

Summary of Legislation Nevada Legislature 76th Session, 2011

Nevada Supreme Court



Nancy M. Saitta, Chief Justice
Michael L. Douglas, Chief Justice during 2011 Legislative Session

Prepared by the
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September 2011

**Nevada Supreme Court
2011**

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SUPREME COURT OF NEVADA
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September 20, 2011

Dear Friends and Colleagues:

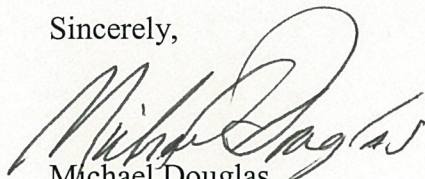
The 76th Session of the Nevada Legislature was largely a budget session. This session also produced a number of important legislative changes to the laws of Nevada. It is for that reason, and as part of the Nevada Supreme Court's public education effort, that the Court has prepared the attached summary of Legislation.

As you can see from the numerous pieces of legislation listed in the Summary, the Legislature enacted measures that touch upon almost every aspect of our lives. Existing statutes or programs were modified and new efforts were undertaken. In all, we have listed some 158 bills that the Court believes will have a significant impact on the citizens of our state, the legal community, and the Judicial Branch of Government.

In the coming weeks, the Court and its staff will undertake continuing education programs to assist lawyers, judges, court staff, and lay people around the state in their efforts to understand some of the major legislation adopted during the 2011 Session.

I'd like to offer special thanks to R. Ben Graham, Governmental Relations Advisor, John McCormick, Rural Courts Coordinator, and Robin Sweet, State Court Administrator, for all of their time and effort in the preparation of this Summary. Each of these dedicated public servants has contributed countless hours to this project and the Court appreciates all that they have done to help bring the Summary of the 76th Session of the Nevada Legislature to you.

Sincerely,


Michael Douglas
Justice

A Note from the Preparers:

Thank you for taking the time to read our 2011 Nevada Legislative Session Review Document. We hope you will find it helpful in understanding, preparing for, and implementing the statutory changes enacted this year.

This document provides the most utility when it is viewed and used electronically as a PDF file (download Adobe Reader: <http://www.adobe.com/products/reader.html>). All the hyperlinks herein are active and will take you to the specified destination; be it an NRS, a specific bill, or a resource website.

On the topic of resources, this document contains a list of resources that may be useful to you. From the agencies and departments of Nevada State Government to resources for finding case law, we've included contact information for a variety of entities that may help your understanding and/or implementation of the legislation of 2011.

Additionally, this document includes an index to the pertinent sections of the omnibus population threshold modification bill (AB545), which has to be enacted after every United States Census to update the many NRS that contain population thresholds and triggers. The index highlights those sections of the bill that are of interest to the judicial family.

This document has a companion asynchronous legislative review presentation that is available on the Supreme Court's website:

www.nevadajudiciary.us

Thanks Again,
Robin, John, and Ben

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2011 Legislative Review

Nevada Supreme Court

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Civil

I. Estates, Trusts, and Probate

Heir Finders

Estates

[AB291](#) – This bill provides that an agreement between an heir finder and an apparent heir relating to the recovery of property in an estate for which the public administrator petitioned for letters of administration is void and unenforceable if the agreement is entered into during the period beginning with the death of the person whose estate is in probate until 90 days thereafter.

Effective: July 1, 2011

Amends: New section in [NRS 139](#)

Estate

Federal Taxes

[AB348](#) – Existing law requires that upon the death of a person, if the person's estate is insufficient to pay all federal gift taxes or federal generation-skipping transfer taxes due, the unpaid tax must be paid on a pro rata basis by those persons receiving the transfers which triggered the tax in the proportion that the value of the property, interest or benefit of each such person bears to the total value of the property subject to the federal tax, unless the donor or decedent provided otherwise in writing. This bill provides that notwithstanding such provisions of law relating to the apportionment of federal transfer taxes upon the death of a person: (1) such provisions must not be construed to allow the apportionment or enforcement of the collection of any tax to the extent such tax has not been paid and the collection thereof is no longer enforceable under applicable federal law; and (2) a recipient of a transfer is not required to pay tax in an amount that exceeds the value of the property received by the recipient or the maximum amount payable by the recipient under federal law, whichever is less.

Effective: October 1, 2011

Amends: [NRS 150.400](#)

Residents of Nursing Homes
Owners/Administrators of Nursing Homes
Receiving Money
Facilities for Health Care

AB533 –This bill prohibits the owner or administrator of a medical facility, facility for the dependent or home for individual residential care from receiving: (1) money or property devised by the will of a current or former resident of the facility or home; and (2) proceeds from a life insurance policy upon the life or body of a current or former resident of the facility or home. Under this bill, such an owner or administrator is deemed to have predeceased the resident and, as a result, the money, property and proceeds are then distributed to other devisees (in the case of a will) or other beneficiaries (in the case of a life insurance policy). In the event that there is no other devisee or beneficiary, the laws of this State pertaining to testate and intestate succession would control. This bill does not apply in the instance in which the owner or administrator of the facility or home is the spouse, legal guardian or next of kin of the resident or former resident.

Under existing law, a principal may not name his or her provider of health care, an employee of the provider of health care or an operator or employee of a health care facility as his or her agent in a power of attorney for health care; however, an exception is set forth if the provider, operator or employee is the principal's spouse, legal guardian or next of kin. This bill establishes a broader prohibition in the context of group homes and similar facilities, providing that a person who resides or is about to reside in a hospital, assisted living facility or facility for skilled nursing may not name such a facility or an owner, operator or employee of such a facility as his or her agent in any power of attorney for any purpose. The prohibition set forth in this bill does not apply if the owner, operator or employee is the resident's (principal's) spouse, legal guardian or next of kin or, when certain conditions are met, if the owner, operator or employee is assisting the principal to establish eligibility for Medicaid. This bill further makes it a category C felony to use a power of attorney which is created for the purpose of assisting a principal to establish eligibility for Medicaid for any other purpose or in a manner inconsistent with the provisions of the power of attorney. Section 4 specifies the application of this bill in judicial proceedings.

Effective: July 1, 2011

Amends: New section in [NRS 449](#), [NRS 449.730](#), & [NRS 162A.220](#)

Trusts

Executions and Attachments

Transfer of Property

Wills

Estates

[SB221](#) –This bill provides for the exemption of certain trust property, interests or powers from execution and attachment. This bill provides for non-probate transfers of property, including certain real property, at the death of the owner of the property. Specifically, this bill governs the registration of property in beneficiary form and the extent to which the designation of a beneficiary may be revoked or changed during the lifetime of the owner of the property or in the owner’s will. This bill sets forth the rights of the beneficiary during the lifetime of the owner of the property and at the owner’s death. This bill adopts provisions governing accounts in financial institutions in which one or more persons have an interest. This provides that an account may: (1) be owned by a single party or by multiple parties; and (2) include a payable-on-death beneficiary designation or an agency designation, or both. This bill provides sample forms for establishing multiple-person accounts.

This bill provides that an account is owned by the parties during their lifetimes in accordance with each party’s net contribution to the account. This bill sets forth the rights of the parties with respect to an account upon the death of a party.

Existing law generally provides for the enforcement of a no-contest clause in a will or a trust. This bill provides, with certain exceptions, that a devisee’s or beneficiary’s share may be reduced or eliminated under a no-contest clause by conduct that is set forth by the testator in the will or by the settlor in the trust. Similarly, this bill provides that a disposition of property and the appointment of a fiduciary including, without limitation, a personal representative and a trustee, may be dependent on conditions set forth by the testator in a will or by the settlor in the trust. This bill set forth the Independent Administration of Estates Act, which allows a personal representative to administer most aspects of a decedent’s estate without court supervision. Pursuant to this bill, the court may: (1) grant the personal representative full authority or limited authority to administer the decedent’s estate; or (2) revoke the personal representative’s authority to administer the decedent’s estate without court supervision. This bill provides that if a personal representative is granted limited authority to administer the estate, court supervision is required for certain actions, including the sale of property of the estate, exchange of property of the estate or granting of an option to purchase property of the estate. This bill further provides that if the personal representative has been granted full authority to administer the estate, court supervision for the sale of property of the estate, exchange of property of the estate or granting of an option to purchase property of the estate is required only under certain circumstances. This bill requires the personal representative to give notice of a proposed action when exercising certain powers without court supervision, including selling real property of the estate. This bill requires the personal representative to give notice of the proposed action under certain circumstances when exercising certain powers. This bill authorize the personal representative to exercise certain powers without giving notice of the proposed action, including the power to pay taxes and assessments and expenses incurred in the collection, care and administration of the estate. This bill adopts provisions concerning spendthrift trusts. Further, of this bill amend existing law concerning the powers and responsibilities of a settlor or trustee for a spendthrift trust. This bill repeals the Uniform TOD Security Registration Act and other statutes related to non-probate transfers of certain accounts because those issues are addressed in sections 32-64 of this bill which govern non-probate transfers on death.

Effective: October 1, 2011

Amends: [NRS 21.075](#), [NRS 21.090](#), [NRS 31.045](#), [NRS 41B.090](#), new sections in [NRS 111](#), (continued)

new section in [NRS 132](#), [NRS 132.050](#), [NRS 132.090](#), [NRS 132.185](#), [NRS 133.200](#),
new section in [NRS 136](#), [NRS 137.005](#), [NRS 141.120](#), new sections in [NRS 143](#), [NRS 143.050](#), [NRS 143.140](#), [NRS 143.175](#), new sections in [NRS 150](#), numerous sections of [NRS 150](#), new section in [NRS 153](#), [NRS 153.031](#), new sections in [NRS 155](#), [NRS 155.030](#), [NRS 155.140](#), [NRS 155.170](#), [NRS 159.065](#), new section in [NRS 162](#), new section in [NRS 163](#), [NRS 163.00195](#), [NRS 163.004](#), [NRS 163.556](#), new section in [NRS 164](#), [NRS 164.021](#), [NRS 164.900](#), [NRS 164.905](#), new sections in [NRS 165](#), [NRS 165.135](#), [NRS 165.160](#), new sections in [NRS 166](#), [NRS 166.015](#), [NRS 166.040](#), [NRS 253.0415](#), & [NRS 678.630](#)
Repeals: [NRS 111.480](#), [NRS 111.490](#), [NRS 111.500](#), [NRS 111.510](#), [NRS 111.520](#), [NRS 111.530](#), [NRS 111.540](#), [NRS 111.550](#), [NRS 111.560](#), [NRS 111.570](#), [NRS 111.580](#), [NRS 111.590](#), [NRS 111.600](#), [NRS 111.610](#), [NRS 111.620](#), [NRS 111.630](#), [NRS 111.640](#), [NRS 111.650](#), [NRS 133.105](#), [NRS 663.025](#), [NRS 673.370](#), [NRS 677.614](#), [NRS 678.580](#), [NRS 678.590](#), [NRS 678.600](#), [NRS 678.610](#), [NRS 678.620](#), & [NRS 678.640](#)

Family Trust Companies

[SB259](#) – This bill revises provisions governing licensed family trust companies.

Effective: July 1, 2011

Amends: New sections in [NRS 669](#), [NRS 669.020](#), [NRS 669.060](#), [NRS 669.230](#), [NRS 90.250](#), & [NRS 164.740](#)

II. General Civil

Deceptive Trade Practices

[AB352](#) – Existing law defines activities that constitute deceptive trade practices and provides for the imposition of civil and criminal penalties against persons who engage in deceptive trade practices. This bill provides that it is a deceptive trade practice knowingly to take advantage of certain persons with an inability reasonably to protect their rights or interests. This bill allows equitable relief for various actions involving consumer fraud.

Effective: July 1, 2011

Amends: [NRS 598.092](#) & [NRS 41.600](#)

AB420 – Members of Nat'l. Guard

- This bill prohibits a member of the national guard from being served a summons for, or notice of, a civil action or administrative action against him during a period of active duty or training. A civil action against such a person is also suspended during the same time period.



Summons for, or Notice of, Proceedings Members of the National Guard

[AB420](#) – This bill provides for the confidentiality of personal information in certain documents recorded with a county recorder by a member of the Nevada National Guard; it revises provisions governing the termination of employment of a member of the Nevada National Guard; it prohibits a member of the Nevada National Guard from being served a summons for, or notice of, a civil action or administrative proceeding against him or her during certain periods; it postpones such an action or proceeding during certain periods; and it provides for a preference for certain employment with the government of this State for members of the Nevada National Guard.

Effective: July 1, 2011

Amends: New section in [NRS 412](#), [NRS 412.139](#), [NRS 412.1395](#), [NRS 412.154](#), & [NRS 284.260](#)

AB463 Seizure and Forfeiture of Vehicles

- Court must schedule a hearing for the forfeiture of a seized vehicle no later than 7 business days after action is filed
- Court must return vehicle to owner if VIN has not been altered or order disposal of vehicle if VIN has been altered



Seizure and Forfeiture of Vehicles Altered or Destroyed VIN

AB463 – Existing law provides for the seizure and forfeiture of certain vehicles, including vehicles which have or which contain a part that has an identification number or mark that has been falsely attached, removed, defaced, altered or obliterated. This bill adds certain vehicles which have been illegally altered in a manner that impairs the structural integrity of the vehicles to the vehicles which are subject to seizure and forfeiture. This bill requires a court to schedule a hearing for the forfeiture of such a seized vehicle not later than 7 business days after an action for forfeiture is filed. This bill also requires the court to: (1) order the release of the vehicle to the owner of the vehicle or to another person who the court determines is entitled to the vehicle if the court finds that an identification number or mark which was placed on the vehicle has not been falsely attached, removed, defaced, altered or obliterated and the vehicle has not been illegally altered in a manner that impairs the structural integrity of the vehicle; or (2) order the vehicle to be destroyed or otherwise disposed of if there is no satisfactory evidence of ownership, an identification number or mark which was placed on the vehicle has been falsely attached, removed, defaced, altered or obliterated or the vehicle has been illegally altered in a manner that impairs the structural integrity of the vehicle.

Effective: July 1, 2011

Amends: [NRS 482.540](#) & [NRS 482.542](#)

Youth Shelters

Civil Immunity

AB472 – Under existing law, a county may enact an ordinance to designate a youth shelter as an approved youth shelter if the youth shelter meets certain requirements. An approved youth shelter and its director, employees, agents or volunteers are then immune from civil liability for certain acts or omissions relating to runaway or homeless youth. This bill repeals the authority of a county to approve youth shelters. This bill grants immunity from civil liability for certain acts or omissions relating to runaway or homeless youth to a youth shelter and to its director, employees, agents or volunteers.

Effective: July 1, 2011

Amends: [NRS 244.421](#), [NRS 244.429](#), [NRS 432B.220](#), repeals [NRS 244.422](#), and repeals [NRS 244.428](#)

Workers Compensation

Summary Judgment

SB63 –This bill establishes a process whereby the Division of Industrial Relations of the Department of Business and Industry may apply for the entry of summary judgment against an employer who fails to pay to the Division an amount owed for payments from the Uninsured Employers' Claim Account which were paid on behalf of that employer. This bill also provides that, upon entry of summary judgment, the Division may record the summary judgment with the recorder of any county and the judgment constitutes a lien against all real and personal property of the employer that is located in the county. The duration of the lien is 6 years, and the lien may be extended for additional 6-year periods. This bill provides that the provisions of sections 1 and 5 of this bill apply to certain amounts owed to the Division on or after July 1, 2011.

Existing law provides general penalties for failure to comply with the provisions of law governing the provision of industrial insurance, including, without limitation, the imposition of an administrative fine of not more than \$15,000 for failure to provide and maintain mandatory coverage. This bill deletes a redundant provision that authorized the imposition of an administrative fine of \$10,000 against an employer who failed to provide such coverage.

This bill prohibits the owner of a business that owes money to the Division for certain unpaid administrative fines, benefit penalties, unpaid premiums or interest or payments from the Uninsured Employers' Claim Account from becoming, or inducing or procuring another person to become, the owner of a similar business and prohibits a person from knowingly aiding or abetting such conduct. A person who commits such a violation is liable for the costs associated with investigating and acting upon that conduct. This bill also revises provisions which prohibit a private carrier from knowingly insuring any business which engages in such conduct by expanding the prohibition to apply to the following insurers: (1) a self-insured employer; (2) an association of self-insured public employers; (3) an association of self-insured private employers; and (4) a private carrier.

Effective: July 1, 2011

Amends: New section in [NRS 616C](#), [NRS 616C.200](#), [NRS 616C.210](#), [NRS 616C.220](#), new section in [NRS 617](#), & [NRS 617.401](#)

SB86 – Eminent Domain

- Removes authority for a non-public entity to take property via eminent domain for mining and related activities
- Ends the property snatching tyranny of the sugar beet pipeline industry



Eminent Domain

SB86 – This bill removes the authorization of a person who is not a public agency to exercise the power of eminent domain for the purposes of mining, smelting and related activities. This bill also eliminates an obsolete provision that authorized the use of the power of eminent domain to acquire real property for pipelines of the beet sugar industry.

Effective: April 29, 2011

Amends: [NRS 37.0095](#), [NRS 37.010](#), & [NRS 279.471](#)

SB186 – Letters of Testamentary and Administration

- This bill revises provisions governing the recording of civil judgments. It requires the recording of letters testamentary and letters of administration, it revises provisions governing the recording of letters of guardianship, and it revises provisions concerning the protection of certain personal identifying information included in certain records.



