

ASSEMBLY BILL NO. 92—ASSEMBLYMAN KOENIG

PREFILED JANUARY 30, 2023

Referred to Committee on Government Affairs

SUMMARY—Authorizes a board of county commissioners to create the office of county counsel. (BDR 20-619)

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 counties; authorizing a board of county commissioners to create by ordinance the office of county counsel; providing for the appointment of a county counsel; establishing the qualifications of a county counsel; authorizing a county counsel to appoint deputies and certain other staff; setting forth the powers and duties of a county counsel; revising the responsibilities of the district attorney when the office of county counsel is created; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the election, qualifications and duties of a district attorney for each county in this State. (Chapter 252 of NRS) **Section 5** of this bill authorizes a board of county commissioners to create the office of county counsel to perform many of the noncriminal duties otherwise assigned to the district attorney. **Section 5** requires the board of county commissioners in a county where the office of county counsel is created to interview candidates and appoint a county counsel. **Section 5** also sets forth the qualifications for appointment as county counsel, which are similar to the qualifications required for a candidate for the office of district attorney.

Existing law requires the district attorney of a county to perform certain legal duties for the county, including, among others: (1) providing legal opinions to the board of county commissioners and certain county, township and district officers; (2) attending meetings of the board of county commissioners; (3) reviewing all contracts under consideration by the board; (4) drafting ordinances and amendments thereto; (5) providing certain legal advice; and (6) drawing all legal papers on behalf of the board. (NRS 244.235, 252.160, 252.170) **Section 5** requires a board of county commissioners that has created the office of county counsel to require the county counsel to perform such duties. **Section 5** also requires the board



of county commissioners to require the county counsel to represent the county in certain civil matters relating to the abuse or neglect of a child.

Section 6 of this bill authorizes the county counsel of a county to appoint deputies and other clerical, investigational and operational staff.

Sections 13, 37, 60 and 61 of this bill require that each county counsel be provided certain state publications.

Existing law requires the Attorney General, when requested, to give his or her opinion in writing upon any question of law to certain state and local officers, including, among others, to any district attorney, upon any question of law relating to their respective offices. (NRS 228.150) **Section 38** of this bill includes a county counsel among the officers to whom the Attorney General is required to give such a written opinion.

Sections 1, 14, 16, 18, 26, 28, 30, 33, 35, 42, 47, 53, 63, 66, 70, 76, 78, 80, 82, 84, 89, 91, 94, 102, 104, 107, 109, 112, 113, 115, 116, 118, 122, 124, 129 and 134 of this bill revise the definition of "district attorney" in various provisions of existing law which authorize or require a district attorney to perform certain duties or bring certain civil actions, for the purpose of authorizing or requiring, as applicable, a county counsel to perform such duties or bring such actions. **Sections 2, 3, 20-25, 43, 44, 49, 55-58, 64, 65, 72-75, 93, 96-100, 120, 136 and 137** of this bill revise certain provisions of existing law to conform to this revised definition of "district attorney" for the purpose of prohibiting county counsel from conducting criminal prosecutions or bringing certain civil actions relating to an obligation for the support of a child.

Sections 8, 10-12, 17, 32, 39-41, 45, 46, 50-52, 59, 62, 68, 69, 83, 86-88, 101-103, 106, 110, 111, 114, 121, 126, 127, 131-133 and 138-142 of this bill similarly authorize or require, as applicable, a county counsel to perform certain additional duties and bring certain additional civil actions.

Sections 7, 9, 15, 19, 27, 29, 31, 34, 36, 48, 54, 67, 71, 77, 79, 81, 85, 90, 92, 95, 105, 108, 113, 117, 119, 123, 125, 128, 130 and 135 of this bill make conforming changes as a result of the authorization to create the office of county counsel in **section 5**.

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

Section 1. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

As used in this chapter, unless the context otherwise requires, "district attorney" means the district attorney of a county or, in a county which has created the office of county counsel pursuant to section 5 of this act, the county counsel.

Sec. 2. NRS 244.33506 is hereby amended to read as follows:
244.33506 1. If a board of county commissioners requires a person to obtain a license, permit or certificate to practice a profession or occupation pursuant to NRS 244.334 or 244.335, an applicant for the issuance or renewal of such a license, certificate or permit shall submit to the board of county commissioners the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant



1 to NRS 425.520. The statement must be completed and signed by
2 the applicant.

3 2. The board of county commissioners shall include the
4 statement required pursuant to subsection 1 in:

5 (a) The application or any other forms that must be submitted
6 for the issuance or renewal of the license, certificate or permit; or

7 (b) A separate form prescribed by the board of county
8 commissioners.

9 3. A license, certificate or permit may not be issued or renewed
10 by a board of county commissioners pursuant to NRS 244.334 or
11 244.335 if the applicant:

12 (a) Fails to submit the statement required pursuant to subsection
13 1; or

14 (b) Indicates on the statement submitted pursuant to subsection
15 1 that the applicant is subject to a court order for the support of a
16 child and is not in compliance with the order or a plan approved by
17 the district attorney or other public agency enforcing the order for
18 the repayment of the amount owed pursuant to the order.

19 4. If an applicant indicates on the statement submitted pursuant
20 to subsection 1 that the applicant is subject to a court order for the
21 support of a child and is not in compliance with the order or a plan
22 approved by the district attorney or other public agency enforcing
23 the order for the repayment of the amount owed pursuant to the
24 order, the board of county commissioners shall advise the applicant
25 to contact the district attorney or other public agency enforcing the
26 order to determine the actions that the applicant may take to satisfy
27 the arrearage.

28 5. As used in this section ~~["license.":~~

29 (a) *"District attorney" does not include a county counsel.*

30 (b) *"License,* permit or certificate to practice a profession or
31 occupation" does not include a general business license issued by a
32 board of county commissioners.

33 **Sec. 3.** NRS 244.33508 is hereby amended to read as follows:

34 244.33508 1. If a board of county commissioners receives a
35 copy of a court order issued pursuant to NRS 425.540 that provides
36 for the suspension of all professional, occupational and recreational
37 licenses, certificates and permits issued to a person who is the
38 holder of a license, certificate or permit to practice a profession or
39 occupation in that county, the board of county commissioners shall
40 deem the license, certificate or permit issued to that person to be
41 suspended at the end of the 30th day after the date on which the
42 court order was issued unless the board of county commissioners
43 receives a letter issued to the holder of the license, certificate or
44 permit by the district attorney or other public agency pursuant to
45 NRS 425.550 stating that the holder of the license, certificate or



1 permit has complied with the subpoena or warrant or has satisfied
2 the arrearage pursuant to NRS 425.560.

3 2. A board of county commissioners shall reinstate a license,
4 certificate or permit to practice a profession or occupation in that
5 county that has been suspended by a district court pursuant to NRS
6 425.540 if the board of county commissioners receives a letter
7 issued by the district attorney or other public agency pursuant to
8 NRS 425.550 to the person whose license, certificate or permit was
9 suspended stating that the person whose license, certificate or permit
10 was suspended has complied with the subpoena or warrant or has
11 satisfied the arrearage pursuant to NRS 425.560.

12 3. *As used in this section, "district attorney" does not include*
13 *a county counsel.*

14 Sec. 4. Chapter 252 of NRS is hereby amended by adding
15 thereto the provisions set forth as sections 5 and 6 of this act.

16 Sec. 5. 1. *A board of county commissioners may by*
17 *ordinance create the office of county counsel and prescribe the*
18 *compensation of that office. In a county where the office of county*
19 *counsel is created, the board of county commissioners shall:*

20 (a) *Interview candidates for the office; and*

21 (b) *Appoint a county counsel.*

22 2. *A person appointed by a board of county commissioners to*
23 *the office of county counsel pursuant to subsection 1 must be:*

24 (a) *A bona fide resident of the State of Nevada.*

25 (b) *An attorney duly licensed and admitted to practice law in*
26 *all courts of this State.*

27 3. *A board of county commissioners that creates the office of*
28 *county counsel pursuant to subsection 1 shall by ordinance*
29 *prescribe the duties of the county counsel. Such duties must*
30 *include, without limitation:*

31 (a) *Attending the meetings of the board of county*
32 *commissioners. When attending such meetings relating to the*
33 *auditing of accounts and claims brought against the county, the*
34 *county counsel shall oppose such accounts or claims as the county*
35 *counsel deems appropriate.*

36 (b) *Reviewing all contracts under consideration by the board*
37 *of county commissioners.*

38 (c) *Drafting ordinances and amendments thereto.*

39 (d) *Providing advice relating to the interpretation or*
40 *application of county ordinances.*

41 (e) *Providing evidence relating to the impact of federal or state*
42 *law on the county.*

43 (f) *Drawing all legal papers on behalf of the board of county*
44 *commissioners.*



(g) Giving his or her advice, including written legal opinions, when required, to the members of the board of county commissioners, upon matters relating to their duties.

(h) Giving his or her legal opinion to any assessor, collector, auditor or county treasurer, and to all other county, township or district officers, within his or her county in any matter relating to the duties of their respective offices.

(i) Representing the county in any civil matter relating to the abuse or neglect of a child pursuant to chapter 432B of NRS. The county counsel shall not prosecute any criminal matter relating to the abuse or neglect of a child.

(j) Performing such other duties as may be required of him or her by law.

4. A board of county commissioners shall not prescribe the responsibility for any criminal prosecution or for the enforcement of any order relating to the support of a child to the county counsel.

Sec. 6. 1. If a board of county commissioners has created the office of a county counsel pursuant to section 5 of this act, the county counsel may appoint deputies who are authorized to transact all official business relating to the duties of the office established by the board of county commissioners pursuant to section 5 of this act to the same extent as their principals and perform such other duties as the county counsel may from time to time direct. The appointment of a deputy county counsel must not be construed to confer upon that deputy policymaking authority for the office of the county counsel or the county by which the deputy county counsel is employed.

2. All appointments of deputies under the provisions of this section must be in writing and must, together with the oath of office of the deputies, be recorded in the office of the recorder of the county within which the county counsel legally holds and exercises his or her office. Revocations of those appointments must also be recorded as provided in this section. From the time of the recording of the appointments or revocations therein, persons shall be deemed to have notice of the appointments or revocations.

3. A deputy county counsel of a county whose population is less than 100,000 may engage in the private practice of law. In any other county, except as otherwise provided in NRS 7.065, a deputy county counsel shall not engage in the private practice of law.

4. Any county counsel may, subject to the approval of the board of county commissioners, appoint such clerical, investigational and operational staff as the execution of duties and the operation of his or her office may require. The compensation



1 *of any person so appointed must be fixed by the board of county*
2 *commissioners in accordance with subsection 5, if applicable.*

3 5. *In a county whose population is 700,000 or more, deputies*
4 *and staff appointed pursuant to this section and all other*
5 *employees of the office of county counsel are governed by the*
6 *merit personnel system of that county.*

7 **Sec. 7.** NRS 252.110 is hereby amended to read as follows:

8 252.110 ~~[The]~~ *Except as otherwise provided by an ordinance*
9 *adopted pursuant to section 5 of this act, the* district attorney shall:

10 1. Draw all indictments, when required by the grand jury.

11 2. Defend all suits brought against his or her county.

12 3. Prosecute all recognizances forfeited in the district court and
13 all actions for the recovery of debts, fines, penalties and forfeitures
14 accruing to his or her county.

15 4. Except with respect to matters for which the board of
16 trustees of the school district has employed private counsel, draw all
17 legal papers, give his or her written opinion when required on
18 matters relating to the duties of the board of trustees and transact the
19 legal business of the school district whose boundaries are
20 conterminous with the boundaries of his or her county, and perform
21 such other legal duties as may be required of him or her by the
22 board of trustees.

23 5. Bring all actions on behalf of the county for abatement of
24 nuisances pursuant to order of the board of county commissioners
25 or, in the discretion of the district attorney, pursuant to an ordinance
26 of the county as provided by NRS 244.360, subsection 6, including
27 actions for injunction, as well as for recovery of compensatory and
28 exemplary damages and costs of suit.

29 6. Perform such other duties as may be required of him or her
30 by law.

31 **Sec. 8.** NRS 252.160 is hereby amended to read as follows:

32 252.160 1. Except as otherwise provided in this section, the
33 district attorney *or the county counsel, as applicable*, shall, without
34 fees, give his or her legal opinion to any assessor, collector, auditor
35 or county treasurer, and to all other county, township or district
36 officers within his or her county, in any matter relating to the duties
37 of their respective offices.

38 2. The district attorney *or county counsel, as applicable*, is not
39 required to give his or her legal opinion on any question regarding
40 which the district attorney *or county counsel* requests an opinion
41 from the Attorney General pursuant to NRS 375.0185.

42 **Sec. 9.** NRS 252.170 is hereby amended to read as follows:

43 252.170 *Except in a county which has created the office of*
44 *county counsel pursuant to section 5 of this act:*



1 1. The district attorney shall, when not in attendance at the
2 sittings of the district court as criminal prosecutor, attend the
3 meetings of the board of county commissioners. When attending
4 meetings of the board of county commissioners relating to the
5 auditing of accounts and claims brought against the county, the
6 district attorney shall oppose such accounts or claims as the district
7 attorney deems appropriate.

8 2. Additional duties of the district attorney include, without
9 limitation:

10 (a) Reviewing all contracts under consideration by the board of
11 county commissioners;

12 (b) Drafting ordinances and amendments thereto;

13 (c) Providing advice relating to the interpretation or application
14 of county ordinances;

15 (d) Providing advice relating to the impact of federal or state law
16 on the county;

17 (e) Drawing all legal papers on behalf of the board of county
18 commissioners; and

19 (f) At all times, giving his or her advice, including written legal
20 opinions, when required, to the members of the board of county
21 commissioners upon matters relating to their duties.

