IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CITY OF NORTH LAS VEGAS AND CCMSI, Appellants, vs. PHALLA YIN, Respondent.	No. 90769-COA

ORDER OF REVERSAL AND REMAND

The City of North Las Vegas and CCMSI appeal from a district court order denying their petition for judicial review. Eighth Judicial District Court, Clark County; Eric Johnson, Judge.

In February 2015, while attending the police academy, respondent Phalla Yin spent two nights in the hospital where he was diagnosed with a heart condition, pericarditis. Later that month, Yin began working for the City of North Las Vegas (the City). Although Yin was initially hired as a city police officer in February 2015, he became a municipal court bailiff in January 2016, and then a city marshal in April 2017.

As a city marshal, Yin's duties were similar to those he performed as a city police officer and municipal court bailiff. Namely, Yin patrolled in a marked police car, carried a gun, had the power to make arrests, and could assist the courts with serving warrants, "collecting" fugitives, and manning the bailiff stations if the courthouse was short staffed. Yin also underwent annual physical exams. Despite Yin

experiencing and reporting problems with his heart, Yin 's doctor cleared him for duty after each physical and he continued to work.

During the early morning hours of December 15, 2021, however, Yin awoke with a racing heartbeat and went to the hospital. There, his doctor diagnosed him with supraventricular tachycardia and paroxysmal atrial fibrillation. Yin remained hospitalized through the evening of December 18, 2021. Then, on December 23, 2021, Yin returned to the hospital for an ablation procedure. Following the ablation, Yin remained off work until January 12, 2022.

That same month, Yin submitted a workers' compensation claim to CCMSI, the City's workers' compensation administrator. On the C-4 form, Yin's doctor stated that Yin had a job-incurred disease of the heart, supraventricular tachycardia and paroxysmal atrial fibrillation. In March 2022, CCMSI denied Yin's claim, in part because he was not employed in a "qualified position under NRS 617.135." For support, CCMSI provided Yin with a copy of NRS 617.135, which did not expressly include city marshals within the definition of "police officer."

Yin appealed the denial to an administrative appeals officer. Among other issues, the parties litigated whether Yin was employed as a "police officer" within the meaning of NRS 617.135 when the applicable version of the statute did not expressly include city marshals within its definition. In August 2024, the appeals officer reversed the denial of Yin's claim, concluding that Yin was a "police officer" as defined in NRS 617.135 based on the duties he performed. She also concluded that, as a police officer, Yin was entitled to NRS 617.457(1) 's conclusive presumption that his heart disease arose out of and in the course of his employment. Finally, she concluded that Yin was disabled by his heart disease when he was

admitted to the hospital in December 2021, that the City and CCMSI did not rebut the conclusive presumption that his heart disease was job-related, and that his disablement was thus compensable.

The City and CCMSI moved for reconsideration. For support, they relied on evidence demonstrating that the legislature failed to pass a bill in 2023 that would have added city marshals to the definition of "police officer" and failed to pass a bill in 2019 that would have defined "police officer" as any person with some or all of the powers of a peace officer. The appeals officer denied reconsideration.

Thereafter, the City and CCMSI filed a petition for judicial review, arguing, among other things, that the appeals officer erred as a matter of law by determining that Yin qualified as a "police officer" under NRS 617.135. While that petition was pending in district court, Assembly Bill 93 was introduced to expand the definition of "police officer" in NRS 617.135 to expressly include "[a] marshal or deputy marshal of a city or a town." A.B. 93, 83d Leg. (Nev. 2025) (as introduced). Citing A.B. 93, the City and CCMSI argued to the district court that there would have been no need to amend the statute if city marshals were already included within the definition of "police officer."

The district court disagreed and denied the petition. Referencing an unpublished panel decision of the Nevada Supreme Court, which was subsequently withdrawn by the en banc court in a separate unpublished decision, *see County of Lyon v. Giron* , No. 64133, 2015 WL 2069443, at *2-3 (Nev. April 29, 2015) (Order Affirming in Part, Reversing in Part, and Remanding) (*Giron I*), *withdrawn*, 2016 WL 11987884 (Nev. June 24, 2016) (Order Granting Reconsideration and Affirming) (*Giron II*),

[1] the district court found that the *Giron I* panel decision supported the appeals officer's determination that "police officer" included city marshals.