Civil Judgments

Letters of Testamentary and Administration

SB186 – This bill revises provisions governing the recording of civil judgments; requiring the recording of letters testamentary and letters of administration, it revises provisions governing the recording of letters of guardianship, and it revises provisions concerning the protection of certain personal identifying information included in certain records.

Effective: October 1, 2011

Amends: [NRS 17.150](#), [NRS 17.214](#), [NRS 141.010](#), [NRS 159.087](#), & [NRS 603.040](#)

SB194 – Nevada Rules of Civil Procedure (NRCP)

- Urges NV Supreme Court to amend NRCP to require an attorney in class actions to make all the disclosures required pursuant to Federal Rule of Civil Procedure 23 to each class member



Nevada Rules of Civil Procedure

SB194 – This bill urges the Nevada Supreme Court to amend the Nevada Rules of Civil Procedure to require an attorney in class actions to make all the disclosures required pursuant to [Federal Rule of Civil Procedure 23](#) to each member of the class.

Effective: October 1, 2011

Amends: Legislative declaration

Nonprofit Liability Limits

SB293 – This bill limits the liability of nonprofit organizations which provide certain jobs and day training services or which operate certain rehabilitation facilities or workshops.

Effective: July 1, 2011

Amends: New section in [NRS 435](#), [NRS 435.140](#), and new section in [NRS 615](#)

Livestock Removal

Contracts

SB309 – This bill authorizes a person to remove from his or her property livestock for which he or she has, by contract, provided care and shelter under certain circumstances.

Effective: October 1, 2011

Amends: New section in [NRS 575](#)

III. Limited Jurisdiction

AB223 – Writs of Garnishment and Execution

- \$2,000 in personal bank account is not subject to garnishment or execution if the account is covered by certain federal laws
- \$400 is exempt if not covered by federal law



Writs

Execution

Garnishment

AB223 – This bill provides that a certain amount of money held in a personal bank account that is likely to be exempt from execution is not subject to a writ of execution or garnishment, it provides a procedure to execute on property held in a safe-deposit box, it revises the procedure for claiming an exemption from execution on certain property, and it makes various other changes to provisions governing writs of execution, attachment and garnishment.

Amounts Exempt: \$2,000 is covered by various federal laws, \$400 if not governed by those laws

Effective: October 1, 2011

Amends: New Sections in [NRS 21](#), [NRS 21.025](#), [NRS 21.075](#), [NRS 21.090](#), [NRS 21.112](#), [NRS 31.290](#), [NRS 31.296](#), [NRS 612.710](#), and repeals [NRS 21.114](#)

AB226 – Landlord/Tenant

- Landlord must advise tenant of certain information before applying to court for eviction
- Functional door lock is an essential item to be supplied by landlord
- Tenant may immediately retrieve property if landlord takes contrary to NRS 118A.480



Landlord/Tenant Evictions

AB226 – This bill requires a landlord to advise a tenant of certain information in a notice before applying for a court order to evict the tenant. This bill includes a functioning door lock among essential items or services that a landlord must provide a tenant. This bill authorizes a tenant to recover immediate possession of rental property if a landlord takes possession of the property in violation of NRS 118A.480, which prohibits a landlord from taking possession of the property unless the landlord pursues an available legal remedy or the tenant surrenders possession of or abandons the property.

Effective: October 1, 2011

Amends: [NRS 40.253](#), [NRS 118A.380](#), [NRS 118A.390](#), [NRS 118A.480](#), & [NRS 118A.510](#)

A sample revised 5-Day Notice to Pay Rent or Quit with the new requirements appears on [page 96](#) of this document.

AB261 – Small Claims Limit

- Small claims jurisdiction increased to cases up to \$7,500
- New \$125 filing fee for cases between \$5,000 and \$7,500



Small Claims Limit

AB261 – This bill increases this monetary limit for small claims in justice court from \$5,000 to \$7,500.

New Filing Fee: \$125

Effective: July 1, 2011

Amends: [NRS 73.010](#) & [NRS 4.060](#)

Nuisance Abatement

Civil Penalties


AB360 – This bill requires a city or county to provide by ordinance that property owners have 30 days to abate a nuisance or dangerous or noxious condition under certain circumstances, it authorizes a city or county to collect civil penalties imposed for failure to abate certain conditions and nuisances on property within the city or county as a special assessment against the property under certain circumstances, and it revises provisions relating to the maximum amount of a civil penalty that may be imposed for failure to abate certain nuisances on property within the city or county under certain circumstances

Effective: June 17, 2011

Amends: [NRS 268.4122](#), [NRS 268.4124](#), [NRS 268.4126](#), [NRS 244.3601](#), [NRS 244.3603](#), & [NRS 244.3605](#)

AB398 – Commercial Landlord/Tenant

- Landlord may not interrupt utility service, remove furniture/fixtures, or deny access to a commercial property unless there is an emergency, a legitimate construction/repair, a tenant abandons the property, or the tenant fails to pay rent
- Justice court has jurisdiction over any civil action or proceeding related to eviction/exclusion of tenant from commercial premises in which no one is seeking damages
- Provisions of existing law governing actions for the recovery of a debt secured by a mortgage or other lien and the doctrines of res judicata and collateral estoppel do not apply to:
 - (1) a claim by a landlord for contractual damages which is brought subsequent to an action by the landlord for the summary eviction of a tenant from commercial premises; or
 - (2) an action by a landlord for the summary eviction of a tenant from commercial premises which is brought subsequent to a claim by the landlord for contractual damages
- Changes provisions regarding disposal of abandoned property
- A tenant of commercial property may obtain a stay of execution on an order of eviction only upon the issuance of a stay pursuant to Rule 8 of the Nevada Rules of Appellate Procedure and the posting of a supersedeas bond in the amount of 100 percent of the unpaid rent claim of the landlord.



Commercial Landlord/Tenant

AB398 – This bill prohibits a landlord from interfering in certain manners with a tenant's use of commercial premises. This bill establishes a process for a tenant to recover possession of commercial premises from which a landlord has locked the tenant out. This bill provides that the justice court has jurisdiction over any civil action or proceeding concerning the exclusion of a tenant from commercial premises or the summary eviction of a tenant from commercial premises in which no party is seeking damages. This bill also provides that certain provisions of existing law governing actions for the recovery of a debt secured by a mortgage or other lien and the doctrines of res judicata and collateral estoppel do not apply to: (1) a claim by a landlord for contractual damages which is brought subsequent to an action by the landlord for the summary eviction of a tenant from commercial premises; or (2) an action by a landlord for the summary eviction of a tenant from commercial premises which is brought subsequent to a claim by the landlord for contractual damages. This bill repeals and reenacts provisions authorizing a landlord to dispose of abandoned personal property left on commercial premises by a tenant under certain circumstances. This bill revises provisions governing the granting of a stay of execution to a tenant of commercial property who appeals an order of eviction by providing that the tenant may obtain a stay of execution only upon the issuance of a stay pursuant to Rule 8 of the Nevada Rules of Appellate Procedure and the posting of a supersedeas bond in the amount of 100 percent of the unpaid rent claim of the landlord.

Effective: October 1, 2011

Amends: New chapter in [NRS Title 10](#), [NRS 118.171](#), [NRS 40.253](#), [NRS 40.385](#), & [NRS 40.430](#)

Storage Facility Liens

[SB150](#) – This bill revises certain provisions governing liens of owners of facilities for storage.

Effective: October 1, 2011

Amends: New sections in [NRS 108](#) and numerous sections of [NRS 108](#)

IV. Real Property

AB273 – Junior Lien Holders

- Prohibits junior lien holders on properties from getting deficiency judgments after foreclosure sale in certain circumstances
- Makes various changes to AB284 of 2011 Session



Foreclosures

Junior Liens

Deficiency Judgments

[AB273](#) – This bill revises provisions governing the amount which a person holding a junior lien on real property may recover in a civil action under certain circumstances; it prohibits certain persons holding a junior lien on certain residential property from bringing a civil action under certain circumstances; it revises provisions governing the amount of a deficiency judgment after the foreclosure of a mortgage or a deed of trust; it limits the amount of certain judgments against guarantors, sureties or other obligors of obligations secured by real property under certain circumstances; and it revises provisions governing mortgages and deeds of trust.

Effective: The amendatory provisions of Sections 1 to 3, inclusive, of this act apply only to an obligation secured by a mortgage, deed of trust or other encumbrance upon real property on or after the effective date of this act. Sections 3.3 and 5.7 of this act apply only to an action commenced after a foreclosure sale or sale in lieu of a foreclosure sale that occurs on or after July 1, 2011. Section 5.5 of this act apply only to an action against a guarantor, surety or other obligor commenced on or after the effective date of this act. Sections 1 to 3, inclusive, 5, 5.5 and 5.8 to 6, inclusive, and 7 of this act become effective June 10, 2011. Sections 3.3 and 5.7 of this act effective July 1, 2011.

Amends: New sections in [NRS 40](#), [NRS 40.459](#), [NRS 40.495](#), [NRS 11.190](#), and new section in [NRS 107](#)

AB284 – Foreclosure/Mortgage

- Assignment of mortgage or beneficial interest in property must be recorded
- Makes changes to duties of mortgage trustees
- Notice of default must be accompanied by affidavit attesting to amount owed, authority to foreclose, etc.
- Adds civil penalty and cause for civil action for committing mortgage fraud
- Increases title fraud from gross misdemeanor to category C felony



Foreclosures

Dead of Trust

Fraud

False Representations

AB284 – This bill revises provisions governing the recording of assignments of mortgages and deeds of trust, it revises provisions governing the exercise of the power of sale under a deed of trust, it revises provisions concerning the crimes of mortgage lending fraud and making a false representation concerning title to real property, and it provides civil and criminal penalties.

Effective: July 1, 2011

Amends: Numerous sections of [NRS 106](#), numerous sections of [NRS 107](#), & [NRS 205.395](#)

Mortgage Lending Professionals

AB308 – This bill revises provisions governing certain mortgage lending professionals to be consistent with certain federal law governing the provision of mortgage assistance relief services.

Effective: July 1, 2011

Amends: New sections in [NRS 645F](#) and numerous sections of [NRS 645F](#)

AB388 – Notice of Default Requirements

- NOD must contain contact phone number for Foreclosure Mediation Program and state that the holder of the title of record may have a right to participate in the Program if w/in time limits
- NOD must provide phone number of the Division of Mortgage Lending at the Dept. of Business and Industry



Notice of Default Notice Requirements

AB388 – Under existing law, the trustee under a deed of trust concerning owner occupied housing has the power to sell the property to which the deed of trust applies, subject to certain restrictions. One such restriction: (1) requires the trustee under the deed of trust to include a form to request mediation with the notice of default and election to sell which is mailed to the grantor of the deed of trust or the person who holds the title of record; and (2) authorizes the grantor of the deed of trust or the person who holds the title of record to request mediation under rules adopted by the Supreme Court. This bill requires the notice of default and election to sell which is mailed to the grantor or the person who holds the title of record to include a notice provided by the entity designated to administer the Foreclosure Mediation Program which states that the grantor or the person who holds the title of record has a right to seek foreclosure mediation in the Foreclosure Mediation Program.

Under existing law, another restriction on the exercise of the trustee's power of sale prohibits the trustee from exercising the power of sale unless, not later than 60 days before the date of the sale, the trustee causes a notice to be served on the grantor or the person who holds the title of record which contains the telephone numbers of certain agencies which may provide assistance to the grantor or the person who holds the title of record. This bill amends this notice to include: (1) a statement that the person receiving the notice may have a right to participate in the State of Nevada Foreclosure Mediation Program if the time to request mediation has not expired; (2) the telephone number of the State of Nevada Foreclosure Mediation Program; and (3) the telephone number of the Division of Mortgage Lending of the Department of Business and Industry.

Effective: July 1, 2011

Amends: [NRS 107.085](#) & [NRS 107.086](#)

Manufactured Home Parks

AB429 – Existing law requires a landlord of a manufactured home park to pay certain costs associated with moving a tenant's manufactured home if the landlord closes or converts the park. This bill requires a landlord to pay costs associated with moving a tenant's manufactured home to a new location in this State or another state that is within 150 miles from the manufactured home park.

Effective: July 1, 2011

Amends: [NRS 118B.130](#), [NRS 118B.177](#), [NRS 118B.180](#), & [NRS 118B.183](#)

SB307 - Notice of Default Requirements

- NOD must contain contact phone number for Foreclosure Mediation Program and state that the holder of the title of record may have a right to participate in the Program if w/in time limits
- NOD must provide phone number of the Division of Mortgage Lending at the Dept. of Business and Industry



Notice of Default Notice Requirements

SB307 – Under existing law, the trustee under a deed of trust concerning owner occupied housing has the power to sell the property to which the deed of trust applies, subject to certain restrictions. One such restriction: (1) requires the trustee under the deed of trust to include a form to request mediation with the notice of default and election to sell which is mailed to the grantor of the deed of trust or the person who holds the title of record; and (2) authorizes the grantor of the deed of trust or the person who holds the title of record to request mediation under rules adopted by the Supreme Court. This bill requires the notice of default and election to sell which is mailed to the grantor or the person who holds the title of record to include a notice provided by the entity designated to administer the Foreclosure Mediation Program which states that the grantor or the person who holds the title of record has a right to seek foreclosure mediation in the Foreclosure Mediation Program.

Under existing law, another restriction on the exercise of the trustee's power of sale prohibits the trustee from exercising the power of sale unless, not later than 60 days before the date of the sale, the trustee causes a notice to be served on the grantor or the person who holds the title of record which contains the telephone numbers of certain agencies which may provide assistance to the grantor or the person who holds the title of record. This bill amends this notice to include: (1) a statement that the person receiving the notice may have a right to participate in the State of Nevada Foreclosure Mediation Program if the time to request mediation has not expired; (2) the telephone number of the State of Nevada Foreclosure Mediation Program; and (3) the telephone number of the Division of Mortgage Lending of the Department of Business and Industry.

Effective: July 1, 2011

Amends: [NRS 107.085](#) & [NRS 107.086](#)

**Asset Management
Property Managers**

[SB314](#) – This bill exempts property managers from certain registration and permitting requirements relating to the practice of asset management, it provides for the registration and regulation of asset management companies, it provides for the permitting and regulation of asset managers employed or independently contracted by asset management companies, it sets forth the causes for disciplinary action for asset management companies and asset managers, and it prohibits a purchaser of residential property from voluntarily waiving or being required to waive his or her right to a disclosure form.

Effective: Sections 1 to 34, inclusive, and section 36 effective: (a) June 16, 2011, for the purpose of adopting regulations and performing any preliminary administrative tasks necessary to carry out the provisions of this act; and (b) October 1, 2011, for all other purposes. Section 35 effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who: (a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or (b) Are in arrears in the payment of the support of one or more children, are repealed by the Congress of the United States. Sections 30 and 35 expire by limitation 2 years after the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who: (a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or (b) Are in arrears in the payment for the support of one or more children, are repealed by the Congress of the United States.

Amends: New chapter in [Title 54 of NRS](#), new section in [NRS 645](#), [NRS 645.6056](#), & [NRS 113.130](#)

[SB414 – Foreclosure Short-Sales]

- A bank is prohibited from unreasonably delaying a short-sale of property in foreclosure
- A bank may not obtain a deficiency judgment regarding an owner-occupied single-family home sold via short-sale



Foreclosures

Short-Sales

Deficiency Judgments

SB414 – This bill prohibits a banking or other financial institution from unreasonably delaying a response to an offer for a sale in lieu of a foreclosure sale on real property secured by a residential mortgage loan, it prohibits a banking or other financial institution from obtaining a deficiency judgment in certain circumstances, and it providing a penalty.

Effective: June 13, 2011

Amends: New section in [NRS 668](#) and new section in [NRS 40](#)

V. Uniform Acts

AB87 – Uniform Interstate Dispositions and Discovery Act

- This bill sets up procedures for issuing subpoenas for out-of-state litigants
- Subpoenas issued pursuant to this act must comply with certain parts of NRCP



Uniform Interstate Depositions and Discovery Act

AB87 –The Uniform Interstate Depositions and Discovery Act provides procedures for courts in Nevada to issue subpoenas from out-of-state litigants. This bill defines “subpoena” to mean a document requiring a person to provide testimony at a deposition, produce certain discoverable items or permit the inspection of certain premises. This bill requires an out-of-state party that wishes to have a subpoena issued in this State to submit a foreign subpoena to the clerk of a court in the county in this State in which the deposition or discovery is to take place, and provides procedures for the clerk to issue the in-state subpoena. This bill provides that a subpoena issued under the provisions of the Act must be served and enforced in compliance with certain rules of civil procedure in Nevada. This bill requires an application for a protective order or to enforce, quash or modify a subpoena issued under the Act to comply with all applicable rules of court and laws of this State and to be filed in a court within the county in which discovery is to be conducted.