22 **Sec. 10.** NRS 252.180 is hereby amended to read as follows:

23 252.180 No district attorney ~~§~~ **or county counsel**, except for
24 his or her own services, shall be allowed to present any claim,
25 account or demand, for allowance, against his or her own county, or
26 in any way to advocate the relief asked on the claim or demand
27 made by another.

28 **Sec. 11.** NRS 253.0435 is hereby amended to read as follows:

29 253.0435 1. Except as otherwise provided in subsection 2,
30 the public administrator may, within the limits of appropriations for
31 his or her office:

32 (a) Be provided with sufficient facilities and supplies for the
33 proper performance of his or her duties.

34 (b) Employ subordinates necessary for the proper performance
35 of his or her duties.

36 (c) Contract for the services of consultants or assistants.

37 (d) Consult with the district attorney **or county counsel, as**
38 **applicable**, in matters relating to the performance of his or her
39 duties.

40 2. The provisions of this section do not apply if the office of
41 public administrator is abolished pursuant to NRS 253.125.

42 **Sec. 12.** NRS 253.215 is hereby amended to read as follows:

43 253.215 1. When necessary for the proper administration of a
44 guardianship, a public guardian may:



(a) Retain an attorney to assist him or her if the attorney practices law in the county and is qualified by experience and willing to serve or rotate this employment among attorneys who practice law in the county and who are qualified by experience and willing to serve; or

(b) Upon approval of the board of county commissioners, obtain assistance from the office of the district attorney of the county ~~H~~ *or the county counsel, as applicable.*

2. Any attorney's fee must be paid from the assets of the protected person.

Sec. 13. NRS 2.345 is hereby amended to read as follows:

2.345 The following persons and agencies are entitled to the decisions of the Supreme Court and the Court of Appeals in pamphlet or electronic form without charge:

1. Each of the judges of the District Court of the United States, one copy.

2. The Supreme Court Law Library, two copies.

3. Each state officer, district judge, district attorney, *county counsel*, county clerk, justice of the peace and municipal judge in this State, one copy.

4. The Legislative Counsel.

5. Each public library in this State, one copy.

6. Each library in the Nevada System of Higher Education, one copy.

7. Each newspaper published in this State, and each commercial television and radio station transmitting in this State, one copy upon its annual request therefor.

Sec. 14. Chapter 10 of NRS is hereby amended by adding thereto a new section to read as follows:

“District attorney” means the district attorney of a county or, in a county which has created the office of county counsel pursuant to section 5 of this act, the county counsel.

Sec. 15. NRS 10.010 is hereby amended to read as follows:

10.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 10.015 to 10.125, inclusive, *and section 14 of this act* have the meanings ascribed to them in those sections.

Sec. 16. Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:

As used in this chapter, unless the context otherwise requires, “district attorney” means the district attorney of a county or, in a county which has created the office of county counsel pursuant to section 5 of this act, the county counsel.



Sec. 17. NRS 50.225 is hereby amended to read as follows:

50.225 1. For attending the courts of this State in any criminal case, civil suit, hearing to contest the determination that a person has committed a civil infraction or proceeding before a court of record, master, commissioner, justice of the peace, or before the grand jury, in obedience to a subpoena, each witness is entitled:

(a) To be paid a fee of \$25 for each day's attendance, including Sundays and holidays.

(b) Except as otherwise provided in this paragraph, to be paid for attending a court of the county in which the witness resides at the standard mileage reimbursement rate for which a deduction is allowed for the purposes of federal income tax for each mile necessarily and actually traveled from and returning to the place of residence by the shortest and most practical route. A board of county commissioners may provide that, for each mile so traveled to attend a court of the county in which the witness resides, each witness is entitled to be paid an amount equal to the allowance for travel by private conveyance established by the State Board of Examiners for state officers and employees generally. If the board of county commissioners so provides, each witness at any other hearing or proceeding held in that county who is entitled to receive the payment for mileage specified in this paragraph must be paid mileage in an amount equal to the allowance for travel by private conveyance established by the State Board of Examiners for state officers and employees generally.

2. In addition to the fee and payment for mileage specified in subsection 1, a board of county commissioners may provide that, for each day of attendance in a court of the county in which the witness resides, each witness is entitled to be paid the per diem allowance provided for state officers and employees generally. If the board of county commissioners so provides, each witness at any other hearing or proceeding held in that county who is a resident of that county and who is entitled to receive the fee specified in paragraph (a) of subsection 1 must be paid, in addition to that fee, the per diem allowance provided for state officers and employees generally.

3. If a witness is from without the county or, being a resident of another state, voluntarily appears as a witness at the request of the Attorney General, ~~for~~ the district attorney **or the county counsel** and the board of county commissioners of the county in which the court is held, the witness is entitled to reimbursement for the actual and necessary expenses for going to and returning from the place where the court is held. The witness is also entitled to receive the same per diem allowance provided for state officers and employees generally.



4. Any person in attendance at a trial or hearing to contest the determination that a person has committed a civil infraction who is sworn as a witness is entitled to the fees, the per diem allowance, if any, travel expenses and any other reimbursement set forth in this section, irrespective of the service of a subpoena.

5. Witness fees, per diem allowances, travel expenses and other reimbursement in civil cases, including, without limitation, a hearing to contest the determination that a person has committed a civil infraction, must be taxed as disbursement costs against the defeated party upon proof by affidavit that they have been actually incurred. Costs must not be allowed for more than two witnesses to the same fact or series of facts, and a party plaintiff or defendant must not be allowed any fees, per diem allowance, travel expenses or other reimbursement for attendance as a witness in his or her own behalf. Witness fees, per diem allowances, travel expenses and other reimbursement must not be taxed against a county or incorporated city after a hearing to contest the determination that a person has committed a civil infraction unless the court determines, after a hearing, that the civil infraction citation was issued maliciously and without probable cause.

6. A person is not obligated to appear in a civil action, hearing to contest the determination that a person has committed a civil infraction or other proceeding unless the person has been paid an amount equal to 1 day's fees, the per diem allowance provided by the board of county commissioners pursuant to subsection 2, if any, and the travel expenses reimbursable pursuant to this section.

Sec. 18. Chapter 75 of NRS is hereby amended by adding thereto a new section to read as follows:

“District attorney” means the district attorney of a county or, in a county which has created the office of county counsel pursuant to section 5 of this act, the county counsel.

Sec. 19. NRS 75.010 is hereby amended to read as follows:

75.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 75.015 to 75.090, inclusive, *and section 18 of this act* have the meanings ascribed to them in those sections.

Sec. 20. NRS 76.175 is hereby amended to read as follows:

76.175 1. If the Secretary of State receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is conducting business in this State as a sole proprietor, and the state business license issued by the Secretary of State to such a person, the Secretary of State shall deem the state business license issued to that person to be suspended at the end of the 30th day after the date



on which the court order was issued unless the Secretary of State receives a letter issued to the holder of the state business license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the state business license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Secretary of State shall reinstate a state business license that has been suspended by a district court pursuant to NRS 425.540 if the Secretary of State receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose state business license was suspended stating that the person whose state business license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

3. As used in this section, “district attorney” does not include a county counsel.

Sec. 21. NRS 90.375 is hereby amended to read as follows:

90.375 1. An applicant for the issuance or renewal of a license as a broker-dealer, sales representative, investment adviser, representative of an investment adviser or transfer agent shall submit to the Administrator the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Administrator shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Administrator.

3. A license as a broker-dealer, sales representative, investment adviser, representative of an investment adviser or transfer agent may not be issued or renewed by the Administrator if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Administrator shall advise the applicant to contact the



1 district attorney or other public agency enforcing the order to
2 determine the actions that the applicant may take to satisfy the
3 arrearage.

4 *5. As used in this section, "district attorney" does not include*
5 *a county counsel.*

6 **Sec. 22.** NRS 90.435 is hereby amended to read as follows:

7 90.435 1. If the Administrator receives a copy of a court
8 order issued pursuant to NRS 425.540 that provides for the
9 suspension of all professional, occupational and recreational
10 licenses, certificates and permits issued to a person who is the
11 holder of a license as a broker-dealer, sales representative,
12 investment adviser, representative of an investment adviser or
13 transfer agent, the Administrator shall deem the license issued to
14 that person to be suspended at the end of the 30th day after the date
15 on which the court order was issued unless the Administrator
16 receives a letter issued to the holder of the license by the district
17 attorney or other public agency pursuant to NRS 425.550 stating
18 that the holder of the license has complied with the subpoena or
19 warrant or has satisfied the arrearage pursuant to NRS 425.560.

20 2. The Administrator shall reinstate a license as a broker-
21 dealer, sales representative, investment adviser, representative of an
22 investment adviser or transfer agent that has been suspended by a
23 district court pursuant to NRS 425.540 if the Administrator receives
24 a letter issued by the district attorney or other public agency
25 pursuant to NRS 425.550 to the person whose license was
26 suspended stating that the person whose license was suspended has
27 complied with the subpoena or warrant or has satisfied the arrearage
28 pursuant to NRS 425.560.

29 *3. As used in this section, "district attorney" does not include*
30 *a county counsel.*

31 **Sec. 23.** NRS 90.615 is hereby amended to read as follows:

32 90.615 1. The Attorney General may investigate and
33 prosecute any violation of a provision of this chapter, a regulation
34 adopted pursuant to this chapter, an order denying, suspending or
35 revoking the effectiveness of registration or an order to cease and
36 desist issued by the Administrator.

37 2. The district attorney of the appropriate county may
38 prosecute any such violation:

39 (a) At the request of the Attorney General; or

40 (b) If the Attorney General does not prosecute such a violation.

41 *3. As used in this section, "district attorney" does not include*
42 *a county counsel.*



Sec. 24. NRS 90.730 is hereby amended to read as follows:

90.730 1. Except as otherwise provided in subsection 2, information and records filed with or obtained by the Administrator are public information and are available for public examination.

2. Except as otherwise provided in subsections 3 and 4 and NRS 239.0115, the following information and records do not constitute public information under subsection 1 and are confidential:

(a) Information or records obtained by the Administrator in connection with an investigation concerning possible violations of this chapter; and

(b) Information or records filed with the Administrator in connection with a registration statement filed under this chapter or a report under NRS 90.390 which constitute trade secrets or commercial or financial information of a person for which that person is entitled to and has asserted a claim of privilege or confidentiality authorized by law.

3. The Administrator may submit any information or evidence obtained in connection with an investigation to the:

(a) Attorney General or appropriate district attorney for the purpose of prosecuting a criminal action under this chapter; and

(b) Department of Taxation for its use in carrying out the provisions of chapters 363A and 363C of NRS.

4. The Administrator may disclose any information obtained in connection with an investigation pursuant to NRS 90.620 to the agencies and administrators specified in subsection 1 of NRS 90.740 but only if disclosure is provided for the purpose of a civil, administrative or criminal investigation or proceeding, and the receiving agency or administrator represents in writing that under applicable law protections exist to preserve the integrity, confidentiality and security of the information.

5. This chapter does not create any privilege or diminish any privilege existing at common law, by statute, regulation or otherwise.

6. As used in this section, "district attorney" does not include a county counsel.

Sec. 25. NRS 91.340 is hereby amended to read as follows:

91.340 1. Except as otherwise provided in subsection 2, a person who willfully violates:

(a) Any provision of this chapter; or

(b) Any regulation or order of the Administrator under this chapter,

➤ is guilty of a category C felony and shall be punished as provided in NRS 193.130, or by a fine of not more than \$20,000, or by both fine and the punishment provided in NRS 193.130, for each



violation. In addition to any other penalty, the court shall order the person to pay restitution.

2. A person convicted of violating a regulation or order under this chapter may be fined, but must not be imprisoned, if the person proves the person had no knowledge of the regulation or order.

3. The Administrator may refer such evidence as is available concerning violations of this chapter or any regulation or order of the Administrator to the Attorney General or the proper district attorney, who may, with or without such a reference from the Administrator, institute the appropriate criminal proceeding under this chapter.

4. As used in this section, “district attorney” does not include a county counsel.

Sec. 26. Chapter 97 of NRS is hereby amended by adding thereto a new section to read as follows:

“District attorney” means the district attorney of a county or, in a county which has created the office of county counsel pursuant to section 5 of this act, the county counsel.

Sec. 27. NRS 97.015 is hereby amended to read as follows:

97.015 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 97.017 to 97.145, inclusive, **and section 26 of this act** have the meanings ascribed to them in those sections.

Sec. 28. Chapter 118A of NRS is hereby amended by adding thereto a new section to read as follows:

“District attorney” means the district attorney of a county or, in a county which has created the office of county counsel pursuant to section 5 of this act, the county counsel.

Sec. 29. NRS 118A.020 is hereby amended to read as follows:

118A.020 As used in this chapter, unless the context otherwise requires, the terms defined in NRS 118A.030 to 118A.175, inclusive, **and section 28 of this act** have the meanings ascribed to them in those sections.

Sec. 30. Chapter 118B of NRS is hereby amended by adding thereto a new section to read as follows:

“District attorney” means the district attorney of a county or, in a county which has created the office of county counsel pursuant to section 5 of this act, the county counsel.

Sec. 31. NRS 118B.010 is hereby amended to read as follows:

118B.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 118B.0105 to 118B.0195, inclusive, **and section 30 of this act** have the meanings ascribed to them in those sections.



Sec. 32. NRS 128.091 is hereby amended to read as follows:

128.091 In any proceeding held pursuant to this chapter involving a child who has been the subject of a proceeding pursuant to chapter 432B of NRS, a party may not present evidence of any previous sexual conduct of a child to challenge the child's credibility as a witness unless the attorney for the child has first presented evidence or the child has testified concerning such conduct, or the absence of such conduct, on direct examination by the district attorney , *the county counsel* or the attorney for the child, in which case the scope of the cross-examination of the child or rebuttal must be limited to the evidence presented by the child's attorney or the child.

Sec. 33. Chapter 163 of NRS is hereby amended by adding thereto a new section to read as follows:

“District attorney” means the district attorney of a county or, in a county which has created the office of county counsel pursuant to section 5 of this act, the county counsel.

