

ASSEMBLY BILL NO. 63—ASSEMBLYMAN ANDERSON

PREFILED JANUARY 28, 1999

Referred to Committee on Commerce and Labor

SUMMARY—Exempts certain sports officials from various provisions governing compensation.
(BDR 53-113)

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

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

AN ACT relating to compensation; excluding certain sports officials from the payment of unemployment compensation; excluding certain sports officials from the payment of workers' compensation; excluding certain sports officials from participation in the public employees' retirement system; 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.** Chapter 612 of NRS is hereby amended by adding thereto
- 2 a new section to read as follows:
- 3 ***1. "Employment" does not include service performed while***
- 4 ***officiating a sporting event by a person who acts as a sports official if:***
- 5 ***(a) The person is paid a nominal fee for his service; and***
- 6 ***(b) The sporting event is:***
- 7 ***(1) Amateur, intercollegiate or interscholastic; and***
- 8 ***(2) Sponsored by a public agency, public entity or private, nonprofit***
- 9 ***organization.***
- 10 ***2. For the purposes of this section, "sports official" includes an***
- 11 ***umpire, referee, judge, scorekeeper, timekeeper or other person who is a***
- 12 ***neutral participant in a sporting event.***
- 13 **Sec. 2.** NRS 612.015 is hereby amended to read as follows:
- 14 612.015 As used in this chapter, unless the context ~~clearly requires~~
- 15 ~~otherwise,] otherwise requires,~~ the words and terms defined in NRS
- 16 612.016 to 612.200, inclusive, ***and section 1 of this act*** have the meanings
- 17 ascribed to them in those sections.

1 **Sec. 3.** NRS 616A.110 is hereby amended to read as follows:

2 616A.110 "Employee" excludes:

3 1. Any person whose employment is both casual and not in the course
4 of the trade, business, profession or occupation of his employer.

5 2. Any person engaged as a theatrical or stage performer or in an
6 exhibition.

7 3. Musicians when their services are merely casual in nature and not
8 lasting more than 2 consecutive days, and not recurring for the same
9 employer, as in wedding receptions, private parties and similar
10 miscellaneous engagements.

11 4. Any person engaged in household domestic service, farm, dairy,
12 agricultural or horticultural labor, or in stock or poultry raising, except as
13 otherwise provided in chapters 616A to 616D, inclusive, of NRS.

14 5. Any person performing services as a voluntary ski patrolman who
15 receives no compensation for his services other than meals, lodging, or use
16 of the ski tow or lift facilities.

17 6. *Any person performing services as a sports official for a nominal*
18 *fee at a sporting event that is amateur, intercollegiate or interscholastic*
19 *and that is sponsored by a public agency, public entity or private,*
20 *nonprofit organization. For the purposes of this subsection, "sports*
21 *official" includes an umpire, referee, judge, scorekeeper, timekeeper or*
22 *other person who is a neutral participant in a sporting event.*

23 7. Any clergyman, rabbi or lay reader in the service of a church, or
24 any person occupying a similar position with respect to any other religion.

25 ~~7.~~ 8. Any real estate broker, broker-salesman or salesman licensed
26 pursuant to chapter 645 of NRS.

27 ~~8.~~ 9. Any person who:

28 (a) Directly sells or solicits the sale of products, in person or by
29 telephone:

30 (1) On the basis of a deposit, commission, purchase for resale or
31 similar arrangement specified by the administrator by regulation, if the
32 products are to be resold to another person in his home or place other than
33 a retail store; or

34 (2) To another person from his home or place other than a retail
35 store;

36 (b) Receives compensation or remuneration based on sales to customers
37 rather than for the number of hours that he works; and

38 (c) Performs pursuant to a written agreement with the person for whom
39 the services are performed which provides that he is not an employee for
40 the purposes of this chapter.

41 **Sec. 4.** NRS 617.080 is hereby amended to read as follows:

42 617.080 "Employee"

excludes:

1 1. Any person whose employment is both casual and not in the course
2 of the trade, business, profession or occupation of his employer.

3 2. Any person engaged in household domestic service, farm, dairy,
4 agricultural or horticultural labor, or in stock or poultry raising, except as
5 otherwise provided in this chapter.

6 3. Any person engaged as a theatrical or stage performer or in an
7 exhibition.

