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ASSEMBLY BILL NO. 185—ASSEMBLYMEN ANDERSON,  
OHRENSCHALL, COLLINS, CONKLIN, HORNE, KOIVISTO,  
MABEY, MCCLAIN AND SHERER

FEBRUARY 24, 2003

Referred to Committee on Commerce and Labor

SUMMARY—Exempts certain sports officials from certain provisions governing compensation. (BDR 53-1110)

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.

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AN ACT relating to compensation; excluding certain sports officials from the payment of unemployment compensation or 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  
2 thereto 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***  
5 ***official if:***  
6       ***(a) The person is paid a nominal fee for his service; and***  
7       ***(b) The sporting event is:***  
8           ***(1) Amateur, intercollegiate or interscholastic; and***  
9           ***(2) Sponsored by a public agency, public entity or private,***  
10 ***nonprofit organization.***  
11     ***2. As used in this section, "sports official" includes an***  
12 ***umpire, referee, judge, scorekeeper, timekeeper or other person***  
13 ***who is a neutral participant in a sporting event.***



\* A B 1 8 5 \*

1     **Sec. 2.** NRS 612.015 is hereby amended to read as follows:  
2     612.015 As used in this chapter, unless the context ~~clearly~~  
3 ~~requires—otherwise,] otherwise requires,~~ the words and terms  
4 defined in NRS 612.016 to 612.200, inclusive, *and section 1 of this*  
5 *act* have the meanings ascribed to them in those sections.

6     **Sec. 3.** NRS 616A.110 is hereby amended to read as follows:  
7     616A.110 “Employee” excludes:

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

11    2. Any person engaged as a theatrical or stage performer or in  
12 an exhibition.

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

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

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

24    6. *Any person who performs services as a sports official for a*  
25 *nominal fee at a sporting event that is amateur, intercollegiate or*  
26 *interscholastic and is sponsored by a public agency, public entity*  
27 *or private, nonprofit organization. As used in this subsection,*  
28 *“sports official” includes an umpire, referee, judge, scorekeeper,*  
29 *timekeeper or other person who is a neutral participant in a*  
30 *sporting event.*

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

34    ~~[7-]~~ 8. Any real estate broker, broker-salesman or salesman  
35 licensed pursuant to chapter 645 of NRS.

36    ~~[8-]~~ 9. Any person who:

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

39    (1) On the basis of a deposit, commission, purchase for  
40 resale or similar arrangement specified by the Administrator by  
41 regulation, if the products are to be resold to another person in his  
42 home or place other than a retail store; or

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



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

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

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

7 617.080 "Employee" excludes:

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

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

14 3. Any person engaged as a theatrical or stage performer or in  
15 an exhibition.

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

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

23 6. *Any person who performs services as a sports official for a*  
24 *nominal fee at a sporting event that is amateur, intercollegiate or*  
25 *interscholastic and is sponsored by a public agency, public entity*  
26 *or private, nonprofit organization. As used in this subsection,*  
27 *"sports official" includes an umpire, referee, judge, scorekeeper,*  
28 *timekeeper or other person who is a neutral participant in a*  
29 *sporting event.*

30 7. Any person who:

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

33 (1) On the basis of a deposit, commission, purchase for  
34 resale or similar arrangement specified by the Administrator of the  
35 Division of Industrial Relations of the Department of Business and  
36 Industry by regulation, if the products are to be resold to another  
37 person in his home or place other than a retail store; or

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

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

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



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

3     *“Sports official” means any person who officiates, for a*  
4 *nominal fee, at a sporting event that is amateur, intercollegiate or*  
5 *interscholastic and is sponsored by a public agency, public entity*  
6 *or private, nonprofit organization. The term includes an umpire,*  
7 *referee, judge, scorekeeper, timekeeper or other person who is a*  
8 *neutral participant in a sports event.*

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

10     286.016 As used in this chapter, unless the context otherwise  
11 requires, the words and terms defined in NRS 286.017 to 286.100,  
12 inclusive, *and section 5 of this act* have the meanings ascribed to  
13 them in ~~such~~ *those* sections.

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

15     286.297 The following persons are not eligible to become  
16 members of the System:

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

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

21     3. *Persons performing services as sports officials.*

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

25     ~~4.~~ 5. Members of boards or commissions of the State of  
26 Nevada or of its political subdivisions when ~~such~~ *the* boards or  
27 commissions are advisory or directive and when membership  
28 thereon is not compensated except for expenses incurred. Receipt of  
29 a fee for attendance at official sessions of a particular board or  
30 commission does not constitute compensation for the purpose of this  
31 subsection.

32     ~~5.~~ 6. Substitute teachers and students who are employed by  
33 the institution which they attend.

34     ~~6.~~ 7. District judges and justices of the Supreme Court first  
35 elected or appointed on or after July 1, 1977, who are not enrolled in  
36 the System at the time of election or appointment.

37     ~~7.~~ 8. Members of the professional staff of the University and  
38 Community College System of Nevada who are employed on or  
39 after July 1, 1977.

40     ~~8.~~ 9. Persons employed on or after July 1, 1979, under the  
41 Comprehensive Employment and Training Act.

42     ~~9.~~ 10. Except as otherwise provided in NRS 286.293, persons  
43 assigned to intermittent or temporary positions unless the  
44 assignment exceeds 6 consecutive months.



- 1 ~~{10.}~~ **11.** Persons employed on or after July 1, 1981, as part-  
2 time guards at school crossings.  
3 ~~{11.}~~ **12.** Nurses who:  
4 (a) Are not full-time employees;  
5 (b) Are paid an hourly wage on a daily basis;  
6 (c) Do not receive the employee benefits received by other  
7 employees of the same employer; and  
8 (d) Do not work a regular schedule or are requested to work for  
9 a shift at a time.

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