Sec. 34. NRS 163.001 is hereby amended to read as follows:

163.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 163.0011 to 163.00185, inclusive, *and section 33 of this act* have the meanings ascribed to them in those sections.

Sec. 35. Chapter 211 of NRS is hereby amended by adding thereto a new section to read as follows:

“District attorney” means the district attorney of a county or, in a county which has created the office of county counsel pursuant to section 5 of this act, the county counsel.

Sec. 36. NRS 211.241 is hereby amended to read as follows:

211.241 As used in NRS 211.241 to 211.249, inclusive, *and section 35 of this act*, unless the context otherwise requires, the words and terms defined in NRS 211.2411 and 211.2413 *and section 35 of this act* have the meanings ascribed to them in those sections.

Sec. 37. NRS 218D.955 is hereby amended to read as follows:

218D.955 1. The Secretary of State shall, within 3 days after receiving them, furnish to the State Printer a copy of all acts, resolutions and memorials passed at each regular or special session.

2. The Director shall:

(a) Distribute one copy of each act as printed to each county clerk, district judge, district attorney , *county counsel* and justice of the peace in the State.

(b) Immediately upon the adjournment of the regular or special session, collect and have printed and bound advance sheets of all acts, resolutions and memorials passed at the regular or special session.



(c) Distribute one copy of the advance sheets, without charge, to each justice of the Supreme Court, to each judge of the Court of Appeals, the Attorney General, the State Public Defender, and to each county clerk, district judge, district attorney, *county counsel*, county public defender, justice of the peace, city attorney and municipal judge in the State, deliver to the Supreme Court Law Library a number of copies appropriate to secure the exchange of similar publications from other states, and establish the price at which the advance sheets must be sold to other persons.

3. The Legislative Counsel shall, immediately upon the adjournment of the regular or special session, prepare statutory tables and an index of all acts, resolutions and memorials passed at the regular or special session.

4. The State Printer, upon receipt of the statutory tables and index, shall prepare bound volumes of the Statutes of Nevada as provided in NRS 218D.960.

Sec. 38. NRS 228.150 is hereby amended to read as follows:

228.150 1. When requested, the Attorney General shall give his or her opinion, in writing, upon any question of law, to the Governor, the Secretary of State, the State Controller, the State Treasurer, the Director of the Department of Corrections, to the head of any state department, agency, board or commission, to any district attorney, *to any county counsel* and to any city attorney of any incorporated city within the State of Nevada, upon any question of law relating to their respective offices, departments, agencies, boards or commissions.

2. Nothing contained in subsection 1 requires the Attorney General to give his or her written opinion to any city attorney concerning questions relating to the interpretation or construction of city ordinances.

3. Money may be paid to the Office of the Attorney General pursuant to law, or pursuant to an agreement with an agency of the State, for the performance of any duty or service provided by his or her office.

Sec. 39. NRS 239A.070 is hereby amended to read as follows:

239A.070 This chapter does not apply to any subpoena issued pursuant to title 14 or chapters 616A to 617, inclusive, of NRS or prohibit:

1. Dissemination of any financial information which is not identified with or identifiable as being derived from the financial records of a particular customer.

2. The Attorney General, State Controller, district attorney, *county counsel*, Department of Taxation, Director of the Department of Health and Human Services, Administrator of the Securities Division of the Office of the Secretary of State, public



1 administrator or person employed or contracted with pursuant to
2 NRS 253.125, as applicable, sheriff or a police department from
3 requesting of a financial institution, and the institution from
4 responding to the request, as to whether a person has an account or
5 accounts with that financial institution and, if so, any identifying
6 numbers of the account or accounts.

7 3. A financial institution, in its discretion, from initiating
8 contact with and thereafter communicating with and disclosing the
9 financial records of a customer to appropriate governmental
10 agencies concerning a suspected violation of any law.

11 4. Disclosure of the financial records of a customer incidental
12 to a transaction in the normal course of business of the financial
13 institution if the director, officer, employee or agent of the financial
14 institution who makes or authorizes the disclosure has no reasonable
15 cause to believe that such records will be used by a governmental
16 agency in connection with an investigation of the customer.

17 5. A financial institution from notifying a customer of the
18 receipt of a subpoena or a search warrant to obtain the customer's
19 financial records, except when ordered by a court to withhold such
20 notification.

21 6. The examination by or disclosure to any governmental
22 regulatory agency of financial records which relate solely to the
23 exercise of its regulatory function if the agency is specifically
24 authorized by law to examine, audit or require reports of financial
25 records of financial institutions.

26 7. The disclosure to any governmental agency of any financial
27 information or records whose disclosure to that particular agency is
28 required by the tax laws of this State.

29 8. The disclosure of any information pursuant to NRS
30 353C.240, 425.393, 425.400 or 425.460.

31 9. A governmental agency from obtaining a credit report or
32 consumer credit report from anyone other than a financial
33 institution.

34 **Sec. 40.** NRS 239B.050 is hereby amended to read as follows:

35 239B.050 1. If a public body maintains a website on the
36 Internet, the public body shall not disclose on that website personal
37 information unless the disclosure is required by a federal or state
38 law or for the administration of a public program or an application
39 for a federal or state grant.

40 2. If it appears that a public body has engaged in or is about to
41 engage in any act or practice which violates subsection 1, the
42 Attorney General or the appropriate district attorney *or county*
43 *counsel, as applicable*, may file an action in any court of competent
44 jurisdiction for an injunction to prevent the occurrence or
45 continuance of that act or practice.



3. An injunction:

(a) May be issued without proof of actual damage sustained by any person.

(b) Does not preclude the criminal prosecution and punishment of an act or practice that may otherwise be prohibited by law.

4. As used in this section:

(a) "Personal information" has the meaning ascribed to it in NRS 603A.040.

(b) "Public body" has the meaning ascribed to it in NRS 205.462.

Sec. 41. NRS 268.632 is hereby amended to read as follows:

268.632 The county or regional planning commission, if any, shall render advisory services to the city annexation commission upon its request. Other county officers, including, without limitation, the county engineer and the district attorney ~~or~~ *or county counsel, as applicable*, shall cooperate with the city annexation commission by furnishing information and staff services within their respective fields.

Sec. 42. Chapter 269 of NRS is hereby amended by adding thereto a new section to read as follows:

As used in this chapter, unless the context otherwise requires, "district attorney" means the district attorney of a county or, in a county which has created the office of county counsel pursuant to section 5 of this act, the county counsel.

Sec. 43. NRS 269.171 is hereby amended to read as follows:

269.171 1. If a town board or board of county commissioners requires a person to obtain a license, permit or certificate to practice a profession or occupation pursuant to NRS 269.170, an applicant for the issuance or renewal of such a license, certificate or permit shall submit to the town board or board of county commissioners the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The town board or board of county commissioners shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license, certificate or permit; or

(b) A separate form prescribed by the town board or board of county commissioners.

3. A license, certificate or permit may not be issued or renewed by a town board or board of county commissioners pursuant to NRS 269.170 if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or



(b) Indicates on the statement submitted pursuant to subsection 1 that he or she is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he or she is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the town board or board of county commissioners shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

5. As used in this section ~~["license."]~~ :

(a) *"District attorney" does not include a county counsel.*

(b) *"License, permit or certificate to practice a profession or occupation"* does not include a general business license issued by a town board or board of county commissioners.

Sec. 44. NRS 269.172 is hereby amended to read as follows:

269.172 1. If a town board or board of county commissioners receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license, certificate or permit to practice a profession or occupation pursuant to NRS 269.170, the town board or board of county commissioners shall deem the license, certificate or permit issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the town board or board of county commissioners receives a letter issued to the holder of the license, certificate or permit by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license, certificate or permit has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. A town board or board of county commissioners shall reinstate a license, certificate or permit to practice a profession or occupation issued pursuant to NRS 269.170 that has been suspended by a district court pursuant to NRS 425.540 if the town board or board of county commissioners receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license, certificate or permit was suspended stating that the person whose license, certificate or permit was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.



1 **3. As used in this section, "district attorney" does not include**
2 **a county counsel.**

3 **Sec. 45.** NRS 270.110 is hereby amended to read as follows:

4 270.110 **1.** The city council, or other legislative board of the
5 city, may cause such action to be commenced and prosecuted by
6 ~~the~~ :

7 **(a) The** city attorney of such city ~~for the~~ ;

8 **(b) The** district attorney of the county in which such city is
9 ~~situate or~~ **situated;**

10 **(c) The county counsel of the county in which such city is**
11 **situated; or**

12 **(d) Other counsel as authorized by subsection 2.**

13 **2. The city council or other legislative board of the city** may
14 retain additional or other counsel for the purpose of ~~the~~
15 **commencing and prosecuting an** action **authorized by this chapter**
16 and may allow a reasonable sum for the compensation of the
17 attorney or attorneys so acting.

18 **Sec. 46.** NRS 281.050 is hereby amended to read as follows:

19 281.050 **1.** The residence of a person with reference to his or
20 her eligibility to any office is the person's actual residence within
21 the State, county, district, ward, subdistrict or any other unit
22 prescribed by law, as the case may be, during all the period for
23 which residence is claimed by the person.

24 **2.** Except as otherwise provided in subsections 3 and 4, if any
25 person absents himself or herself from the jurisdiction of that
26 person's actual residence with the intention in good faith to return
27 without delay and continue such actual residence, the period of
28 absence must not be considered in determining the question of
29 residence.

30 **3.** If a person who has filed a declaration of candidacy for any
31 elective office moves the person's actual residence out of the State,
32 county, district, ward, subdistrict or any other unit prescribed by
33 law, as the case may be, in which the person is required actually, as
34 opposed to constructively, to reside in order for the person to be
35 eligible to the office, a vacancy is created thereby and the
36 appropriate action for filling the vacancy must be taken.

37 **4.** Once a person's actual residence is fixed, the person shall be
38 deemed to have moved the person's actual residence for the
39 purposes of this section if:

40 **(a)** The person has acted affirmatively and has actually removed
41 himself or herself from the place of permanent habitation where the
42 person actually resided and was legally domiciled;

43 **(b)** The person has an intention to abandon the place of
44 permanent habitation where the person actually resided and was
45 legally domiciled; and



(c) The person has an intention to remain in another place of permanent habitation where the person actually resides and is legally domiciled.

5. Except as otherwise provided in this subsection and NRS 293.1265, the district court has jurisdiction to determine the question of residence in any preelection action for declaratory judgment brought against a person who has filed a declaration of candidacy for any elective office. If the question of residence relates to whether an incumbent meets any qualification concerning residence required for the term of office in which the incumbent is presently serving, the district court does not have jurisdiction to determine the question of residence in an action for declaratory judgment brought by a person pursuant to this section but has jurisdiction to determine the question of residence only in an action to declare the office vacant that is authorized by NRS 283.040 and brought by the Attorney General or the appropriate district attorney *or county counsel, as applicable*, pursuant to that section.

6. Except as otherwise provided in NRS 293.1265, if in any preelection action for declaratory judgment, the district court finds that a person who has filed a declaration of candidacy for any elective office fails to meet any qualification concerning residence required for the office pursuant to the Constitution or laws of this State, the person is subject to the provisions of NRS 293.2045.

7. For the purposes of this section, in determining whether a place of permanent habitation is the place where a person actually resides and is legally domiciled:

(a) It is the public policy of this State to avoid sham residences and to ensure that the person actually, as opposed to constructively, resides in the area prescribed by law for the office so the person has an actual connection with the constituents who reside in the area and has particular knowledge of their concerns.

(b) The person may have more than one residence but only one legal domicile, and the person's legal domicile requires both the fact of actual living in the place and the intention to remain there as a permanent residence. If the person temporarily leaves the person's legal domicile, or leaves for a particular purpose, and does not take up a permanent residence in another place, then the person's legal domicile has not changed. Once the person's legal domicile is fixed, the fact of actual living in another place, the intention to remain in the other place and the intention to abandon the former legal domicile must all exist before the person's legal domicile can change.

(c) Evidence of the person's legal domicile includes, without limitation:



(1) The place where the person lives the majority of the time and the length of time the person has lived in that place.

(2) The place where the person lives with the person's spouse or domestic partner, if any.

(3) The place where the person lives with the person's children, dependents or relatives, if any.

(4) The place where the person lives with any other individual whose relationship with the person is substantially similar to a relationship with a spouse, domestic partner, child, dependent or relative.

(5) The place where the person's dogs, cats or other pets, if any, live.

(6) The place listed as the person's residential address on the voter registration card, as defined in NRS 293.1205, issued to the person.

(7) The place listed as the person's residential address on any driver's license or identification card issued to the person by the Department of Motor Vehicles, any passport or military identification card issued to the person by the United States or any other form of identification issued to the person by a governmental agency.

(8) The place listed as the person's residential address on any registration for a motor vehicle issued to the person by the Department of Motor Vehicles or any registration for another type of vehicle or mode of transportation, including, without limitation, any aircraft, vessels or watercraft, issued to the person by a governmental agency.

(9) The place listed as the person's residential address on any applications for issuance or renewal of any license, certificate, registration, permit or similar type of authorization issued to the person by a governmental agency which has the authority to regulate an occupation or profession.

(10) The place listed as the person's residential address on any document which the person is authorized or required by law to file or record with a governmental agency, including, without limitation, any deed, declaration of homestead or other record of real or personal property, any applications for services, privileges or benefits or any tax documents, forms or returns, but excluding the person's declaration of candidacy.

(11) The place listed as the person's residential address on any type of check, payment, benefit or reimbursement issued to the person by a governmental agency or by any type of company that provides insurance, workers' compensation, health care or medical benefits or any self-insured employer or third-party administrator.



(12) The place listed as the person’s residential address on the person’s paycheck, paystub or employment records.

(13) The place listed as the person’s residential address on the person’s bank statements, insurance statements, mortgage statements, loan statements, financial accounts, credit card accounts, utility accounts or other billing statements or accounts.

