

ASSEMBLY BILL NO. 602—COMMITTEE ON WAYS AND MEANS

(ON BEHALF OF OFFICE OF THE ATTORNEY GENERAL)

MARCH 26, 2001

Referred to Committee on Ways and Means

SUMMARY—Makes various changes to provisions governing powers and duties of attorney general. (BDR 18-488)

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 the attorney general; removing the employees of the office of the attorney general from the classified and unclassified service of the state; requiring the attorney general to adopt certain rules and policies and determine the salaries and benefits of the employees of the office of the attorney general; authorizing the attorney general to transfer money between budget accounts without the approval of the interim finance committee; revising the circumstances under which the attorney general may enter into certain contracts; 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 228 of NRS is hereby amended by adding thereto
2 the provisions set forth as sections 2 and 3 of this act.
3 **Sec. 2. 1. *The attorney general may, within the limits of available***
4 ***money, employ such persons as he deems necessary to provide an***
5 ***appropriate staff for the office of the attorney general and to carry out***
6 ***the duties of the attorney general.***
7 **2. *A person employed pursuant to this section:***
8 ***(a) Is not in the classified or unclassified service of the state; and***
9 ***(b) Serves at the pleasure of the attorney general.***
10 **3. *The attorney general shall:***
11 ***(a) Determine the salaries and benefits of the persons employed***
12 ***pursuant to this section, within limits of money available for that***
13 ***purpose; and***



1 **(b) Adopt such rules and policies as he deems appropriate to establish**
2 **the duties and employment rights of the persons employed pursuant to**
3 **this section.**

4 **Sec. 3. Notwithstanding the provisions of any other specific statute**
5 **to the contrary, the attorney general may:**

6 **1. Transfer not more than \$25,000 between the budget accounts of**
7 **the office of the attorney general without first obtaining the approval of**
8 **the interim finance committee.**

9 **2. Contract for goods and services whose estimated value is not more**
10 **than \$10,000 if notice of the contract is first provided to the state board**
11 **of examiners.**

12 **3. Contract for goods and services whose estimated value is greater**
13 **than \$10,000 but not more than \$25,000 if written approval for the**
14 **contract is first obtained from the chief of the budget division of the**
15 **department of administration.**

16 **Sec. 4. NRS 228.092 is hereby amended to read as follows:**

17 228.092 **1. The attorney general may appoint and employ an**
18 **administrative assistant.**

19 **2. The administrative assistant:**

20 **(a) Is not in the classified or unclassified service of this state.**

21 **(b) Is entitled to receive a salary determined pursuant to section 2 of**
22 **this act.**

23 **(c) Serves at the pleasure of the attorney general.**

24 **Sec. 5. NRS 228.320 is hereby amended to read as follows:**

25 228.320 **1. The attorney general shall appoint the consumer's**
26 **advocate for a term of 4 years. The consumer's advocate ~~is~~:**

27 **(a) Is not in the classified or unclassified service of the state.**

28 **(b) Is entitled to receive a salary determined pursuant to section 2 of**
29 **this act.**

30 **2. The person appointed:**

31 **(a) Must be knowledgeable in the various areas of the regulation of**
32 **public utilities;**

33 **(b) Must be independent of and have no pecuniary interest in any utility**
34 **or industry regulated by the public utilities commission of Nevada;**

35 **(c) ~~Except as otherwise provided in NRS 284.143, shall~~ Shall** devote
36 **all of his time to the business of his office and shall not pursue any other**
37 **business or vocation or hold any other office of profit; and**

38 **(d) Must not be a member of any political convention or a member of**
39 **any committee of any political party.**

40 ~~12-1~~ **3. The attorney general may remove the consumer's advocate**
41 **from office for inefficiency, neglect of duty or malfeasance in office.**

42 **Sec. 6. NRS 228.440 is hereby amended to read as follows:**

43 228.440 **1. The office of ombudsman for victims of domestic**
44 **violence is hereby created within the office of the attorney general.**

45 **2. The attorney general shall appoint a person to serve in the position**
46 **of ombudsman for a term of 4 years. The person so appointed:**

47 **(a) Must be knowledgeable about the legal and societal aspects of**
48 **domestic violence;**



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1 (b) Is *not* in the *classified or* unclassified service of the state; ~~and~~
2 (c) *Is entitled to receive a salary determined pursuant to section 2 of*
3 *this act; and*

4 (d) Is not required to be an attorney.

5 3. The attorney general may remove the ombudsman from office for
6 inefficiency, neglect of duty or malfeasance in office.

