

Amendment No. 262

Assembly Amendment to Assembly Bill No. 420

(BDR 36-1033)

Proposed by: Assembly Committee on Government Affairs**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date
Adopted	☐	Lost	☐ _____	Adopted	☐	Lost	☐ _____
Concurred In	☐	Not	☐ _____	Concurred In	☐	Not	☐ _____
Receded	☐	Not	☐ _____	Receded	☐	Not	☐ _____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

MSM/BJE



Date: 4/24/2011

A.B. No. 420—Revises the rights of members of the Nevada National Guard.
(BDR 36-1033)



ASSEMBLY BILL NO. 420—ASSEMBLYMAN STEWART

MARCH 21, 2011

Referred to Committee on Government Affairs

SUMMARY—Revises the rights of members of the Nevada National Guard.
(BDR 36-1033)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for
Term of Imprisonment in County or City Jail or Detention
Facility.
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 the Nevada National Guard; providing for the confidentiality of personal information in certain documents recorded with a county recorder by a member of the Nevada National Guard; revising provisions governing the termination of employment of a member of the Nevada National Guard; prohibiting ~~the commencement of civil actions against~~ 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; postponing such an action or proceeding during certain periods; providing for a preference for certain employment with the government of this State for members of the Nevada National Guard; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the protection of personal information in recorded documents and for the access to such personal information by specified persons upon the death of the person whose personal information is at issue. (NRS 239B.030, 247.090) **Section 1** of this bill expressly provides for the confidentiality of personal information of a member of the Nevada National Guard contained in specified documents recorded with a county recorder, and allows access to that personal information by certain authorized persons.

Existing law prohibits the termination of the employment of a member of the Nevada National Guard and provides for the member's reinstatement after termination if the termination is because of certain active duty or service by the member. (NRS 412.139, 412.1395) **Sections 2 and 3** of this bill expand this prohibition against termination and this right of reinstatement to cover situations in which the termination of employment is because of the member's participation in required training, duty and meetings.

Existing law prohibits the arrest on civil process of a member of the Nevada National Guard while the member is at a location for military duty or traveling to or from that location. (NRS 412.154) **Section 4** of this bill : (1) prohibits the ~~commencement~~ **serving of a summons for, or notice of**, a civil action or **administrative** proceeding against ~~the~~ a member ~~while~~ **of the Nevada National Guard during any period in which** the member

assembles for training or participates in field training, active duty training or active service, or travels to or from that duty, service or training ~~is~~; and (2) stays (postpones) the civil action or administrative proceeding against the member during that same period.

Existing law provides a preference in hiring for certain public employment for veterans of the Armed Forces of the United States. (NRS 284.260) **Section 5** of this bill provides a similar preference for members of the Nevada National Guard.

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

Section 1. Chapter 412 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this subsection and NRS 239B.030 and 247.090, a county recorder shall ensure that any personal information of a member of the Nevada National Guard contained in any document which is related to the member's military service and is recorded, filed or otherwise submitted to the county recorder by or on behalf of the member is maintained in a confidential manner. The county recorder may disclose the personal information to any person designated in writing by the member or, upon the member's death, by a person authorized by subsection 2 of NRS 247.090 to inspect and copy the document containing the personal information.

2. As used in this section, "personal information" has the meaning ascribed to it in NRS 603A.040.

Sec. 2. NRS 412.139 is hereby amended to read as follows:

412.139 1. An employer may not terminate the employment of a member of the Nevada National Guard because the member ~~is~~:

(a) Assembles for training, participates in field training or active duty or otherwise meets as required pursuant to NRS 412.118; or

(b) Is ordered to active service or duty pursuant to NRS 412.122 or 412.124.

2. Any employer who violates subsection 1 is guilty of a misdemeanor.

3. In addition to any other remedy or penalty, the Labor Commissioner may impose against the employer an administrative penalty of not more than \$5,000 for each such violation.

Sec. 3. NRS 412.1395 is hereby amended to read as follows:

412.1395 If the employment of a member of the Nevada National Guard is found to have been terminated as a result of the member ~~being~~:

1. Assembling for training, participating in field training or active duty or otherwise meeting as required pursuant to NRS 412.118; or

2. Being ordered to active service or duty pursuant to NRS 412.122 or 412.124,

the member is entitled to be immediately reinstated to his or her position without loss of seniority or benefits, and to receive all wages and benefits lost as a result of the termination.

Sec. 4. NRS 412.154 is hereby amended to read as follows:

412.154 1. Members of the Nevada National Guard ordered into active service of the State pursuant to this chapter are not liable civilly or criminally for any act done by them in the performance of their duty. When an action or proceeding of any nature is commenced in any court by any person against any officer of the militia for any act done by the officer in his or her official capacity in the discharge of any duty pursuant to this chapter, or an alleged omission by the officer to do an act which it was his or her duty to perform, or against any person

1 acting pursuant to the authority or order of such an officer, or by virtue of any
2 warrant issued by the officer pursuant to law, the defendant:

3 (a) May have counsel of his or her own selection, with the cost of such counsel
4 to be borne by the defendant; or

5 (b) Must be defended by the Attorney General in civil actions and by the State
6 Judge Advocate in criminal actions, with the cost of such counsel to be paid out of
7 the Reserve for Statutory Contingency Account upon approval by the State Board
8 of Examiners unless the defendant was found to have been criminally negligent or
9 to have acted wantonly or maliciously, in which case the cost of such counsel must
10 be borne by the defendant,

11 and may require the person instituting or prosecuting the action or proceeding to
12 file security for the payment of costs that may be awarded to the defendant therein.

13 2. A defendant in whose favor a final judgment is rendered in an action or a
14 final order is made in a special proceeding shall recover his or her costs.

15 3. No member of the Nevada National Guard may be arrested on any civil
16 process while going to, remaining at, or returning from any place at which he or she
17 is required to attend for military duty.

18 4. ~~A person may not commence~~ serve a summons for, or notice of, a civil
19 action or administrative proceeding against a member of the Nevada National
20 Guard, and any such action or proceeding must be postponed, stayed or delayed,
21 during any period in which the member:

22 (a) Assembles for training, participates in field training or active duty
23 training, or otherwise meets as required pursuant to NRS 412.118;

24 (b) ~~Is ordered to~~ Begins active service or duty upon the ordered date of
25 reporting pursuant to NRS 412.122 or 412.124; or

26 (c) Is going to or returning from any duty, service or training specified in
27 paragraph (a) or (b).

28 Sec. 5. NRS 284.260 is hereby amended to read as follows:

29 284.260 1. In establishing the lists of eligible persons, certain preferences
30 must be allowed for ~~veterans~~ :

31 (a) Veterans not dishonorably discharged from the Armed Forces of the United
32 States. For veterans with disabilities, 10 points must be added to the passing grade
33 achieved on the examination. For ex-servicemen and women who have not suffered
34 disabilities, and for the widows and widowers of veterans, 5 points must be added
35 to the passing grade achieved on the examination.

36 (b) Members of the Nevada National Guard. For a member of the Nevada
37 National Guard who submits a letter of recommendation from the commanding
38 officer of the member's unit, 5 points must be added to the passing grade
39 achieved on the examination.

40 2. Any person qualifying for preference points pursuant to subsection 1 is
41 entitled to have the points applied to any open competitive examination in the
42 classified service, but only to one promotional examination.

43 3. For the purposes of this section, "veteran" has the meaning ascribed to
44 "eligible veteran" in 38 U.S.C. § 4211.

45 Sec. 6. This act becomes effective on July 1, 2011.