Effective: October 1, 2011

Amends: New sections in [NRS 53](#), [NRS 53.060](#), & [NRS 53.070](#), and Repeals [NRS 53.050](#)

Uniform Unsworn Foreign Declarations Act

AB88 – This bill adopts the Uniform Unsworn Foreign Declarations Act (UUFDA), which applies uniform standards to unsworn declarations executed outside of the United States. The UUFDA, adopted by the Uniform Law Commission in 2008, affirms the use in state law proceedings of unsworn declarations made by declarants who are physically outside the boundaries of the United States when making the declaration and who may not have access to a notary. Under the UUFDA, unsworn declarations cannot be used for depositions, oaths of office, oaths related to self-proved wills, declarations recorded under certain real estate statutes and oaths required to be given before specified officials other than a notary. Use of an unsworn declaration, like a sworn declaration, is subject to penalties for perjury, and the UUFDA provides a model form that unsworn declarations must substantially follow.

Effective: October 1, 2011

Amends: New sections in [NRS 53](#), [NRS 53.045](#), [NRS 116.645](#), [NRS 116A.250](#), [NRS 116B.830](#), [NRS 119.115](#), [NRS 119A.195](#), [NRS 119B.115](#), [NRS 232.547](#), [NRS 645.191](#), [NRS 645C.175](#), & [NRS 645D.125](#)

Uniform Collaborative Law Act

[AB91](#) – This bill enacts the Uniform Collaborative Law Act. It establishes the requirements of a collaborative law participation agreement and the collaborative law process, it establishes standards applicable to collaborative lawyers, and it provides that certain collaborative law communications are confidential and privileged.

Effective: January 1, 2013

Amends: New sections in [NRS 38](#)

Uniform Commercial Code, Article 9

[AB109](#) – This bill enacts the amendments to Article 9 of the Uniform Commercial Code.

Effective: July 1, 2013

Amends: New sections in [NRS 104](#) and numerous sections of [NRS 104](#)

Uniform Partition of Heirs Property Act

[AB244](#) – This bill enacts the Uniform Partition of Heirs Property Act.

Effective: October 1, 2011

Amends: New sections in [NRS 39](#)

Uniform Real Property Transfer on Death Act

[SB88](#) – This bill enacts the Uniform Real Property Transfer on Death Act.

Effective: October 1, 2011


Amends: New sections in [NRS 111](#), [NRS 120.290](#), [NRS 120.320](#), [NRS 253.0415](#), [NRS 375.090](#), [NRS 388.750](#), & [NRS 396.405](#)

Concealed Weapons and Self Defense

I. Concealed Weapons

[AB143 – Concealed Weapons]

- One permit for all semi-auto firearms
- Concealed weapon permit records are confidential



Concealed Weapons

AB143 – This bill allows a qualified applicant for a permit to carry a concealed firearm to obtain one permit for all semiautomatic firearms that the applicant seeks to carry instead of being required to obtain a permit for each specific semiautomatic firearm. This bill provides that an applicant or permittee may demonstrate competence with semiautomatic firearms in general rather than competence with each specific semiautomatic firearm. This bill provides that the identity and any information acquired during the investigation of a holder of a permit to carry a concealed firearm are confidential, as are any records regarding the suspension, restoration or revocation of such a permit.

Effective: October 1, 2011

Amends: [NRS 202.3657](#), [NRS 202.366](#), [NRS 202.3662](#), & [NRS 202.3677](#)

AB282 – Concealed Weapons

- Application to renew CCW requires background check (NICS compliant)
- One permit for all semi-auto firearms and other firearms owned by a person and carried in concealment
- Firearms allowed in state parks, regs. can't conflict with NRS
- Fee for background check must be actual cost of check



Concealed Weapons State Parks

AB282 – This bill revises provisions concerning permits to carry concealed semiautomatic firearms, it revises provisions governing the renewal of a permit to carry a concealed firearm, it revises provisions concerning the confidentiality of information relating to permits to carry concealed firearms, and it revises provisions governing the possession of firearms in state parks.

Effective: July 1, 2011

Amends: [NRS 202.3657](#), [NRS 202.366](#), [NRS 202.3662](#), & [NRS 407.0475](#)

SB126 – Concealed Weapons

- One permit for all semi-auto firearms and other firearms owned by a person and carried in concealment



Concealed Weapons

SB126 – Relating to concealed firearms; this bill revises the provision that requires a separate permit for each semi-automatic firearm to allow a person to complete one application and obtain one permit to carry in concealment all firearms owned by the person. The application must specify whether it pertains to revolvers, semiautomatic firearms or both, and the applicant must demonstrate competence with each category of firearm, as applicable. The permit is then valid for any firearm within each category of firearm listed on the permit which is owned or obtained by the person.

Effective: October 1, 2011

Amends: [NRS 202.3657](#), [NRS 202.366](#), & [NRS 202.3677](#)

II. Self Defense

AB321 – Duty to Retreat

- No duty to retreat expanded when acting in self defense under these conditions:
 - Person is not aggressor
 - Person has a right to be a present location
 - Person is not committing crime or furthering criminal activity



Deadly Force

Duty to Retreat

AB321 - Under existing case law, there is no duty to retreat before using deadly force if the person using deadly force is not the original aggressor and reasonably believes that he or she is about to be killed or seriously injured. (*Culverson v. State*, 106 4 Nev. 484 (1990)) This bill provides that under the defense of justifiable homicide there is no duty to retreat if the person using deadly force: (1) is not the original aggressor; (2) has a right to be present at the location where deadly force is used; and (3) is not actively engaged in conduct in furtherance of criminal activity at the time deadly force is used.

Effective: October 1, 2011

Amends: [NRS 200.120](#)

Criminal

I. Corrections

Wire Taps

[AB11](#) – Existing law authorizes the interception of wire or oral communications when such an interception may provide evidence of certain crimes. This bill expands the crimes for which such an interception is authorized to include the escape of an offender in the custody of the Department of Corrections. Existing law authorizes a court to issue an order that allows the use of a pen register or trap and trace device in accordance with the conditions provided in federal law, if the request for such an order is supported by an affidavit signed by a peace officer. This bill revises the definition of “peace officer,” as used in such a context, to include the Inspector General of the Department and the criminal investigators employed by the Department.

Effective: July 1, 2011

Amends: [NRS 176.460](#) & [NRS 179.530](#)

Corrections Diversion Program

Probation Violation

Substance Abuse

[AB93](#) – This bill requires the Department of Corrections to establish a pilot diversion program for certain probation violators to receive treatment for alcohol or drug abuse or mental illness.

Effective: June 16, 2011, and sunsets on July 1, 2015

Amends: Requires DOC to Establish Programs

Shackling Pregnant Women

[AB408](#) – This bill prohibit the use of restraints on a prisoner who is in labor, delivering a baby or recuperating from delivery unless the prisoner presents a risk of harm or flight. If restraints are used on a prisoner who is in labor, delivering a baby or recuperating from delivery, the restraints used must be the least restrictive restraints which are necessary to ensure safety and security. This bill provides for the same prohibitions and limitations on the use of restraints on pregnant children confined in a state, local or private facility or institution for the detention of children.

Effective: October 1, 2011

Amends: New section in [NRS 209](#), new section in [NRS 211](#), new section in [NRS 62B](#), and new section in [NRS 63](#)

Release

[SB159](#) – This bill requires the Director of the Department of Corrections to provide certain information to an offender upon his or her release, including information regarding employment assistance; providing for the waiver of fees for the issuance of certain forms of identifying information for certain persons released from prison.

Effective: Section 1 effective October 1, 2011, and sections 3 to 7, inclusive, effective February 1, 2012.

Amends: [NRS 209.511](#), [NRS 440.175](#), [NRS 440.700](#), [NRS 483.417](#), & [NRS 483.825](#)

II. New Crimes

Misdemeanor

Trespassing in a Gaming Establishment

[AB161](#) – This bill provides that if a person is convicted of trespassing on the premises of a licensed gaming establishment and the person has been previously convicted of three violations of engaging in or soliciting for prostitution within the immediately preceding 5 years, the court may suspend proceedings against the person under certain circumstances and place the person on probation upon terms and conditions that must include attendance and successful completion of a counseling or educational program or, if the person is dependent upon drugs, a program of treatment and rehabilitation. Before the person is assigned to any such program, he or she must agree to pay the costs associated with the program to the extent of his or her available financial resources. If the person violates any term or condition, the court may enter a judgment of conviction and punish the person by: (1) a fine of \$1,000; (2) imprisonment in the county jail for not more than 6 months; or (3) both fine and imprisonment. A person may also be sentenced to perform community service instead of all or a portion of such punishment. If the person fulfills the terms and conditions, the court must discharge the person and dismiss the proceedings against him or her. This bill also specifies that such discharge and dismissal by the court is not a conviction for any purpose other than determining additional penalties imposed for second or subsequent convictions or the setting of bail. However, a person may be discharged by the court and have the proceedings dismissed only once under such provisions.

Effective: October 1, 2011

Amends: New section in [NRS 207](#)

AB373 – Destruction of Property in Foreclosure

- A person who is in possession of real property and conceals or destroys any real property that is subject to foreclosure with the intent to defraud and who causes a secured party to suffer loss is guilty of a misdemeanor



Misdemeanor

Destruction of Property

Foreclosures

[AB373](#) – This bill provides that a person in possession of real property who, under certain circumstances, removes, conceals or destroys any real property that is subject to foreclosure with the intent to defraud and who causes a secured party to suffer pecuniary loss is guilty of a misdemeanor.

Effective: October 1, 2011

Amends: New section in [NRS 206](#)

Misdemeanor

Electronic Health Records

SB43 – This bill creates an electronic health record exchange system and makes various requirements relating thereto. Persons who violate those provisions are guilty of a new misdemeanor crime.

Effective: June 13, 2011

Amends: New section in [NRS 439](#) & [NRS 439.580](#)

Misdemeanor

Child Welfare Disaster Planning



SB113 – This bill requires foster homes to develop and implement plans to care for children during a disaster, it requires agencies which provide child welfare services to develop and implement such plans; requiring the Division of Child and Family Services of the Department of Health and Human Services to adopt regulations to establish the minimum requirements and procedures for such plans, and it requires the Division to develop a plan to care for children in the custody of another agency which provides child welfare services during a disaster. A violation of the requirement to develop and implement a plan is a misdemeanor.

Effective: July 1, 2011

Amends: New section in [NRS 424](#), [NRS 424.090](#), new section in [NRS 432](#), [NRS 432.0305](#), new section in [NRS 62B](#), and new section in [NRS 63](#)

SB223 – Cruelty to Animals

- A person may make a confidential report of acts of animal cruelty to a peace officer, SPCA (or equivalent), or an animal control officer
- A person who tortures, maims, or unjustifiably kills an animal is guilty of a category D felony, the felony is enhanced to category C if the act of cruelty is used to threaten or intimidate another person
- A dealer or operator who separates a dog or cat from its mom before 8 weeks old or the animal is eating solid food, is guilty of a misdemeanor

Misdemeanor

Cruelty to Animals

SB223 – This bill authorizes a person to report an act of cruelty against an animal, it requires such a report to be kept confidential under certain circumstances, it makes certain willful and malicious acts of cruelty to certain animals punishable as a felony; and it clarifies that a retailer, dealer or operator who separates a dog or cat from its mother is guilty of a misdemeanor under certain circumstances.

Effective: October 1, 2011

Amends: New section in [NRS 574](#), [NRS 574.050](#), [NRS 574.055](#), [NRS 574.100](#), [NRS 574.200](#), & [NRS 574.500](#)

SB282 – Public Display of Social Security Number (SSN)

- Willfully or intentionally publically displaying or posting a person's SSN is a misdemeanor
- Person whose SSN was displayed may bring a civil action



Misdemeanor

Public Display of SSN

SB282 – This bill generally prohibits a person from willfully and intentionally posting or displaying in any public manner the social security number of another person unless the person is authorized or required to do so by specific federal or state law or regulation. Unless a greater penalty is provided by specific statute, a person who violates this provision is guilty of a misdemeanor, which is punishable by imprisonment in the county jail for not more than 6 months or by a fine of not more than \$1,000, or both. This bill also authorizes a person whose social security number has been unlawfully posted or displayed to bring a civil cause of action against the person who posted or displayed his or her social security number and to recover actual damages, reasonable attorney's fees and costs from that person.

Effective: October 1, 2011

Amends: New section in [NRS 205](#)

Misdemeanor

Portable Electronics Insurance

SB292 – This bill provides for the licensure and regulation of persons who sell or offer coverage under a policy of portable electronics insurance. It creates a new misdemeanor crime for vendors who do not comply with the Nevada Insurance Code.

Effective: June 13, 2011, for the purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and October 1, 2011, for all other purposes.

Amends: New chapter in NRS [Title 57](#) and [683A.261](#)

Misdemeanor

Sale of Gunpowder

SB302 – This bill makes it unlawful for a person to distribute black powder or smokeless gunpowder to a person who is under 21 years of age. A person who commits this crime is guilty of a misdemeanor, punishable by a fine of up to \$500.

Effective: October 1, 2011

Amends: New section in [NRS 476](#)

III. Policies and Procedures

Sex Trafficking

Prostitution

Vacate a Judgment

[AB6](#) – Existing law provides that it is a crime for anyone to engage in or solicit prostitution, except in a licensed house of prostitution. This bill allows a court to grant a motion to vacate a judgment if the defendant was convicted of engaging in or soliciting prostitution and the defendant's participation in the offense was the result of having been a victim of sex trafficking or involuntary servitude.

Effective: October 1, 2011

Amends: [NRS 176.515](#)

Eyewitness Identification

Law Enforcement Policies and Procedures

Advisory Commission on the Administration of Justice

[AB107](#) – This bill requires each law enforcement agency to adopt policies and procedures governing certain identification procedures conducted to determine whether an eyewitness to a crime is able to identify a suspect as the perpetrator of the crime. Specifically, such identification procedures include live lineups, photo lineups and show-ups. This bill requires the Advisory Commission on the Administration of Justice, for two scheduled meetings of the Commission, to include as an item on the agenda a discussion of the progress of law enforcement agencies in adopting such policies and procedures. This bill also requires a representative of the Nevada Sheriffs' and Chiefs' Association to appear at those meetings to report on the progress of law enforcement agencies in adopting such policies and procedures.

Effective: October 1, 2011

Amends: New section in [NRS 171](#)

Elder Abuse Reporting

[AB125](#) – This bill revises the crimes against older persons that are required to be reported to the Repository to include only reports of the abuse, neglect, exploitation or isolation of older persons, and requires the record maintained by the Repository to include certain information concerning such crimes. This bill also revises the statistical data required to be compiled, analyzed and submitted to the Legislature to include the abuse, neglect, exploitation and isolation of older persons. Finally, this bill provides that any data and findings generated from the Repository must not contain information that may reveal the identity of an individual victim or a person accused of the abuse, neglect, exploitation or isolation of older persons.

Effective: October 1, 2011

Amends: [NRS 179A.450](#)

AB269 – Grand Jury after Preliminary Hearing

- If a preliminary hearing was held and the evidence was found insufficient, and the DA later takes the case before a grand jury; the defendant has the right to submit a statement to the grand jury indicating the evidence was found to be insufficient by the judge



Preliminary Hearings

Grand Jury

Rights of the Accused

[AB269](#) – This bill authorizes a defendant to submit a statement to a grand jury providing whether a preliminary hearing was held and, if so, that the evidence presented at the preliminary hearing was considered insufficient to warrant holding the defendant for trial.

Effective: October 1, 2011

Amends: [NRS 172.145](#)

Fund for Victims of Crime

Reversion

[AB355](#) – This bill clarifies that money remaining in the Fund for the Compensation of Victims of Crime at the end of each fiscal year does not revert to the State General Fund.

Effective: May 19, 2011

Amends: [NRS 217.260](#)

Attorney General

Domestic Violence Death Review Teams

[SB66](#) – This bill authorizes the Attorney General to organize or sponsor multidisciplinary teams to review the death of the victim of a crime that constitutes domestic violence under certain circumstances, it revises provisions concerning such teams organized or sponsored by a court or an agency of local government, it imposes a civil penalty upon members of such teams who disclose confidential information concerning the death of a child, and it authorizes all such teams to receive data and information from certain reports and investigations and to use certain death certificates.

Effective: October 1, 2011

**Amends: New section in [NRS 228](#), [NRS 217.475](#), [NRS 432B.290](#), [NRS 432B.407](#), & [NRS 440.170](#)
See Standing Committee on Judicial Ethics and Election Practices Advisory Opinion [JE11-007](#) regarding judicial participation on such a Review Team.**

Fund for Victims of Crime

Administration

[SB67](#) – This bill revises provisions governing the disbursement of the money from the Fund to Compensate Victims of Crime. Specifically, this bill eliminates the administrative requirement that the Board make quarterly estimations of revenue and expenses and reduce disbursements to victims if the Fund does not have enough revenue to cover expenses and claims. This bill requires instead that the money in the Fund be disbursed in accordance with the rules and regulations adopted by the Board. Such rules and regulations must include, without limitation, the requirements that: (1) claims be categorized as to their priority; and (2) claims categorized as the highest priority be paid, in whole or in part, before other claims. The Board is exempt from the requirements of the Nevada Administrative Procedure Act with respect to its adoption of such rules and regulations.

Effective: July 1, 2011

Amends: [NRS 217.260](#)

IV. Post Conviction

Parole Board

[AB18](#) – This bill clarifies that meetings of the State Board of Parole Commissioners are quasi-judicial and clarifies the rights of prisoners and other persons who appear before the Parole Board.

