed annually by a  
28 consulting actuary.

29 6. If a claimant would receive more money by electing to receive  
30 compensation in a lump sum than he would if he receives installment  
31 payments, he may elect to receive the lump sum payment.

32 Sec. 2. NRS 616.620 is hereby amended to read as follows:  
33 616.620 Except as provided by [section 4 of] NRS 616.607 and 616.615,  
34 the insurer shall not make or allow any lump-sum settlements.

(REPRINTED WITH ADOPTED AMENDMENTS)  
FIRST REPRINT

A.B. 757

ASSEMBLY BILL NO. 757--COMMITTEE ON LABOR AND MANAGEMENT

MAY 6, 1987

Referred to Committee on Labor and Management

SUMMARY--Permits payment in lump sum of benefits under industrial insurance to certain  
claimants with permanent partial disabilities. (BDR 53-1535)

FISCAL NOTE: Effect on Local Government, No.  
Effect on the State or on Industrial Insurance: Yes.

EXPLANATION--Matter in italics is new, matter in brackets ( ) is material to be omitted.

AN ACT relating to industrial insurance; permitting the payment of benefits in a lump sum  
to certain claimants with permanent partial disabilities; 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 616.607 is hereby amended to read as follows:

2 616.607 1. An award for a permanent partial disability may be paid in  
3 a lump sum under the following conditions:

4 (a) A claimant injured on or after July 1, [1973, and before July 1,  
5 1981,] 1987, who incurs a disability that does not exceed [12] 25 percent  
6 may elect to receive his compensation in a lump sum. [A claimant injured on  
7 or after July 1, 1981, who incurs a disability that does not exceed 25 percent  
8 may elect to receive his compensation in a lump sum.]

9 (b) The spouse, or in the absence of a spouse, any dependent child of a  
10 deceased claimant injured on or after July 1, 1973, who is not entitled to  
11 compensation in accordance with NRS 616.615, is entitled to a lump sum  
12 equal to the present value of the deceased claimant's undisbursed award for  
13 a permanent partial disability.

14 (c) Any claimant injured on or after July 1, 1987, who incurs a disability  
15 that exceeds 25 percent may elect to receive his compensation in a lump sum  
16 equal to the present value of an award for a disability of 25 percent. If the  
17 claimant elects to receive compensation pursuant to this paragraph, the

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Assembly Bill No. 675 having received a constitutional majority, Mr. Speaker declared it passed, as amended.  
Bill ordered transmitted to the Senate.

Assembly Bill No. 757

Bill read third time.

Remarks by Assemblyman Banner.

Roll call on Assembly Bill No. 757:

YEAS—40.

NAYS—None.

Absent—May, Swain—2.

Assembly Bill No. 757 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 130.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 880.

Amend the bill as a whole by deleting sec. 10 and renumbering sec. 11 as sec. 10.

Amend the title of the bill, fourth line, by deleting: "making an appropriation;".

Assemblyman Sedway moved the adoption of the amendment.

Remarks by Assemblyman Sedway.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 24.

Bill read third time.

Remarks by Assemblymen Myrna Williams, Bergevin and Carpenter.

Roll call on Senate Bill No. 24:

YEAS—35.

NAYS—Carpenter, Getto, Porter, Spriggs, Thomas—5.

Absent—May, Swain—2.

Senate Bill No. 24 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Jeffrey moved that Senate Bills Nos. 184, 191, 203, 231, 263, 275, 318, 354, 355, 356, 376 and 415 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

By the Committee on Government Affairs:

Assembly Concurrent Resolution No. 61—Directing the Legislative Commission to conduct an interim study concerning the basing of public utilities' rates upon anticipated revenues and expenses.

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Assemblyman Thompson moved that the resolution be referred to the Committee on Legislative Functions.  
Motion carried.

Senate Concurrent Resolution No. 38.

Assemblyman Craddock moved the adoption of the resolution.

Remarks by Assemblyman Craddock.

Resolution adopted unanimously.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Transportation:

Assembly Bill No. 835—An Act relating to motor vehicles; requiring a dealer in motor vehicles to pay off any security interest which is outstanding on any motor vehicle he takes in trade on the purchase of another vehicle; and providing other matters properly relating thereto.

Assemblyman Nevin moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 288.

Assemblyman Jeffrey moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 469.

Assemblyman Jeffrey moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 508.

Assemblyman Jeffrey moved that the bill be referred to the Committee on Commerce.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 592.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 227.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 222.

Bill read second time and ordered to third reading.

Senate Bill No. 296.

Bill read second time and ordered to third reading.