(14) The place where the person receives mail or deliveries from the United States Postal Service or commercial carriers.

(d) The evidence listed in paragraph (c) is intended to be illustrative and is not intended to be exhaustive or exclusive. The presence or absence of any particular type of evidence listed in paragraph (c) is not, by itself, determinative of the person’s legal domicile, but such a determination must be based upon all the facts and circumstances of the person’s particular case.

8. As used in this section:

(a) “Actual residence” means the place of permanent habitation where a person actually resides and is legally domiciled. If the person maintains more than one place of permanent habitation, the place the person declares to be the person’s principal permanent habitation when filing a declaration of candidacy for any elective office must be the place where the person actually resides and is legally domiciled in order for the person to be eligible to the office.

(b) “Declaration of candidacy” has the meaning ascribed to it in NRS 293.0455.

Sec. 47. Chapter 281A of NRS is hereby amended by adding thereto a new section to read as follows:

“District attorney” means the district attorney of a county or, in a county which has created the office of county counsel pursuant to section 5 of this act, the county counsel.

Sec. 48. NRS 281A.030 is hereby amended to read as follows:

281A.030 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 281A.032 to 281A.170, inclusive, ***and section 47 of this act*** have the meanings ascribed to them in those sections.

Sec. 49. NRS 281A.790 is hereby amended to read as follows:

281A.790 1. In addition to any other penalties provided by law and in accordance with the provisions of NRS 281A.775, the Commission may impose on a public officer or employee or former public officer or employee civil penalties:

(a) Not to exceed \$5,000 for a first willful violation of this chapter;

(b) Not to exceed \$10,000 for a separate act or event that constitutes a second willful violation of this chapter; and

(c) Not to exceed \$25,000 for a separate act or event that constitutes a third willful violation of this chapter.



2. In addition to any other penalties provided by law, if any person prevents, interferes with or attempts to prevent or interfere with any investigation or proceedings pursuant to this chapter or the discovery of a violation of this chapter, the Commission may, upon its own motion or upon the motion of the current or former public officer or employee who is the subject of the investigation or proceedings:

(a) Impose on the person committing such an act a civil penalty not to exceed \$5,000; and

(b) If appropriate under the facts and circumstances, assess against the person committing such an act an amount equal to the amount of attorney's fees and costs actually and reasonably incurred by the current or former public officer or employee as a result of the act.

3. If the Commission finds that a violation of a provision of this chapter by a public officer or employee or former public officer or employee has resulted in the realization of a financial benefit by the current or former public officer or employee or another person, the Commission may, in addition to any other penalties provided by law, require the current or former public officer or employee to pay a civil penalty of not more than twice the amount so realized.

4. In addition to any other penalties provided by law, if a proceeding results in an opinion that:

(a) One or more willful violations of this chapter have been committed by a State Legislator removable from office only through expulsion by the State Legislator's own House pursuant to Section 6 of Article 4 of the Nevada Constitution, the Commission shall:

(1) If the State Legislator is a member of the Senate, submit the opinion to the Majority Leader of the Senate or, if the Majority Leader of the Senate is the subject of the opinion or the person who requested the opinion, to the President Pro Tempore of the Senate; or

(2) If the State Legislator is a member of the Assembly, submit the opinion to the Speaker of the Assembly or, if the Speaker of the Assembly is the subject of the opinion or the person who requested the opinion, to the Speaker Pro Tempore of the Assembly.

(b) One or more willful violations of this chapter have been committed by a state officer removable from office only through impeachment pursuant to Article 7 of the Nevada Constitution, the Commission shall submit the opinion to the Speaker of the Assembly and the Majority Leader of the Senate or, if the Speaker of the Assembly or the Majority Leader of the Senate is the person who requested the opinion, to the Speaker Pro Tempore of the Assembly or the President Pro Tempore of the Senate, as appropriate.



(c) One or more willful violations of this chapter have been committed by a public officer other than a public officer described in paragraphs (a) and (b), the willful violations shall be deemed to be malfeasance in office for the purposes of NRS 283.440 and the Commission:

(1) May file a complaint in the appropriate court for removal of the public officer pursuant to NRS 283.440 when the public officer is found in the opinion to have committed fewer than three willful violations of this chapter.

(2) Shall file a complaint in the appropriate court for removal of the public officer pursuant to NRS 283.440 when the public officer is found in the opinion to have committed three or more willful violations of this chapter.

➤ This paragraph grants an exclusive right to the Commission, and no other person may file a complaint against the public officer pursuant to NRS 283.440 based on any violation found in the opinion.

5. Notwithstanding any other provision of this chapter, any act or failure to act by a public officer or employee or former public officer or employee relating to this chapter is not a willful violation of this chapter if the public officer or employee establishes by sufficient evidence that:

(a) The public officer or employee relied in good faith upon the advice of the legal counsel retained by his or her public body, agency or employer; and

(b) The advice of the legal counsel was:

(1) Provided to the public officer or employee before the public officer or employee acted or failed to act; and

(2) Based on a reasonable legal determination by the legal counsel under the circumstances when the advice was given that the act or failure to act by the public officer or employee would not be contrary to the provisions of this chapter as interpreted by the Commission.

6. In addition to any other penalties provided by law, if a public employee commits a willful violation of this chapter or fails to complete a period of compliance imposed by the Commission pursuant to NRS 281A.785 or by the review panel as part of the terms and conditions of a deferral agreement, the public employee is subject to disciplinary proceedings by the employer of the public employee and must be referred for action in accordance to the applicable provisions governing the employment of the public employee.

7. The provisions of this chapter do not abrogate or decrease the effect of the provisions of the Nevada Revised Statutes which define crimes or prescribe punishments with respect to the conduct



1 of public officers or employees. If the Commission finds that a
2 public officer or employee has committed a willful violation of this
3 chapter which it believes may also constitute a criminal offense, the
4 Commission shall refer the matter to the Attorney General or the
5 district attorney, as appropriate, for a determination of whether a
6 crime has been committed that warrants prosecution.

7 8. The imposition of a civil penalty pursuant to subsection 1, 2
8 or 3 is a final decision for the purposes of judicial review pursuant
9 to NRS 233B.130.

10 9. A finding by the Commission that a public officer or
11 employee has violated any provision of this chapter must be
12 supported by a preponderance of the evidence unless a greater
13 burden is otherwise prescribed by law.

14 *10. As used in this section, “district attorney” does not*
15 *include a county counsel.*

16 **Sec. 50.** NRS 282.330 is hereby amended to read as follows:

17 282.330 1. Losses to counties which occur from defalcation,
18 misappropriation or negligent loss of public money or from failure
19 faithfully to perform the duties of office on the part of a county or
20 township officer or employee must be reported by the district
21 attorney *or county counsel, as applicable,* of that county to the
22 State Board of Examiners.

23 2. Losses to cities which occur from defalcation,
24 misappropriation or negligent loss of public money or from failure
25 faithfully to perform the duties of office on the part of a city officer
26 or employee must be reported by the city attorney of that city to the
27 State Board of Examiners.

28 3. In the case of the State, any losses must be reported to the
29 State Board of Examiners by the Attorney General.

30 4. In the case of an irrigation district, any losses must be
31 reported to the State Board of Examiners by the board of directors
32 of the irrigation district.

33 5. In each case the State Board of Examiners shall make, or
34 cause to be made, a full investigation. If, from the investigation, the
35 State Board of Examiners determines that the loss comes under the
36 conditions of a surety bond issued pursuant to the provisions of
37 chapter 193, Statutes of Nevada 1937, as amended, which
38 established the bond trust fund, the State Board of Examiners shall
39 order that restitution be made in the following manner:

40 (a) If there is a sufficient amount in the Reserve for Statutory
41 Contingency Account to cover the loss, the State Controller shall
42 draw a warrant on the Reserve for Statutory Contingency Account
43 for the full amount of the loss as covered by the surety bond, in the
44 manner in which claims against the State are usually paid, and the
45 State Treasurer shall pay the warrant.



(b) If there is insufficient money in the Reserve for Statutory Contingency Account to cover the loss, the State Controller shall draw a warrant for the full amount in the Reserve for Statutory Contingency Account for the purpose of making restitution in part, and the State Controller shall report the condition of the account to the Governor. The Governor shall take the necessary steps to have the balance due included in the budget, and report to the next succeeding Legislature. When the balance is thus secured, the restitution is completed.

Sec. 51. NRS 282.340 is hereby amended to read as follows:

282.340 1. If any public officer or employee defaults, misappropriates or otherwise is responsible for loss of funds committed to the officer's or employee's care, the officer or employee is civilly liable for the amount thereof in an action to be prosecuted by:

(a) The district attorney *or county counsel, as applicable*, in cases of county and township officers and employees.

(b) The city attorney in cases of city officers and employees.

(c) The Attorney General in cases of state officers and irrigation district officers and employees.

2. The State, county, city or irrigation district, as the case may be, has a lien on all real or personal property, not exempt from execution, of any such officer or employee against whom such an action is brought for default, misappropriation, or other violation of the conditions of the officer's or employee's surety bond given under the provisions of chapter 193, Statutes of Nevada 1937, as amended, and such lien becomes effective upon the execution of such surety bonds by state, county, township, city and irrigation district officers and employees, and takes precedence over any other unrecorded lien or encumbrance.

3. Upon judgment being entered in favor of the State, county, incorporated city or irrigation district, all property owned, either legally or equitably, by the State, county, township, city or irrigation district officer or employee violating any condition of such bond, not exempt from execution, or so much thereof as may be necessary to cover the amount of the judgment entered, may be sold, as in cases of execution, and the proceeds applied to payment of the judgment rendered to cover the shortage. If there is an insufficiency of such property, or the judgment or any part of it remains unsatisfied, then a deficiency judgment may be entered by the court.

Sec. 52. NRS 283.040 is hereby amended to read as follows:

283.040 1. Every office becomes vacant upon the occurring of any of the following events before the expiration of the term:

(a) The death or resignation of the incumbent.

(b) The removal of the incumbent from office.



(c) The confirmed insanity of the incumbent, found by a court of competent jurisdiction.

(d) A conviction of the incumbent of any felony or offense involving a violation of the incumbent's official oath or bond or a violation of NRS 241.040, 293.1755 or 293C.200.

(e) A refusal or neglect of the person elected or appointed to take the oath of office, as prescribed in NRS 282.010, or, when a bond is required by law, a refusal or neglect of the person to give the bond within the time prescribed by law.

(f) Except as otherwise provided in NRS 266.400, the ceasing of the incumbent to be an actual, as opposed to constructive, resident of the State, district, county, city, ward or other unit prescribed by law in which the duties of the incumbent's office are to be exercised, or from which the incumbent was elected or appointed, or in which the incumbent was required to reside to be a candidate for office or appointed to office.

(g) The neglect or refusal of the incumbent to discharge the duties of the incumbent's office for a period of 30 days, except when prevented by sickness or absence from the State or county, as provided by law. In a county whose population is less than 15,000, after an incumbent, other than a state officer, has been prevented by sickness from discharging the duties of the incumbent's office for at least 6 months, the district attorney ~~{}~~ **or county counsel, as applicable,** either on ~~{the district attorney's}~~ **his or her** own volition or at the request of another person, may petition the district court to declare the office vacant. If the incumbent holds the office of district attorney, the Attorney General, either on the Attorney General's own volition or at the request of another person, may petition the district court to declare the office vacant. The district court shall hold a hearing to determine whether to declare the office vacant and, in making its determination, shall consider evidence relating to:

(1) The medical condition of the incumbent;

(2) The extent to which illness, disease or physical weakness has rendered the incumbent unable to manage independently and perform the duties of the incumbent's office; and

(3) The extent to which the absence of the incumbent has had a detrimental effect on the applicable governmental entity.

(h) The decision of a competent tribunal declaring the election or appointment void or the office vacant.

(i) A determination pursuant to NRS 293.182 or 293C.186 that the incumbent fails to meet any qualification required for the office.

2. Upon the happening of any of the events described in subsection 1, if the incumbent fails or refuses to relinquish the incumbent's office, the Attorney General shall, if the office is a state office or concerns more than one county, or the district attorney **or**



county counsel, as applicable, shall, if the office is a county office or concerns territory within one county, commence and prosecute, in a court of competent jurisdiction, any proceedings for judgment and decree declaring that office vacant.

3. The provisions of this section do not apply to the extent that they conflict or are otherwise inconsistent with any provision of the Constitution of the State of Nevada regarding the power to judge of the qualifications, elections and returns of or to punish, impeach, expel or remove from office the Governor, other state and judicial officers or State Legislators.

Sec. 53. Chapter 293 of NRS is hereby amended by adding thereto a new section to read as follows:

“District attorney” means the district attorney of a county or, in a county which has created the office of county counsel pursuant to section 5 of this act, the county counsel.

Sec. 54. NRS 293.010 is hereby amended to read as follows:

293.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 293.016 to 293.121, inclusive, *and section 53 of this act* have the meanings ascribed to them in those sections.

Sec. 55. NRS 293.505 is hereby amended to read as follows:

293.505 1. All justices of the peace, except those located in county seats, are ex officio field registrars to carry out the provisions of this chapter.

2. The county clerk shall appoint at least one registered voter to serve as a field registrar of voters who, except as otherwise provided in NRS 293.5055, shall preregister and register voters within the county for which the field registrar is appointed. Except as otherwise provided in subsection 1, a candidate for any office may not be appointed or serve as a field registrar. A field registrar serves at the pleasure of the county clerk and shall perform such duties as the county clerk may direct. The county clerk shall not knowingly appoint any person as a field registrar who has been convicted of a felony involving theft or fraud. The Secretary of State may bring an action against a county clerk to collect a civil penalty of not more than \$5,000 for each person who is appointed as a field registrar in violation of this subsection. Any civil penalty collected pursuant to this subsection must be deposited with the State Treasurer for credit to the State General Fund.