Effective: May 10, 2011

Amends: [NRS 209.392](#), [NRS 209.3925](#), New Section in [NRS 213.107](#), [NRS 213.133](#), [NRS 178.5698](#), and Repeals [NRS 213.130](#)

Right to Bear Arms

Criminal Record

Pardon

Record Sealing

[AB66](#) – This requires written notice concerning a person’s right to bear arms to be given to the person when his or her criminal records are sealed; it authorizes the State Board of Pardons Commissioners to inquire into and inspect certain sealed records of a person who applies to the Board for a pardon; and it requires the official document that is given to a person who is granted a pardon to include certain information concerning the person’s right to bear arms.

Effective: October 1, 2011

Amends: [NRS 179.285](#), [NRS 179.301](#), & [NRS 213.090](#)

State Parole Board

[SB187](#) – The Nevada Supreme Court has held that: (1) certification by a panel is necessary only when parole will lead to a prisoner’s release from prison; (2) the statutory immunity from liability does not prohibit a cause of action regarding the process of conducting a panel hearing or the validity of the statute; and (3) when the panel considers new allegations, the panel must comply with the requirements of the Open Meeting Law. (*Stockmeier v. Psychol. Rev. Panel*, 122 Nev. 385 (2006))

This bill: (1) removes the requirement that a prisoner convicted of certain sexual offenses be certified by a panel and instead requires that before being granted or continued on parole, such a prisoner be evaluated by a panel as to his or her risk to reoffend in a sexual manner; (2) authorizes the State Board of Parole Commissioners to require an evaluation of a sex offender if the evaluation may assist the Board in certain decisions related to parole; (3) clarifies that a prisoner does not have a right to be evaluated or reevaluated by a panel and that the actions of a panel in evaluating, not evaluating or considering or relying on an evaluation do not give rise to a cause of action; and (4) provides that certain meetings of a panel are subject to the requirements of the Open Meeting Law.

Effective: October 1, 2011

Amends: [NRS 213.1214](#)

VI: Revised Crimes

Sex Offender Registration

[AB57](#) – This bill requires an offender or sex offender who has no fixed residence to provide the address or certain details of the location where the person habitually sleeps to be included in a record of registration. This bill expands the duty of a sex offender to notify certain law enforcement agencies after staying in a jurisdiction longer than 30 days under certain circumstances. This bill also requires a sex offender who has no fixed address to notify law enforcement at least every 30 days if there are any changes in the sex offender’s temporary shelter or place where the sex offender habitually sleeps. This bill adds a member who is a mental health professional to the Advisory Committee to Study Laws Concerning Sex Offender Registration.

Effective: May 18, 2011

Amends: [NRS 179A.071](#), [NRS 179B.090](#), New Section in [NRS 179D](#), [NRS 179D.070](#), [NRS 179D.132](#), [NRS 179D.134](#), [NRS 179D.470](#), [NRS 391.314](#), and Repeals [NRS 179D.150](#)

Identity Theft

Statute of Limitations

[AB83](#) – Existing law requires that an indictment be found or an information or complaint be filed within 3 years after the commission of an offense relating to identity theft which is punishable as a felony. This bill provides an exception for victims of such an offense who are less than 18 years of age at the time of the commission of the offense, specifying that an indictment must be found or an information or complaint must be filed within 4 years after the time the victim discovers or reasonably should have discovered that the offense was committed.

Effective: October 1, 2011

Amends: [NRS 171.095](#)

AB142 – Monetary Thresholds for Crimes

- Increases threshold monetary amounts that determine whether theft and certain property offenses are punishable as misdemeanors, gross misdemeanors, or felonies
- \$250 becomes \$650
- \$2,500 becomes \$3,500



Crimes

Monetary Thresholds

[AB142](#) – Existing law establishes certain crimes making it unlawful to take or obtain property, including: (1) exploitation of an older or vulnerable person; (2) theft; (3) issuing a check without sufficient money or credit; (4) larceny; (5) receiving or possessing stolen property; (6) embezzlement; (7) obtaining property by false pretenses; and (8) other similar offenses. Existing law also imposes penalties for such crimes based on the value of the property or services involved in the crime. This bill increases the threshold amounts that determine whether certain theft and related property offenses are punishable as misdemeanors, gross misdemeanors or felonies.

Monetary Threshold Changes: \$250 becomes \$650 and \$2,500 becomes \$3,500

Effective: October 1, 2011

Amends: [NRS 193.167](#), [NRS 197.150](#), [NRS 197.210](#), numerous sections of [NRS 204](#), numerous sections of [NRS 205](#), [NRS 207.340](#), [NRS 207.360](#), [NRS 281.230](#), [NRS 422.540](#), [NRS 422.560](#), [NRS 475.105](#), [NRS 482.547](#), [NRS 487.840](#), [NRS 487.870](#), [NRS 612.445](#), [NRS 616D.370](#), [NRS 616D.390](#), [NRS 645B.960](#), [NRS 645E.960](#), [NRS 668.055](#), & [NRS 688C.450](#)

SB257 - Graffiti



- Requires aggregation when the value of loss from graffiti is \$500 or more
- Graffiti on a protected site is a category C felony
- Court may order restitution
- Upon 3rd offense court may order up to 300 hrs. community service over 1 year cleaning up graffiti
- Offender may be ordered to undergo counseling and, if the offender is a minor, parents can be ordered to participate
- Property owner whose property is damaged by graffiti may bring civil action for 3x damage, 3x cost of repair, and attorney's fees



Graffiti

SB257 – Existing law generally provides that a person who unlawfully places graffiti on or otherwise defaces public or private property is guilty of a misdemeanor, gross misdemeanor or felony, depending on the value of the loss of the property. Additionally, if a person commits more than one offense pursuant to a scheme or continuing course of conduct, the value of the loss of all the property must be aggregated for the purposes of determining a penalty if the value of the loss is \$5,000 or more. This bill revises this provision and requires aggregation when the value of the loss is \$500 or more. This bill also provides that a person who commits an offense on any protected site in this State is guilty of a category C felony. Existing law also requires a person who unlawfully places graffiti on or otherwise defaces public or private property to pay a monetary fine and perform community service. This bill specifies that in addition to any other fine or penalty imposed, a court may order such a person to pay restitution. This bill also provides that a person convicted of a third offense must perform up to 300 hours of community service for up to a year cleaning up, repairing, replacing or keeping clean of graffiti the property damaged or destroyed by the person or another specified property. This bill also authorizes a court to order a person who unlawfully places graffiti on or otherwise defaces public or private property to participate in counseling, and if the person is less than 18 years of age, order the parent or legal guardian of the person to attend or participate in counseling. This bill further authorizes the owner of public or private property that has been damaged by graffiti to bring a civil action against the person who damaged the property. The property owner may be awarded damages in an amount up to three times the amount of any loss in value to the property and up to three times the cost of restoring the property, in addition to attorney's fees and costs.

Effective: October 1, 2011

Amends: [NRS 206.330](#), [NRS 206.345](#), & [NRS 381.225](#)

Sexting

Cyber-Bullying

SB277 – This bill prohibits, under certain circumstances, a minor from using an electronic communication device to possess, transmit or distribute certain sexual images of a minor, and it clarifies the definition of “cyber-bullying” for the purposes of certain provisions relating to education.

Effective: July 1, 2011

Amends: New section in [NRS 200](#), [NRS 200.740](#), [NRS 62B.320](#), & [NRS 388.123](#)

Enhance-able Misdemeanor

Discrimination on Basis of Sexual Orientation or Gender Identity or Expression


[SB368](#) – This bill prohibits discrimination in housing and certain other transactions involving real property on the basis of sexual orientation or gender identity or expression. (Enhance-able misdemeanor)

Effective: October 1, 2011

Amends: New section in [NRS 118](#), numerous sections of [NRS 118](#), numerous sections of [NRS 207](#), numerous sections of [NRS 233](#), [NRS 645.321](#), & [NRS 645C.480](#)

SB376 – Interfering with Computer Systems

- Penalty for interfering with or denying access to a computer, system, or network is enhanced from a misdemeanor to a gross misdemeanor



Gross Misdemeanor

Interfering with Computer Systems

[SB376](#) - Existing law makes it a misdemeanor to commit certain acts that: (1) interfere with or deny access to or use of a computer, system or network; and (2) relate to the use or access of a computer, system, network, telecommunications device, telecommunications service or information service. Under existing law, a misdemeanor is punishable by imprisonment in the county jail for a term of not more than 6 months, or a fine of up to \$1,000, or both. This bill increases the penalty for engaging in such acts from a misdemeanor to a gross misdemeanor which is punishable by imprisonment in the county jail for a term of not more than 1 year, or a fine of up to \$2,000, or both.

Effective: June 14, 2011

Amends: [NRS 205.477](#)

VII: Traffic

Traffic Citation Record Audit

[AB43](#) – Existing law requires a fiscal officer of a governmental agency to which a traffic enforcement agency is responsible to audit semiannually every record of traffic citations issued by the traffic enforcement agency. This bill revises that provision to require annual audits instead of semiannual audits.

Effective: March 24, 2011

Amends: [NRS 484A.690](#)

AB328 – Reckless Driving

- Expands reckless driving to include being the proximate cause of death for a pedestrian or bicyclist when violating rules of road regarding:
 - Pedestrians
 - Bicyclists
 - Crosswalks
 - School crossings
 - School zones
 - Speeding



Reckless Driving

AB328 – Existing law provides that certain conduct by a driver of a vehicle constitutes reckless driving. This bill provides that a person who, while violating certain rules of the road relating to bicycles, pedestrians, crosswalks, school crossing guards, school zones or speeding, is the proximate cause of a collision with a pedestrian or person riding a bicycle has committed reckless driving.

Effective: October 1, 2011

Amends: [NRS 483.460](#), [NRS 483.490](#), and numerous sections of [NRS 484B](#)

DMV

Driver License Suspension

SB15 – This bill requires the DMV to cancel the license of a person whose license to drive a motor vehicle has already been reinstated, if the Department receives notice after reinstating the license that the person has been convicted of driving under the influence of intoxicating liquor or a controlled substance, unless the civil penalty is paid within 30 days after the DMV provides notice to the person that the license will be cancelled unless the civil penalty is paid.

Effective: July 1, 2011

Amends: [NRS 484C.500](#)

Commercial Motor Carriers

SB51 – This bill makes various changes to ‘out-of-service’ motor carriers. This bill also: (1) reduces from 20 days to days the period within which a court must forward to the Department a record of conviction; and (2) requires the Department, if the conviction is of a person holding a commercial driver’s license, to provide notice of the conviction to the Commercial Driver’s License Information System within 5 days after the date on which the Department received the record of conviction from the court. This bill thus allows the Department to comply with the 10-day reporting period imposed pursuant to federal regulation. This bill also deletes a provision of existing law pursuant to which a court that requires the surrender of the driver’s licenses of a person convicted of certain traffic offenses may forward those licenses to the Department together with the record of the person’s conviction.

Effective: Sections 1, 3, 4 and 5 effective October 1, 2011, Section 2 effective January 1, 2012

Amends: New section in [NRS 483](#), [NRS 483.450](#), [NRS 483.902](#), [NRS 483.904](#), & [NRS 483.924](#)

SB140 – Cell Phones/Texting while Driving

- New misdemeanor crime to text, send or read data, or talk w/out a hands-free device on cell phone while driving
- Emergency exemptions
- Fine is enhance-able: 1st \$50, 2nd \$100, 3rd \$250 w/in 7 years
- First violation is non-moving, third is a six month suspension of license



Misdemeanor

Cell Phones while Driving

SB140 – This bill makes it a crime for a person to manually type or enter text into a cellular telephone or other similar device, or to send or read data using any such device, while operating a motor vehicle, and it prohibits talking on a cell phone with out a hands-free device when operating a motor vehicle.

Emergency personnel and law enforcement are exempt, as is use of cell phone in a medical emergency or to report a hazardous condition or criminal activity. The fine is enhance-able 1st \$50, 2nd is \$100, 3rd is \$250 w/in 7 years, all three are misdemeanors. The first violation is a non-moving violation, and a third violation results in a six (6) month suspense of the person’s driver’s license.

Effective; October 1, 2011

Amends: New section in [NRS 484B](#), [NRS 484B.130](#), & [NRS 707.375](#)

AB248 – Bicycle Traffic Laws

- A driver must move their car into the immediate left lane (multi-lane road) to pass a bike going the same direction, or pass the bike on the left at a distance of no less than 3 feet



Bicycles

SB248 – This bill requires a driver of a motor vehicle to overtake and pass a bicycle or an electric bicycle proceeding in the same direction by: (1) moving the vehicle into the immediate left lane, if there is more than one lane traveling in the same direction and it is safe to move into the lane; or (2) passing to the left of the bicycle or electric bicycle at a distance of not less than 3 feet from the bicycle or electric bicycle.

Effective: October 1, 2011

Amends: [NRS 484B.270](#)

Commercial Vehicle Weight Limit Enforcement

[SB322](#) – Existing law provides for the enforcement of weight limits on vehicles by specially trained members of the Nevada Highway Patrol, inspectors of the Department of Motor Vehicles and the Department of Public Safety, and to certain law enforcement personnel in counties whose population is 100,000 or more (currently Clark and Washoe Counties). The authorized law enforcement personnel, if they have reason to believe that the weight of a vehicle and load is unlawful, may require the driver to stop and submit to a weighing of the vehicle. This bill authorizes such a stop only if the officer has a reasonable suspicion that the vehicle is being operated unlawfully by reason of its weight. This bill eliminates the restriction on enforcement of these provisions by local law enforcement officers in less populated counties but specifies that the authority of the law enforcement officers and inspectors is limited to enforcement within their own jurisdiction. This bill also revises the training requirements for such officers

Effective: October 1, 2011

Amends: [NRS 484D.675](#)

SB323 – Motor Vehicle Insurance and Registration



- Replaces DMV flat fee (\$250) for lapse of auto insurance with a tiered system
- Changes the 60-day period for a new resident to change his or her vehicle registration to 30-day period
- Requires vehicle be registered in NV if it is operated for 30 days, in the aggregate, or more in the State in a year
- Vehicle must get NV registration w/in 30 days
 - if person engages in trade, a profession, or occupation or is employed in the State;
 - person's kids are enrolled in NV public schools; or
 - if person is a resident of NV operation a vehicle owned by a non-NV resident. Exceptions granted to students, active duty military personnel, and migrant farm workers.
- DMV may not register a vehicle if person has failed to pay \$100 fee pursuant to [NRS 258.070](#) and proof is provided

U.S. Constitutional Provisions: [Article 1, Section 8, Clause 3](#); [Article 4, Section 2, Clause 1](#), and [14th Amendment](#)



Motor Vehicle Registration

Motor Vehicle Insurance

SB323 – Under existing law, a registered owner who failed to have liability insurance on a date specified by the Department of Motor Vehicles is required, with respect to a vehicle that is not dormant, to pay to the Department a fee of \$250 to reinstate the registration of the vehicle. This bill replaces the flat \$250 reinstatement fee with a tiered system of penalties that includes, depending upon how many times the registered owner has allowed his or her insurance to lapse and depending upon the length of time during which the insurance has lapsed, escalating reinstatement fees, escalating fines, requirements to file and maintain a certificate of financial responsibility and possible suspension of the registered owner's driver's license. Existing law requires a person, within 60 days after becoming a resident of this State, to apply for the registration of each vehicle he or she owns which is operated in this State. A nonresident owner of a noncommercial vehicle is not required to apply for registration of the vehicle unless the vehicle is furnished to a resident for his or her continuous use within this State. This bill changes the 60-day period within which a new resident must apply for registration of his or her vehicle to a 30-day period. This bill also requires certain persons to register their vehicles: (1) if the person is a nonresident and the vehicle is operated in this State for a period of more than 30 days in the aggregate in any 1 calendar year; (2) within 30 days if the person is a resident or nonresident and engages in a trade, profession or occupation or accepts gainful employment in this State; (3) within 30 days if the person is a resident or nonresident and enrolls his or her children in a public school in this State; or (4) within 30 days if the person is a resident and operates a vehicle owned by a nonresident. This bill provides exceptions to the preceding requirements for persons who are on active duty in the military service of the United States, out-of-state students, certain students of institutions of higher education who are present in this State to participate in a work-study program, and migrant or seasonal farm workers. Under existing law, a constable may issue a citation to an owner or driver, as appropriate, of a vehicle that is required to be registered in this State if the constable determines that the vehicle is not properly registered. Such a constable must, upon the issuance of the citation, charge and collect a fee of \$100 from the person to whom the citation was issued. This bill prohibits the Department of Motor Vehicles from registering a motor vehicle if the Department has received from a local authority notice that the owner of the vehicle has failed to pay a fee imposed by a constable for noncompliance with the provisions of NRS 482.385, unless the owner provides to the Department a receipt indicating that the owner has paid the fee to the local authority or the local authority transmits to the Department a notice stating that the owner has paid the fee.