Assembly Bill No. 584.

Bill read second time.

The following amendment was proposed by the Select Committee on Corrections:

Senate Committee on COMMERCE AND LABOR

Date: June 12, 1987

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as to which carrier and which authority, commented Mr. Whittemore.

Chairman Townsend asked for a motion on A.B. 731, without the amendments.

SENATOR REDELSPERGER MOVED A.B. 731 RECEIVE A DO PASS.

SENATOR SHAFFER SECONDED THE MOTION.

THE MOTION PASSED 4-3. (THOSE OPPOSED WERE NOT ACCOUNTED FOR IN THE RECORD.)

\* \* \* \* \*

Testimony resumed on A.B. 736 which was discussed earlier in the day.

Chairman Townsend noted he had offered his concept of the issue to the opponents and proponents of A.B. 736.

Mr. Greenspun discussed the proposed amendment. He noted there are some problem areas he was concerned with. Mr. Greenspun discussed the contracts the cable companies have with the satellite systems such as Home Box Office (HBO). He stated again there is a violation of the first amendment. Conceptually, he noted, it makes sense, however, it is not something that should be forced.

Senator Shaffer stated he feels tenants should have a choice of what to watch and who should provide those programs.

ASSEMBLY BILL NO. 757

Summary - Permits payment in lump sum of benefits under industrial insurance to certain claimants with permanent partial disabilities (BDR 53-1535)

SENATOR VERGIELS MOVED A.B. 757 RECEIVE A DO PASS.

SENATOR COFFIN SECONDED THE MOTION.

THE MOTION PASSED 7-0.

\* \* \* \* \*

ASSEMBLY BILL NO. 420

Summary - Revises provisions governing relationships between grantors and holders of franchises to operate service stations. (BDR 52-1087)

2570



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Amendment No. 1489.

Amend section 1, page 1, line 2, by deleting: "[it is the duty of]".  
Amend section 1, page 1, by deleting line 3 and inserting: "local government employer shall negotiate in good faith through".

Amend section 1, page 1, line 4, by deleting "representative or" and inserting: "one or more".

Amend section 1, page 1, by deleting line 8 and inserting: "requests, agreements reached must be reduced to writing. Except as otherwise provided in the charter of a city, where any".

Amend section 1, page 1, line 11, by deleting: "[such officer] he" and inserting "he".

Amend section 1, page 1, line 12, by deleting: "a representative or" and inserting: "one or more".

Amend section 1, page 1, lines 14 and 15, by deleting "or representatives".

Amend section 1, page 2, by deleting lines 25 through 29 and inserting: "(i) FO=2>Materials and supplies for classrooms.

(v) The policies for the transfer and reassignment of teachers.

(v) Procedures for reduction in work force."

Amend section 1, page 2, line 36, by deleting "(x)" and inserting "(v)".  
Amend section 1, page 3, line 8, by deleting "[Such] Those" and inserting "Those".

Amend section 1, page 3, line 10, by deleting "[shall] must" and inserting "must".

Amend section 1, page 3, line 21, by deleting "[such] those" and inserting "those".

Amend section 1, page 3, line 23, by deleting "[shall]".

Amend the bill as a whole by adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. Section 1 of this act becomes effective at 12:01 a.m. on July 1, 1987."

Senator Wagner moved the adoption of the amendment.

Remarks by Senator Wagner.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 457.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:  
Amendment No. 1514.

Amend sec. 43, page 26, by deleting lines 25, 26 and 27 and inserting:  
"(2) The security is issued by this state or an agency, instrumentality or political subdivision of this state."

Amend sec. 43, page 27, line 16, by deleting "or".

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Amend sec. 43, page 27, by deleting lines 17 through 20 and inserting:  
"Stock Exchange, the Pacific Stock Exchange or other exchange designated by the administrator, any other security of the same issuer which is of senior or".

Amend sec. 43, page 27, by deleting lines 26 through 29 and inserting:  
"Association of Securities Dealers, Inc., any other security of the same issuer which is of senior or".

Amend sec. 43, page 27, line 37, by deleting "of" and inserting "or".

Amend sec. 43, page 27, line 38, by deleting "by".

Amend sec. 44, page 29, by deleting lines 35 and 36 and inserting:

"3. A nonissuer transaction in a security if a".

Amend sec. 44, page 30, line 41, by deleting "months," and inserting "months".

Amend sec. 44, page 31, by deleting lines 1 through 4.

Amend sec. 44, page 33, by deleting lines 18 through 28.

Amend sec. 79, page 50, by deleting lines 13, 14 and 15 and inserting:

"2. The department of education, the committee on group insurance and the commission on professional standards in education are subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case."