The panel in *Giron I* concluded that NRS 617.135 was ambiguous and that Reno–Tahoe Airport Authority (RTAA) security officers, whose job title was also not expressly listed in the "police officer" definition, nevertheless fell under that definition because that definition was "not all-inclusive." 2015 WL 2069443, at *2 (quoting *MGM Mirage v. Nev. Ins. Guar. Ass'n*, 125 Nev. 223, 230, 209 P.3d 766, 771 (2009)). The panel further found it would be "absurd" to exclude RTAA security officers from coverage, where they have "nearly the same powers, training, and retirement benefits of a metropolitan or city police officer." *Id.* at *3.

Relying on *Giron I*, the district court here noted that "the fact that [Yin's] job title [wa]s not included in the definition of police officer [wa]s not dispositive." Instead, because Yin's job duties required him to carry a weapon, patrol in a marked police car, serve warrants, "collect" fugitives, and work the bailiff station at the courthouse, he had the "same powers and duties as a bailiff or deputy marshal of the district court or justice court." The district court thus determined that Yin's job duties constituted substantial evidence supporting the appeals o fficer's determination that Yin was a "police officer." The court also concluded that the legislative history proposing the addition of city marshals supported the appeals officer's determination that Yin qualified as a police officer. The court then denied the petition for judicial review.

The City and CCMSI (collectively, appellants) appeal the district court's decision, again arguing that Yin's heart disease claim was

[1]We note that the en banc order withdrawing *Giron I* was not available on Westlaw at the time of the district court's decision.

not compensable because Yin did not qualify as a "police officer" under NRS 617.135. According to appellants, the plain language of NRS 617.135 clearly defines "police officer" as including bailiffs or deputy marshals of a *district or justice court*, while excluding *city* marshals. Additionally, appellants argue that A.B. 93, which was introduced *after* Yin's disablement, will expand the definition of "police officer" to include city marshals. And they again assert that if the "statute already includes a city marshal as a police officer, there would be no need for the legislature to revise the statute to include a city marshal. "

In response, Yin contends that city marshals *are* police officers under NRS 617.135. Yin explains that he has the same duties as both a traditional city police officer *and* a bailiff or deputy marshal of a district or justice court, all of which are expressly included within the statutory definition of "police officer." He also argues, without further explanation, that A.B. 93 supports the appeals o fficer's conclusion that a city marshal is a "police officer."

"The standard for reviewing petitions for judicial review of administrative decisions is the same for this court as it is for the district court." *City of Reno v. Bldg. & Constr. Trades Council of N. Nev.* , 127 Nev. 114, 119, 251 P.3d 718, 721 (2011). "Like the district court, this court reviews an appeals officer's decision for clear error or arbitrary abuse of discretion." *Manwill v. Clark County* , 123 Nev. 238, 241, 162 P.3d 876, 879 (2007). "Nonetheless, we independently review the appeals officer's purely legal determinations, including those of statutory construction" de novo. *Id.* at 242, 162 P.3d at 879; *accord L. Offs. of Barry Levinson, P.C. v. Milko* , 124 Nev. 355, 362, 184 P.3d 378, 384 (2008).

"To receive benefits for an occupational disease, an employee must typically 'establish by a preponderance of the evidence that the employee's occupational disease arose out of and in the course of his employment.'" *CCMSI v. Odell*, 141 Nev., Adv. Op. 5, 564 P.3d 454, 455 (Ct. App. 2025) (quoting *Emps. Ins. Co. of Nev. v. Daniels*, 122 Nev. 1009, 1015, 145 P.3d 1024, 1028 (2006)). However, the legislature has carved out an exception to this requirement for qualified police officers, firefighters, and arson investigators who develop disabling heart disease during their employment. *See* NRS 617.457(1). For qualified employees —salaried police officers, firefighters, and arson investigators with two or more years of full-time, continuous, and uninterrupted service —the statute creates a conclusive presumption that a disabling heart disease arose out of and in the course of employment. *Id*. In this case, Yin's entitlement to that conclusive presumption turns on whether his position as a city marshal fits within the statutory definition of "police officer."

