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NRS 598A.240 Judgments and decrees as prima facie evidence. Any final judgment or decree, other than a stipulation or consent decree approved by a district court before any testimony has been taken, rendered in any action or proceeding brought by the attorney general or any district attorney with the permission or at the direction of the attorney general, shall be prima facie evidence in any action brought under this chapter as to all matters with respect to which the judgment or decree would be an estoppel between the parties to the suit.

(Added to NRS by 1975, 950)

NRS 598A.250 Remedies cumulative. The remedies afforded by this chapter are cumulative.

(Added to NRS by 1975, 951)

NRS 598A.260 Deposit of money obtained by attorney general as awards, damages or penalties; attorney general's special fund.

1. All money obtained as awards, damages or civil penalties for the State of Nevada and its agencies by the attorney general as a result of enforcement of statutes

pertaining to unfair trade practices, whether by final judgment, settlement or otherwise must be deposited in the state treasury as follows:

(a) All attorney's fees and costs and 50 percent of all recoveries for credit to the attorney general's special fund.

(b) The balance of the recoveries for credit to the state general fund.

2. Money deposited in the state treasury for credit to the attorney general's special fund pursuant to subsection 1 must be used for payment of the expenses of enforcing the statutes pertaining to unfair trade practices. Those expenses which are in excess of the amount available in the fund must be paid out of the legislative appropriation for the support of the office of attorney general.

3. On June 30 of each fiscal year, any amount in excess of \$200,000 in the attorney general's special fund of the money collected pursuant to subsection 1 reverts to the state general fund.

4. The balance of the money in the attorney general's special fund that is collected pursuant to subsection 1 must not exceed \$250,000. If money deposited in the state treasury for credit to the attorney general's special fund pursuant to subsection 1 would cause that balance to exceed \$250,000 if credited to the fund, the amount of the deposit which would cause the balance to exceed \$250,000 immediately reverts to the state general fund.

(Added to NRS by 1975, 951; A 1979, 119; 1999, 946)

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Consumer Protection ⇌ 32 to 33.

WESTLAW Topic No. 92H.

C.J.S. Consumer Protection §§ 95 to 96, 98 to 99, 104.

C.J.S. Trade-Marks, Trade-Names, and Unfair Competition §§ 237 to 238.

NRS 598A.280 Criminal penalty. A person who conspires to, or does, violate any of the provisions of this chapter is guilty of a category D felony and shall be punished as provided in NRS 193.130

(Added to NRS by 1975, 950; A 1995, 1307)

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Monopolies ⇌ 30, 31(3).

EXHIBIT E Committee on Commerce/Labor

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March 10, 2003

Assemblyman Marcus Conklin
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URGENT
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RE: AB 232
Assembly Commerce and Labor
Hearing Scheduled for March 10, 2003

Dear Assemblyman Conklin:

While I had every intention of joining you this afternoon and attending the hearing on AB 232, please accept my apologies as I am in the middle of addressing a serious internal matter that requires my presence at the Office. In my absence, however, I offer the following comments:

As the Attorney General of the State of Nevada I urge the Nevada Legislature to pass meaningful legislation to protect the citizens of this State from disruptive, unwanted telephone solicitations.

It happens to all of us -- annoying phone calls on the weekends, at dinner time during the week, and often as we are trying to unwind from a busy day. The phone rings and is answered only for us to hear that silent pause created by the automatic dialing device used to initiate the call. The telemarketer, without stopping to take a breath and refusing to acknowledge any interruption, immediately begins rattling off the latest sales pitch. Many of us consider these unsolicited sales calls a nuisance and an invasion of privacy.

I believe consumer pleas to end irritating sales calls must be answered by the passage of "do not call" legislation in Nevada that:

- Provides consumers with a choice to accept or avoid phone solicitations;
- Promotes the creation and use of a published registry;
- Protects consumers against unwelcomed sales calls by penalizing telemarketers who initiate unwanted solicitations; and
- Prescribes adequate funding to ensure enforcement efforts have the teeth required to deter unauthorized solicitations.

AB 232 is certainly a positive step towards putting Nevada on the map with many other states that have already enacted "do not call" legislation. I support the concept of this bill, and specifically support those provisions that:

- Strengthen the penalties for deceptive trade practices under this law (Sec. 1, sub 6);
- Allow phone solicitations to those consumers who expressly request or give permission to receive such calls (Sec. 6, sub 3);
- Provide free and easy registration for consumers who wish to be placed on the "do not call" list (Sec. 7); and
- Require telemarketers who conduct business in Nevada to be subject to the current version of the "do not call" registry (Sec. 11, sub 1).

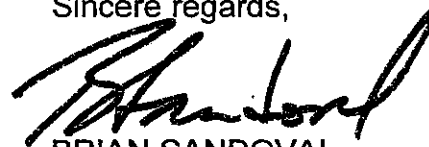
I also point out that subsection 1 of Section 6 exempts solicitations from tax exempt charitable organizations, and solicitations from political parties or candidates. While I understand the importance of protecting political speech, I would prefer Nevada's legislation, like in other states, not include such an exemption.

Also, it should be noted that although the Attorney General's Office did not participate in the drafting AB 232, it has been tasked with several duties including: creating and maintaining the registry; collecting the applicable fees; maintaining all records; drafting regulations; investigating complaints; issuing notices of violation; holding administrative hearings and pursuing litigation. I respectfully request that the Committee consider reassigning some of these functions to other agencies, and redefine the Attorney General's role to focus on the investigation and enforcement of violations.

Assemblyman Conklin
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Again, I believe AB 232 helps move Nevada towards important telemarketing regulation serving to protect the citizens of this State. I commend Assembly Conklin for his sponsorship of this bill and I appreciate the opportunity to offer my remarks to the Committee.

Sincere regards,



BRIAN SANDOVAL
Attorney General

cc via fax: Assemblyman David Goldwater
Chairman – Assembly Commerce and Labor, Office #4115
Assemblywoman Barbara Buckley
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