3. A field registrar shall demand of any person who applies for preregistration or registration all information required by the application to preregister or register to vote, as applicable, and shall administer all oaths required by this chapter.

4. When a field registrar has in his or her possession five or more completed applications to preregister or register to vote, the



1 field registrar shall forward them to the county clerk, but in no case
2 may the field registrar hold any number of them for more than 10
3 days.

4 5. Each field registrar shall forward to the county clerk all
5 completed applications in his or her possession immediately after
6 the last day to register to vote by mail pursuant to NRS 293.560 or
7 293C.527, as applicable. Within 5 days after the last day to register
8 to vote by mail pursuant to NRS 293.560 or 293C.527, as
9 applicable, a field registrar shall return all unused applications in his
10 or her possession to the county clerk. If all of the unused
11 applications are not returned to the county clerk, the field registrar
12 shall account for the unreturned applications.

13 6. Each field registrar shall submit to the county clerk a list of
14 the serial numbers of the completed applications to preregister or
15 register to vote and the names of the electors on those applications.
16 The serial numbers must be listed in numerical order.

17 7. Each field registrar shall post notices sent to him or her by
18 the county clerk for posting in accordance with the election laws of
19 this State.

20 8. A field registrar, employee of a voter registration agency or
21 person assisting a voter pursuant to NRS 293.5235 shall not:

22 (a) Delegate any of his or her duties to another person; or

23 (b) Refuse to preregister or register a person on account of that
24 person's political party affiliation.

25 9. A person shall not hold himself or herself out to be or
26 attempt to exercise the duties of a field registrar unless the person
27 has been so appointed.

28 10. A county clerk, field registrar, employee of a voter
29 registration agency or person assisting another person pursuant to
30 NRS 293.5235 shall not:

31 (a) Solicit a vote for or against a particular question or
32 candidate;

33 (b) Speak to a person on the subject of marking his or her ballot
34 for or against a particular question or candidate; or

35 (c) Distribute any petition or other material concerning a
36 candidate or question which will be on the ballot for the ensuing
37 election,

38 ↪ while preregistering or registering the person.

39 11. When the county clerk receives applications to preregister
40 or register to vote from a field registrar, the county clerk shall issue
41 a receipt to the field registrar. The receipt must include:

42 (a) The number of persons preregistered or registered; and

43 (b) The political party of the persons preregistered or registered.



12. A county clerk, field registrar, employee of a voter registration agency or person assisting another person pursuant to NRS 293.5235 shall not:

(a) Knowingly:

(1) Register a person who is not a qualified elector or a person who has filed a false or misleading application to register to vote; or

(2) Preregister a person who does not meet the qualifications set forth in NRS 293.4855; or

(b) Preregister or register a person who fails to provide satisfactory proof of identification and the address at which the person actually resides.

13. A county clerk, field registrar, employee of a voter registration agency, person assisting another person pursuant to NRS 293.5235 or any other person providing a form for the application to preregister or register to vote to an elector for the purpose of preregistering or registering to vote:

(a) If the person who assists another person with completing the form for the application to preregister or register to vote retains the form, shall enter his or her name on the duplicate copy or receipt retained by the person upon completion of the form; and

(b) Shall not alter, deface or destroy an application to preregister or register to vote that has been signed by a person except to correct information contained in the application after receiving notice from the person that a change in or addition to the information is required.

14. If a field registrar violates any of the provisions of this section, the county clerk shall immediately suspend the field registrar and notify the district attorney of the county in which the violation occurred.

15. A person who violates any of the provisions of subsection 8, 9, 10, 12 or 13 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

16. As used in this section, "district attorney" does not include a county counsel.

Sec. 56. NRS 293.755 is hereby amended to read as follows:

293.755 1. A person who tampers or interferes with, or attempts to tamper or interfere with, a mechanical voting system, mechanical voting device or any computer program used to count ballots with the intent to prevent the proper operation of that device, system or program is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. A person who tampers or interferes with, or attempts to tamper or interfere with, a mechanical voting system, mechanical voting device or any computer program used to count ballots with the intent to influence the outcome of an election is guilty of a



category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years.

3. The county or city clerk shall report any alleged violation of this section to the district attorney who shall cause appropriate proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay.

4. As used in this section, "district attorney" does not include a county counsel.

Sec. 57. NRS 293.840 is hereby amended to read as follows:

293.840 1. In addition to any criminal penalty, a person who violates the provisions of this chapter is subject to a civil penalty in an amount not to exceed \$20,000 for each violation. This penalty must be recovered in a civil action brought in the name of the State of Nevada by the Attorney General or by any district attorney in a court of competent jurisdiction.

2. Any civil penalty collected pursuant to this section must be deposited by the collecting agency for credit to the State General Fund in the bank designated by the State Treasurer.

3. As used in this section, "district attorney" does not include a county counsel.

Sec. 58. NRS 306.200 is hereby amended to read as follows:

306.200 1. In addition to any criminal penalty, a person who violates the provisions of this chapter is subject to a civil penalty in an amount not to exceed \$20,000 for each violation. This penalty must be recovered in a civil action brought in the name of the State of Nevada by the Attorney General or by any district attorney in a court of competent jurisdiction.

2. Each person who signs a notice of intent to circulate a petition for the recall of a public officer is jointly and severally liable for any civil penalty imposed pursuant to this section in relation to the petition for recall.

3. Any civil penalty collected pursuant to this section must be deposited by the collecting agency for credit to the State General Fund in the bank designated by the State Treasurer.

4. As used in this section, "district attorney" does not include a county counsel.

Sec. 59. NRS 328.510 is hereby amended to read as follows:

328.510 1. The State Land Registrar shall:

(a) Create and maintain a Registry of all Lands and Interests in Land in Nevada, other than the unreserved, unappropriated public lands, owned or held in trust by an agency or instrumentality of the Federal Government.

(b) With the advice and assistance of the Attorney General , ~~and~~ the district attorneys ~~and~~ *and the county counsels*, determine



1 and state in the Registry the nature and extent of the Federal
2 Government's jurisdiction over each tract of land or interest in land
3 entered in the Registry.

4 2. The Department of Taxation, with the cooperation of the
5 State Land Registrar, shall advise the county assessors of:

6 (a) Those lands and interests in land in the Registry which may
7 be taxed and the taxable activities conducted on them; and

8 (b) Any changes in the taxable status of those lands and interests
9 when the changes come to their knowledge.

10 **Sec. 60.** NRS 345.010 is hereby amended to read as follows:

11 345.010 Upon publication of the Statutes of Nevada, the
12 Director of the Legislative Counsel Bureau shall distribute them
13 without charge as follows:

14 1. To each of the judges of the District Court of the United
15 States for the District of Nevada, one copy.

16 2. To the Supreme Court Law Library, two copies.

17 3. To each justice of the Supreme Court, Clerk of the Supreme
18 Court, judge of the Court of Appeals, district judge, county clerk,
19 district attorney, *county counsel*, justice of the peace and municipal
20 judge in this State, one copy.

21 4. To each public library in this State, one copy.

22 5. To each library in the Nevada System of Higher Education,
23 one copy.

24 6. To the Nevada Historical Society, one copy.

25 7. Upon request, to any state, county or municipal officer.

26 **Sec. 61.** NRS 345.020 is hereby amended to read as follows:

27 345.020 The Supreme Court shall distribute each volume of
28 Nevada Reports in book or electronic form without charge as
29 follows:

30 1. To each of the judges of the District Court of the United
31 States for the District of Nevada, one copy.

32 2. The Supreme Court Law Library, two copies.

33 3. To each justice of the Supreme Court, Clerk of the Supreme
34 Court, judge of the Court of Appeals, district judge, district attorney,
35 *county counsel*, county clerk, justice of the peace and municipal
36 judge in this State, one copy.

37 4. The Legislative Counsel.

38 5. To each public library in this State, one copy.

39 6. To each library in the Nevada System of Higher Education,
40 one copy.

41 7. To the Nevada Historical Society, one copy.

42 8. Upon request, to any state, county or municipal officer.



1 **Sec. 62.** NRS 350.0205 is hereby amended to read as follows:
2 350.0205 1. The Committee on Local Government Finance
3 shall annually provide to each city clerk, county clerk, ~~and~~ district
4 attorney ~~and~~ **and county counsel**:

5 (a) Forms for submitting a ballot question to the electors of a
6 municipality for the issuance or incurrence of general obligations as
7 provided in subsection 1 of NRS 350.020; and

8 (b) Examples of past ballot questions for the issuance or
9 incurrence of general obligations.

10 2. The city clerk, county clerk, ~~or~~ district attorney **or county**
11 **counsel** may make these forms and examples available to the
12 general public.

13 **Sec. 63.** Chapter 354 of NRS is hereby amended by adding
14 thereto a new section to read as follows:

15 *As used in this chapter, unless the context otherwise requires,*
16 *"district attorney" means the district attorney of a county or, in a*
17 *county which has created the office of county counsel pursuant to*
18 *section 5 of this act, the county counsel.*

19 **Sec. 64.** NRS 354.613 is hereby amended to read as follows:

20 354.613 1. Except as otherwise provided in this section and
21 NRS 354.59894, the governing body of a local government may, on
22 or after July 1, 2011, loan or transfer money from an enterprise
23 fund, money collected from fees imposed for the purpose for which
24 an enterprise fund was created or any income or interest earned on
25 money in an enterprise fund only if the loan or transfer is made:

26 (a) In accordance with a medium-term obligation issued by the
27 recipient in compliance with the provisions of chapter 350 of NRS,
28 the loan or transfer is proposed to be made and the governing body
29 approves the loan or transfer under a nonconsent item that is
30 separately listed on the agenda for a regular meeting of the
31 governing body, and:

32 (1) The money is repaid in full to the enterprise fund within 5
33 years; or

34 (2) If the recipient will be unable to repay the money in full
35 to the enterprise fund within 5 years, the recipient notifies the
36 Committee on Local Government Finance of:

37 (I) The total amount of the loan or transfer;

38 (II) The purpose of the loan or transfer;

39 (III) The date of the loan or transfer; and

40 (IV) The estimated date that the money will be repaid in
41 full to the enterprise fund;

42 (b) To pay the expenses related to the purpose for which the
43 enterprise fund was created;

44 (c) For a cost allocation for employees, equipment or other
45 resources related to the purpose of the enterprise fund which is



1 approved by the governing body under a nonconsent item that is
2 separately listed on the agenda for a regular meeting of the
3 governing body; or

4 (d) Upon the dissolution of the enterprise fund.

5 2. Except as otherwise provided in this section, the governing
6 body of a local government may increase the amount of any fee
7 imposed for the purpose for which an enterprise fund was created
8 only if the governing body approves the increase under a
9 nonconsent item that is separately listed on the agenda for a regular
10 meeting of the governing body, and the governing body determines
11 that:

12 (a) The increase is not prohibited by law;

13 (b) The increase is necessary for the continuation or expansion
14 of the purpose for which the enterprise fund was created; and

15 (c) All fees that are deposited in the enterprise fund are used
16 solely for the purposes for which the fees are collected.

17 3. Upon the adoption of an increase in any fee pursuant to
18 subsection 2, the governing body shall, except as otherwise provided
19 in this subsection, provide to the Department of Taxation an
20 executed copy of the action increasing the fee. This requirement
21 does not apply to the governing body of a federally regulated
22 airport.

23 4. The provisions of subsection 2 do not limit the authority of
24 the governing body of a local government to increase the amount of
25 any fee imposed upon a public utility in compliance with the
26 provisions of NRS 354.59881 to 354.59889, inclusive, for a right-
27 of-way over any public area if the public utility is billed separately
28 for that fee. As used in this subsection, "public utility" has the
29 meaning ascribed to it in NRS 354.598817.

30 5. This section must not be construed to:

31 (a) Prohibit a local government from increasing a fee or using
32 money in an enterprise fund to repay a loan lawfully made to the
33 enterprise fund from another fund of the local government; or

34 (b) Prohibit or impose any substantive or procedural limitations
35 on any increase of a fee that is necessary to meet the requirements of
36 an instrument that authorizes any bonds or other debt obligations
37 which are secured by or payable from, in whole or in part, money in
38 the enterprise fund or the revenues of the enterprise for which the
39 enterprise fund was created.

40 6. The Department of Taxation shall provide to the Committee
41 on Local Government Finance a copy of each report submitted to
42 the Department on or after July 1, 2011, by a county or city pursuant
43 to NRS 354.6015. The Committee shall:



(a) Review each report to determine whether the governing body of the local government is in compliance with the provisions of this section; and

(b) On or before January 15 of each odd-numbered year, submit a report of its findings to the Director of the Legislative Counsel Bureau for transmittal to the Legislature.

7. A fee increase imposed in violation of this section must not be invalidated on the basis of that violation. The sole remedy for a violation of this section is the penalty provided in NRS 354.626. Any person who pays a fee for the enterprise for which the enterprise fund is created may file a complaint with the district attorney or Attorney General alleging a violation of this section for prosecution pursuant to NRS 354.626.

8. For the purposes of paragraph (c) of subsection 1, the Committee on Local Government Finance shall adopt regulations setting forth the extent to which general, overhead, administrative and similar expenses of a local government of a type described in paragraph (c) of subsection 1 may be allocated to an enterprise fund. The regulations must require that:

(a) Each cost allocation makes an equitable distribution of all general, overhead, administrative and similar expenses of the local government among all activities of the local government, including the activities funded by the enterprise fund; and

(b) Only the enterprise fund's equitable share of those expenses may be treated as expenses of the enterprise fund and allocated to it pursuant to paragraph (c) of subsection 1.

9. Except as otherwise provided in subsections 10 and 11, if a local government has subsidized its general fund with money from an enterprise fund for the 5 fiscal years immediately preceding the fiscal year beginning on July 1, 2011, the provisions of subsection 1 do not apply to transfers from the enterprise fund to the general fund of the local government for the purpose of subsidizing the general fund if the local government:

(a) Does not increase the amount of the transfers to subsidize the general fund in any fiscal year beginning on or after July 1, 2011, above the amount transferred in the fiscal year ending on June 30, 2011, except for loans and transfers that comply with the provisions of subsection 1; and

(b) Does not, on or after July 1, 2011, increase any fees for any enterprise fund used to subsidize the general fund except for increases described in paragraph (b) of subsection 5.