The definition of "police officer" is set forth in NRS 617.135. The applicable version of NRS 617.135 —the one that was in effect when Yin filed his claim—provides that the term "'[p]olice officer' includes" a list of multiple occupations and job functions. NRS 617.135 contains 17 subsections, each of which lists one or more occupations, some of which are further limited by job function. NRS 617.135(1)-(17). By one estimate, that definition includes approximately 36 different job descriptions. Hearing on A.B. 93 Before the Assemb. Comm. on Commerce & Labor, 83d Leg. 3 (Nev. Feb. 28, 2025) (statement of Richard P. McCann). After Yin filed his claim, however, the legislature passed A.B. 93, which will amend the definition of "police officer" effective July 1, 2026, to include, *inter alia*, "[a] marshal or

deputy marshal of a city or town" and all other peace officers not otherwise included in the definition. 2025 Nev. Stat., ch. 396, §§ 1, 3.

Whether or not the applicable version of NRS 617.135 implicitly includes city marshals like Yin is a question of law and statutory interpretation that we review de novo. *See Manwill*, 123 Nev. at 242, 162 P.3d at 879; *L. Offs. of Barry Levinson, P.C.* , 124 Nev. at 362, 184 P.3d at 384. When interpreting a statute, this court first looks to the statute 's plain language and construes that statute "according to its fair meaning and so as not to produce unreasonable results." *Dolores v. State, Emp. Sec. Div.*, 134 Nev. 258, 259, 416 P.3d 259, 261 (2018) (quoting *I. Cox Constr. Co. v. CH2 Invs., LLC* , 129 Nev. 139, 142, 296 P.3d 1202, 1203 (2013)). '"When a statute is clear and unambiguous, we give effect to the plain and ordinary meaning of the words,' and 'the primary consideration is the Legislature 's intent.'" *LVMPD v. Holland*, 139 Nev. 96, 99, 527 P.3d 958, 962 (2023) (quoting *Cromer v. Wilson*, 126 Nev. 106, 109, 225 P.3d 788, 790 (2010)). "In the context of Nevada workers' compensation laws, this court has consistently upheld the plain meaning of the statutory scheme." *Id.* (citation modified).

At the outset, we note that the supreme court withdrew its *Giron I* panel decision and unanimously concluded, en banc, in *Giron II* that the definition of "police officer" is limited to the occupations and job functions expressly listed in NRS 617.135. *See Giron II* , 2016 WL 11987884, at *1-2. Although the *Giron I* panel originally found the statutory definition of "police officer" ambiguous because it prefaced the definition with the word, "includes," 2015 WL 2069443, at *2, the en banc supreme court disagreed:

> Here, NRS 617.135 does not list RTAA police officer nor quasi-municipal police officer under its

> definition of "police officer." Because the statute clearly and unambiguously does not include the position of RTAA police officer, we hold that an RTAA police officer is not entitled to NRS 617.457(1)'s statutory presumption that his or her heart disease arose out of [and in] the course of his or her employment.

Giron II, 2016 WL 11987884, at *2.

We understand that this court is not bound by the supreme court's unpublished disposition in *Giron II*. *See* NRAP 36(c)(2) (recognizing that unpublished appellate court decisions do not constitute binding precedent except under certain exceptions that are inapplicable here). Nevertheless, we find it persuasive that the unanimous en banc court has already interpreted NRS 617.135 in a restrictive manner to exclude those occupations not expressly listed therein. The supreme court's interpretation finds support in the negative-implication canon of statutory construction, which recognizes that "[t]he expression of one thing implies the exclusion of others." Antonin Scalia & Bryan A. Garner, *Reading Law: The Interpretation of Legal Texts* 107 (2012); *accord id.* at 107-11; *see also Galloway v. Truesdell*, 83 Nev. 13, 26, 422 P.2d 237, 246 (1967) (noting that the statutory interpretive canon expressio unius est exclusio alterius, "the expression of one thing is the exclusion of another, has been repeatedly confirmed in this State"). Indeed, "[t]he more specific the enumeration, the greater the force of the canon." Scalia & Garner, *supra*, at 108.

