

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

MARCH 21, 2011

Referred to Committee on Judiciary

SUMMARY—Provides immunity from civil liability to local governmental entities that engage in cooperative training exercises under certain circumstances. (BDR 3-1002)

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

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

AN ACT relating to civil actions; providing immunity from civil liability to local governmental entities that engage in cooperative training exercises under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 **Section 1** of this bill provides immunity from civil liability to a local
- 2 governmental entity and its officers, employees and volunteers who engage in a
- 3 cooperative training exercise with officers, employees and volunteers of another
- 4 local governmental entity or this State unless: (1) the officer, employee or volunteer
- 5 made a specific promise or representation to a person who relied upon the promise
- 6 or representation to the person's detriment; or (2) the conduct of the officer,
- 7 employee or volunteer affirmatively caused the harm.



* A B 3 9 6 *

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

Section 1. Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A local governmental entity is not liable for the negligent acts or omissions of its officers, employees or volunteers who are engaged in a cooperative training exercise with officers, employees or volunteers of another local governmental entity or this State, nor are the individual officers, employees or volunteers thereof, unless:

(a) The officer, employee or volunteer made a specific promise or representation to a natural person who relied upon the promise or representation to the person's detriment; or

(b) The conduct of the officer, employee or volunteer affirmatively caused the harm.

2. For the purposes of this section, "local governmental entity" means a county, an incorporated city, an unincorporated town, a township, a school district or any other public district or agency designed to perform local governmental functions.

Sec. 2. NRS 41.0307 is hereby amended to read as follows:
41.0307 As used in NRS 41.0305 to 41.039, inclusive **[H]**, **and section 1 of this act:**

1. "Employee" includes an employee of a:

(a) Part-time or full-time board, commission or similar body of the State or a political subdivision of the State which is created by law.

(b) Charter school.

(c) University school for profoundly gifted pupils described in chapter 392A of NRS.

2. "Employment" includes any services performed by an immune contractor.

3. "Immune contractor" means any natural person, professional corporation or professional association which:

(a) Is an independent contractor with the State pursuant to NRS 333.700; and

(b) Contracts to provide medical services for the Department of Corrections.

➔ As used in this subsection, "professional corporation" and "professional association" have the meanings ascribed to them in NRS 89.020.

4. "Public officer" or "officer" includes:

(a) A member of a part-time or full-time board, commission or similar body of the State or a political subdivision of the State which is created by law.



1 (b) A public defender and any deputy or assistant attorney of a
2 public defender or an attorney appointed to defend a person for a
3 limited duration with limited jurisdiction.

4 (c) A district attorney and any deputy or assistant district
5 attorney or an attorney appointed to prosecute a person for a limited
6 duration with limited jurisdiction.

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

