

ASSEMBLY BILL NO. 485—ASSEMBLYMEN CHOWNING, OHRENSCHALL,
ANDERSON, BROWN, CARPENTER, CEGAVSKE, CLABORN,
DE BRAGA, GIBBONS, GOLDWATER, HUMKE, LESLIE, MANENDO,
MARVEL, MCCLAIN, MORTENSON, NOLAN, PARKS, PERKINS,
PRICE, SMITH AND TIFFANY

MARCH 19, 2001

Referred to Concurrent Committees on Judiciary
and Ways and Means

SUMMARY—Establishes office of private property ombudsman within department of
business and industry. (BDR 3-585)

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

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

AN ACT relating to property; establishing the office of private property ombudsman within
the department of business and industry; defining the powers and duties of the
office; and providing other matters properly relating thereto.

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

1 **Section 1.** Chapter 37 of NRS is hereby amended by adding thereto a
2 new section to read as follows:

3 *1. The office of private property ombudsman is hereby created within*
4 *the department. The director shall appoint the private property*
5 *ombudsman. The private property ombudsman is in the unclassified*
6 *service of the state and serves at the pleasure of the director.*

7 *2. The private property ombudsman must be an attorney who is*
8 *licensed to practice in this state and has knowledge of or experience in*
9 *takings law.*

10 *3. The private property ombudsman shall:*

11 *(a) Upon request by a person, provide information and advice to the*
12 *person concerning takings and takings law, including, without*
13 *limitation:*

14 *(1) The rights and responsibilities of the person relating to takings*
15 *and takings law; and*

16 *(2) Any appropriate action that may be taken by the person*
17 *concerning a claim for compensation for a taking or a proceeding to*



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1 *exercise the power of eminent domain conducted pursuant to this*
2 *chapter;*
3 *(b) Upon request by a state agency or any local government:*
4 *(1) Assist the state agency or local government in developing*
5 *guidelines relating to takings and takings law for use by the state agency*
6 *or local government in carrying out its duties; or*
7 *(2) Analyze any action proposed by the state agency or local*
8 *government to determine whether the proposed action may result in a*
9 *taking by the state agency or local government; and*
10 *(c) Perform any other duty assigned to him by the director.*
11 *4. The private property ombudsman may:*
12 *(a) If he becomes aware of any action or proposed action by a state*
13 *agency or local government of this state that may result in a taking by the*
14 *state agency or local government, notify the state agency or local*
15 *government of that fact;*
16 *(b) Provide information and advice to a person concerning the*
17 *manner in which the person may, pursuant to chapter 38 of NRS,*
18 *arbitrate or mediate a claim for compensation for a taking or a claim*
19 *brought in a proceeding to exercise the right of eminent domain*
20 *conducted pursuant to this chapter;*
21 *(c) Intervene in:*
22 *(1) Any civil action relating to a claim for compensation for a*
23 *taking; or*
24 *(2) Any proceeding to exercise the power of eminent domain*
25 *conducted pursuant to this chapter;*
26 *(d) Apply for and accept any gift, grant, appropriation or donation,*
27 *and use the gift, grant, appropriation or donation to carry out the*
28 *provisions of this section; and*
29 *(e) Perform any other act necessary to carry out the provisions of this*
30 *section.*
31 *5. As used in this section:*
32 *(a) "Department" means the department of business and industry.*
33 *(b) "Director" means the director of the department.*
34 *(c) "Taking" means any action by a government, governmental*
35 *agency or a political subdivision of a government for which*
36 *compensation must be paid pursuant to:*
37 *(1) The Fifth Amendment or section 1 of the Fourteenth*
38 *Amendment to the Constitution of the United States; or*
39 *(2) Subsection 6 of section 8 of article 1 of the constitution of the*
40 *State of Nevada.*
41 *(d) "Takings law" means a provision of a constitution specified in*
42 *paragraph (c) or any other law, regulation or judicial decision pursuant*
43 *to which a civil action may be brought to require a government,*
44 *governmental agency or political subdivision of a government to*
45 *compensate a person for a taking committed by the government,*
46 *governmental agency or political subdivision of the government.*
47 **Sec. 2.** This act becomes effective on July 1, 2001.