(continued)

Effective: June 10, 2011, for purposes of adopting regulations, July 1, 2011, for all other purposes
Amends:

New sections in [NRS 482](#), [NRS 482.385](#), [NRS 482.480](#), & [NRS 485.317](#)

Key Points:

- Replaces DMV flat fee (\$250) for lapse of auto insurance with a tiered system
- Changes the 60-day period for a new resident to change his or her vehicle registration to 30-day period
- Requires vehicle be registered in NV if it is operated for 30 days, in the aggregate, or more in the State in a year
- Vehicle must get NV registration w/in 30 days
 - if person engages in trade, a profession, or occupation or is employed in the State;
 - person's kids are enrolled in NV public schools; or
 - if person is a resident of NV operation a vehicle owned by a non-NV resident. Exceptions granted to students, active duty military personnel, and migrant farm workers.
- DMV may not register a vehicle if person has failed to pay \$100 fee pursuant to [NRS 258.070](#) and proof is provided

U.S. Constitutional Provisions: [Article 1, Section 8, Clause 3](#); [Article 4, Section 2, Clause 1](#), and [14th Amendment](#)

DMV

Off-Highway Vehicles

[SB387](#) – In relation to the registration of off highway vehicles, this bill authorizes the DMV to assign a distinguishing number to an off-highway vehicle that does not have a unique vehicle identification number or serial number, or to an off-highway vehicle on or from which the unique vehicle identification number or serial number has been removed, defaced, altered or obliterated. This bill also authorizes the Department to charge a fee for the assignment of such a distinguishing number.

Violations of provision of this act are a new misdemeanor.

Effective: (a) May 31, 2011, for the purpose of adopting regulations. (b) July 1, 2012, or 30 days after the date on which the Department of Motor Vehicles publishes on its website a statement indicating that it has completed the preparatory administrative tasks that are necessary to carry out the provisions of this act, whichever occurs first, for all other purposes. 2. Expires by limitation on July 1, 2012, if the Interim Finance Committee has not issued a notice to the Department of Motor Vehicles pursuant to section 62.5 of chapter 504, Statutes of Nevada 2009, at page 3105, before that date.

Amends: New section in [NRS 490](#) and numerous sections of [NRS 490](#)

Elections and Campaigns

AB81 – Campaign Finance

- Makes numerous changes to campaign finance law
- See bill detail for specifics



Campaign Finance Financial Disclosure

Legal Defense Expenditures

AB81 – This bill clarifies how a minor political party may be organized; it revises certain requirements for petitions of referendum; revising provisions relating to counting ballots, posting voting results and recounts; it provides that the residency of spouses of certain military personnel is not changed whether absent or present in this State; it makes various changes concerning campaign contributions and expenditures; and it makes various other changes to provisions governing elections.

Effective: October 1, 2011

Amends: Numerous sections in [NRS 293](#), numerous sections in [NRS 294A](#), numerous sections in [NRS 295](#), numerous sections in [NRS 281](#), various [City Charters](#), repeals [NRS 294A.003](#), and repeals [NRS 294A.227](#)

Key Points:


- The Secretary of State, county clerk, or city clerk shall inform voters, via signage, at the polling place when a person who willfully filed a declaration or acceptance of candidacy is ineligible for office, but their name remains on the ballot due to ballot change deadlines.
- The early voting period now includes Sundays and holidays.
- Technical changes to demands for recounts.
- The definitions of ‘campaign expenses’ and ‘campaign expenditures’ and clarified and differentiated. See sections 36.5 and 39.
- This bill requires certain persons, committees for political action (PAC), political parties and committees of political parties that expend more than \$100 for the purpose of financing certain public communications to disclose on the communication the name of the person, committee or political party that paid for the communication.

(continued)

- A person is prohibited from making a contribution to a PAC with the knowledge and intent that the committee for political action will contribute that money to a specific candidate which, in combination with the total contributions already made by the person for the same election, would violate the limitations on contributions in existing law.
- If a PAC fails to register with the Secretary of State, the PAC may face a civil penalty for each instance of activity while not registered.
- A candidate can use unspent campaign funds for legal expenses incurred in relation to running for office, or actions while in office. These legal expenditures must be reported on campaign expenditure reports. The candidate does not need to create a separate legal defense fund.
- Contributions to another candidate, a nonprofit, a PAC, or a recall committee must be reported on campaign expenditure reports.
- A public officer who leaves office is required to file a statement of financial disclosure on January 15th of the year immediately following the year in which the public officer leaves office unless the public officer leaves office before January 15 in the prior year.

[AB82 – Election Law]

- Numerous changes to election law
- See bill detail for specifics



Election/Voting Crimes
Foreign Contributions Prohibited
Political Action Committee (PAC)
Unspent Campaign Funds

AB82 – This bill revising provisions governing registering to vote by computer, it authorizes additional mailing precincts in certain circumstances, it makes various other changes relating to the administration and conduct of elections, it prohibits foreign nationals from making campaign contributions, it prohibits certain persons from receiving such contributions, it authorizes the disposition of unspent campaign contributions to a governmental entity and for the use of legal expenses, it requires the annual registration of committees for political action, and it makes various other changes relating to campaign finance.

Effective: Sections 1 to 37, inclusive, 40.5, 41, 42, 43, 48, 50, 51, 54, 56, 59 to 63, inclusive, 65, 66, 68, 69, 71, 72, 73, 84 and 85 of this act effective July 1, 2011. Sections 38, 39, 40, 44 to 47, inclusive, 49, 52, 53, 55, 57, 58, 64, 67, 70 and 74 to 83, inclusive, of this act effective January 16, 2013.

Amends: Numerous new sections in, and amendments to, [NRS 293](#) and [NRS 294A](#)
(continued)

Key Points:

- This bill revises the way that two or candidates with the same given and surname are listed on the ballot. It requires that if one of the candidates is the incumbent, that he/she be labeled as such on the ballot.
- Information must be posted at polling places regarding the eligibility of a candidate or question as a result of judicial action or law.
- The crime of threatening a person in connection with an election or petition is expanded to include threats related to voter registration. The crime is increased from a gross misdemeanor to category E felony.
- Interfering with an election is raised from a gross misdemeanor to a cat. E felony.
- Electioneering does not include the polling of voters regarding their intent to vote for against a political party or question.
- Interfering with a mechanical or computer voting system is a category B felony.
- Intentional failure to submit to the county clerk an elector's completed application to register to vote by a person who provided the application to the elector is a cat. E felony.
- Foreign nationals are prohibited from making contributions to candidates, PACs, political parties, legislative caucuses, or persons who make independent expenditures. Persons are also prohibited from accepting contributions from foreign nationals.
- Persons are prohibited from committing to make a contribution over \$5,000 within the existing statutory timeframes during which making such a contribution is prohibited.
- Unspent campaign funds now may be donated to governmental entity for certain uses.
- Persons who have unspent campaign funds and are currently in office, and who chose to not run again for the office they currently occupy; may use those funds to run in a future election.
- Groups advocating the passage or defeat of a ballot measure must report contributions and expenditures in excess of \$1,000 in a reporting period. This is down from the previous threshold of \$10,000.

Court Action to Enforce Election Law

AB100 – This bill enacts the Uniformed Military and Overseas Absentee Voters Act. Section 27 authorizes a court to issue an injunction or other equitable relief to ensure compliance with the act.

Effective: October 1, 2011

Amends: New chapter in NRS Title 24; numerous sections of NRS 293; numerous sections of NRS 293C; and repeals NRS 293.106, NRS 293.3155, NRS 293.3157, NRS 293.501, & NRS 293C.315

AB132 – City Elections

- Allows “off-cycle” cities to amend their charters to put elections “on-cycle” with general elections
- Could potentially shorten a future term of office for a municipal court judge or other official



City Elections

AB132 – This bill amends the charters of Boulder City, Caliente, Henderson, Las Vegas, North Las Vegas and Yerington to authorize the city councils of those cities to choose by ordinance to hold city elections on the state election cycle, which is in even-numbered years. If the city council of Boulder City, Henderson, Las Vegas or North Las Vegas adopts such an ordinance, this bill provides that the ordinance must not affect the term of office of any elected official of the city serving in office on the effective date of the ordinance but may affect the next succeeding term for that office. If such an ordinance is adopted and subsequently repealed, the city would return to holding its elections in odd-numbered years, as provided in its existing city charter.

Effective: June 2, 2011

Amends: Various [City Charters](#)

AB337 – Campaign Law

- Makes changes to investigation of alleged violations of campaign law
- Requires Secretary of State's Office to provide notice to person being investigated



Election Law Violations and Investigations

AB337 – Existing law confers authority upon the Secretary of State to conduct investigations concerning alleged violations of chapter 294A of NRS governing campaign practices. Existing law also authorizes a person who believes that any provision of that chapter has been violated to notify the Secretary of State in writing. The notice must be signed by the person and include any information in support of the alleged violation. This bill specifies the information that must be included in the notice and requires the Secretary of State to provide a copy of the notice and any accompanying information to the person, if any, alleged in the notice to have committed the violation. If, based on such a notice, the Secretary of State determines that reasonable suspicion exists that a violation has occurred, the Secretary of State is authorized to investigate the allegation. This bill further provides that, if the notice is received within 180 days after the general election, general city election or special election for the office or ballot question to which the notice pertains, the Secretary of State is authorized, when conducting an investigation based on the notice, to subpoena witnesses and require the production by subpoena of any books, papers, correspondence, memoranda, agreements or other documents or records in the possession of any person: (1) alleged in the notice to have committed the violation; or (2) who the Secretary of State or a designated officer or employee of the Secretary of State has reasonable cause to believe produced or disseminated the materials that are the subject of the notice, if the Secretary of State or a designated officer or employee of the Secretary of State determines that the documents or records are relevant or material to the investigation. Finally, this bill authorizes the Secretary of State or a designated officer or employee of the Secretary of State to apply to a court for an order compelling compliance if a person fails to testify or produce the required documents or records.

Effective: October 1, 2011

Amends: [NRS 294A.410](#)

AB452 – Campaign Finance

- Campaign finance reports must be filed online, with limited exceptions for hardship
- Aggregate of contributions and expenses under \$100 must be reported
- Reports can be signed under penalty or perjury or under oath to God
- SOS must create regs. and forms
- Judges still file disclosure forms with AOC



Campaign Finance Reports **Campaign Finance Report Filing** **Financial Disclosure**

AB452 – This requires the electronic filing of certain campaign contribution and expenditure reports and statements of financial disclosure, this bill amends the deadlines for filing certain campaign contribution and expenditure reports, it requires candidates to report certain contributions and expenditures in the aggregate on campaign contribution and expenditure reports, it requires candidates to report the disposal of certain unspent campaign contributions in the aggregate on campaign contribution and expenditure reports, and it makes various other changes relating to campaign finance.

Effective: January 1, 2012

Amends: New sections in [NRS 294A](#) & numerous sections of [NRS 294A](#)

Key Points:

- This bill requires that campaign finance reports be filed electronically (on-line) with the Secretary of State. An exemption can be sought through filing a sworn affidavit attesting to certain conditions: (1) the person or entity filing the report does not own or have access to the required technology to file, and (2) the person or entity filing the report does not have the financial ability to purchase or obtain access to the necessary technology to file.
- Candidates must now report, in the aggregate, contributions, expenses, expenditures, or amounts of unspent campaign funds that are disposed of which are less than \$100.
- Campaign finance reports may now be signed either under penalty of perjury, or by signing an oath to God. Violations of both methods are subject to the penalties for perjury.
- The Secretary of State must design a form for each different campaign finance report to accommodate the new electronic filing requirements.
- Certain elected officials, candidates, and appointed officials must file their financial disclosure statements electronically with the Secretary of State, rather than with the Ethics Commission. Judicial officials and candidates are still required to file with AOC, in the method prescribed by AOC.

Voter Registration

First Judicial District

[AB473](#) – This bill revises the deadline for preparing and sending absent ballots to certain voters; it revises the hours of operation during the final days of voter registration; it requires that complaints challenging initiatives or referenda be given priority over all other matters pending before the court, except for criminal proceedings; it revises the filing deadline for candidates for the Board of the Virgin Valley Water District; and it makes various other changes relating to elections.

Effective: June 17, 2011

Amends: Numerous sections in [NRS 293](#), numerous sections in [NRS 293C](#), [NRS 295.061](#), [NRS 349.017](#), [NRS 710.153](#), the Virgin Valley Water Act, and repeals [NRS 293.219](#)

Key Points:

- Independent, non-partisan, or the name of the political party may be abbreviated on the ballot.
- The county clerk's office in counties must remain open until 7:00 pm the last two days on which voter registration is open before a primary or special election. The office may close at 5:00 pm in counties with a population under 100,000 with the approval of the county commission.
- The county clerk's office, in counties with a population under 100,000, must remain open until 7:00 pm the on the last two days during which voter registration is open before the general election, unless closure at 5:00 pm is approved by the county commission.
- In counties with a population over 100,000, the office must remain open until 9:00 pm the final four days during which voter registration is open before the general election. These counties must also have the office open a minimum of 8 hours per day on weekends and holidays that fall with the four day period.
- The aforementioned time rules apply to cities with a population over/under 25,000.
- The First Judicial District Court is required to give a complaint challenging an initiative or referendum priority over all other court matters except criminal proceedings.

AJR5* - Special Sessions

- This question (on ballot 2012) would allow 2/3 of legislature to call a special session



Calling a Legislative Special Session

AJR5* – This resolution proposes to amend the Nevada Constitution to allow 2/3 of the legislators to, by petition, call a special session, it would limit special sessions to 20 calendar days, and clarify the legislative sessions must adjourn by midnight pacific time as the time is observed by the majority of Nevada.

Secretary of State File No. 33 for 2012 General Election

Amends Nevada Constitution: Article 4 with new Section 2A; Art. 4, Sec. 2; Art. 4, Sec. 33, & Art. 5, Sec. 9

SB125 – Campaign Finance

- Changes campaign finance report deadlines to:
 - 21 days before the primary election (primary) for reporting period from Jan. 1/July 1 to 25 days before the primary.
 - 4 days before the primary for the reporting period from 24 days before the primary to 5 days before the primary.
 - 21 days before the general election (general) for the reporting period from 4 days before the primary through 25 days before the general.
 - 4 days before the general for the reporting period from 24 days before the general through 5 days before the general.



Campaign Finance Report Filing Dates

SB125 – This bill revises the dates upon which certain campaign finance reports are required to be made to require the reports to be submitted before the beginning of early voting in a primary, general or special election.

Effective: October 1, 2011

Amends: Numerous sections of NRS 294A

Key Points:

- Changes campaign finance report deadlines to:
 - 21 days before the primary election (primary) for reporting period from Jan. 1/July 1 to 25 days before the primary.

(continued)

- 4 days before the primary for the reporting period from 24 days before the primary to 5 days before the primary.
- 21 days before the general election (general) for the reporting period from 4 days before the primary through 25 days before the general.
- 4 days before the general for the reporting period from 24 days before the general through 5 days before the general.

[SJR14 – Court of Appeals]

- Proposes to amend the NV Constitution to create a court of appeals
- Returns for reconsideration during the 2013 Session



Court of Appeals

SJR14 – This resolution proposes to amend the Nevada Constitution to create an intermediate appellate court.

Secretary of State File No. 26 for 2013 Session

Amends: [Article 6 of the Nevada Constitution](#)

Family


I. Child Protection

Kinship Guardian Assistance Program

AB110 – This bill establishes the Kinship Guardianship Assistance Program. It requires the Department of Health and Human Services to establish and administer the Kinship Guardianship Assistance Program, it requires the Department to adopt a state plan for the administration of the Program, it authorizes agencies which provide child welfare services to enter into agreements to provide assistance under the Program, and it prescribes the requirements for receiving assistance pursuant to the Program.

Effective: July 1, 2011

Amends: New sections in [NRS 432B](#) & [NRS 232.320](#)

<p>AB111 - Adoptions</p> <ul style="list-style-type: none">■ Prospective adoptive parents may attend court hearings telephonically (child in custody of welfare agency)■ Prospective adoptive parents of a child in custody of welfare do not have to live in NV for 6 months to adopt■ Revises provisions re: sibling visitation	
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Adoption

Telephonic Appearance/Attendance

Sibling Visitation

Notice of Hearing

AB111 – This bill authorizes prospective adoptive parents to attend, by telephone or in person, any hearings held by the court concerning a petition for adoption if the prospective adoptive parents reside in another state or jurisdiction and the adoption is of a child who is in the custody of an agency which provides child welfare services or a child-placing agency licensed by the Division of Child and Family Services of the Department of Health and Human Services. Existing law requires prospective adoptive parents to reside in Nevada for a period of at least 6 months before a petition for adoption may be granted. This bill provides an exception to that requirement for petitions for the adoption of a child who is in the custody of an agency which provides child welfare services or a child-placing agency licensed by the Division. Thus, persons who have lived in Nevada for less than 6 months and residents of another state or jurisdiction are exempt from the residency requirement if the petition for adoption is filed for the adoption of a child who is in the custody of an agency which provides child welfare services or a child-placing agency licensed by the Division. Existing law authorizes, with certain exceptions, the court, in an adoption proceeding for a child, to grant the right to visitation only to certain relatives of the child, including siblings of the child, who have previously been granted a similar right of visitation pursuant to NRS 125C.050. This bill similarly authorizes the court in such an adoption proceeding to grant a right
(continued)

of visitation to a sibling of a child if the child is in the custody of an agency which provides child welfare services and the sibling has previously been granted a similar right of visitation pursuant to NRS 432B.580. This bill further requires the agency which provides child welfare services to provide the court with a copy of any such order for visitation. Existing law requires the court to hold a hearing to review the placement of a child in need of protection at least semiannually. This bill requires the notice of the hearing to: (1) include a statement indicating that if the child is placed for adoption the right to visitation of the child is subject to the provisions of this bill requiring a previous grant of a similar right of visitation; and (2) be given to a sibling of the child who has been adopted and who has been granted a right to visitation pursuant to this bill. This bill further provides that certain confidential information must not be included in such a notice of hearing.

