

ASSEMBLY BILL NO. 380—ASSEMBLYMEN ELLISON; FIORE,
LIVERMORE, STEWART AND WOODBURY

MARCH 18, 2013

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing contracts for services entered into by certain public employees. (BDR 23-85)

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 state personnel; exempting certain persons from the restrictions on contracts with or the employment of certain employees by a state agency; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law, with certain exceptions, provides certain restrictions on the
2 employment of or contracting with current and former state employees by state
3 agencies. (NRS 284.1729) This bill revises these exceptions: (1) to allow an agency
4 to contract with a current employee of another agency without the approval of the
5 State Board of Examiners; and (2) to provide that, in a county whose population is
6 less than 55,000 (currently counties other than Carson City and Clark and Washoe
7 Counties), a department, division or other agency of this State is authorized to enter
8 into a contract that requires a person to perform seasonal work for the department,
9 division or agency without the approval of the Board.

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

1 **Section 1.** NRS 284.1729 is hereby amended to read as
2 follows:

3 284.1729 1. Except as otherwise provided in this section, a
4 department, division or other agency of this State shall not enter into
5 a contract with a person to provide services for the agency if:

6 (a) The person is a current employee of ~~that~~ *that department,*
7 *division or* agency ; ~~of this State;~~



1 (b) The person is a former employee of an agency of this State
2 and less than 2 years have expired since the termination of the
3 person's employment with the State; or

4 (c) The person is employed by the Department of Transportation
5 for a transportation project that is entirely funded by federal money
6 and the term of the contract is for more than 4 years,

7 unless, before the contract is executed by the agency, the State
8 Board of Examiners approves the employment of the person. The
9 requirements of this subsection apply to any person employed by a
10 business or other entity that enters into a contract to provide services
11 for a department, division or agency of this State if the person will
12 be performing or producing the services for which the business or
13 entity is employed.

14 2. The provisions of paragraph (b) of subsection 1 apply to
15 employment through a temporary employment service. A temporary
16 employment service providing employees for a state agency shall
17 provide the agency with the names of the employees to be provided
18 to the agency. The State Board of Examiners shall not approve a
19 contract pursuant to paragraph (b) of subsection 1 unless the Board
20 determines that one or more of the following circumstances exist:

21 (a) The person provides services that are not provided by any
22 other employee of the agency or for which a critical labor shortage
23 exists; or

24 (b) A short-term need or unusual economic circumstance exists
25 for the agency to contract with the person.

26 3. A department, division or other agency of this State may
27 contract with a person pursuant to paragraph (a) or (b) of subsection
28 1 without obtaining the approval of the State Board of Examiners if
29 ~~that~~ :

30 (a) *The* term of the contract is for less than 4 months and the
31 executive head of the department, division or agency determines
32 that an emergency exists which necessitates the contract **H**; or

33 (b) *In a county whose population is less than 55,000, the*
34 *contract is with a person to perform seasonal work.*

35 If a department, division or agency contracts with a person
36 pursuant to this subsection, the department, division or agency shall
37 submit a copy of the contract and a description of the emergency *or*
38 *seasonal work* to the State Board of Examiners, which shall review
39 the contract and the description of the emergency *or seasonal work*
40 and notify the department, division or agency whether the State
41 Board of Examiners would have approved the contract if it had not
42 been entered into pursuant to this subsection.

43 4. Except as otherwise provided in subsection 9, a department,
44 division or other agency of this State shall, not later than 10 days
45 after the end of each fiscal quarter, report to the Interim Finance



1 Committee concerning all contracts to provide services for the
2 agency that were entered into by the agency during the fiscal quarter
3 with a person who is a current or former employee of a department,
4 division or other agency of this State.

5 5. Except as otherwise provided in subsection 9, a department,
6 division or other agency of this State shall not contract with a
7 temporary employment service unless the contracting process is
8 controlled by rules of open competitive bidding.

9 6. Each board or commission of this State and each institution
10 of the Nevada System of Higher Education that employs a
11 consultant shall, at least once every 6 months, submit to the Interim
12 Finance Committee a report setting forth:

13 (a) The number of consultants employed by the board,
14 commission or institution;

15 (b) The purpose for which the board, commission or institution
16 employs each consultant;

17 (c) The amount of money or other remuneration received by
18 each consultant from the board, commission or institution; and

19 (d) The length of time each consultant has been employed by the
20 board, commission or institution.

21 7. A department, division or other agency of this State,
22 including a board or commission of this State and each institution of
23 the Nevada System of Higher Education:

24 (a) Shall make every effort to limit the number of contracts it
25 enters into with persons to provide services which have a term of
26 more than 2 years and which are in the amount of less than \$1
27 million; and

28 (b) Shall not enter into a contract with a person to provide
29 services without ensuring that the person is in active and good
30 standing with the Secretary of State.

31 8. The provisions of chapter 333 of NRS that are not in conflict
32 or otherwise inconsistent with this section apply to a contract
33 entered into pursuant to this section.

34 9. The provisions of subsections 1 to 5, inclusive, do not apply
35 to:

36 (a) The Nevada System of Higher Education or a board or
37 commission of this State.

38 (b) The employment of professional engineers by the
39 Department of Transportation if those engineers are employed for a
40 transportation project that is entirely funded by federal money.

41 (c) Contracts in the amount of \$1 million or more entered into:

42 (1) Pursuant to the State Plan for Medicaid established
43 pursuant to NRS 422.271.

44 (2) For financial services.

45 (3) Pursuant to the Public Employees' Benefits Program.



1 (d) The employment of a person by a business or entity which is
2 a provider of services under the State Plan for Medicaid and which
3 provides such services on a fee-for-service basis or through
4 managed care.

5 *10. As used in this section, "seasonal work" means full-time*
6 *work which is performed by an employee who is employed on a*
7 *full-time basis throughout the year working on different tasks*
8 *during the various seasons of year, including, without limitation,*
9 *driving a snowplow, building maintenance and maintaining*
10 *landscaping.*

11 **Sec. 2.** This act becomes effective on July 1, 2013.