Senator Neal moved the adoption of the amendment.

Remarks by Senators Neal and Wagner.

Amendment adopted.

Senator Neal moved that Assembly Bill No. 457 be re-referred to the Committee on Finance.

Motion carried.

Bill ordered reprinted, re-engrossed and to the Committee on Finance.

Assembly Bill No. 757.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 1461.

Amend section 1, page 1, by deleting lines 4 and 5 and inserting:

"(a) A claimant injured on or after July 1, 1973, and before July 1, 1981, who incurs a disability that does not exceed 12 percent".

Amend section 1, page 1, line 6, by deleting the open bracket.

Amend section 1, page 1, line 8, by deleting the closed bracket.

Amend section 1, page 2, line 18, by deleting "[1973.] 1987," and inserting "1973."

Senator Townsend moved the adoption of the amendment.

Remarks by Senator Townsend.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 802.

Bill read second time.

1 insurer shall pay in installments to the claimant that portion of the  
2 claimant's disability in excess of 25 percent.

3 2. If the claimant elects to receive his payment for a permanent partial  
4 disability in a lump sum, all of his benefits for compensation terminate. His  
5 acceptance of that payment constitutes a final settlement of all factual and  
6 legal issues in the case. By so accepting he waives all of his rights regarding  
7 the claim, including the right to appeal from the closure of the case or the  
8 percentage of his disability, except:

9 (a) His right to reopen his claim according to the provisions of NRS  
10 616.545; and

11 (b) Any services for counseling, training or rehabilitation provided by the  
12 insurer.

13 The claimant must be advised in writing of the provisions of this subsection  
14 when he demands his payment in a lump sum, and has 20 days after the  
15 mailing or personal delivery of this notice within which to retract or reaffirm  
16 his demand, before payment may be made and his election becomes final.

17 3. Any lump sum payment which has been paid on a claim incurred on  
18 or after July 1, [1973.] 1987, must be supplemented if necessary to conform  
19 to the provisions of this section.

20 4. The total lump sum payment for disablement must not be less than  
21 one-half the product of the average monthly wage multiplied by the  
22 percentage of disability.

23 5. The lump sum payable must be equal to the present value of the  
24 compensation awarded, less any advance payment or lump sum previously  
25 paid. The present value is calculated using monthly payments in the amounts  
26 prescribed in subsection 4 of NRS 616.605 and actuarial annuity tables  
27 adopted by the department. The tables must be reviewed annually by a  
28 consulting actuary.

29 6. If a claimant would receive more money by electing to receive  
30 compensation in a lump sum than he would if he receives installment  
31 payments, he may elect to receive the lump sum payment.

32 Sec. 2. NRS 616.620 is hereby amended to read as follows:

33 616.620 Except as provided by [section 4 of] NRS 616.607 and 616.615,  
34 the insurer shall not make or allow any lump-sum settlements.

(REPRINTED WITH ADOPTED AMENDMENTS)  
SECOND REPRINT

A.B. 757

ASSEMBLY BILL NO. 757—COMMITTEE ON LABOR AND MANAGEMENT

MAY 6, 1987

Referred to Committee on Labor and Management

SUMMARY—Permits payment in lump sum of benefits under industrial insurance to certain  
claimants with permanent partial disabilities, (BDR 53-1535)

FISCAL NOTE—Effect on Local Government: Nn.

Effect on the State or on Industrial Insurance: Yes.

EXPLANATION—Matter in italics is new, matter in brackets [ ] is material to be omitted

AN ACT relating to industrial insurance; permitting the payment of benefits in a lump sum  
to certain claimants with permanent partial disabilities, and providing other matters  
properly relating thereto.

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

Section 1. NRS 616.607 is hereby amended to read as follows:

616.607 1. An award for a permanent partial disability may be paid in  
a lump sum under the following conditions:

(a) A claimant injured on or after July 1, 1973, and before July 1, 1981,  
who incurs a disability that does not exceed 12 percent may elect to receive  
his compensation in a lump sum. A claimant injured on or after July 1,  
1981, who incurs a disability that does not exceed 25 percent may elect to  
receive his compensation in a lump sum.

(b) The spouse, or in the absence of a spouse, any dependent child of a  
deceased claimant injured on or after July 1, 1973, who is not entitled to  
compensation in accordance with NRS 616.615, is entitled to a lump sum  
equal to the present value of the deceased claimant's undisbursed award for  
a permanent partial disability.