Effective: July 1, 2011

Amends: New section in [NRS 127](#), numerous sections of [NRS 127](#), [NRS 432B.580](#), & [NRS 432B.590](#)

Termination of Parental Rights

Inheritance

[AB147](#) – This bill provides that the termination of parental rights does not terminate the right of a child to inherit from his or her parent or parents except under certain circumstances.

Effective: October 1, 2011

Amends: [NRS 128.015](#)

Foster Homes

Rights of Children

[AB154](#) – This bill establishes provisions which set forth certain rights of children who are placed in foster homes, it requires notice of those rights to children placed in foster homes, and it establishes a procedure for children who are placed in foster homes to report alleged violations of those rights.

Effective: October 1, 2011

Amends: New sections in [NRS 432](#) and new section in [NRS 391](#)

AB350 – Child Dependency

- Court may retain jurisdiction over a child after he/she turns 18 in certain circumstances and requires child welfare agency to continue to provide services/payments to such a child
- Child welfare agency must enter into written agreement w/ child and develop a plan to transition to independent living



Court Retains Jurisdiction at Age of 18

Placement of Children

Transitioning to Independent Living

AB350 – This bill requires a court that orders a child to be placed with someone other than a parent to retain jurisdiction over the child after the child reaches the age of 18 years in certain circumstances, it requires an agency which provides child welfare services to continue to provide services and monetary payments to such a child while the child remains under the jurisdiction of the court, it requires the agency which provides child welfare services and such a child to enter into a written agreement; requiring the agency which provides child welfare services to develop a plan for such a child to assist the child in transitioning to independent living, it revises various provisions relating to a child placed with someone other than a parent to clarify the application of those provisions to persons who remain in foster care beyond the age of 18 years, and it revises provisions governing the placement of children who are taken into protective custody or placed with someone other than a parent.

Effective: May 18, 2011

Amends: Numerous sections of [NRS 424](#), [NRS 432.010](#), numerous sections of [NRS 432A](#), new section in [NRS 432B](#), and numerous sections of [NRS 432B](#).

Residential Facilities for Children and Employees

AB536 – This bill requires an investigation of the criminal history of certain persons associated with certain facilities that provide residential services to children, it requires such a facility to terminate the employment of or remove from the facility certain persons based on the results of an investigation of the person's criminal history, and it requires such a facility to maintain records concerning employees and residents of the facility.

Effective: Effective June 17, 2011, the purpose of conducting investigations pursuant to section 25 of this act and October 1, 2011, for all other purposes.

Amends: New sections in [NRS 424](#), [NRS 424.033](#), [NRS 424.090](#), [NRS 432.0125](#), numerous sections of [NRS 432A](#), new sections in [NRS 62B](#), [NRS 179A.075](#), new sections [NRS 433B](#), and numerous sections of [NRS 449](#)

Adoption of Special Needs Children

SB23 – This bill clarifies that the agency which provides child welfare services, or the placement agency, which has custody of a child with special needs is responsible for scheduling any necessary evaluations of the child, notifying the proposed adoptive parents about financial assistance and assisting the proposed adoptive parents in applying for and satisfying prerequisites for financial assistance.

Effective: March 21, 2011

Amends: [NRS 127.186](#)

SB57 – Warrant to Take Custody of a Child

- Expands a court’s authority to issue a warrant to take custody of a child
- The AG’s Children’s Advocate may petition the court for such a warrant when there is probable cause to believe the child has been abducted.



Issuance of Warrant to Take Custody of a Child

SB57 – This bill expands the circumstances pursuant to which a court is authorized to issue a warrant to take physical custody of a child. The AG’s Children’s Advocate may petition the court for such a warrant when there is probable cause to believe the child has been abducted.

Effective: July 1, 2011

Amends: New section in [NRS 432](#) & [NRS 432.150](#)

Children in Protective Custody

SB111 – Existing law prohibits a person from placing a child who is under 6 years of age and who is in protective custody into a child care institution unless appropriate foster care is not available at the time of the placement or certain other conditions are met, including that the medical needs of the child cannot be met at any other placement or if the placement is necessary to avoid separating siblings. This bill requires each agency which provides child welfare services to develop and implement a written plan to ensure that the provisions and exceptions for such placement of children in protective custody are understood and carried out.

Effective: October 1, 2011

Amends: [NRS 432B.3905](#)

SB167 – Release of Child Welfare Report to Court

- Reports re: neglect and abuse can be released relating to a child for whom a guardianship is sought to: 1) court, 2) person who filed petition, 3) proposed guardian, 4) parent or guardian of child, 5) the child – over age 14



Release of Child Welfare Reports to Court

SB167 – Existing law authorizes an agency which provides child welfare services to release data or information concerning reports of the abuse or neglect of a child to certain persons.) This bill authorizes such data and information relating to a child over whom a guardianship is sought pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive, to be released to: (1) the court which has jurisdiction over the proceeding; (2) the person who filed or intends to file the petition; (3) the proposed guardian or proposed successor guardian; (4) the parent or guardian of the child; and (5) the child, if he or she is at least 14 years of age.

Effective: July 1, 2011

Amends: NRS [432B.290](#)

Medical Facility in Custody of Child Medication Management

SB246 – This bill requires a medical facility that accepts custody of children pursuant to the order of a court to adopt a policy concerning the administration and management of medication and to ensure that each employee of the medical facility who will administer medication to a child in the facility receives a copy of and understands the policy. This bill imposes the same requirement on: (1) a public or private institution or agency to which a juvenile court commits a child, including, without limitation, a facility for the detention of children; (2) a state facility for the detention or commitment of children; (3) a specialized foster home or a group foster home; (4) a child care facility which occasionally or regularly has physical custody of children pursuant to the order of a court; and (5) a treatment facility and any other facility of the Division of Child and Family Services of the Department of Health and Human Services into which a child may be committed by a court order.

Effective: January 1, 2012

Amends: New section in [NRS 449](#), numerous sections of [NRS 449](#), new section in [NRS 62B](#), new section in [NRS 63](#), new section in [NRS 424](#), [NRS 424.090](#), new section in [NRS 432A](#), [NRS 432A.220](#), new section in [NRS 432B](#), & [NRS 654.190](#)

Foster Children

Schools

Parents in Custody of DOC

[SB370](#) – This bill provides for elementary schools to develop academic plans for foster children enrolled in elementary schools to assist such children in achieving academic success, it requires the licensee of a foster home to obtain a written explanation of the need for and effect of any prescription medication provided to a foster child, it requires the Department of Corrections to allow a prisoner who has a child that has been placed in foster care to maintain contact with the child in certain circumstances, and it provides for the use of telecommunications devices by prisoners for that purpose.

Effective: July 1, 2011

Amends: New sections in [NRS 424](#), [NRS 432B.580](#), new section in [NRS 209](#), [NRS 209.417](#), [NRS 209.419](#), and new section in [NRS 388](#)

Legal Responsibility for Psychiatric Care of a Child in Custody of Child Welfare Agency

[SB371](#) – This bill requires the nomination and appointment of a person who is legally responsible for the psychiatric care of a child who is placed in the custody of an agency which provides child welfare services, it establishes the duties and responsibilities of such a legally responsible person, it revises provisions governing the provision of psychiatric care to children in the custody of agencies which provide child welfare services, and it revises provisions relating to the health care records of children who are placed in the custody of such an agency.

Effective: October 1, 2011

Amends: New sections in [NRS 432B](#), [NRS 432B.190](#), [NRS 432B.197](#), [NRS 432B.430](#), [NRS 432B.4675](#), [NRS 62A.380](#), [NRS 433B.130](#), new section in [NRS 629](#), & [NRS 629.031](#)

Protection of Children

Legislative Study

[SCR5](#) – This resolution directs the Legislative Commission to conduct an interim study concerning the laws of this State governing the protection of children.

Secretary of State File No. 43

Amends: Study

II. Custody

AB313 – Child Custody for Members of the Military



- Some custody/visitation orders for children of members of the military expire by operation of law
- Court may delegate visitation rights to family members of military personnel in certain circumstances
- Court must expedite custody/visitation hearings for members of the military in certain circumstances
- Members of military may attend court hearing via electronic means or affidavit

Orders

Expiration

Members of the Military

Expedited Court Hearing

AB313 – This bill provides for the expiration by operation of law of certain orders modifying custody and visitation of children for persons who are members of the military, it authorizes a court to delegate the visitation rights of a member of the military to a family member of the member of the military under certain circumstances, and it requires a court, under certain circumstances, to provide an expedited hearing concerning custody or visitation matters to allow participation in such a hearing by affidavit or electronic means, or to both hold an expedited hearing and allow such participation.

Effective: October 1, 2011

Amends: [NRS 125.510](#)

III. Guardianships

SB128 - Guardians

- Private professional guardians must undergo background check and present results to court
- Every guardian must file a verified acknowledgement of duties and responsibilities, court may exempt a guardian from filing such a document in each case, and require the guardian file one general acknowledgement
- A court may not remove a guardian if the sole reason is the lack of money to pay the guardian and cover expenses



Guardians

SB128 – This bill requires a private professional guardian to undergo a background investigation at his or her own cost and expense and to present the results of the background investigation to the court upon request. This bill requires every guardian to file a verified acknowledgment of the duties and responsibilities of a guardian before performing any duties as a guardian. The acknowledgment must set forth certain provisions, including certain specific duties of the guardian. The court may exempt a public guardian or private professional guardian from filing an acknowledgment in each case and may instead require the guardian to file a general acknowledgment which covers all guardianships to which the guardian may be appointed. This bill prohibits the removal of a guardian by the court if the sole reason for removal is the lack of money to pay the compensation and expenses of the guardian.

Effective: October 1, 2011

Amends: [NRS 159.0595](#), [NRS 159.183](#), & [NRS 159.185](#)

Fiscal

I. State Finances

State Employee Pay

[AB560](#) – This it eliminates the required payment of a state employee at the rate of time and one-half for working on a holiday and it continues the temporary suspension of the semiannual payment of longevity pay and merit pay increases for state employees.

Effective: July 1, 2011

Amends: [NRS 284.180](#)

General Fund Appropriation

[AB580](#) – This bill makes various changes regarding state financial administration and makes appropriations from the State General Fund for the support of the civil government of the State.

Effective: sections 39, 56, 69, 70, 71 and 72 of this act effective June 14, 2011. Sections 1 to 38, inclusive, 40 to 55, inclusive, and 57 to 68, inclusive, of this act effective July 1, 2011. Section 67 of this act expires by limitation on June 30, 2017. Sections 66 and 68 of this act expire by limitation on September 30, 2017.

Amends: Appropriation

Supreme Court Budget

[AB581](#) – This bill revises provisions relating to the use of money in the Account for Foreclosure Mediation; it authorizes the Court Administrator to transfer certain funds from the Account to the operating budget for the Supreme Court for the 2011-2013 biennium.

Effective: July 12, 2011 and sunsets June 20, 2013

Amends: [NRS 107.080](#)

SB81 – State Controller Collections and Payments

- Statute of limitations for debts owed to the State decreased from 5 to 4 years
- State Controller must pay claims via electronic funds transfer, unless it would create an undue hardship on payee



State Controller's Office Collections of Debts Mandatory Electronic Payments from State

SB81 – Existing law sets forth statutes of limitation for when the State Controller may take certain action to collect debts owed to the State. This bill amends those statutes of limitation. This bill requires the State Controller to pay accounts payable electronically unless doing so would cause undue hardship to the payee.

Effective: May 24, 2011

Amends: [NRS 353C.140](#), [NRS 353C.170](#), [NRS 353C.180](#), [NRS 353C.210](#), new section in [NRS 227](#), [NRS 227.200](#), & [NRS 333.450](#)

State Expenditures (Non-General Fund)

SB503 – This bill authorizes expenditures by agencies of the State Government.

Effective: Sections 18, 19 and 27 effective June 14, 2011. Sections 1 to 17, inclusive, sections 20 to 26, inclusive, and sections 28 and 29, inclusive, effective July 1, 2011.

Amends: Budget Bill

SB505 – State Employee Pay

- State employee pay cut by 2.5%
- State employees required to take 6 furlough days per year (equivalent to 2.3% cut)



State Employee Pay

SB505 - Provides for compensation of state employees (unclassified pay bill). This bill requires state employees to take a 2.5% pay reduction and to take 6 furlough days per year (equivalent to a 2.3% reduction in pay).

Effective: July 1, 2011

Amends: Budget Bill

II. County Finances

SB443 – Pre-Sentence Investigation (PSI) Report Funding

- Counties are required to reimburse the State for the cost of 70% of the PSI Reports conducted by Parole and Probation (P&P)
- Counties billed quarterly
- State pays remaining 30% and retains the responsibility for psycho-sexual evaluations



PSI Funding

SB443 - This bill requires that 70 percent of the expense of any presentence or general investigation and report made by the Division of Parole and Probation be paid by the county in which the indictment was found or the information filed. The state is required to pay 30 percent of the expense, and the State retains psycho-sexual evaluations, and counties are billed quarterly.

Effective: June 15, 2011, for the purpose of adopting regulations and July 1, 2011, for all other purposes

Amends: New section in [NRS 176](#), [NRS 176.133](#), & [NRS 354.599](#)

DCFS Funding

Block Grants

SB447 – This bill revises provisions governing the corrective actions that are required when an agency which provides child welfare services is not in compliance with certain laws, plans or policies; it provides for the Division of Child and Family Services of the Department of Health and Human Services to award block grants and to administer a program to award incentive payments to an agency which provides child welfare services in larger counties; and it requires the Division to submit an annual report to the Governor and the Legislature concerning the block grants and the program to award incentive payments.

Effective: July 1, 2011

Amends: New sections in [NRS 432B](#) & [NRS 432B.180](#)

SB476 – Youth Parole Funding

- Counties must pay an assessment to State for services provided by Youth Parole and Probation
- Assessment is derived from a formula based upon number of students in public school in a county



Youth Parole Funding

SB476 – Existing law requires certain counties to pay an assessment for the operation of regional facilities for the detention of children that are partially supported by the State of Nevada and are operated by the county. This bill instead requires each county to pay an assessment for the activities of the Youth Parole Bureau of the Division of Child and Family Services of the Department of Health and Human Services. The amount of the assessment is determined by the Administrator of the Division of Child and Family Services using a formula that is based upon the number of pupils enrolled in public schools in the county.

Effective: July 1, 2011

Amends: New section in [NRS 62B](#), [NRS 62E.510](#), new section in [NRS 63](#), & [NRS 63.770](#)

SB480 – Funding for Division of Child and Family Services (DCFS) in Rurals

- Counties with a population under 100,000 must reimburse the State for services of DCFS
- DCFS can bring court action to compel payment



DCFS Funding in Rurals

SB480 – This bill requiring certain less populated counties (under 100,000 population) to reimburse the Division of Child and Family Services of the Department of Health and Human Services for the costs of providing child protective services. Allow DCFS/DHHS to bring court action to compel payment.

Effective: July 1, 2011

Amends: New sections in [NRS 432B](#), [NRS 432B.010](#), [NRS 432B.325](#), & [NRS 432B.490](#)

Health Insurance and Retirement

I. Public Employees' Benefits Program

Retiree Health Insurance

Reinstatement

[AB76](#) – Under existing law, a retired public officer or employee of the State or a local government, or his or her surviving spouse, who has cancelled insurance provided under the Public Employees' Benefits Program is authorized to reinstate such insurance, other than life insurance, during the so-called late enrollment period, which occurs in each even-numbered year. This bill eliminates the right of biennial reinstatement for insurance provided under the Program. However, this bill, with certain exceptions, authorizes a retired public officer or employee of the State or a participating local government, or his or her surviving spouse, to reinstate insurance if the retired public officer or employee did not have more than one period during which he or she was not covered under the Program on or after October 1, 2011, or on or after the date of his or her retirement, whichever is later. This bill also prohibits a public officer or employee who retired from a local governmental agency, or his or her surviving spouse, from reinstating health insurance under the Program if the Board of the Program has adopted regulations that exclude such persons from participation in the Program because they are eligible for health coverage from a health and welfare plan or trust that arose out of certain collective bargaining agreements or under certain federal laws.

Effective: October 1, 2011

Amends: [NRS 287.0205](#) & [NRS 287.0475](#)

Retiree Health Insurance

Reinstatement

[AB80](#) – This bill makes various changes to the Public Employees' Benefits Program, including prohibiting a public officer or employee who retired from a local governmental agency, or his or her surviving spouse, from reinstating health insurance under the Program if the Board has adopted regulations that exclude such persons from participation in the Program because they are eligible for health coverage from a health and welfare plan or trust that arose out of certain collective bargaining agreements or under certain federal laws.

