

IN THE SUPREME COURT OF THE STATE OF NEVADA

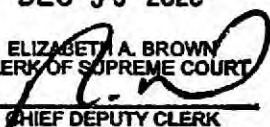
CLARK COUNTY,
Appellant,
vs.
BRENT BEAN,
Respondent.

No. 78443

FILED

DEC 30 2020

ORDER AMENDING OPINION

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

On October 8, 2020, this court issued an opinion affirming the district court's order denying a petition for judicial review in this matter, *Clark County v. Bean*, 136 Nev., Adv. Op. 65, 473 P.3d 1030 (2020). The opinion is amended as follows:

On page 2 of the filed opinion, 473 P.3d at 1031, to include the following language at the end of the first sentence of the first full paragraph: "under a previous version of the governing statute."

On pages 2-3, 473 P.3d at 1031, to change the last sentence on page 2 to provide: "We therefore affirm the district court's denial of Clark County's petition for judicial review, as the appeals officer correctly found that, under the previous version of the governing statute, the retiree was entitled to permanent partial disability benefits based on the wages he was earning at the time he retired."

On page 5, 473 P.3d at 1032, to add the following paragraph after the first full paragraph:

At the outset, we note that the Legislature amended NRS 617.453 in 2019 to add a subsection explicitly providing that, if the claim for occupational disease is not made until after the employee retires, the retired employee "is not entitled to receive any compensation for that disease other than medical benefits." 2019 Nev.

Stat., ch. 548, § 1, at 3432-33 (limiting the application of subsection (4) to the added language). That amendment does not affect our analysis, however, as it did not become effective until years after Bean filed for the benefits at issue in this appeal. *See id.* at § 3, at 3433 (providing an effective date of July 1, 2019). And, because the amendment does not apply to this case, we do not address whether Bean would be entitled to permanent partial disability benefits under the amended version of the statute. *See Personhood Nev. v. Bristol*, 126 Nev. 599, 602, 245 P.3d 572, 574 (2010) (providing that this court does not render advisory opinions and only resolves “actual controversies”).

On page 6, 473 P.3d at 1033, to change the penultimate sentence of the first paragraph to provide: “The statutory scheme at the time envisioned compensating employees like Bean who are diagnosed with disabling occupational diseases after retirement.”

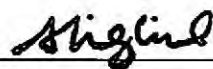
On page 7, 473 P.3d at 1033, to replace the language in footnote 2 with: “We are also not convinced by Clark County’s argument that NRS 616C.480 (addressing compensation for total temporary disability when the employee already received lump-sum compensation for permanent partial disability) shows that Bean is not entitled to permanent partial disability benefits in this case.”

On page 9, 473 P.3d at 1034, to change the final sentence to state: “Based on the foregoing, we affirm the district court’s denial of Clark County’s petition for judicial review, as the appeal officer correctly found that, under the previous version of NRS 617.453, compensation for Bean’s permanent partial disability rating must be based on the wages he earned before retiring.”

The amended opinion, which replaces the opinion filed on October 8, is being filed concurrently with this order.

It is so ORDERED.


_____, J.
Gibbons


_____, J.
Stiglich


_____, J.
Silver

cc: Hon. Timothy C. Williams, District Judge
Hooks Meng & Clement
Greenman Goldberg Raby & Martinez
Eighth District Court Clerk