7 **Sec. 7.** NRS 232.080 is hereby amended to read as follows:

8 232.080 The attorney general is the counsel and attorney for the
9 department. The attorney general shall designate one of his deputies to be
10 counsel and attorney for the department in all actions, proceedings and
11 hearings. The deputy so designated:

12 1. Is the legal adviser of the department in all matters relating to the
13 department and to the powers and duties of its officers.

14 2. Shall maintain his office in Carson City, Nevada, in an office
15 provided by the department.

16 3. Is *not* in the *classified or* unclassified service of the state . ~~pursuant~~
17 ~~to subsection 5 of NRS 284.140.~~

18 4. *Is entitled to receive a salary determined pursuant to section 2 of*
19 *this act.*

20 5. *Serves at the pleasure of the attorney general.*

21 **Sec. 8.** NRS 284.140 is hereby amended to read as follows:

22 284.140 ~~The~~ *Except as otherwise provided in NRS 223.085 and*
23 *223.570, and section 2 of this act, the* unclassified service of the state
24 consists of positions held by state officers or employees in the executive
25 department of the state government as follows:

26 1. Persons chosen by election or appointment to fill an elective office.

27 2. Members of boards and commissions, and heads of departments,
28 agencies and institutions required by law to be appointed.

29 3. At the discretion of the elective officer or head of each department,
30 agency or institution, one deputy and one chief assistant in each
31 department, agency or institution.

32 4. ~~Except as otherwise provided in NRS 223.085 and 223.570, all~~ *All*
33 persons required by law to be appointed by the governor or heads of
34 departments or agencies appointed by the governor or by boards.

35 5. All employees other than clerical in the office of ~~the attorney~~
36 ~~general and~~ the state public defender *who are* required by law to be
37 appointed by ~~the attorney general or~~ the state public defender.

38 6. Except as otherwise provided by the board of regents of the
39 University of Nevada pursuant to NRS 396.251, officers and members of
40 the teaching staff and the staffs of the agricultural extension department
41 and experiment station of the University and Community College System
42 of Nevada, or any other state institution of learning, and student employees
43 of these institutions. Custodial, clerical or maintenance employees of these
44 institutions are in the classified service. The board of regents of the
45 University of Nevada shall assist the director in carrying out the provisions
46 of this chapter applicable to the University and Community College
47 System of Nevada.

48 7. Officers and members of the Nevada National Guard.



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1 8. Persons engaged in public work for the state but employed by
2 contractors when the performance of the contract is authorized by the
3 legislature or another competent authority.

4 9. Patient and inmate help in state charitable, penal, mental and
5 correctional institutions.

6 10. Part-time professional personnel who are paid for any form of
7 medical, nursing or other professional service and who are not engaged in
8 the performance of administrative or substantially recurring duties.

9 11. All other officers and employees authorized by law to be employed
10 in the unclassified service.

11 **Sec. 9.** NRS 284.150 is hereby amended to read as follows:

12 284.150 1. ~~The~~ *Except as otherwise provided by specific statute,*
13 *the* classified service of the State of Nevada is comprised of all positions in
14 the public service now existing or hereafter created which are not included
15 in the unclassified service, and which provide services for any office,
16 department, board, commission, bureau, agency or institution in the
17 executive department of the state government operating by authority of the
18 constitution or law and supported in whole or in part by any public money,
19 whether the money is received from the Government of the United States
20 or any branch or agency thereof, or from private or any other sources.

21 2. Appointments in the classified service must be made according to
22 merit and fitness from eligible lists prepared upon the basis of examination,
23 which must be open and competitive, except as otherwise provided in this
24 chapter.

25 3. Except as otherwise provided in NRS 193.105 and 416.070, a
26 person must not be appointed, transferred, promoted, demoted or
27 discharged as an officer, clerk, employee or laborer in the classified service
28 in any manner or by any means other than those prescribed in this chapter
29 and the regulations adopted in accordance therewith.

30 4. A person must not be discriminated against on account of his
31 religious opinions or affiliations, race, sex, age or disability.

32 **Sec. 10.** NRS 408.172 is hereby amended to read as follows:

33 408.172 1. Subject to the approval of the board, the attorney general
34 shall, immediately upon request by the board, appoint an attorney at law as
35 the chief counsel of the department, and such assistant attorneys as are
36 necessary. Attorneys so appointed are deputy attorneys general.