8 4. Musicians when their services are merely casual in nature and not
9 lasting more than 2 consecutive days, and not recurring for the same
10 employer, as in wedding receptions, private parties and similar
11 miscellaneous engagements.

12 5. Any person performing services as a voluntary ski patrolman who
13 receives no compensation for his services other than meals, lodging or use
14 of the ski tow or lift facilities.

15 6. *Any person performing services as a sports official for a nominal*
16 *fee at a sporting event that is amateur, intercollegiate or interscholastic*
17 *and that is sponsored by a public agency, public entity or private,*
18 *nonprofit organization. For the purposes of this subsection, "sports*
19 *official" includes an umpire, referee, judge, scorekeeper, timekeeper or*
20 *other person who is a neutral participant in a sporting event.*

21 7. Any person who:

22 (a) Directly sells or solicits the sale of products, in person or by
23 telephone:

24 (1) On the basis of a deposit, commission, purchase for resale or
25 similar arrangement specified by the administrator of the division of
26 industrial relations of the department of business and industry by
27 regulation, if the products are to be resold to another person in his home or
28 place other than a retail store; or

29 (2) To another person from his home or place other than a retail
30 store;

31 (b) Receives compensation or remuneration based on sales to customers
32 rather than for the number of hours that he works; and

33 (c) Performs pursuant to a written agreement with the person for whom
34 the services are performed which provides that he is not an employee for
35 the purposes of this chapter.

36 **Sec. 5.** Chapter 286 of NRS is hereby amended by adding thereto a
37 new section to read as follows:

38 ***"Sports official":***

39 ***1. Means any person who officiates, for a nominal fee, at a sporting***
40 ***event that is amateur, intercollegiate or interscholastic and that is***
41 ***sponsored by a public agency, public entity or private, nonprofit***
42 ***organization.***

- 1 2. *Includes an umpire, referee, judge, scorekeeper, timekeeper or*
- 2 *other person who is a neutral participant in a sports event.*

1 **Sec. 6.** NRS 286.016 is hereby amended to read as follows:

2 286.016 As used in this chapter, unless the context otherwise requires,
3 the words and terms defined in NRS 286.017 to 286.100, inclusive, *and*
4 *section 5 of this act* have the meanings ascribed to them in such sections.

5 **Sec. 7.** NRS 286.297 is hereby amended to read as follows:

6 286.297 The following persons are not eligible to become members of
7 the system:

8 1. Inmates of state institutions even though they may be receiving
9 compensation for services performed for the institution.

10 2. Independent contractors or persons rendering professional services
11 on a fee, retainer or contract basis.

12 3. *A person performing services as a sports official.*

13 4. Except as otherwise provided in NRS 286.525, persons retired
14 under the provisions of this chapter who are employed by a participating
15 public employer.

16 ~~4.~~ 5. Members of boards or commissions of the State of Nevada or of
17 its political subdivisions when such boards or commissions are advisory or
18 directive and when membership thereon is not compensated except for
19 expenses incurred. Receipt of a fee for attendance at official sessions of a
20 particular board or commission does not constitute compensation for the
21 purpose of this subsection.

22 ~~5.~~ 6. Substitute teachers and students who are employed by the
23 institution which they attend.

24 ~~6.~~ 7. District judges and justices of the supreme court first elected or
25 appointed on or after July 1, 1977, who are not enrolled in the system at
26 the time of election or appointment.

27 ~~7.~~ 8. Members of the professional staff of the University and
28 Community College System of Nevada who are employed on or after July
29 1, 1977.

30 ~~8.~~ 9. Persons employed on or after July 1, 1979, under the
31 Comprehensive Employment and Training Act.

32 ~~9.~~ 10. Except as otherwise provided in NRS 286.293, persons
33 assigned to intermittent or temporary positions unless the assignment
34 exceeds 6 consecutive months.

35 ~~10.~~ 11. Persons employed on or after July 1, 1981, as part-time
36 guards at school crossings.

37 ~~11.~~ 12. Nurses who:

38 (a) Are not full-time employees;

39 (b) Are paid an hourly wage on a daily basis;

- 1 (c) Do not receive the employee benefits received by other employees
- 2 of the same employer; and
- 3 (d) Do not work a regular schedule or are requested to work for a shift
- 4 at a time.

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