

ASSEMBLY BILL NO. 396—ASSEMBLYMEN DIAZ, CONKLIN, KIRKPATRICK, SEGERBLOM; AIZLEY, ATKINSON, BENITEZ-THOMPSON, BROOKS, BUSTAMANTE ADAMS, DALY, DONDERO LOOP, FLORES, FRIERSON, MASTROLUCA, NEAL, OCEGUERA, PIERCE AND SMITH

MARCH 21, 2011

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to industrial insurance involving certain employees who are injured during certain cooperative governmental activities. (BDR 53-1002)

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

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

AN ACT relating to industrial insurance; revising provisions involving certain employees who are injured during certain cooperative governmental activities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 **Section 2.5** of this bill provides that when an employee of a state or local
2 government employer is injured by accident sustained during the course of
3 employment while participating in certain cooperative governmental activities,
4 industrial insurance extends to the government employer of the injured employee
5 and any act or failure to act which creates liability on the part of any of the
6 government employers is deemed to be the act or failure to act of the government
7 employer of the injured employee.

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

1 **Section 1.** (Deleted by amendment.)
2 **Sec. 2.** (Deleted by amendment.)



1 **Sec. 2.5.** NRS 616A.020 is hereby amended to read as
2 follows:

3 616A.020 1. The rights and remedies provided in chapters
4 616A to 616D, inclusive, of NRS for an employee on account of an
5 injury by accident sustained arising out of and in the course of the
6 employment shall be exclusive, except as otherwise provided in
7 those chapters, of all other rights and remedies of the employee, his
8 or her personal or legal representatives, dependents or next of kin, at
9 common law or otherwise, on account of such injury.

10 2. The terms, conditions and provisions of chapters 616A to
11 616D, inclusive, of NRS for the payment of compensation and the
12 amount thereof for injuries sustained or death resulting from such
13 injuries shall be conclusive, compulsory and obligatory upon both
14 employers and employees coming within the provisions of those
15 chapters.

16 3. The exclusive remedy provided by this section to a principal
17 contractor extends, with respect to any injury by accident sustained
18 by an employee of any contractor in the performance of the contract,
19 to every architect, land surveyor or engineer who performs services
20 for:

- 21 (a) The contractor;
22 (b) The owner of the property; or
23 (c) Any such beneficially interested persons.

24 4. The exclusive remedy provided by this section applies to the
25 owner of a construction project who provides industrial insurance
26 coverage for the project by establishing and administering a
27 consolidated insurance program pursuant to NRS 616B.710 to the
28 extent that the program covers the employees of the contractors and
29 subcontractors who are engaged in the construction of the project.

30 5. *When an employee of a state or local government employer
31 is injured by accident sustained during the course of employment
32 while participating in an activity which is carried out cooperatively
33 by the state or local government employer with another state or
34 local government employer, the exclusive remedy provided by this
35 section extends to the state or local government employer of the
36 injured employee and any act or failure to act which creates
37 liability on the part of any of the government employers
38 participating in the activity shall be deemed to be the act or failure
39 to act of the government employer of the injured employee for the
40 purposes of the rights and remedies provided in chapters 616A to
41 616D, inclusive, of NRS.*

42 6. If an employee receives any compensation or accident
43 benefits under chapters 616A to 616D, inclusive, of NRS, the
44 acceptance of such compensation or benefits shall be in lieu of any
45 other compensation, award or recovery against his or her employer



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1 under the laws of any other state or jurisdiction and such employee
2 is barred from commencing any action or proceeding for the
3 enforcement or collection of any benefits or award under the laws of
4 any other state or jurisdiction.

5 **Sec. 3.** This act becomes effective on July 1, 2011.