(c) Any claimant injured on or after July 1, 1987, who incurs a disability  
that exceeds 25 percent may elect to receive his compensation in a lump sum  
equal to the present value of an award for a disability of 25 percent. If the  
claimant elects to receive compensation pursuant to this paragraph, the

FISCAL NOTE

• STATE AGENCY'S ESTIMATES

Agency Submitting	STATE INDUSTRIAL INSURANCE SYSTEM	Date Prepared	May 11, 1997
Income of Revenue	Fiscal Year 1996-97	Fiscal Year 1997-98	Fiscal Year 1998-99
Expense of Expenditure	-0-	-0-	-0-
			Continuing
			-0-

Total -0- -0- -0-

Explanation (Use Continuation Sheets, if required)

Effect on Local Government YES ☐ NO ☒

Signature \_\_\_\_\_ Title General Manager

• DEPARTMENT OF ADMINISTRATION'S COMMENTS

Signature \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

Fiscal Effect on Local Government (Legislative Council Bureau Use Only)

Signature \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

Revised 3/10/86

Printer

- 1 insurer shall pay in installments to the claimant that portion of the
- 2 claimant's disability in excess of 25 percent.
- 3 2. If the claimant elects to receive his payment for a permanent partial
- 4 disability in a lump sum, all of his benefits for compensation terminate. His
- 5 acceptance of that payment constitutes a final settlement of all factual and
- 6 legal issues in the case. By so accepting he waives all of his rights regarding
- 7 the claim, including the right to appeal from the closure of the case or the
- 8 percentage of his disability, except:
- 9 (a) His right to reopen his claim according to the provisions of NRS
- 10 616.545; and
- 11 (b) Any services for counseling, training or rehabilitation provided by the
- 12 insurer.
- 13 The claimant must be advised in writing of the provisions of this subsection
- 14 when he demands his payment in a lump sum, and has 20 days after the
- 15 mailing or personal delivery of this notice within which to retract or reaffirm
- 16 his demand, before payment may be made and his election becomes final.
- 17 3. Any lump sum payment which has been paid on a claim incurred on
- 18 or after July 1, 1973, must be supplemented if necessary to conform to the
- 19 provisions of this section.
- 20 4. The total lump sum payment for disablement must not be less than
- 21 one-half the product of the average monthly wage multiplied by the
- 22 percentage of disability.
- 23 5. The lump sum payable must be equal to the present value of the
- 24 compensation awarded, less any advance payment or lump sum previously
- 25 paid. The present value is calculated using monthly payments in the amounts
- 26 prescribed in subsection 4 of NRS 616.605 and actuarial annuity tables
- 27 adopted by the department. The tables must be reviewed annually by a
- 28 consulting actuary.
- 29 6. If a claimant would receive more money by electing to receive
- 30 compensation in a lump sum than he would if he receives installment
- 31 payments, he may elect to receive the lump sum payment.
- 32 Sec. 2. NRS 616.620 is hereby amended to read as follows:
- 33 616.620 Except as provided by [section 4 of] NRS 616.607 and 616.615,
- 34 the insurer shall not make or allow any lump-sum settlements.

DATE: May 13, 1987  
 TO: Larry Lewis, General Manager  
 Pamela Bugge, General Counsel  
 FROM: John Sparbo, Assistant General Manager  
 SUBJECT: BOR 53-1535 (AB 757), Pertaining to PPD Lump Sum Payments

This bill, if passed, would affect the number of Permanent Partial Disabilities (PPD) eligible to receive a lump sum payment. Currently, only claimants with a disability award of less than 25% (less than 12% for claimants injured between July 1, 1973 and July 1, 1981) are eligible to elect to receive a lump sum award. Under this bill all PPD claimants injured after July 1, 1987, would be eligible to receive a lump sum award.

No change is expected to claimants with a disability award of 25% or less. The same percent that currently elect to receive a lump sum payment would continue, and there would be no fiscal impact from this group. In 1986, almost all (96.2%) PPD's, with a disability award that did not exceed 25%, elected to receive a lump sum payment rather than installment payments.

Under this bill claimants injured after July 1, 1987, with a disability award that exceeds 25%, may elect to receive their compensation in a lump sum equal to the present value of an award for a disability of 25%. However, if a claimant is awarded a 32% disability, the amount of the award would be based on the present value of a 25% disability. The insurer may pay the claimant a lump sum equal to the full disability (32%) in this example, but the claimant is still eligible to elect compensation over the 25% according to this bill. This "fiscal" award is based on the assumption that SIS's would pay the claimant the "full" award and not take advantage of the 25% maximum. Other Nevada insurers may take advantage of this provision, and persuade claimants to accept the 25% maximum.