Effective: Sections 4, 12 and 15 of this act effective July 1, 2011. Sections 1, 2, 3, 5 to 11, inclusive, 13 and 14 of this act effective October 1, 2011. Section 4.5 of this act effective on the date on which the provisions of the Patient Protection and Affordable Care Act, Public Law 111-148, cease to allow a grandfathered health plan to exclude claims for preexisting medical conditions.

Amends: New sections in [NRS 287](#) and numerous sections of [NRS 287](#)

Administration

AB365 –Existing law establishes the Public Employees’ Benefits Program and the Board of the Public Employees’ Benefits Program to administer the Program. This bill establishes a procedure to allow the Board to participate in the selection of certain vendors. This bill allows the Board to engage the services of an attorney who specializes in health plans and health care law. This bill revises the provisions of certain contracts entered into by the Board that the Commissioner of Insurance must approve.


This bill revises the provisions governing the authority for groups of 300 or more employees leaving the Program to secure insurance from another source. This bill authorizes the Executive Officer to observe the activities of a committee formed to evaluate contracts awarded on behalf of the Board.

Effective: July 1, 2011

Amends: New section in [NRS 287](#), numerous sections of [NRS 287](#), & [NRS 333.335](#)

[PEBP]

- AB553 – State employees Hired after 01/01/12 no longer entitled to retirement health subsidies
- AB556 – State subsidy administration technical changes
- AB562 – Sets current retiree subsidy
- AB563 – Sets State’s cost share



Subsidies for Retirees

New Employees

AB553 – Existing law provides for the payment of a subsidy to cover a portion of the cost of coverage under the Public Employees’ Benefits Program for certain retired officers and employees with state service. This bill provides that officers and employees initially hired on or after January 1, 2012, by the State are not eligible for a subsidy upon retirement. Such persons may participate in the Program, paying the entire cost of that coverage, until they are eligible for coverage under an individual medical plan offered by Medicare.

Effective: July 1, 2011

Amends: [NRS 287.046](#)

State Subsidy Administration

[AB556](#) – Under existing law, each state agency that participates in the Public Employees’ Benefits Program is required to pay to the Program a monthly assessment that is set by law each biennium for each state officer and employee who is employed by the agency on a permanent and full-time basis and who elects to participate in the Program. The subsidies paid by state agencies for coverage of their active officers and employees under the Program are currently deposited into the Fund for the Public Employees’ Benefits Program. This bill requires instead that those subsidies be deposited in the Active Employee Group Insurance Subsidy Account within the Agency Fund for the Payroll of the State. This Account is established in this bill. Money from this Account will be transferred to the Fund for the Public Employees’ Benefits Program periodically based on the actual cost of the subsidies for that period.

Effective: July 1, 2011

Amends: [NRS 287.0435](#) & [NRS 287.044](#)

State Subsidy for Retirees

[AB562](#) – Existing law provides for the payment of a subsidy to cover a portion of the cost of coverage under the Public Employees’ Benefits Program for certain retired officers and employees with state service. This bill specifies the subsidy for a retired person whose coverage is provided through the Program by an individual medical plan offered pursuant to the Health Insurance for the Aged Act, 42 U.S.C. §§ 1395 et seq., which is commonly known as Medicare.

Effective: July 1, 2011

Amends: [NRS 287.046](#)

State Subsidy

Cost Shares

[AB563](#) – This bill establishes the amount of the State’s share of the costs of premiums or contributions for group insurance for active state officers and employees who participate in the Public Employees’ Benefits Program.

Effective: July 1, 2011

Amends: Sets cost share

II. Public Employees' Retirement System

AB405 - PERS

- Requires Legislative Interim Retirement and Benefits Committee to study PERS



Legislative Findings and Declaration

Study

AB405 – This bill sets forth the Legislature’s findings and declaration concerning the nature of the Public Employees’ Retirement System and its mission. This bill: (1) directs the Interim Retirement and Benefits Committee of the Legislature to conduct a study of the retirement and disability benefits for public employees in this State; (2) sets forth the analyses which must be included within the study; (3) requires the Public Employees’ Retirement Board to provide staff assistance to the Committee; and (4) directs the Committee to submit a report of the results of the study to the Legislative Commission. This bill provides an appropriation of \$250,000 to pay the cost of the study required to be conducted by the Interim Retirement and Benefits Committee of the Legislature pursuant to this bill.

Effective: June 17, 2011

Amends: Creates study

SB436 – Judicial Retirement Administration

- This bill transfers the responsibility to deposit certain money for the purpose of paying pension benefits to justices of the Supreme Court or district judges from the State of Nevada to the Court Administrator. This bill clarifies that this expense is still a general fund obligation.



Judicial Retirement Administration

SB436 – This bill transfers the responsibility to deposit certain money for the purpose of paying pension benefits to justices of the Supreme Court or district judges from the State of Nevada to the Court Administrator. This bill clarifies that this expense is still a general fund obligation.

Effective: June 4, 2011

Amends: [NRS 1A.180](#)

Judicial Administration

I. Advisory Commission on the Administration of Justice

Sex Offender Civil Commitment

[AB181](#) – This bill revising the duties of the Advisory Commission on the Administration of Justice to include evaluation of the policies and practices relating to the involuntary civil commitment of sexually dangerous persons.

Effective: October 1, 2011

Amends: [NRS 176.0125](#)

II. Policies and Procedures

[[AB7 – Affidavits to Disqualify](#)]

- District court judges have five (5) judicial days to answer an affidavit to disqualify
- The previous statute gave judges two (2) calendar days to answer



District Judges

Affidavit to Disqualify

[AB7](#) – This bill extends the time by which an answer to an affidavit seeking disqualification of a judge is required to be filed from 2 days to 5 days after the affidavit is filed, and clarifies that the days are judicial days rather than calendar days.

Effective: March 30, 2011

Amends: [NRS 1.235](#)

AB156 – Process Servers

- Unlicensed persons or person who have received a cease and desist order cannot serve process
- Process served by such persons shall not be considered legally served
- New requirements for contents of proof of service



Process Servers

AB156 – Under existing law, a person who engages in the business of serving legal process within this State must be licensed. This bill prohibits a person from engaging in the business of a process server if the person is not licensed as a process server and has, because of certain violations of the provisions of chapter 648 of NRS, received a citation and order to cease and desist conduct. This bill requires a court to treat a proof of service filed in violation of this bill as legally insufficient and renders a judgment based upon such proof void. This bill requires that an order to cease and desist conduct issued to a business state that the order applies to any person acting in the name of the business. This bill requires that a proof of service of process filed with a court include certain information. This bill also allows a court to construe a proof of service of process that does not include such information as legally insufficient.

Effective May: 12, 2011

Amends: New section of [NRS 648](#), [NRS 648.165](#), [NRS 648.210](#), and new sections of [NRS 14](#)

AB194 – Interpreters for Persons with Hearing Disabilities

- Court must pay for interpreters for persons with hearing disabilities in civil proceedings



Interpreters for the Persons with Hearing Disabilities

AB194 - This bill amends state law to make it consistent with federal law by removing from state law an ambiguity that could have been construed to require persons with disabilities to pay for their own interpretive services in civil judicial proceedings.

Effective: May 18, 2011

Amends: [NRS 50.050](#)

AB196 – District Court Collections

- District court shall forward information necessary to collect fines/fees imposed in gross misdemeanor and felony cases to the county office designated to make collections
- Required information is: name, DOB, SSN, last know address, & amount and nature of money owed
- Courts (and other local gov'ts.) may enter into an agreement with the State Controller's Office for that Office to conduct collections on debts owed the court



District Court Collections

State Controller's Office Collections

Cooperative Agreements for Collections

AB196 – This bill revises authorizes a county treasurer to enter into a cooperative agreement with the Office of the State Controller for the purpose of assigning the responsibility of collecting fines, administrative assessments and fees from certain criminal defendants; it makes various changes relating to the collection of fines, administrative assessments and fees from certain criminal defendants (felony and gross misdemeanor); and it makes various changes relating to debt collection between this State and the Federal Government. Sections 7 and 11 of this bill require the district court to provide the county with certain information necessary to collect the fines and fees assessed against certain persons.

Effective: July 1, 2011

Amends: New sections in [NRS 176](#), new sections in [NRS 178](#), and new sections in [NRS 353](#)

AB250 – Law Enforcement Jury Service Exemption

- Police officer exemption from grand jury or jury service made permanent



Jury Exemptions

Law Enforcement Officers

AB250 – Under existing law, police officers are exempt from service as grand or trial jurors, but this provision is only effective through June 30, 2011. This bill repeals the prospective expiration of the exemption from jury service of any police officer.

Effective: July 1, 2011

Amends: [Statutes of Nevada 2007, Section 3 of Chapter 136, Page 417](#)

AB259 – Filing Fee Diversion

- Diverts \$10 of filing and answer AB65 fees to legal services in counties with a population over 100,000
- Rural courts retain discretion on AB65 money
- Diverts \$5 of \$50 NOD foreclosure mediation program fee to legal services



District Court Civil Filing Fees Fee Diversion Notice of Default Fees Legal Aid

AB259 – Existing law requires certain fees to be charged and collected in civil actions and provides that such fees must only be used for court staffing, capital costs, debt service, renovation, furniture, fixtures, equipment, technology and, in counties whose population is less than 100,000 (currently counties other than Clark and Washoe Counties), for court appointed special advocate programs. This bill authorizes such fees to also be used to support legal services for the indigent in counties whose population is less than 100,000. This bill also provides that, in counties whose population is 100,000 or more, (currently Clark and Washoe Counties) \$10 of each fee, collected on the commencement or transfer of any action in district court or upon the filing of any first paper by a defendant, must be submitted to a program for legal services for the operation of programs for the indigent. Existing law also requires certain fees to be charged and collected at the time of recording a notice of default and election to sell. This bill provides that \$5 of each fee, collected at the time of recording a notice of default and election to sell, must be submitted to a program for legal services for the operation of programs for the indigent.

Effective: July 1, 2011

Amends: [NRS 19.0302](#) & [NRS 107.080](#)

SB5 – Grand Juries

- Revises the process for selecting prospective grand jurors (selection becomes more manageable), increases the number of alternate grand jurors and requires the court, rather than the sheriff, to summon proposed grand jurors



Grand Jury Empanelment

SB5 – Existing law provides for the selection and summoning of grand jurors in any county having a population of 100,000 or more. This bill revises the process for selecting prospective grand jurors, increases the number of alternate grand jurors and requires the court, rather than the sheriff, to summon proposed grand jurors in any such county.

Effective: March 25, 2011

Amends: [NRS 6.110](#)

SB6 – Electronic Court Seal

- Authorizes the electronic reproduction of the seal of a court as another method by which the seal may be affixed to a court document
- Seal must be reproduced in accordance with certain local court rules and rules adopted by the Supreme Court.
- Provides that a seal which is electronically reproduced has the same legal effect as a seal that is impressed



Electronic Court Seal

SB6 – This bill authorizes the electronic reproduction of the seal of a court as another method by which the seal may be affixed to a court document, if the seal is reproduced in accordance with certain local court rules and rules adopted by the Supreme Court. This bill also provides that a seal which is electronically reproduced has the same legal effect as a seal that is impressed.

Effective: May 29, 2011

Amends: [NRS 1.190](#) & [NRS 10.175](#)

SB24- Signing of Writs of Execution

- Court clerks, under judicial supervision, can sign writs of execution and renew writs of execution.



Writs of Execution

Justice Court Clerks Signing

SB24 – This bill authorizes a justice of the peace or the clerk of the justice court, under the direction and supervision of a justice of the peace, to issue writs of execution in the justice court. This bill also revises the required information that such a writ of execution must contain. This bill provides that in addition to issuing writs of execution, a justice of the peace or the clerk of the justice court, under the direction and supervision of a justice of the peace, may also renew writs of execution.

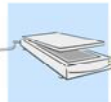
Effective; June 17, 2011

Amends: [NRS 70.010](#), [NRS 70.020](#), [NRS 70.030](#), & [NRS 70.050](#)

III. Records

AB195 – Electronic Record Retention

- District courts may retain records by an electronic method in addition to the existing microfilm requirement



Record Retention

Electronic Storage of Records

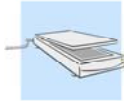
AB195 – This bill requires that, before a court record is destroyed by a clerk of the court, the clerk must place an image of the record on microfilm or save the image in an electronic recordkeeping system.

Effective: July 1, 2011

Amends: [NRS 239.110](#)

AB195 – Electronic Record Retention

- District courts may retain records by an electronic method in addition to the existing microfilm requirement



Court Reporters Making the Record Record Retention

AB249 – This bill provides that a business organization appointed to provide to a district court the services of a certified court reporter must be licensed by the Certified Court Reporters' Board of Nevada. This bill clarifies that an official reporter pro tempore of a district court is appointed rather than employed and, like the official reporter he or she replaces, does not have a fixed term of employment. This bill states that prima facie evidence of the testimony and proceedings in a district court is provided by the transcript and not the report of the official reporter. This bill makes various changes with respect to the compensation of the official reporter of a district court. This bill provides that, when sound recording equipment is used to record proceedings in a district court and a transcript is subsequently made: (1) the person who transcribes the recording shall subscribe to an oath that he or she has truly and correctly transcribed the proceedings as recorded; and (2) the person who operates the sound recording equipment shall subscribe to an oath that the sound recording is a true and accurate recording of the proceedings and, in the event of an error, malfunction or other problem relating to the sound recording equipment or the sound recording, report that error, malfunction or problem to the court. This bill also requires a copy of a sound recording, if requested, to be provided with a requested transcript. The cost for providing the recording must not exceed the actual cost of producing the recording and must be paid by the party who requests the recording. This bill states that, with regard to proceedings in a justice court, compensation for the preparation of a transcript is to be deposited with the certified court reporter and not with the deputy clerk of the court. This bill provides that: (1) the sound recording of each proceeding in justice court must be preserved until at least 1 year, instead of 30 days, after the time for filing an appeal expires; and (2) with respect to certain criminal proceedings in a justice court, sound recordings must be preserved for a period of at least 8 years.

Effective: May 29, 2011

Amends: [NRS 3.320 through NRS 3.380](#) & [NRS 4.410](#)

IV. Security

AB121 – Supreme Court Security

- Authorizes the Supreme Court to appoint and employ Supreme Court police officers
- Authorizes Supreme Court to hire security contractors
- Authorizes Capitol Police to accompany Justices off-site



Supreme Court Security

Supreme Court Police Officers

AB121 – This bill allows the Supreme Court to appoint category 1 peace officers as bailiffs and Supreme Court Police, it allows the Supreme Court to contract with security officers for certain purposes, and expands the duties of the capitol police with regard to the security of the Supreme Court.

Effective: July 1, 2011

Amends: [New section in NRS 2](#), [NRS 2.290](#), **new section in** [NRS 289](#), [NRS 289.470](#), [NRS 289.480](#), [NRS 331.140](#), & [NRS 333.710](#)

Capitol Police Classification (Cat. 1)

SB45 – This bill provide that all personnel assigned to a sworn position in any division of the Department of Public Safety have the powers of a peace officer, and are Category I peace officers. Section 3 removes parole and probation officers, the assistant and deputies of the State Fire Marshal and the personnel of the Capitol Police Division from the list of “category II” peace officers, thereby making such personnel “category I” peace officers with unrestricted duties.

Effective: May 30, 2011

Amends: [NRS 289.250](#), [NRS 289.270](#), [NRS 289.470](#), [NRS 289.480](#), [NRS 289.550](#), [NRS 289.800](#), [NRS 179.530](#), & [NRS 484A.205](#)

V. Structure

SB25 – Number of JPs in Clark Co.

- 1 JP for every 100,000 people in township with population under 1,100,000 until there are 4 existing JPs, 4 JPs = 1 new JP for 125,000 population over 300,000
- In township w/ population over 1,100,000 there is one JP for every 125,000
- Bill is not retroactive (does not abolish any judgeships) and applies only to Clark County

Number of JPs in Clark County

SB25 – Under existing law, there must be at least one elected justice of the peace in each justice court in a township of this State. In a county whose population is 400,000 or more (currently Clark County), one justice of the peace is required for each 100,000 population of the township, or fraction thereof. (NRS 4.020) This bill revises that requirement in such a county by providing that: (1) in a township whose population is less than 1,100,000, one justice of the peace is required for each 100,000 population of the township, or fraction thereof, until the township has four justices of the peace, and thereafter, one justice of the peace is required for each 125,000 population of the township, or fraction thereof, over a population of 300,000; and (2) in a township whose population is 1,100,000 or more, one justice of the peace is required for each 100,000 population of the township, or fraction thereof, up to a population of 1,100,000, and thereafter, one justice of the peace is required for each 125,000 population of the township, or fraction thereof, over a population of 1,100,000.

Effective: January 1, 2012

Amends: [NRS 4.020](#)

[SB94 – 10th Judicial District]

- Creates the 10th Judicial District out of Churchill County as of January 1, 2012
- Judge Huff is the Judge for the 10th JD, Judges Aberasturi and Rogers stay in the 3rd JD



New Judicial District Third Judicial District

SB94 – This bill would create a new 10th judicial district out of Churchill County with one judge who had previously served in the 3rd judicial district. *Amended to clarify where existing judgeships would go.*

Effective: January 1, 2012

Amends: New section in [NRS 3](#), [NRS 3.010](#), & [NRS 3.013](#)

Juvenile

Custody

Fire Arms

AB13 – This bill makes it discretionary rather than mandatory for a peace officer or probation officer to take a child into custody for an unlawful act involving the possession, use or threatened use of a firearm and it provides for the disposition of cases in which a child has been adjudicated delinquent for an unlawful act involving the killing or possession of animals in violation of [NRS 501.376](#).

