

ASSEMBLY BILL NO. 12—COMMITTEE  
ON COMMERCE AND LABOR

(ON BEHALF OF THE EMPLOYMENT SECURITY  
DIVISION OF THE DEPARTMENT OF  
EMPLOYMENT, TRAINING AND REHABILITATION)

PREFILED OCTOBER 30, 2024

Referred to Committee on Commerce and Labor

SUMMARY—Revises requirements for obtaining judicial review of a decision of the Board of Review concerning a claim for unemployment benefits. (BDR 53-309)

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 unemployment compensation; revising requirements for obtaining judicial review of a decision of the Board of Review concerning a claim for unemployment benefits; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law authorizes any party aggrieved by a decision of the Board of Review concerning a claim for unemployment benefits to obtain judicial review of the decision by commencing an action in the district court of the county where the employment which is the basis of the claim was performed. Existing law requires, within 45 days after the commencement of the action, a petition to be served upon the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation at a designated office of the Administrator, unless the Administrator is the appellant, or upon such person as the Administrator may designate. (NRS 612.530)

The Nevada Supreme Court has determined that the requirement that a petition be served within 45 days after the commencement of the action is mandatory and requires strict enforcement. (*Nokley v. Empl’t Sec. Div.*, No. 85045, 2023 WL 3441031, at \*\*1 (Nev. May 12, 2023)) **Section 1** of this bill codifies that determination into statute by specifically requiring strict compliance with that requirement and prohibiting its excusal by the court. Additionally, the Nevada Supreme Court has declined to address whether the requirement that a petition must be served within 45 days after the commencement of the action is a jurisdictional



18 requirement. (*Id.*) **Section 1** specifies that the requirement is jurisdictional by  
19 providing that the failure to comply with that requirement deprives the court of  
20 jurisdiction over the action.

21 **Section 2** of this bill clarifies that the amendatory provisions of this bill apply  
22 to a petition for judicial review that is filed on or after the effective date of this bill.

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

1 **Section 1.** NRS 612.530 is hereby amended to read as follows:  
2 612.530 1. Within 11 days after the decision of the Board of  
3 Review has become final, any party aggrieved thereby or the  
4 Administrator may secure judicial review thereof by commencing  
5 an action in the district court of the county where the employment  
6 which is the basis of the claim was performed for the review of the  
7 decision, in which action any other party to the proceedings before  
8 the Board of Review must be made a defendant.

9 2. In such action, a petition which need not be verified, but  
10 which must state the grounds upon which a review is sought, must,  
11 within 45 days after the commencement of the action, be served  
12 upon the Administrator at a designated office of the Administrator  
13 in Carson City, unless the Administrator is the appellant, or upon  
14 such person as the Administrator may designate, and such service  
15 shall be deemed completed service on all parties, but there must be  
16 left with the party so served as many copies of the petition as there  
17 are defendants, and the Administrator shall forthwith mail one such  
18 copy to each defendant.

19 3. *The requirement set forth in subsection 2 that a petition*  
20 *must be served upon the Administrator, or upon such person as*  
21 *the Administrator may designate, within 45 days after the*  
22 *commencement of the action must be strictly complied with and*  
23 *may not be excused by the court. Failure to comply with that*  
24 *requirement deprives the court of jurisdiction over the action.*

25 4. The Administrator shall file with the court an answer within  
26 45 days after being served with a petition pursuant to subsection 2  
27 or, if the Administrator is the appellant, the Administrator shall  
28 serve the petition upon each other party within 45 days after  
29 commencement of the action. With the Administrator's answer or  
30 petition, the Administrator shall certify and file with the court  
31 originals or true copies of all documents and papers and a transcript  
32 of all testimony taken in the matter, together with the Board of  
33 Review's findings of fact and decision therein. The Administrator  
34 may certify to the court questions of law involved in any decision.

35 ~~4.~~ 5. In any judicial proceedings under this section, the  
36 finding of the Board of Review as to the facts, if supported by



1 evidence and in the absence of fraud, is conclusive, and the  
2 jurisdiction of the court is confined to questions of law.

3 ~~§ 6.~~ **6.** Such actions, and the questions so certified, must be  
4 heard in a summary manner and must be given precedence over all  
5 other civil cases except cases arising under chapters 616A to 616D,  
6 inclusive, or chapter 617 of NRS.

7 ~~§ 7.~~ **7.** An appeal may be taken from the decision of the district  
8 court to the appellate court of competent jurisdiction pursuant to the  
9 rules fixed by the Supreme Court of Nevada pursuant to Section 4 of  
10 Article 6 of the Nevada Constitution in the same manner, but not  
11 inconsistent with the provisions of this chapter, as is provided in  
12 civil cases.

13 ~~§ 8.~~ **8.** It is not necessary, in any judicial proceeding under this  
14 section, to enter exceptions to the rulings of the Board of Review,  
15 and no bond may be required for entering the appeal.

16 ~~§ 9.~~ **9.** Upon the final determination of the judicial proceeding,  
17 the Board of Review shall enter an order in accordance with the  
18 determination.

19 ~~§ 10.~~ **10.** A petition for judicial review does not act as a  
20 supersedeas or stay unless the Board of Review so orders.

21 **Sec. 2.** The amendatory provisions of this act apply to a  
22 petition for judicial review that is filed on or after the effective date  
23 of this act.

24 **Sec. 3.** This act becomes effective upon passage and approval.