In 1986, there were 1,211 claimants awarded PPD's. Of these, 41 (2.9%) exceeded 25% awards. The average award over 25% was 36.6%. The following fiscal impact estimates assume the average claimant was 35 years old, and used the PPD average wage. If all 41 claimants elected to take lump sum payments, and if SIS's paid the full award rather than the 25% option proposed in this bill, we would spend \$251,000 more than required by the 25% limit. However, cash reserves for these PPD's provide for the full award and there would be no fiscal impact if the full award is paid.

There are two other areas where there could be fiscal impacts. The first is administrative cost. If all PPD claimants elected to take a lump sum payment, there could be some initial savings in administrative costs. It would take total staff time to process a one-time lump sum payment claim is does to make monthly installment payments for several years. There would also be some initial savings in postage, overhead and other such administrative cost. This

Savings may be offset by potential additional cost of reopening a closed lump sum paid claim.

The other area where fiscal impacts may occur is in conjunction with the possible loss of investment income due to PPD payments being made sooner during the first year as a lump sum than would have been paid as installment payments over a multi-year period. When a PPD award is made, a certain amount of money is reserved to pay that claimant, the case reserves. If a claimant elects to receive a lump sum payment rather than installment payments, the case reserve would not be available for investment, and it would appear to be a potential loss of investment income. After actually determining the amounts involved, it turned out that SIS is fiscally "better off" during the first year, by about \$268,000. If all claimants elect to take a lump sum payment, this is due to different interest rates which must be used when calculating reserves, discounts and estimated investment income.

JMS/JH/mc

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Roll call on Assembly Bill No. 397:

YEAS—21.  
NAYS—None

Assembly Bill No. 397 having received a constitutional majority, Mr. President declared it passed, as amended.  
Bill ordered transmitted to the Assembly.

Assembly Bill No. 424.

Bill read third time.

Remarks by Senators Raggio, Wagner, Rawson, O'Donnell and Coffin.

Roll call on Assembly Bill No. 424:

YEAS—18.  
NAYS—Malone, O'Connell, O'Donnell—3.

Assembly Bill No. 424 having received a constitutional majority, Mr. President declared it passed, as amended.  
Bill ordered transmitted to the Assembly.

Assembly Bill No. 548.

Bill read third time.

Remarks by Senators Wagner and Jacobsen.

Roll call on Assembly Bill No. 548:

YEAS—21.  
NAYS—None.

Assembly Bill No. 548 having received a constitutional majority, Mr. President declared it passed, as amended.  
Bill ordered transmitted to the Assembly.

Assembly Bill No. 552.

Bill read third time.

Roll call on Assembly Bill No. 552:

YEAS—13.  
NAYS—Beyer, Gibson, Horn, Malone, O'Connell, O'Donnell, Rawson, Redelberger—8.

Assembly Bill No. 552 having received a constitutional majority, Mr. President declared it passed, as amended.  
Bill ordered transmitted to the Assembly.

Assembly Bill No. 613.

Bill read third time.

Remarks by Senators Coffin and Raggio.

Roll call on Assembly Bill No. 613:

YEAS—21.  
NAYS—None.

Assembly Bill No. 613 having received a constitutional majority, Mr. President declared it passed, as amended.  
Bill ordered transmitted to the Assembly.

Assembly Bill No. 757.

Bill read third time.

Roll call on Assembly Bill No. 757:

YEAS—20.  
NAYS—O'Connell.

Assembly Bill No. 757 having received a constitutional majority, Mr. President declared it passed, as amended.  
Bill ordered transmitted to the Assembly.

Assembly Bill No. 802.

Bill read third time.

Roll call on Assembly Bill No. 802:

YEAS—21.  
NAYS—None.

Assembly Bill No. 802 having received a constitutional majority, Mr. President declared it passed, as amended.  
Bill ordered transmitted to the Assembly.

Assembly Bill No. 828.

Bill read third time.

Roll call on Assembly Bill No. 828:

YEAS—18.  
NAYS—Gibson, Melto, O'Connell—3.

Assembly Bill No. 828 having received a constitutional majority, Mr. President declared it passed, as amended.  
Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator O'Donnell moved that Assembly Bill No. 731 be taken from the General File and placed on the Secretary's desk.

Remarks by Senator O'Donnell.

Motion carried.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, June 14, 1987

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolutions Nos. 3, 40, 44, 45.

Also, I have the honor to inform your honorable body that the Assembly amended, and on this day adopted, as amended, Senate Concurrent Resolution No. 16, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Assembly on this day passed Assembly Joint Resolution No. 43.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 86, 657, 763, 821, 829.