As noted, the applicable version of NRS 617.135 lists approximately 36 occupations that constitute a "police officer" and even limits some of those occupations by job function. Under the negative-implication canon, that comprehensive, specific list of occupations and job functions indicates that the legislature intended that only individuals in those exact occupations and performing those job functions would be

considered "police officers." *Cf. Eldorado Hills, LLC v. Clark Cnty. Bd. of Comm'rs*, No. 67721, 2016 WL 7439360, at *1 (Nev. Dec. 22, 2016) (Order of Affirmance) (considering the definition of "person" in NRS 233B.037 to be a "non-exhaustive list" when it provided only that "'[p]erson' includes any political subdivision or public or private organization of any character other than an agency").

Had the Nevada Legislature wished to avoid the negative-implication canon, it could have used a phrase like "including without limitation" to avoid creating an exclusive list. *See* Scalia & Garner, *supra*, at 232-33 ("Legal drafters have the power not only to define their terms but also to limit the implications of their terms . . . . Legislatures do this all the time . . . when they use the phrase *including without limitation*, which has the effect of excluding application of the negative-implication canon . . . to what follows."). For example, within another part of Chapter 617, the legislature defined "employee" and "worker" as "every person in the service of an employer . . . [that] *include, but not exclusively*," a list of six groups of people. NRS 617.070 (emphasis added); *see also* NRS 616A.035(4)(a) ("includes, without limitation"). Because the legislature did not use such language, this court is not precluded from applying that canon here.

In addition, under the whole-text canon, this court will "interpret provisions within a common statutory scheme 'harmoniously with one another in accordance with the general purpose of [the] statutes.'" *S. Nev. Homebuilders Ass'n v. Clark County*, 121 Nev. 446, 449, 117 P.3d 171, 173 (2005) (quoting *Washington v. State*, 117 Nev. 735, 739, 30 P.3d 1134, 1136 (2001)); *see* Scalia & Garner, *supra*, at 167 (stating the whole-text canon as the rule that "[t]he text must be construed as a whole" (emphasis omitted)). And in construing the text as a whole, this court will

avoid interpretations that produce an unreasonable result. *See Int'l Game Tech., Inc. v. Second Jud. Dist. Ct.*, 124 Nev. 193, 202, 179 P.3d 556, 561 (2008) (recognizing that "[a] fundamental rule of statutory interpretation is that the unreasonableness of the result produced by one among alternative possible interpretations of a statute is reason for rejecting that interpretation in favor of another that would produce a reasonable result" (quoting *Sheriff v. Smith*, 91 Nev. 729, 733, 542 P.2d 440, 443 (1975))).

Here, when considering the requirements for both employers and employees related to heart disease coverage under NRS 617.457 together with the applicable definition of "police officer" in NRS 617.135, it is more reasonable to interpret that definition as setting forth an exclusive list that does not include city marshals. NRS 617.457(4) requires "each employee who is to be covered for diseases of the heart pursuant to the provisions of this section [to] submit to a physical examination . . . upon employment, upon commencement of coverage and thereafter on an annual basis during his or her employment." NRS 617.457(10) generally requires employers to pay for those physicals. And NRS 617.457(11) provides that an employee's "[f]ailure to correct predisposing conditions which lead to heart disease when so ordered in writing by the examining physician subsequent to a physical examination . . . excludes the employee from the benefits of this section if the correction is within the ability of the employee." If the definition in NRS 617.135 includes employees who are not specifically listed, it would be unclear which employees would have to submit to physicals and take corrective action. That confusion could result in government agencies spending unnecessary tax dollars on physicals and employees taking corrective actions they otherwise would not have taken based on speculation that a court might one day deem those employees

"police officers." Such an unreasonable result supports the conclusion that NRS 617.135 introduces an exclusive list.