10. On and after July 1, 2021, the provisions of subsection 1 apply to transfers from an enterprise fund described in subsection 9 to the general fund of a local government for the purpose of subsidizing the general fund unless:



(a) On or before July 1, 2018, the Committee on Local Government Finance has approved a plan adopted by the governing body of the local government to eliminate transfers from an enterprise fund to subsidize the general fund of the local government that are not made in compliance with subsection 1, which must include, without limitation, a plan to reduce, by at least 3.3 percent each fiscal year during the term of the plan, the amount of the transfers from the enterprise fund to the general fund of the local government for the purpose of subsidizing the general fund; and

(b) In accordance with the plan approved by the Committee on Local Government Finance pursuant to paragraph (a), for each fiscal year during the term of the plan, the local government reduces by at least 3.3 percent the amount of the transfers from the enterprise fund to the general fund of the local government for the purpose of subsidizing the general fund.

11. Each plan approved by the Committee on Local Government Finance pursuant to subsection 10 is subject to annual review by the Committee.

12. After the expiration of the term of a plan approved by the Committee on Local Government Finance pursuant to subsection 10, the provisions of subsection 1 apply to the local government that adopted the plan.

13. The provisions of this section do not apply to an enterprise fund created by the governing body of a local government for the purpose of providing telecommunication services pursuant to the provisions of NRS 710.010 to 710.159, inclusive.

14. As used in this section, “district attorney” does not include a county counsel.

Sec. 65. NRS 354.626 is hereby amended to read as follows:

354.626 1. No governing body or member thereof, officer, office, department or agency may, during any fiscal year, expend or contract to expend any money or incur any liability, or enter into any contract which by its terms involves the expenditure of money, in excess of the amounts appropriated for that function, other than bond repayments, medium-term obligation repayments and any other long-term contract expressly authorized by law. Any officer or employee of a local government who willfully violates NRS 354.470 to 354.626, inclusive, is guilty of a misdemeanor and upon conviction thereof ceases to hold his or her office or employment. Prosecution for any violation of this section may be conducted by the Attorney General or, in the case of incorporated cities, school districts or special districts, by the district attorney.



2. Without limiting the generality of the exceptions contained in subsection 1, the provisions of this section specifically do not apply to:

(a) Purchase of coverage and professional services directly related to a program of insurance which require an audit at the end of the term thereof.

(b) Long-term cooperative agreements as authorized by chapter 277 of NRS.

(c) Long-term contracts in connection with planning and zoning as authorized by NRS 278.010 to 278.630, inclusive.

(d) Long-term contracts for the purchase of utility service such as, but not limited to, heat, light, sewerage, power, water and telephone service.

(e) Contracts between a local government and an employee covering professional services to be performed within 24 months following the date of such contract or contracts entered into between local government employers and employee organizations.

(f) Contracts between a local government and any person for the construction or completion of public works, money for which has been or will be provided by the proceeds of a sale of bonds, medium-term obligations or an installment-purchase agreement and that are entered into by the local government after:

(1) Any election required for the approval of the bonds or installment-purchase agreement has been held;

(2) Any approvals by any other governmental entity required to be obtained before the bonds, medium-term obligations or installment-purchase agreement can be issued have been obtained; and

(3) The ordinance or resolution that specifies each of the terms of the bonds, medium-term obligations or installment-purchase agreement, except those terms that are set forth in subsection 2 of NRS 350.165, has been adopted.

↪ Neither the fund balance of a governmental fund nor the equity balance in any proprietary fund may be used unless appropriated in a manner provided by law.

(g) Contracts which are entered into by a local government and delivered to any person solely for the purpose of acquiring supplies, services and equipment necessarily ordered in the current fiscal year for use in an ensuing fiscal year and which, under the method of accounting adopted by the local government, will be charged against an appropriation of a subsequent fiscal year. Purchase orders evidencing such contracts are public records available for inspection by any person on demand.

(h) Long-term contracts for the furnishing of television or FM radio broadcast translator signals as authorized by NRS 269.127.



(i) The receipt and proper expenditure of money received pursuant to a grant awarded by an agency of the Federal Government.

(j) The incurrence of obligations beyond the current fiscal year under a lease or contract for installment purchase which contains a provision that the obligation incurred thereby is extinguished by the failure of the governing body to appropriate money for the ensuing fiscal year for the payment of the amounts then due.

(k) The receipt by a local government of increased revenue that:

(1) Was not anticipated in the preparation of the final budget of the local government; and

(2) Is required by statute to be remitted to another governmental entity.

(l) An agreement authorized pursuant to NRS 277A.370.

3. As used in this section, “district attorney” does not include a county counsel.

Sec. 66. Chapter 357 of NRS is hereby amended by adding thereto a new section to read as follows:

“District attorney” means the district attorney of a county or, in a county which has created the office of county counsel pursuant to section 5 of this act, the county counsel.

Sec. 67. NRS 357.010 is hereby amended to read as follows:

357.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 357.020 to 357.030, inclusive, **and section 66 of this act** have the meanings ascribed to them in those sections.

Sec. 68. NRS 360.245 is hereby amended to read as follows:

360.245 1. Except as otherwise provided in this title:

(a) All decisions of the Executive Director or other officer of the Department made pursuant to this title are final unless appealed to the Nevada Tax Commission.

(b) Any natural person, partnership, corporation, association or other business or legal entity who is aggrieved by such a decision may appeal the decision by filing a notice of appeal with the Department within 30 days after service of the decision upon that person or business or legal entity.

2. Service of the decision must be made personally or by certified mail. If service is made by certified mail:

(a) The decision must be enclosed in an envelope which is addressed to the taxpayer at his or her address as it appears in the records of the Department.

(b) It is deemed to be complete at the time the appropriately addressed envelope containing the decision is deposited with the United States Postal Service.



3. The Nevada Tax Commission, as head of the Department, may review all decisions made by the Executive Director that are not otherwise appealed to the Commission pursuant to this section.

4. The Nevada Tax Commission may reverse, affirm or modify any decision of the Department that is:

(a) Appealed to the Commission by a taxpayer pursuant to this section; or

(b) Reviewed by the Commission pursuant to this section.

5. A decision of the Nevada Tax Commission is a final decision for the purposes of judicial review. The Executive Director or any other employee or representative of the Department shall not seek judicial review of such a decision.

6. The Nevada Tax Commission shall provide by regulation for:

(a) Notice to be given to each county of any decision upon an appeal to the Commission that the Commission determines is likely to affect the revenue of the county or other local government. The regulations must specify the form and contents of the notice and requirements for the number of days before a meeting of the Commission that the notice must be transmitted. If the parties to the appeal enter into a stipulation as to the issues that will be heard on appeal, the Commission shall transmit a copy of the notice to the district attorney *or county counsel, as applicable*, of each county which the Commission determines is likely to be affected by the decision. Upon receipt of such a notice, the district attorney *or county counsel, as applicable*, shall transmit a copy of the notice to each local government within the county which the Commission determines is likely to be affected by the decision. If there is no such stipulation, the Commission shall transmit a copy of the notice, accompanied by the names of the parties and the amount on appeal, if any, to the governing bodies of the counties and other local governments which the Commission determines are likely to be affected by the decision.

(b) The manner in which a county or other local government which is not a party to such an appeal may become a party, and the procedure for its participation in the appeal.

7. A county or other local government which is a party and is aggrieved by the decision of the Nevada Tax Commission is entitled to seek judicial review of the decision.

8. Upon application by a taxpayer, the Nevada Tax Commission shall review the denial of relief pursuant to NRS 361.4835 and may grant, deny or modify the relief sought.



Sec. 69. NRS 360.260 is hereby amended to read as follows:

360.260 1. The Nevada Tax Commission shall have the power to direct what proceedings, actions or prosecutions shall be instituted to support the law.

2. The Nevada Tax Commission may call upon ~~the~~:

(a) *The district attorney of any county or the Attorney General to institute and conduct such ~~civil or~~ criminal proceedings as may be demanded.*

(b) *The district attorney or county counsel, as applicable, of any county or the Attorney General to institute and conduct such civil proceedings as may be demanded.*

Sec. 70. Chapter 361 of NRS is hereby amended by adding thereto a new section to read as follows:

"District attorney" means the district attorney of a county or, in a county which has created the office of county counsel pursuant to section 5 of this act, the county counsel.

Sec. 71. NRS 361.010 is hereby amended to read as follows:

361.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 361.013 to 361.043, inclusive, *and section 70 of this act* have the meanings ascribed to them in those sections.

Sec. 72. NRS 361.2225 is hereby amended to read as follows:

361.2225 1. An applicant for the issuance of a certificate as an appraiser shall submit to the Department the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Department shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance of the certificate; or

(b) A separate form prescribed by the Department.

3. A certificate as an appraiser may not be issued by the Department if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that he or she is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he or she is subject to a court order for the support of a child and is not in compliance with the order or a plan



approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Department shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

5. As used in this section, “district attorney” does not include a county counsel.

Sec. 73. NRS 361.2226 is hereby amended to read as follows:

361.2226 1. If the Department receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a certificate as an appraiser, the Department shall deem the certificate issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Department receives a letter issued to the holder of the certificate by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the certificate has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Department shall reinstate a certificate as an appraiser that has been suspended by a district court pursuant to NRS 425.540 if the Department receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose certificate was suspended stating that the person whose certificate was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

3. As used in this section, “district attorney” does not include a county counsel.

Sec. 74. NRS 361.550 is hereby amended to read as follows:

361.550 1. Should the county assessor neglect or refuse to make the monthly statements of his or her collections of movable personal property tax as required by law, or neglect or refuse to file the original schedules of his or her assessments of such property, the county assessor shall be guilty of a misdemeanor, and shall be removed from office.

2. In case of such neglect and refusal, the county auditor shall inform the district attorney immediately of such facts, and the district attorney shall commence proceedings against the county assessor under this section.

3. As used in this section, “district attorney” does not include a county counsel.



Sec. 75. NRS 361.555 is hereby amended to read as follows:

361.555 1. The county auditor shall be liable on his or her official bond for double the amount of the loss that the State and county may sustain through the defalcation of the county assessor, or otherwise, in cases where the county auditor has not notified the district attorney of the neglect or refusal of the county assessor to make his or her monthly statement, under oath, of collection of the tax on movable personal property as required by law.

2. The State Controller shall have direction and control of all suits brought against the county auditor under this section. A copy of the statement of amount lost by the State and county, made out and certified by the State Controller, shall be sufficient evidence to support an action in any court of competent jurisdiction for the amount of such loss without proof of the signature or official character of the State Controller, subject, however, to the right of the defendant to plead and give in evidence, as in other actions, all such matters as shall be legal and proper for his or her defense or discharge.

3. One-half of all moneys recovered under such suit against the county auditor shall go into the General Fund of the State and one-half shall go into the general fund of the county.

4. As used in this section, “district attorney” does not include a county counsel.

Sec. 76. Chapter 372A of NRS is hereby amended by adding thereto a new section to read as follows:

“District attorney” means the district attorney of a county or, in a county which has created the office of county counsel pursuant to section 5 of this act, the county counsel.

Sec. 77. NRS 372A.010 is hereby amended to read as follows:

372A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 372A.015, 372A.020 and 372A.040 ***and section 76 of this act*** have the meanings ascribed to them in those sections.

Sec. 78. Chapter 373 of NRS is hereby amended by adding thereto a new section to read as follows:

“District attorney” means the district attorney of a county or, in a county which has created the office of county counsel pursuant to section 5 of this act, the county counsel.

Sec. 79. NRS 373.020 is hereby amended to read as follows:

373.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 373.0205 to 373.029, inclusive, ***and section 78 of this act*** have the meanings ascribed to them in those sections.



Sec. 80. Chapter 374 of NRS is hereby amended by adding thereto a new section to read as follows:

“District attorney” means the district attorney of a county or, in a county which has created the office of county counsel pursuant to section 5 of this act, the county counsel.

Sec. 81. NRS 374.020 is hereby amended to read as follows:

374.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 374.025 to 374.108, inclusive, ***and section 80 of this act*** have the meanings ascribed to them in those sections.

Sec. 82. NRS 375.010 is hereby amended to read as follows:

375.010 1. The following terms, wherever used or referred to in this chapter, have the following meaning unless a different meaning clearly appears in the context:

(a) “Buyer” means a person or other legal entity acquiring title to any estate or present interest in real property in this State by deed, including, without limitation, a grantee or other transferee of real property.

(b) “Deed” means every instrument in writing, whatever its form and by whatever name it is known in law, by which title to any estate or present interest in real property, including a water right, permit, certificate or application, is conveyed or transferred to, and vested in, another person, except that the term does not include:

(1) A lease for any term of years;

(2) An easement;

(3) A deed of trust or common-law mortgage instrument that encumbers real property;

(4) A last will and testament;

(5) A distribution of the separate property of a decedent pursuant to chapter 134 of NRS;

(6) An affidavit of a surviving tenant;

(7) A conveyance of a right-of-way; or

(8) A conveyance of an interest in gas, oil or minerals.

(c) ***“District attorney” means the district attorney of a county or, in a county which has created the office of county counsel pursuant to section 5 of this act, the county counsel.***

(d) “Escrow” means the delivery of a deed by the seller into the hands of a third person, including an attorney, title company, real estate broker or other person engaged in the business of administering escrows for compensation, to be held by the third person until the happening of a contingency or performance of a condition, and then to be delivered by the third person to the buyer.