CAROL L. MOORE

Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Joint Resolution No. 43.

Senator Rawson moved that the resolution be referred to the Committee on Transportation.

Motion carried.

purposes appropriate to the operation of a public employment service or a public assistance program.

4. The executive director may provide information on the names of employers, their geographic locations, their type or class of business or industry, and the approximate number of employees employed by each employer [...] to the commission on economic development for its use in developing and diversifying the economic interests of this state.

5. Upon request, the executive director shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, and may furnish to any state agency similarly charged, the name, address, ordinary occupation, and employment status of each recipient of benefits and the recipient's rights to further benefits under this chapter.

6. To further a current criminal investigation, the chief executive officer of any law enforcement agency of this state may submit a written request to the executive director that he furnish, from the records of the employment security department, the name, address and place of employment of any person listed in the records of employment of the department. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the chief executive officer certifying that the request is made to further a criminal investigation currently being conducted by the agency. Upon receipt of such a request, the executive director shall furnish the information requested. He may charge a reasonable fee to cover any related administrative expenses.

7. The executive director may request the Comptroller of the Currency of the United States to cause an examination of the correctness of any return or report of any national banking association rendered pursuant to the provisions of this chapter, and may in connection with the request transmit any such report or return to the Comptroller of the Currency of the United States as provided in Section 3305(c) of the Internal Revenue Code of 1954.

[7.] 8. If any employee or member of the board of review or the executive director or any employee of the executive director, in violation of the provisions of this section, discloses information obtained from any employing unit or person in the administration of this chapter, or if any person who has obtained a list of applicants for work, or of claimants or recipients of benefits [...] under this chapter [...] uses or permits the use of the list for any political purpose, he is guilty of a gross misdemeanor.

[8.] 9. All letters, reports or communications of any kind, oral or written, from the employer or employee to each other or to the employment security department or any of its agents, representatives or employees are privileged and must not be the subject matter or basis for any lawsuit if the letter, report or communication is written, sent, delivered or prepared pursuant to the requirements of this chapter.

Assembly Bill No. 757--Committee on Labor and Management

## CHAPTER 614

AN ACT relating to industrial insurance, permitting the payment of benefits in a lump sum to certain claimants with permanent partial disabilities; and providing other matters properly relating thereto.

[Approved June 17, 1987]

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

### Section 1. NRS 616.607 is hereby amended to read as follows:

616.607 1. An award for a permanent partial disability may be paid in a lump sum under the following conditions:

(a) A claimant injured on or after July 1, 1973, and before July 1, 1981, who incurs a disability that does not exceed 12 percent may elect to receive his compensation in a lump sum. A claimant injured on or after July 1, 1981, who incurs a disability that does not exceed 25 percent may elect to receive his compensation in a lump sum.

(b) The spouse, or in the absence of a spouse, any dependent child of a deceased claimant injured on or after July 1, 1973, who is not entitled to compensation in accordance with NRS 616.615, is entitled to a lump sum equal to the present value of the deceased claimant's undisbursed award for a permanent partial disability.

(c) Any claimant injured on or after July 1, 1987, who incurs a disability that exceeds 25 percent may elect to receive his compensation in a lump sum equal to the present value of an award for a disability of 25 percent. If the claimant elects to receive compensation pursuant to this paragraph, the insurer shall pay in installments to the claimant that portion of the claimant's disability in excess of 25 percent.

2. If the claimant elects to receive his payment for a permanent partial disability in a lump sum, all of his benefits for compensation terminate. His acceptance of that payment constitutes a final settlement of all factual and legal issues in the case. By so accepting he waives all of his rights regarding the claim, including the right to appeal from the closure of the case or the percentage of his disability, except:

(a) His right to reopen his claim according to the provisions of NRS 616.545; and

(b) Any services for counseling, training or rehabilitation provided by the insurer.

The claimant must be advised in writing of the provisions of this subsection when he demands his payment in a lump sum, and has 20 days after the mailing or personal delivery of this notice within which to retract or reaffirm his demand, before payment may be made and his election becomes final.

3. Any lump sum payment which has been paid on a claim incurred on or after July 1, 1973, must be supplemented if necessary to conform to the provisions of this section.

4. The total lump sum payment for disablement must not be less than one-half the product of the average monthly wage multiplied by the percentage of disability.

5. The lump sum payable must be equal to the present value of the compensation awarded, less any advance payment or lump sum previously paid. The present value is calculated using monthly payments in the amounts prescribed in subsection 4 of NRS 616.605 and actuarial annuity tables adopted by the department. The tables must be reviewed annually by a consulting actuary.