Alternatively, to the extent NRS 617.135 may be considered ambiguous,[2] this court "must look to legislative history and rules of statutory interpretation to determine its meaning ." *Orion Portfolio Servs. 2, LLC v. Cnty. of Clark ex rel. Univ. Med. Ctr. of S. Nev.* , 126 Nev. 397, 402, 245 P.3d 527, 531 (2010). Here, the legislative and statutory history [3] likewise indicates that the definition of "police officer" includes only the occupations and job functions expressly listed therein.

NRS 617.457 was enacted in 1969 with the passage of Senate Bill 224 to provide workers' compensation coverage for diseases of the heart that arose out of and in the course of employment for firefighters only. 1969 Nev. Stat., ch. 340 , § 1, at 592. In 1973, the legislature passed Senate Bill 309. 1973 Nev. Stat., ch. 504 , § 1, at 768-69. That bill expanded coverage under NRS 617.457 beyond firefighters to include individuals in the following occupations and job functions:

---

[2]An argument can be made that NRS 617.135 is ambiguous because the definition of "police officer" is prefaced by the term "includes," which could either introduce an inclusive *or* exclusive list. *See* Scalia & Garner, *supra*, at 132-33 (noting that "the word *include* does not ordinarily introduce an exhaustive list" but that "[e]ven though the word *including* itself means that the list is merely exemplary and not exhaustive, the courts have not invariably so held"); *see also Countrywide Home Loans, Inc. v. Thitchener*, 124 Nev. 725, 734, 192 P.3d 243, 249 (2008) (explaining that "when a statute may be interpreted in more than one reasonable manner, the statute is ambiguous").

[3]Scalia & Garner, *supra*, at 432, 440 (defining "legislative history" as "[t]he proceedings leading to the enactment of a statute, including legislative hearings, committee reports, and floor debates" and "statutory history" as "[t]he enacted lineage of a statute, including prior laws, amendments, codifications, and repeals").

> firefighter, sheriff, deputy sheriff, city policeman, officer of the Nevada highway patrol, member of the University of Nevada system police department or a uniformed employee of the Nevada state prison whose position requires regular and frequent contact with the convict population and subjects the employee to recall in emergency situations.

Id. (emphasis omitted).

In 1981, NRS 617.457 was amended by Assembly Bill 32 to provide heart disease coverage for individuals employed in the following additional occupations: "field agent or inspector of the motor carrier division, vehicle emission control officer or field dealer inspector of the registration division." 1981 Nev. Stat., ch. 339, § 2, at 624 (emphasis omitted). Unlike the prior bills, when introduced, this bill was estimated to have a fiscal impact. A.B. 32, Fiscal Note, 61st Leg. (Nev. 1981) (as introduced).

That same year, through Assembly Bill 137, the legislature omitted the lengthy recitation of covered occupations and job functions from NRS 617.457, replaced them with "fireman or police officer," and then amended Chapter 617 to add the definition of "police officer" in NRS 617.135. 1981 Nev. Stat., ch. 438, §§ 2, 7, at 850, 852 (emphasis omitted). This new definition of "police officer" referenced all of the occupations (except "firefighter") and job functions previously listed in NRS 617.457. [4]

[4]In 1989, the legislature removed the requirement in NRS 617.457 that to be compensable, a police officer's heart disease (1) must be caused from exposure to noxious gases, fumes, or smoke; or extreme overexertion, stress or danger; and (2) must result in permanent or temporary disability or death. 1989 Nev. Stat., ch. 480, § 2, at 1021. Instead, a police officer's heart disease was conclusively presumed to have arisen out of and in the course of their employment so long as they were continuously employed for the requisite number of years. *Id*.

Id. § 2, at 850.