~~(d)~~ (e) “Land sale installment contract” means any agreement between a seller and a buyer of real property located in this State pursuant to which the buyer gives and the seller receives the



1 consideration paid in multiple payments during a specified period
2 and the seller retains title to the real property that is the subject of
3 the agreement until the full contract price is paid, at which time title
4 to the real property is transferred by an instrument in writing from
5 the seller to the buyer. The term does not include a deed of trust or
6 common-law mortgage instrument that encumbers real property or
7 an option to purchase real property.

8 ~~[(e)]~~ (f) “Seller” means a person or other legal entity transferring
9 title to any estate or present interest in real property in this State by
10 deed, including, without limitation, a grantor or other transferor of
11 real property.

12 ~~[(f)]~~ (g) “Value” means:

13 (1) In the case of any deed which is not a gift, or a land sale
14 installment contract, the amount of the full purchase price paid or to
15 be paid for the real property.

16 (2) In the case of a gift, or any deed with nominal
17 consideration or without stated consideration, the estimated fair
18 market value of the property.

19 2. As used in paragraph ~~[(f)]~~ (g) of subsection 1, “estimated
20 fair market value” means the estimated price the real property would
21 bring on the open market in a sale between a willing buyer and a
22 willing seller. Such price may be derived from the assessor’s taxable
23 value or the prior purchase price, if the prior purchase was within
24 the 5 years immediately preceding the date of valuation, whichever
25 is higher.

26 **Sec. 83.** NRS 387.3286 is hereby amended to read as follows:

27 387.3286 1. The Committee on Local Government Finance
28 shall annually provide to each county clerk , ~~land~~ district attorney
29 ~~and county counsel~~:

30 (a) Forms for submitting a ballot question to the registered
31 voters of a county for the imposition of an additional property tax
32 pursuant to NRS 387.3285; and

33 (b) Examples of past ballot questions for the imposition of an
34 additional property tax.

35 2. The county clerk , ~~land~~ district attorney *or county counsel*
36 may make these forms and examples available to the general public.

37 **Sec. 84.** Chapter 392 of NRS is hereby amended by adding
38 thereto a new section to read as follows:

39 *“District attorney” means the district attorney of a county or, in*
40 *a county which has created the office of county counsel pursuant*
41 *to section 5 of this act, the county counsel.*

42 **Sec. 85.** NRS 392.275 is hereby amended to read as follows:

43 392.275 As used in NRS 392.275 to 392.365, inclusive, *and*
44 *section 84 of this act*, unless the context otherwise requires, the
45 words and terms defined in NRS 392.281 to 392.295, inclusive, *and*



section 84 of this act have the meanings ascribed to them in those sections.

Sec. 86. NRS 405.130 is hereby amended to read as follows:

405.130 1. The chair of the board of county commissioners shall notify at once the person or persons violating the provisions of NRS 405.120 to 405.160, inclusive, to make such construction or repair as may be necessary.

2. If such person or persons, firm, association or corporation shall refuse or neglect to make the same for a period of 5 days after receiving such notice, then the chair of the board of county commissioners shall:

(a) Immediately cause the necessary construction or repairing to be made according to the standard plan and specifications.

(b) Submit in duplicate to the board of county commissioners and the district attorney *or county counsel, as applicable*, itemized bills for the expense so incurred.

3. The bills shall be allowed and paid as other bills against the road fund of the district in which the construction or repairing is made. If there is no money in the road fund, then the bills shall be allowed and paid out of any moneys in the county general fund not otherwise appropriated.

Sec. 87. NRS 405.150 is hereby amended to read as follows:

405.150 Upon receiving the bill of expense as provided in NRS 405.130, the district attorney *or county counsel, as applicable*, shall immediately commence an action in any court of competent jurisdiction for the recovery of such an amount as is set forth in the itemized bill of expense together with the costs of the suit.

Sec. 88. NRS 418.030 is hereby amended to read as follows:

418.030 A person who claims to be entitled to the benefits of the provisions of 38 U.S.C. §§ 2021 to 2026, inclusive, may apply for the assistance of the district attorney *or the county counsel, as applicable*, for the county in which the claimant's employer maintains a place of business. The district attorney ~~H~~ *or county counsel*, if reasonably satisfied that the person applying is entitled to the benefits, shall appear and act as attorney for that person in the amicable adjustment of the claim, or in the:

1. Filing of any motion, petition or other appropriate pleading; and

2. Prosecution thereof to require specific compliance by the employer with the provisions of 38 U.S.C. §§ 2021 to 2026, inclusive.



1 **Sec. 89.** Chapter 432A of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *“District attorney” means the district attorney of a county or, in*
4 *a county which has created the office of county counsel pursuant*
5 *to section 5 of this act, the county counsel.*

6 **Sec. 90.** NRS 432A.020 is hereby amended to read as follows:
7 432A.020 As used in this chapter, unless the context otherwise
8 requires, the words and terms defined in NRS 432A.0205 to
9 432A.0295, inclusive, *and section 89 of this act* have the meanings
10 ascribed to them in those sections.

11 **Sec. 91.** Chapter 432B of NRS is hereby amended by adding
12 thereto a new section to read as follows:

13 *“District attorney” means the district attorney of a county or, in*
14 *a county which has created the office of county counsel pursuant*
15 *to section 5 of this act, the county counsel.*

16 **Sec. 92.** NRS 432B.010 is hereby amended to read as follows:
17 432B.010 As used in this chapter, unless the context otherwise
18 requires, the words and terms defined in NRS 432B.020 to
19 432B.110, inclusive, *and section 91 of this act* have the meanings
20 ascribed to them in those sections.

21 **Sec. 93.** NRS 432B.380 is hereby amended to read as follows:
22 432B.380 1. If the agency which provides child welfare
23 services determines that further action is necessary to protect a child
24 who is in need of protection, as well as any other child under the
25 same care who may be in need of protection, it may refer the case to
26 the district attorney for criminal prosecution and may recommend
27 the filing of a petition pursuant to NRS 432B.490.

28 2. *As used in this section, “district attorney” does not include*
29 *a county counsel.*

30 **Sec. 94.** Chapter 433 of NRS is hereby amended by adding
31 thereto a new section to read as follows:

32 *“District attorney” means the district attorney of a county or, in*
33 *a county which has created the office of county counsel pursuant*
34 *to section 5 of this act, the county counsel.*

35 **Sec. 95.** NRS 433.005 is hereby amended to read as follows:
36 433.005 As used in chapters 433 to 433C, inclusive, of NRS,
37 unless the context otherwise requires, or except as otherwise defined
38 by specific statute, the words and terms defined in NRS 433.014 to
39 433.227, inclusive, *and section 94 of this act* have the meanings
40 ascribed to them in those sections.

41 **Sec. 96.** NRS 433.633 is hereby amended to read as follows:
42 433.633 1. A person who applies for the issuance or renewal
43 of a certificate must:

44 (a) Include the social security number of the applicant in the
45 application submitted to the Division.



(b) Submit to the Division the statement prescribed by the Division of Welfare and Supportive Services of the Department pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Division shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the certificate; or

(b) A separate form prescribed by the Division.

3. A certificate may not be issued or renewed by the Division if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Division shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

5. As used in this section, "district attorney" does not include a county counsel.

Sec. 97. NRS 433.634 is hereby amended to read as follows:

433.634 1. If the Division receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a natural person who is the holder of a certificate, the Division shall deem the certificate issued to that person to be suspended at the end of the 30th day after the date the court order was issued unless the Division receives a letter issued to the holder of the certificate by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the certificate has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Division shall reinstate a certificate that has been suspended by a district court pursuant to NRS 425.540 if the Division receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose certificate was suspended stating that the person whose certificate



was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

3. As used in this section, “district attorney” does not include a county counsel.

Sec. 98. NRS 433A.335 is hereby amended to read as follows:

433A.335 1. A proceeding for an order requiring any person in the State of Nevada to receive assisted outpatient treatment may be commenced by the filing of a petition for such an order with the clerk of the district court of the county where the person who is to be treated is present. The petition may be filed by:

(a) Any person who is at least 18 years of age and resides with the person to be treated;

(b) The spouse, parent, adult sibling, adult child or legal guardian of the person to be treated;

(c) A physician, physician assistant, psychologist, social worker or registered nurse who is providing care to the person to be treated;

(d) The Administrator or his or her designee; or

(e) The medical director of a division facility in which the person is receiving treatment or the designee of the medical director of such a division facility.

2. A proceeding to require a person who is the defendant in a criminal proceeding in the district court to receive assisted outpatient treatment may be commenced by the district court, on its own motion, or by motion of the defendant or the district attorney if:

(a) The defendant has been examined in accordance with NRS 178.415;

(b) The defendant is not eligible for commitment to the custody of the Administrator pursuant to NRS 178.461; and

(c) The Division makes a clinical determination that assisted outpatient treatment is appropriate.

3. A petition filed pursuant to subsection 1 or a motion made pursuant to subsection 2 must allege the following concerning the person to be treated:

(a) The person is at least 18 years of age.

(b) The person has a mental illness.

(c) The person has a history of poor compliance with treatment for his or her mental illness that has resulted in at least one of the following circumstances:

(1) At least twice during the immediately preceding 48 months, poor compliance with mental health treatment has been a significant factor in causing the person to be hospitalized or receive services in the behavioral health unit of a detention facility or correctional facility. The 48-month period described in this subparagraph must be extended by any amount of time that the



1 person has been hospitalized, incarcerated or detained during that
2 period.

3 (2) Poor compliance with mental health treatment has been a
4 significant factor in causing the person to commit, attempt to
5 commit or threaten to commit serious physical harm to himself or
6 herself or others during the immediately preceding 48 months. The
7 48-month period described in this subparagraph must be extended
8 by any amount of time that the person has been hospitalized,
9 incarcerated or detained during that period.

10 (3) Poor compliance with mental health treatment has
11 resulted in the person being hospitalized, incarcerated or detained
12 for a cumulative period of at least 6 months and the person:

13 (I) Is scheduled to be discharged or released from such
14 hospitalization, incarceration or detention during the 30 days
15 immediately following the date of the petition; or

16 (II) Has been discharged or released from such
17 hospitalization, incarceration or detention during the 60 days
18 immediately preceding the date of the petition.

19 (d) Because of his or her mental illness, the person is unwilling
20 or unlikely to voluntarily participate in outpatient treatment that
21 would enable the person to live safely in the community without the
22 supervision of the court.

23 (e) Assisted outpatient treatment is the least restrictive
24 appropriate means to prevent further disability or deterioration that
25 would result in the person becoming a person in a mental health
26 crisis.

27 4. A petition filed pursuant to subsection 1 or a motion made
28 pursuant to subsection 2 must be accompanied by:

29 (a) A sworn statement or a declaration that complies with the
30 provisions of NRS 53.045 by a physician, a psychologist, a
31 physician assistant under the supervision of a psychiatrist, a clinical
32 social worker who has the psychiatric training and experience
33 prescribed by the Board of Examiners for Social Workers pursuant
34 to NRS 641B.160 or an advanced practice registered nurse who has
35 the psychiatric training and experience prescribed by the State
36 Board of Nursing pursuant to NRS 632.120, stating that he or she:

37 (1) Evaluated the person who is the subject of the petition or
38 motion not earlier than 10 days before the filing of the petition or
39 making of the motion;

40 (2) Recommends that the person be ordered to receive
41 assisted outpatient treatment; and

42 (3) Is willing and able to testify at a hearing on the petition or
43 motion; and

44 (b) A sworn statement or a declaration that complies with the
45 provisions of NRS 53.045 from a person professionally qualified in



1 the field of psychiatric mental health stating that he or she is willing
2 to provide assisted outpatient treatment for the person in the county
3 where the person resides.

4 5. A copy of the petition filed pursuant to subsection 1 or the
5 motion made pursuant to subsection 2 must be served upon the
6 person who is the subject of the petition or motion or his or her
7 counsel and, if applicable, his or her legal guardian.

8 **6. *As used in this section, “district attorney” does not include***
9 ***a county counsel.***

10 **Sec. 99.** NRS 433A.336 is hereby amended to read as follows:

11 433A.336 1. Immediately after the clerk of the district court
12 receives a petition filed pursuant to subsection 1 of NRS 433A.335
13 or NRS 433A.345, the clerk shall transmit the petition to the
14 appropriate district judge, who shall set a time, date and place for its
15 hearing. Immediately after a motion is made pursuant to subsection
16 2 of NRS 433A.335, the district judge shall set a time, date and
17 place for its hearing. The date must be:

18 (a) Within 30 judicial days after the date on which the petition is
19 received by the clerk or the motion is made, as applicable; or

20 (b) If the person who is the subject of the petition or motion is
21 hospitalized at the time of the petition or motion, before that person
22 is to be discharged and within a sufficient time to arrange for a
23 continuous transition from inpatient treatment to assisted outpatient
24 treatment.

25 2. If the Chief Judge, if any, of the district court has assigned a
26 district court judge or hearing master to preside over hearings
27 pursuant to this section, that judge or hearing master must preside
28 over the hearing.

29 3. The court shall give notice of the petition or motion and of
30 the time, date and place of any proceedings thereon to the person
31 who is the subject of the petition or motion, his or her attorney, if
32 known, the person’s legal guardian, the petitioner, if applicable, the
33 district attorney of the county in which the court has its principal
34 office, the local office of an agency or organization that receives
35 money from the Federal Government pursuant to 42 U.S.C. §§
36 10801 et seq. to protect and advocate the rights of persons with a
37 mental illness and the administrative office of any public or private
38 mental health facility or hospital in which the subject of the petition
39 or motion is detained.

40 **4. *As used in this section, “district attorney” does not include***
41 ***a county counsel.***



Sec. 100. NRS 433A.339 is hereby amended to read as follows:

433A.339 1. The district attorney of a county in which a petition is filed or motion is made pursuant to NRS 433A.335 or 433A.345 or his or her deputy:

(a) Must appear and represent the State in the proceedings for assisted outpatient treatment if:

(1) The proceedings were initiated by:

(I) A petition filed pursuant to subsection 1 of NRS 433A.335 or NRS 433A.345 by the Administrator or his or her designee or the medical director of a division facility or his or her designee; or

(II) A motion made pursuant to subsection 2 of NRS 433A.335; and

(2) The district attorney determines that there is clear and convincing evidence that the criteria prescribed in subsection 3 of NRS 433A.335 or subsection 1 of NRS 433A.345, as applicable, are met.