6. If a claimant would receive more money by electing to receive compensation in a lump sum than he would if he receives installment payments, he may elect to receive the lump sum payment.

Sec. 2. NRS 616.620 is hereby amended to read as follows:

616.620 Except as provided by [section 4 of] NRS 616.607 and 616.615, the insurer shall not make or allow any lump-sum settlements.

#### Assembly Bill No. 802--Committee on Commerce

##### CHAPTER 615

AN ACT relating to chiropractic; reducing the amount of notice which must be given for meetings of the Nevada state board of chiropractic examiners; adding to the conduct which is prohibited to persons who are not licensed as chiropractors; revising the penalty for unlawful practice of chiropractic; and providing other matters properly relating thereto.

[Approved June 17, 1987]

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

**Section 1. NRS 634.040 is hereby amended to read as follows:**

634.040 1. The board shall hold regular meetings to transact business semiannually.

[2.] Special meetings may be called by the president [.] or by any three members. 1. upon 30 days' written notice.

3. All meetings shall

2. Except in an emergency, written notice of each meeting must be given at least 3 working days before the meeting. The notice must include the time, place, location and agenda of the meeting.

3. Each meeting must be held in this state at a place designated by the president and the secretary.

Sec. 2. NRS 634.227 is hereby amended to read as follows:

634.227 1. Any person who:

(a) Presents to the board as his own, the diploma, license or credentials of another;

(b) Gives false or forged evidence of any kind to the board; or

(c) Practices chiropractic under a false or assumed name or falsely personates another licensee.

is guilty of a misdemeanor.

2. Except as otherwise provided in NRS 634.105 [., it is unlawful for] any person who does not hold a license issued pursuant to this chapter [to:

(a) Practice] and:

(a) Practices chiropractic in this state [.

(b) Hold] ;

(b) Holds himself out as a chiropractor [.

(c) Use] ;

(c) Uses any combination, variation or abbreviation of the terms "chiropractor," "chiropractic" or "chiropractic physician" as a professional or commercial representation [.

(d) Use] ; or

(d) Uses any means which directly or indirectly conveys to another person the impression that he is qualified or licensed to practice chiropractic. [.

2. Any person violating the provisions of this section is guilty of a gross misdemeanor.]

shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

#### Senate Bill No. 27--Committee on Human Resources and Facilities

##### CHAPTER 616

AN ACT relating to assistance to the medically indigent; requiring the welfare division of the department of human resources to expand its project for the capitated delivery of health care to recipients of Medicaid; requiring the University of Nevada System to continue its program of providing medical assistance to indigent children; making appropriations to the University of Nevada System to continue that program and for the support of the clinic established to provide medical services to recipients of Medicaid; and providing other matters properly relating thereto.

[Approved June 17, 1987]

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

**Section 1. The welfare division of the department of human resources shall:**

1. Expand its joint project with the School of Medicine of the University of Nevada for the capitated delivery of health care to recipients of Medicaid, with a goal of providing medical services to at least 10,000 persons by July 1, 1991;

2. Promote the use of the services provided by that project; and



4. For each unit of motion, the *motion impairment value* is found by *adding* together the two impairment values contributed by its components, based on the formula  $A\% = E\% + F\%$ . Similarly, for each joint, the total motion impairment rating is found by *adding* the impairment values contributed by each unit of motion. For example, the upper extremity impairment due to abnormal elbow motion is found by *adding* the impairments from the flexion + extension ( $I_E\% + I_F\%$ ) unit to those from the pronation + supination ( $I_P\% + I_S\%$ ) unit, or total motion impairment equals ( $I_F\% + I_E\% + I_P\% + I_S\%$ ).
5. In Section 16.7, Impairment of the Upper Extremities Due to Other Disorders, the relative value of each joint has been assigned on a 100% digit unit scale: thumb CMC 60%, MP 15%, and IP 25%; and finger MP 50%, PIP 30%, and DIP 20% (Table 16-18). However, the relative value scale used in Table 16-18 is not the same as that assigned for amputations (Table 16-4) and range of motion. Therefore, if more than one joint of a specific digit is affected by other disorders, the impairments are *added* directly together *only* in the absence of amputation and presence of full motion of each joint involved. Otherwise, they are *combined*.

All other upper extremity impairment ratings are combined.

## 16.2 Amputations

### 16.2a General Principles

Important factors to consider in evaluating amputations include not only the level of occurrence but also the presence of associated problems relating to the condition of the residual stump (Section 16.2d), to regional or central pain syndromes, and to restriction or loss of motion of existing proximal joints (Section 16.4).