Over the years, the definition of "police officer" in NRS 617.135 continued to expand to include additional occupations and job functions. *See* 1991 Nev. Stat., ch. 540, § 1, at 1702 (adding parole and probation officers); 1993 Nev. Stat., ch. 255, § 2, at 550 (adding officers of a metropolitan police department); 1995 Nev. Stat., ch. 194, § 1, at 322 (adding certain forensic specialists and correctional officers); 2001 Nev. Stat., ch. 195, § 1, at 949 (adding fire marshals, their assistants, and their deputies); 2005 Nev. Stat., ch. 465, § 5, at 2241 (adding game wardens of the Department of Wildlife with the powers of a peace officer); 2009 Nev. Stat., ch. 433, § 1, at 2426-27 (adding several positions within the Department of Public Safety and rangers or employees of the Division of State Parks of the State Department of Conservation and Natural Resources with the powers of a peace officer); 2013 Nev. Stat., ch. 371, § 1, at 1983 (adding bailiffs and deputy marshals of the district court or justice court whose duties required them to carry a weapon and to make arrests); 2021 Nev. Stat., ch. 320, § 16, at 1910 (adding agricultural police officers appointed by the Director of the State Department of Agriculture with the powers of a peace officer).

Notably, the amendments in 1991, 1995, 2005, 2009, 2013, and 2021 were all initially estimated to have a fiscal impact. *See* S.B. 2, Fiscal Note, 66th Leg. (Nev. 1991) (as introduced); A.B. 57, Fiscal Note, 68th Leg. (Nev. 1995) (as introduced); S.B. 203, Fiscal Note, 73d Leg. (Nev. 2005) (as introduced); A.B. 214, Fiscal Note, 75th Leg. (Nev. 2009) (as introduced); S.B. 208, Fiscal Note, 77th Leg. (Nev. 2013) (as introduced); S.B. 34, Fiscal Note, 81st Leg. (Nev. 2021) (as introduced).

Then, in the final days of the 2023 legislative session, the Assembly passed Assembly Bill 301, which would have expressly added city marshals (amongst other occupations) to the definition of "police officer." A.B. 301, 82d Leg. (Nev. 2023) (second reprint); Assemb. Journal, 82d Leg. 70 (June 3, 2023). Because that bill was passed by the Assembly just days before the end of the session, however, it did not reach the Senate or become law. *See Hearing on A.B. 93 Before the Assemb. Comm. on Commerce & Labor*, 83d Leg. 3 (Nev. Feb. 28, 2025) (statement of Assemb. Brian Hibbetts). As passed, that bill also estimated a fiscal impact. A.B. 301, Fiscal Note, 82d Leg. (Nev. 2023) (second reprint).

Finally, as noted above, it was not until 2025 that the legislature passed A.B. 93 to add language that expressly included city marshals and all other peace officers within the definition of "police officer," effective July 1, 2026. 2025 Nev. Stat., ch. 396, §§ 1, 3. Like the proposed 2023 legislation, A.B. 93 initially estimated a fiscal impact from these amendments. A.B. 93, Fiscal Note, 83d Leg. (Nev. 2025) (as introduced).

The foregoing legislative and statutory history, in which additional, highly-specific occupations and job functions were added to the definition of "police officer" over time—many of which were estimated to have a fiscal impact—further demonstrates that NRS 617.135 sets forth an exclusive list of occupations and job functions that constitute a "police officer." If the applicable definition of "police officer" already included city marshals and other peace officers, there would have been no need to expressly add those positions to the definition, nor would there have been a fiscal impact in doing so. *See Pub. Emps.' Benefits Program v. LVMPD*, 124 Nev. 138, 156-57, 179 P.3d 542, 554 (2008) (recognizing that "when the Legislature substantially amends a statute, it is ordinarily presumed that

the Legislature intended to change the law "); *Metz v. Metz*, 120 Nev. 786, 792, 101 P.3d 779, 783-84 (2004) (stating that "when the Legislature makes a substantial change in a statute's language, it indicates a change in the legislative intent").

Tellingly, in proposing A.B. 93, the bill's sponsor, Assemblyman Brian Hibbitts, acknowledged that the bill was intended to cover additional employees who were not already included within the definition of "police officer." *Meeting on A.B. 93 Before the Assemb. Comm. on Commerce & Labor*, 83d Leg. 3 (Nev. Feb. 28, 2025) (statement of Assemb. Brian Hibbetts) (explaining that "not all police are covered under this protection. As I stated to this Committee two years ago, justice court and the state district court bailiffs and deputy marshals are covered. However, the city municipal bailiffs and deputy marshals who work in the same building and do the same job are not covered by this protection . . . . Assembly Bill 93 would provide parity for these first responders ").