Effective: March 1, 2012

Amends: [NRS 62C.060](#), New Section in [NRS 62E](#), & [NRS 502.118](#)

AB134- Life Sentences for Juveniles

- In compliance with *Graham v. Florida*, a juvenile cannot be sentenced to life without for a non-homicide crime



Juvenile Life Sentences

AB134 – This bill prohibits the imposition of a sentence of life imprisonment without the possibility of parole upon a juvenile offender convicted of a non-homicide crime.

Effective: March 30, 2011 and Retroactively

Amends: [NRS 176.025](#)

U.S. Supreme Court Case: [Graham v. Florida, 560 U.S. \(2010\)](#)

SB112 – Records in Juvenile Court

- Court may review records relating to the custody of a child or the involvement of a child with a welfare agency to help determine the best placement for the child



Records in Juvenile Court

SB112 – Existing law establishes the types of evidence that a juvenile court may receive during a proceeding. This bill allows the juvenile court to review certain records relating to the custody of a child or the involvement of a child with an agency which provides child welfare services when it has access to those records. This bill limits the use of such records by the juvenile court to assisting the court in determining the appropriate placement or plan of treatment for the child.

Effective: July 1, 2011

Amends: [NRS 62D.420](#)

Miscellaneous Government Administration

I. Local Government

District Attorneys: Office Hours and Duties

[AB45](#) – This bill requires all district attorneys to keep an office open on all days excluding Saturdays, Sundays and non-judicial days at the county seat during business hours but allows the board of county commissioners of a county whose population is 9,000 or less (currently Esmeralda, Eureka, Lander, Lincoln, Mineral, Pershing and Storey Counties) to issue an order that reduces the days and hours during which the office must be kept open. This bill requires each district attorney also to perform legal duties for the board of county commissioners, such as reviewing contracts, drafting ordinances, providing legal advice relating to federal, state and local law, and drawing legal papers on behalf of the board.

Effective: October 1, 2011

Amends: [NRS 244.235](#), [NRS 252.050](#), & [NRS 252.170](#)

Recording Fees

Legal Aid

[AB192](#) – Existing law requires a county recorder to charge and collect a fee of \$1 for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing other than an originally signed copy of a certificate of marriage. This bill authorizes a board of county commissioners to adopt by ordinance an additional fee of not more than \$3 for each such recording and provides that such fees must be used to provide legal services for abused and neglected children.

Effective: July 1, 2011

Amends: [NRS 247.110](#) & [NRS 247.305](#)

II. Open Meeting Law

[AB59](#) – This bill relates to the Open Meeting Law. It requires a public body to take certain actions if the Attorney General finds that the public body has violated the Open Meeting Law; it authorizes the Attorney General to issue subpoenas during investigations of such violations; it revises the definition of “public body” for the purposes of the Open Meeting Law to exclude proceedings of a public body that are judicial or quasi-judicial in nature; it requires a public body to include certain notifications on an agenda for a public meeting; and it makes members of a public body subject to a civil penalty for violations.

Effective: Sections 1 and 2 to 7, inclusive, and 8 of this act effective July 1, 2011. Section 1.5 of this act effective January 1, 2012.

Amends: New sections in [NRS 241](#), [NRS 241.015](#), [NRS 241.020](#), [NRS 241.033](#), & [NRS 241.040](#)

Public Comment

[AB257](#) – Open Meeting Law: This bill requires the public body, at a minimum, to provide periods devoted to public comment and discussion of any public comments as follows: (1) one period at the beginning of the meeting before any items on which action may be taken are heard by the public body and one period before the adjournment of the meeting; or (2) a period after each item on the agenda on which action may be taken is discussed by the public body, but before the public body takes action on the item.

Effective, July 1, 2011

Amends: [NRS 241.020](#)

III. State Government

Judicial Review

Public Utilities Commission

[AB17](#) – This bill removes the existing provisions of chapter [703 of NRS](#) that relate to the judicial review of decisions of the Public Utilities Commission of Nevada prevail over the general provisions of the Nevada Administrative Procedure Act and instead provides that the provisions of the Nevada Administrative Procedure Act do not apply to the judicial review of decisions of the Commission. Existing law also sets forth provisions relating to the procedure for the judicial review of decisions of the Commission. This bill revises various provisions relating to that procedure and: (1) requires a party seeking judicial review to exhaust all administrative remedies before the party is entitled to seek judicial review of a final decision of the Commission; (2) specifies certain periods in which certain documents must be filed with the court and served upon the parties involved in the judicial review; and (3) provides that a final decision of the Commission is deemed reasonable and lawful until reversed or set aside in whole or in part by the court.

Effective: June 2, 2011

Amends: [NRS 233B.039](#), [NRS 703.330](#), & [NRS 703.373](#)

Medicaid Fraud

Subpoena Power

[AB56](#) – Existing law establishes the Medicaid Fraud Control Unit within the Office of the Attorney General as the agency responsible for the investigation and prosecution of violations or offenses relating to the State Plan for Medicaid. This bill authorizes the Attorney General to take appropriate legal action to recover any reasonable costs or expenses that are incurred pursuant to an investigation or prosecution by the Unit. This bill further authorizes the Attorney General to retain a certain amount of the costs and expenses that are recovered, and requires the Attorney General to place any amount recovered in excess of that which the Attorney General is authorized to retain in the State General Fund for the State Plan for Medicaid. This bill authorizes the Attorney General, acting through the chief executive of the Medicaid Fraud Control Unit, to issue a subpoena to obtain certain documents, records or materials relevant to an investigation or prosecution by the Unit in a civil action to recover the reasonable costs or expenses incurred pursuant to the investigation or prosecution. Additionally, a person who willfully fails or refuses to comply with such a subpoena is guilty of a misdemeanor.

Effective: July 1, 2011

Amends: New Section in [NRS 228](#) & [NRS 228.410](#)

Attorney General

Substance Abuse Working Group

[AB61](#) – This bill creates a Substance Abuse Working Group within the Office of the Attorney General to study issues with respect to substance abuse generally in this State until June 30, 2015. This bill also provides that the Attorney General serves as the ex officio Chair of the Working Group and appoints the other nine members, who serve without compensation and are not entitled to per diem or travel expenses. This bill requires the Working Group to hold meetings at least every 3 months. This bill specifies issues for the Working Group to study and requires the Working Group to submit a report of its findings and recommendations to each regular session of the Legislature.

Effective: July 1, 2011, and Sunsets June 30, 2015

Amends: New Sections in [NRS 228](#)

Contracts with Current/Former State Employees

[AB240](#) – This bill revises the restrictions on contracts with or employment of former or current state employees by a state agency, it provides certain exceptions, it requires state agencies to report all contracts for services as part of the budget process, it requires that a contractor with a state agency be in active and good standing with the Secretary of State, and it requires certain reporting to the 77th Session of the Legislature.

Effective: July 1, 2011

Amends: [NRS 284.1729](#), [NRS 353.210](#), and new section in [NRS 391](#)

Gov't. Privatization Contracts

[AB330](#) – This bill declares privatization contracts to be public records, it requires governmental entities to submit certain information to the Chief of the Budget Division of the Department of Administration relating to the use of privatization contracts, and it requires state agencies and local governments to include certain information relating to privatization contracts in the tentative budget of the state agency or local government.

Effective: July 1, 2011

Amends: New section in [NRS 239](#), [NRS 239.001](#), [NRS 239.005](#), [NRS 244A.252](#), [NRS 244A.789](#), [NRS 268.442](#), [NRS 353.210](#), new section in [NRS 354](#), [NRS 354.474](#), [NRS 354.476](#), [NRS 354.626](#), [NRS 379.025](#), [NRS 450.650](#), [NRS 474.190](#), & [NRS 474.510](#)

Commission on Homeland Security

Audits

Plans

[AB549](#) – This bill increases the number of voting members on the Nevada Commission on Homeland Security; it revises provisions governing the confidentiality of vulnerability assessments and emergency response plans of utilities, public entities and private businesses in this State; and it clarifies that certain documents, records and other items of information may be inspected by and released to the Legislative Auditor when conducting a post-audit.

Effective: October 1, 2011

Amends: New section in [NRS 239C](#) and numerous sections of [NRS 239C](#)

Legislative Commission, Sunset Subcommittee

SB251 – This bill creates the Sunset Subcommittee of the Legislative Commission to evaluate certain governmental programs and services.

Effective: Section 15.5 effective June 16, 2011. Sections 1, 1.5 and 8 to 15, inclusive, effective July 1, 2011.

Amends: NRS 232A.020, new sections in NRS 232B, NRS 232B.010, & NRS 232B.080

IV. Water Rights

AB115 – This bill revises provisions governing the approval or rejection by the State Engineer an application to appropriate water for beneficial use.

Effective: July 1, 2011

Amends: NRS 533.360, NRS 533.365, NRS 533.370, NRS 533.3703, NRS 534.270, & NRS 538.171

AB410 – This bill requires that protests against the granting of certain applications relating to water rights by a government, governmental agency or political subdivision of a government be verified or signed by the person in charge of the government, agency or political subdivision.

Effective: July 1, 2011

Amends: NRS 533.365 & NRS 534.270

NRS

NRS Technical Corrections


[AB464](#) – This bill ratifies certain technical corrections made to sections of NRS, it corrects the effective dates of certain provisions, and it corrects and clarifies certain provisions and repealing certain provisions of Statutes of Nevada.

Effective: May 10, 2011

Amends: Technical amendments throughout [NRS](#)

AB545 – Omnibus Population Thresholds

- This bill raises the population basis for exercise of certain governmental powers.



Omnibus Population Threshold Bill

[AB545](#) – This bill is the omnibus population threshold bill to change the population basis for the exercise of certain powers by local governments. This bill is 294 pages long.

Effective: July 1, 2011

Amends: Numerous [NRS](#)

An index to the pertinent sections of the bill appears on [page 97](#) of this document.

Judicial Colleges

Technical Change

[SB499](#) – This bill repeals the provisions creating the Fund for the National Judicial College and the Fund for the National College of Juvenile and Family Law. It further requires any money remaining in either fund be returned to the State general fund. *Per the NJC and Juvenile College, this is an administrative measure and it will not impact their funding or operation.*

Effective: June 15, 2011

Amends: Repeals [NRS 1.470](#) and repeals [NRS 1.480](#)

Resources

Nevada Legislature (Legislative Counsel Bureau)

Northern NV: (775) 684-6800

Southern NV: (775) 486-2626

Bills and Online NRS

<http://www.leg.state.nv.us/>

Nevada Judiciary

Supreme Court, Administrative Office of the Courts

John McCormick

(775) 687-9813

e-mail: jmccormick@nvcourts.nv.gov

<http://www.nevadajudiciary.us/>

State of Nevada

<http://nv.gov/>

Office of Governor Bryan Sandoval

Northern NV: (775) 684-5670

Southern NV: (702) 486-2500

<http://nv.gov/govsandoval.aspx>

Office of Secretary of State Ross Miller

Northern NV: (775) 684-5708

Southern NV: 486-2440

Elections Division: (775) 684-5705

<http://sos.state.nv.us/index.aspx>

Office of Attorney General Catherine Cortez Masto

Northern NV: (775) 684-1100

Southern NV: (702) 486-3420

<http://ag.state.nv.us/>

Office of State Controller Kim Wallin

Northern NV: (775) 684-5750

Southern NV: (702) 786-3895

<http://controller.nv.gov/home.htm>

Public Employees' Retirement System

Northern NV: (775) 687-4200

Southern NV: (702) 486-3900

<http://www.nvpers.org/>

Public Employees' Benefit Plan

(775) 684-7000

<http://pebp.state.nv.us/>

Nevada Department of Business and Industry

Northern NV: (775) 684-2999

Southern NV: (702) 486-2750

<http://business.nv.gov/>

Nevada Department of Motor Vehicles (DMV)

Northern NV: 684-4DMV, (775) 684-4368

Southern NV: 486-4DMV, (702) 486-4368

Rural NV/Tool Free: 1-877-368-7828

<http://www.dmvnv.com/>

Nevada Association of Counties (NACO)

(775) 883-7863

Provides Links to NV County Individual Websites

<http://nvnaco.org/>

Nevada League of Cities and Municipalities

(775) 882-2121

Provides Links to NV City Individual Websites

<http://www.nvleague.org/>

Case Law:

U.S. Supreme Court: <http://www.oyez.org/>

LexisOne (free 50 State case law for last 10 years): <http://law.lexisnexis.com/webcenters/lexisone/>

NV Supreme Court Advance Opinions: <http://www.nevadajudiciary.us/index.php/advancedopinions>

NV Supreme Court Law Library

(775) 684-1640

<http://lawlibrary.nevadajudiciary.us/index.php>

Legal Aid:

Washoe Legal Services

(775) 329-2727

<http://www.washoelegalservices.org/>

Washoe Senior Law Project

(775) 328-2592

<http://www.washoecounty.us/seniorsrv/legal.htm>

Legal Aid Center of Southern Nevada

(702) 386-1070

<http://www.lacsn.org/>

City of Las Vegas Senior Citizen Law Project

(702) 229-6596

<http://www.lasvegasnevada.gov/Find/21380.htm>

Nevada Legal Services
(775) 883-0404
(800) 323-8666 (toll free)
<http://www.nlslaw.net/index.html>

Volunteer Attorneys for Rural Nevadans (VARN)
(775) 883-8278
(866) 448-8276 (toll free)
<http://www.varn.org/>

FIVE-DAY NOTICE TO PAY RENT OR QUIT

TO: _____
Tenant(s) Name(s):

FROM: _____
Landlord's Name

Address

Address

City, State Zip Code

City State Zip Code

Date of Service: _____

Manner of Service: Personal
 Substituted/Mailing
 Posting/Mailing

PLEASE TAKE NOTICE that you are in default in payment of rent for the above described premises in the sum of \$ _____ for the period commencing from _____ to _____. Rental payment(s) became delinquent on _____.

Your failure to pay rent, leave the premises, or contest this Notice within five (5) judicial days¹ may result in the landlord applying to the Justice of the Peace of the _____ Township for an Eviction Order.

If the Justice of the Peace determines that you are guilty of an unlawful detainer, the Justice of the Peace may thereupon issue a summary order to remove you from, or provide for your non-admittance to, the above described premises that directs the constable or sheriff of this county to remove you within 24 hours after receipt of the order.

The tenant is hereby advised of his right to contest this Notice by filing, with the Justice of the Peace of the _____ Township, an Affidavit stating that he is not in default in the payment of rent.

The tenant may also file an Affidavit requesting relief from the above referenced Justice of the Peace, pursuant to Nevada Revised Statute (NRS) 118A.390, if the landlord has unlawfully removed the tenant from the premises or has excluded the tenant by blocking, or attempting to block, the tenant's entry upon the premises; or if the landlord willfully interrupts or causes or permits the interruption of an essential service required by a the governing rental agreement or chapter 118A of NRS.

The Justice of the Peace is located at _____.
The Affidavit must be filed with the Court no later than noon on the fifth full judicial day following the date of service. The Affidavit may be accessed at the Nevada Supreme Court Self-Help Center at its website at <http://www.nevadajudiciary.us/>

DECLARATION OF SERVICE

On _____, I served this Notice in the following manner (*select one*):

By delivering a copy to the tenant(s) personally, in the presence of a witness (the server, witness, and tenant must all sign a copy of the notice);

(date) (type or print witness' name) (witness' signature)

Tenant's Signature

OR

Because the tenant(s) were absent from their place of residence or from their usual place of business, by leaving a copy with _____, a person of suitable age and discretion, at either place and mailing a copy to the tenant(s) at their place of residence or place of business;

OR

Because the place of residence or business could not be ascertained, or a person of suitable age or discretion could not be found there, by posting a copy in a conspicuous place on the property, delivering a copy to a person there residing, if the person could be found, and mailing a copy to the tenant(s) at the place where the property is situated.

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

(date) (type or print server's name) (server's signature)

¹ Judicial days do not include the date of service, weekends, or certain legal holidays.

AB545 – This bill is the omnibus population threshold bill to change the population basis for the exercise of certain powers by local governments. It does not include, or exclude, any county in a new requirement.

Population Changes

400,000 becomes 700,000
300,000 becomes 500,000
150, 000 becomes 220,000
100,000 becomes 150,000
50,000 becomes 55,000
47,000 becomes 52,000
40,000 becomes 45,000
10,000 becomes 15,000

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Pg. 37, Sec. 41, NRS 246.100: Marriages in Clark Co. filed w/ County Clerk

Pg. 37, Sec. 42, NRS 248.100: Sheriff to provide security in all district courts except Clark Co.

Pg. 37, Sec. 43, NRS 252.070: Deputy DA’s merit system Clark Co. only

Pg. 38, Sec. 45, NRS 258.010: Constable Statute, no change

Pg. 39, Sec. 46, NRS 260.040: Deputy PD’s merit system, Clark Co. only

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