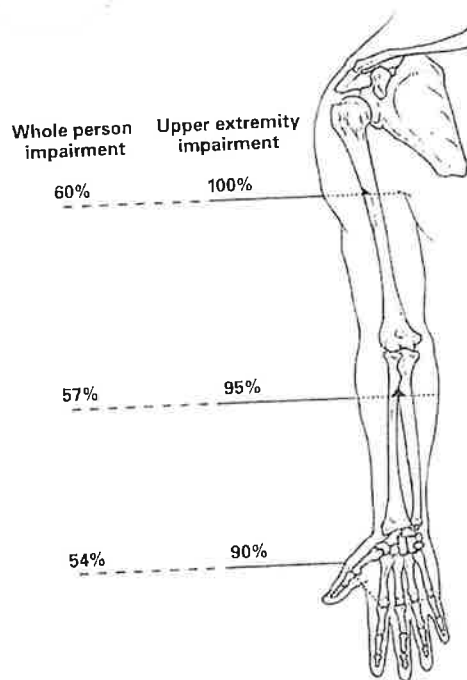
The upper limb is considered as a unit of the whole person and is divided into shoulder, elbow, wrist, and hand regions. The hand is further separated into digits and their parts. From distally to proximally, each anatomic unit is given a relative value to the next larger unit and, eventually, the whole person. By multiplying the appropriate percent, impairment of each unit can be converted sequentially to hand, upper extremity, and whole person impairment as indicated in Tables 16-1, 16-2, 16-3, and 16-4 and Figures 16-2 and 16-3.

It should be noted that, in terms of upper extremity impairment, the functional unit values for the shoulder (60%), elbow (70%), wrist (60%), and digital joints differ from those assigned for amputation at similar levels (Tables 16-4 and 16-18 and Section 16.4).

### 16.2b Amputation Impairment: Levels Proximal to Digits

The amputation impairment ratings increase with progressively shorter stumps and reach 70% of the whole person for a scapulothoracic (forequarter) amputation, as illustrated in Figure 16-2 and noted in Table 16-4. Amputations through the humerus at or proximal to the deltoid tubercle level (approximately the axillary fold) correspond to 100% loss of the limb, or 60% impairment of the whole person. Amputations occurring between a level just distal to the deltoid tubercle and the bicipital tuberosity

Figure 16-2 Impairment Estimates for Upper Extremity Amputation at Various Levels



Redrawn with permission from Swanson AB. Evaluation of impairment of function in the hand. *Surg Clin North Am.* 1961;44:925-940.



Combined Values Chart (continued)

51	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76
52	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	76
53	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	76	
54	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	76	77	
55	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	76	77	78	
56	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	76	77	78	78	
57	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	76	77	78	79	79	
58	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	76	77	78	79	80	80	
59	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	76	77	78	79	80	81	81	
60	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	76	77	78	79	80	81	82	83	
61	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	76	77	78	79	80	81	82	83	84	
62	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	76	77	78	79	80	81	82	83	84	85	
63	63	64	65	66	67	68	69	70	71	72	73	74	75	76	76	77	78	79	80	81	82	83	84	85	86	
64	64	65	66	67	68	69	70	71	72	73	74	75	76	76	77	78	79	80	81	82	83	84	85	86	87	
65	65	66	67	68	69	70	71	72	73	74	75	76	76	77	78	79	80	81	82	83	84	85	86	87	88	
66	66	67	68	69	70	71	72	73	74	75	76	76	77	78	79	80	81	82	83	84	85	86	87	88	89	
67	67	68	69	70	71	72	73	74	75	76	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	
68	68	69	70	71	72	73	74	75	76	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	
69	69	70	71	72	73	74	75	76	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	
70	70	71	72	73	74	75	76	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	
71	71	72	73	74	75	76	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	
72	72	73	74	75	76	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	
73	73	74	75	76	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	
74	74	75	75	76	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	
75	75	76	76	77	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	
76	76	77	77	78	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	
77	77	78	78	79	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	
78	78	79	79	80	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	
79	79	80	80	81	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	
80	80	81	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	
81	81	82	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	
82	82	83	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	
83	83	84	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	
84	84	85	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	
85	85	86	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	
86	86	87	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	
87	87	88	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	
88	88	89	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	
89	89	90	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	
90	90	91	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	
91	91	92	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	
92	92	93	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	
93	93	94	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	
94	94	95	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	
95	95	96	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	
96	96	97	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	
97	97	98	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	
98	98	99	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	
99	99	100	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	