Likewise, Richard P. McCann, speaking on behalf of the Nevada Association of Public Safety Officers and Nevada Law Enforcement Coalition, explained that A.B. 93 would expand the definition of "police officer" to "add" a number of job descriptions, including "a marshal or deputy marshal of a city or town," because they "are truly in need of this heart/lung benefit just like their law enforcement brethren" and "[i]t is time that they receive this benefit." *Meeting on A.B. 93 Before the Assemb. Comm. on Commerce & Labor* , 83d Leg. 4 (Nev. Feb. 28, 2025) (statement of Richard P. McCann). These statements further demonstrate an understanding that city marshals were not already included under NRS 617.135 when A.B. 93 was introduced and were not yet entitled to the

conclusive presumption that disabling heart disease arose out of and in the course of their employment.

Furthermore, the Nevada Legislature could have explicitly stated its intent for A.B. 93 to apply retroactively to provide coverage for city marshals and other peace officers whose claims arose before the effective date of the amendments, but it did not. *See Pub. Emps.' Benefits Program*, 124 Nev. at 155, 179 P.3d at 553 ("[W]hen the Legislature intends retroactive application, it is capable of stating so clearly."); *accord Holguin v. City of Henderson*, No. 89345, 2026 WL 491678, at *1 (Nev. Feb. 20, 2026) (Order Granting Petition for Rehearing, Withdrawing Opinion, and Substituting Order of Reversal and Remand) (recognizing that the 2025 amendments to NRS 617.455 would apply retroactively where "Section 2 of S.B. 7 provides that '[t]he amendatory provisions of section 1 of this act apply retroactively to claims filed on or before the effective date of this act.'" (quoting 2025 Nev. Stat., ch. 13, § 2)).

Yet, instead of providing for retroactivity, the amended definition of "police officer" does not become effective until July 1, 2026. 2025 Nev. Stat., ch. 396, § 3. Indeed, Assemblyman Hibbetts explained that the reason the bill was amended to have an effective date of "July 1, 2026, [was] so the jurisdictions have the time and ability to budget for it and it actually falls on a fiscal year." *Meeting on A.B. 93 Before the Assemb. Comm. on Commerce & Labor*, 83d Leg. 7 (Nev. Feb. 28, 2025) (statement of Assemb. Brian Hibbetts). There would be no need to budget for these amendments if they merely codified existing law.

We recognize that the job of a city marshal is not meaningfully different from other occupations that qualified for the conclusive presumption at the time Yin filed his claim, and we are sympathetic to Yin's

argument that he should have been treated the same as those covered "police officers." Unfortunately, the statutory and legislative history confirm that until A.B. 93's effective date, city marshals are not entitled to the same protections as other police officers. Because city marshals were not included within the statutory definition of "police officer" when Yin filed his workers' compensation claim, he did not qualify for the conclusive presumption that his heart disease arose out of and in the course of his employment. As a result, the appeals officer erred as a matter of law in finding his claim compensable on that basis.

Accordingly, we

ORDER the judgment of the district court REVERSED AND REMAND this matter to the district court with instructions to remand to the appeals officer for proceedings consistent with this order. [5]

Bulla, C.J.

Gibbons, J.

Westbrook, J.

[5]Appellants also argue that Yin's heart disease did not cause disablement under NRS 617.060 and that Yin did not timely notify the City of his heart disease under NRS 617.342 or timely submit a claim for workers' compensation to CCMSI under NRS 617.344. We have considered those arguments and conclude they lack merit. Insofar as appellants raise other arguments not specifically addressed in this order, we have considered the same and conclude that they need not be reached given the disposition of this appeal.

cc: Hon. Eric Johnson, District Judge
Janet Trost, Settlement Judge
Hooks Meng & Clement
GGRM Law Firm
Eighth District Court Clerk