37 2. The chief counsel shall act as the attorney and legal adviser of the
38 department in all actions, proceedings, hearings and all matters relating to
39 the department and to the powers and duties of its officers.

40 3. Under the direction of or in the absence of the chief counsel, the
41 assistant attorneys may perform any duty required or permitted by law to
42 be performed by the chief counsel.

43 4. The chief counsel and assistant attorneys ~~are~~ :

44 *(a) Are not* in the *classified or* unclassified service of the state.

45 *(b) Are entitled to receive salaries determined pursuant to section 2 of*
46 *this act.*

47 *(c) Serve at the pleasure of the attorney general.*



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1 5. All contracts, instruments and documents executed by the
2 department must be first approved and endorsed as to legality and form by
3 the chief counsel.

4 **Sec. 11.** NRS 432.157 is hereby amended to read as follows:

5 432.157 1. The office of advocate for missing or exploited children
6 is hereby created within the office of the attorney general. The advocate for
7 missing or exploited children may be known as the children's advocate.

8 2. The attorney general shall appoint the children's advocate. The
9 children's advocate ~~is~~:

10 (a) *Is not* in the *classified or* unclassified service of the state.

11 (b) *Is entitled to receive a salary determined pursuant to section 2 of*
12 *this act.*

13 (c) *Serves at the pleasure of the attorney general.*

14 3. The children's advocate:

15 (a) Must be an attorney licensed to practice law in this state;

16 (b) Shall advise and represent the clearinghouse on all matters
17 concerning missing or exploited children in this state; and

18 (c) Shall advocate the best interests of missing or exploited children
19 before any public or private body.

20 4. The children's advocate may:

21 (a) Appear as an amicus curiae on behalf of missing or exploited
22 children in any court in this state;

23 (b) If requested, advise a political subdivision of this state concerning
24 its duty to protect missing or exploited children; and

25 (c) Recommend legislation concerning missing or exploited children.

26 5. Upon request by the children's advocate, a district attorney or local
27 law enforcement agency in this state shall provide all information and
28 assistance necessary to assist the children's advocate in carrying out the
29 provisions of this section.

30 **Sec. 12.** NRS 432.170 is hereby amended to read as follows:

31 432.170 1. The attorney general shall:

32 (a) Establish a program to coordinate activities and information in this
33 state concerning missing or exploited children; and

34 (b) Appoint a director to administer the provisions of the program.

35 2. The director ~~is~~:

36 (a) *Is not* in the *classified or* unclassified service of the state.

37 (b) *Is entitled to receive a salary determined pursuant to section 2 of*
38 *this act.*

39 (c) *Serves at the pleasure of the attorney general.*

40 3. To assist the director in carrying out the provisions of NRS 432.150
41 to 432.220, inclusive, the attorney general may appoint such assistants or
42 investigators as deemed necessary by the attorney general.

43 ~~3-4~~ 4. The director may:

44 (a) Assist any public or private school in establishing a program of
45 information about missing or exploited children by providing, free of
46 charge, materials, publications and instructional aids relating to:

47 (1) Offenses under federal and state law regarding missing or
48 exploited children and the abuse or neglect of children.



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- 1 (2) Governmental and private agencies and programs for locating and
2 identifying missing or exploited children, preventing the abduction or
3 disappearance of children and preventing the abuse or neglect of children.
4 (3) Methods of preventing the abduction or disappearance of
5 children.
6 (4) Techniques for the investigation of cases involving missing or
7 exploited children.
8 (5) Any other issue involving missing or exploited children.
9 (b) Develop and maintain a system of information concerning missing
10 or exploited children, including information concerning public or private
11 resources which may be available to such children and their families.
12 (c) Accept gifts or donations on behalf of the clearinghouse which must
13 be accounted for separately and used by the director in carrying out the
14 provisions of NRS 432.150 to 432.220, inclusive.
15 (d) Enter into agreements with regional and national organizations for
16 assistance and exchange of information concerning missing or exploited
17 children.
18 (e) Assist in the investigation of children who are reported missing in
19 this state or who are reported abducted or taken from this state.
20 ~~14~~ 5. The director may provide the materials, publications and
21 instructional aids identified in paragraph (a) of subsection ~~13~~ 4 to any
22 other person or governmental agency for a reasonable fee not to exceed the
23 cost of preparing the materials.
24 ~~15~~ 6. The director shall, upon request, provide records regarding a
25 missing child to the state disaster identification team of the division of
26 emergency management of the department of motor vehicles and public
27 safety.
28 **Sec. 13.** This act becomes effective on July 1, 2001.