(b) May appear and represent the State in the proceedings for assisted outpatient treatment in any other case where the district attorney determines that there is clear and convincing evidence that the criteria prescribed in subsection 3 of NRS 433A.335 or subsection 1 of NRS 433A.345, as applicable, are met.

2. If the district attorney does not appear and represent the State in a proceeding for assisted outpatient treatment, the petitioner is responsible for presenting the case in support of the petition.

3. As used in this section, “district attorney” does not include a county counsel.

Sec. 101. NRS 441A.660 is hereby amended to read as follows:

441A.660 1. The person alleged to have been infected with or exposed to a communicable disease, or any relative or friend on behalf of the person, is entitled to retain counsel to represent the person in any proceeding before the district court relating to involuntary court-ordered isolation or quarantine, and if the person fails or refuses to obtain counsel, the court shall advise the person and his or her guardian or next of kin, if known, of the right to counsel and shall appoint counsel, who may be the public defender or his or her deputy.

2. Any counsel appointed pursuant to subsection 1 must be awarded compensation by the court for his or her services in an amount determined by the court to be fair and reasonable. Except as otherwise provided in this subsection, the compensation must be charged against the estate of the person for whom the counsel was appointed or, if the person is indigent, against the county in which



1 the application for involuntary court-ordered isolation or quarantine
2 was filed. In any proceeding before the district court relating to
3 involuntary court-ordered isolation or quarantine, if the person for
4 whom counsel was appointed is challenging his or her isolation or
5 quarantine or any condition of such isolation or quarantine and the
6 person succeeds in his or her challenge, the compensation must be
7 charged against the county in which the application for involuntary
8 court-ordered isolation or quarantine was filed.

9 3. The court shall, at the request of counsel representing the
10 person alleged to have been infected with or exposed to a
11 communicable disease in proceedings before the court relating to
12 involuntary court-ordered isolation or quarantine, grant a recess in
13 the proceedings for the shortest time possible, but for not more than
14 5 days, to give the counsel an opportunity to prepare his or her case.

15 4. Each district attorney *or county counsel, as applicable*, or
16 his or her deputy shall appear and represent the State in all
17 involuntary court-ordered isolation or quarantine proceedings in his
18 or her county. The district attorney *or county counsel, as*
19 *applicable*, is responsible for the presentation of evidence, if any, in
20 support of the involuntary court-ordered isolation or quarantine of a
21 person to a medical facility, residence or other safe location in
22 proceedings held pursuant to NRS 441A.600 or 441A.610.

23 **Sec. 102.** NRS 445B.460 is hereby amended to read as
24 follows:

25 445B.460 1. If, in the judgment of the Director, any person is
26 engaged in or is about to engage in any act or practice which
27 constitutes or will constitute a violation of any provision of NRS
28 445B.100 to 445B.640, inclusive, or any rule, regulation, order or
29 operating permit issued pursuant to NRS 445B.100 to 445B.640,
30 inclusive, the Director may request that the Attorney General apply
31 to the district court for an order enjoining the act or practice, or for
32 an order directing compliance with any provision of NRS 445B.100
33 to 445B.640, inclusive, or any rule, regulation, order or operating
34 permit issued pursuant to NRS 445B.100 to 445B.640, inclusive.

35 2. If, in the judgment of the control officer of a local air
36 pollution control board, any person is engaged in or is about to
37 engage in such an act or practice, the control officer may request
38 that the district attorney *or the county counsel, as applicable*, of the
39 county in which the act or practice is being engaged in or is about to
40 be engaged in apply to the district court for such an order.

41 3. Upon a showing by the Director or the control officer that a
42 person has engaged in or is about to engage in any such act or
43 practice, a permanent or temporary injunction, restraining order or
44 other appropriate order may be granted by the court.



Sec. 103. NRS 449.207 is hereby amended to read as follows:

1. An employee of a medical facility or a registered nurse, licensed practical nurse, nursing assistant or medication aide - certified who is employed by or contracts to provide nursing services for the medical facility and who believes that he or she has been retaliated or discriminated against in violation of NRS 449.205 may file an action in a court of competent jurisdiction.

2. If a court determines that a violation of NRS 449.205 has occurred, the court may award such damages as it determines to have resulted from the violation, including, without limitation:

(a) Compensatory damages;

(b) Reimbursement of any wages, salary, employment benefits or other compensation denied to or lost by the employee, registered nurse, licensed practical nurse, nursing assistant or medication aide - certified as a result of the violation;

(c) Attorney's fees and costs, including, without limitation, fees for expert witnesses; and

(d) Punitive damages, if the facts warrant.

3. The court shall award interest on the amount of damages at a rate determined pursuant to NRS 17.130.

4. The court may grant any equitable relief it considers appropriate, including, without limitation, reinstatement of the employee, registered nurse, licensed practical nurse, nursing assistant or medication aide - certified and any temporary, preliminary or permanent injunctive relief.

5. If any action to retaliate or discriminate is taken against an employee, registered nurse, licensed practical nurse, nursing assistant or medication aide - certified within 60 days after the employee, registered nurse, licensed practical nurse, nursing assistant or medication aide - certified takes any action described in subsection 1 of NRS 449.205, there is a rebuttable presumption that the action taken against the employee, registered nurse, licensed practical nurse, nursing assistant or medication aide - certified constitutes retaliation or discrimination in violation of NRS 449.205.

6. A medical facility or any agent or employee thereof that violates the provisions of NRS 449.205 is subject to a civil penalty of not more than \$10,000 for each violation. The Attorney General or any district attorney *or county counsel, as applicable*, of this State may recover the penalty in a civil action brought in the name of the State of Nevada in any court of competent jurisdiction.

7. Any action under this section must be brought not later than 2 years after the date of the last event constituting the alleged violation for which the action is brought.



8. As used in this section, “retaliate or discriminate” has the meaning ascribed to it in NRS 449.205.

Sec. 104. Chapter 450 of NRS is hereby amended by adding thereto a new section to read as follows:

“District attorney” means the district attorney of a county or, in a county which has created the office of county counsel pursuant to section 5 of this act, the county counsel.

Sec. 105. NRS 450.005 is hereby amended to read as follows:

450.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 450.006 and 450.008 *and section 104 of this act* have the meanings ascribed to them in those sections.

Sec. 106. NRS 452.030 is hereby amended to read as follows:

452.030 1. Every owner of a cemetery shall keep the same in an orderly condition, and authority is conferred on the board of county commissioners of each county to make such rules as will carry out the intent of this section.

2. Except as otherwise provided in subsection 4, in addition to any action that may be taken pursuant to the rules described in subsection 1, the district attorney *or county counsel, as applicable*, of the county in which a cemetery is located or a relative of any person interred in a cemetery may bring an action in a court of competent jurisdiction to enforce the provisions of subsection 1. If the court finds that the owner of the cemetery has failed to keep the cemetery in an orderly condition, the court may:

(a) Order the owner of the cemetery to take any action necessary to bring the cemetery into such a condition; or

(b) If the court also determines that continued ownership of the cemetery by the owner is not in accordance with the health, safety, comfort or welfare of the public, transfer title to the cemetery to the city or, if the cemetery is located in an unincorporated area of a county, the county in which the cemetery is located, if the city or county accepts such a transfer of title.

3. A city or county to which title of a cemetery is transferred pursuant to this section shall:

(a) Operate the cemetery;

(b) Lease the cemetery to a cemetery authority to operate the cemetery;

(c) Enter into a contract with a cemetery authority to operate the cemetery; or

(d) Transfer title of the cemetery to a nonprofit organization acting as the cemetery authority of the cemetery.

4. The provisions of subsection 2 do not apply to a cemetery owned by a city or county.



Sec. 107. Chapter 455 of NRS is hereby amended by adding thereto a new section to read as follows:

“District attorney” means the district attorney of a county or, in a county which has created the office of county counsel pursuant to section 5 of this act, the county counsel.

Sec. 108. NRS 455.080 is hereby amended to read as follows:

455.080 As used in NRS 455.080 to 455.180, inclusive, *and section 107 of this act*, unless the context otherwise requires, the words and terms defined in NRS 455.082 to 455.105, inclusive, *and section 107 of this act* have the meanings ascribed to them in those sections.

Sec. 109. NRS 455.200 is hereby amended to read as follows:

455.200 As used in NRS 455.200 to 455.250, inclusive, unless the context otherwise requires:

1. *“District attorney” has the meaning ascribed to it in section 107 of this act.*

2. *“High voltage” means voltage in excess of 600 volts measured between conductors or between a conductor and a ground.*

~~2.~~ 3. *“Overhead line” means a bare or insulated electrical conductor installed above ground.*

~~3.~~ 4. *“Public utility” has the meaning ascribed to it in NRS 704.020.*

Sec. 110. NRS 482.3657 is hereby amended to read as follows:

482.3657 When there is a violation of any of the provisions of NRS 482.3643 to 482.3665, inclusive, by any corporation mentioned in such sections, the Attorney General or the district attorney *or county counsel, as applicable*, of the proper county shall institute proper suits or quo warranto proceedings in the district court of the county where the violation occurred for the forfeiture of its charter rights, franchises or privileges and powers exercised by such corporation.

Sec. 111. NRS 532.160 is hereby amended to read as follows:

532.160 The Attorney General and the district attorney *or the county counsel, as applicable*, of the county in which legal questions arise shall be the legal advisers of the State Engineer and shall perform any and all legal duties necessary in connection with their work without any further compensation than their salaries fixed by law.

Sec. 112. Chapter 533 of NRS is hereby amended by adding thereto a new section to read as follows:

“District attorney” means the district attorney of a county or, in a county which has created the office of county counsel pursuant to section 5 of this act, the county counsel.



1 **Sec. 113.** NRS 533.005 is hereby amended to read as follows:
2 533.005 As used in this chapter, unless the context otherwise
3 requires, the words and terms defined in NRS 533.007 to 533.023,
4 inclusive, *and section 112 of this act* have the meanings ascribed to
5 them in those sections.

6 **Sec. 114.** NRS 535.070 is hereby amended to read as follows:
7 535.070 1. The term “water of such river,” as used in this
8 section, means the normal and natural flow of water in the river
9 unaffected by flood, storm or other abnormal natural causes.

10 2. Any person owning, leasing or constructing any dam in any
11 river of this State within 2 miles of an incorporated city governed by
12 a board of county commissioners shall make or construct a weir in
13 the dam of such size as to admit of the free passage of the water of
14 such river during such portions of the year as such water is not being
15 used for irrigating purposes.

16 3. If any person fails, neglects or refuses to comply with the
17 provisions of subsection 2, the district attorney *or county counsel,*
18 *as applicable,* of the county wherein the dam is situated or being
19 constructed shall commence mandamus proceedings to compel the
20 person to comply with the provisions of subsection 2, or the board
21 of county commissioners of the county may order the weir to be
22 constructed at the expense of the county, and the county has a right
23 of action against the owner or lessee of the dam for all expenses
24 incurred by the county in constructing the weir and may recover
25 judgment on the right of action and satisfy the judgment in the
26 manner provided by law.

27 4. The provisions of this section do not apply to dams
28 constructed or being constructed or hereafter to be constructed for
29 the purpose of permanently storing the waters of such river for
30 beneficial purposes.

31 **Sec. 115.** NRS 539.013 is hereby amended to read as follows:
32 539.013 As used in this chapter:

33 1. “County treasurer” or “treasurer of the county” shall be held
34 to mean “ex officio tax receiver” or “tax receiver” of the county.

35 2. *“District attorney” means the district attorney of a county*
36 *or, in a county which has created the office of county counsel*
37 *pursuant to section 5 of this act, the county counsel.*

38 3. “Irrigation district” or “district” shall be held to mean any
39 irrigation district organized under the laws of this state prior to
40 July 1, 1919, as well as under this chapter, to the full extent required
41 to accomplish the purposes of this chapter. Whenever the words
42 “irrigation district” are or have been used in any action or
43 proceeding or in any act or resolution of the Legislature, such words
44 shall be construed to mean an irrigation district organized under the
45 provisions of chapter 134, Statutes of Nevada 1911, or acts



1 supplementary thereto or amendatory thereof, or an irrigation
2 district organized or existing under this chapter.

3 ~~13-1~~ 4. "Works of an irrigation district" shall be held to include
4 any drain or watercourse, any side, lateral, spur or branch ditch or
5 drain, whether opened, covered or tiled, or any natural watercourse
6 into which drains or ditches of the district may enter for the purpose
7 of outlet, whether such watercourse is situated in or outside of the
8 district.

9 **Sec. 116.** Chapter 543 of NRS is hereby amended by adding
10 thereto a new section to read as follows:

11 *"District attorney" means the district attorney of a county or, in*
12 *a county which has created the office of county counsel pursuant*
13 *to section 5 of this act, the county counsel.*

14 **Sec. 117.** NRS 543.180 is hereby amended to read as follows:

15 543.180 As used in NRS 543.170 to 543.830, inclusive, *and*
16 *section 116 of this act*, unless the context otherwise requires, the
17 words and terms defined in NRS 543.181 to 543.188, inclusive, *and*
18 *section 116 of this act* have the meanings ascribed to them in those
19 sections.

20 **Sec. 118.** Chapter 554 of NRS is hereby amended by adding
21 thereto a new section to read as follows:

22 *"District attorney" means the district attorney of a county or, in*
23 *a county which has created the office of county counsel pursuant*
24 *to section 5 of this act, the county counsel.*

25 **Sec. 119.** NRS 554.010 is hereby amended to read as follows:

26 554.010 As used in this chapter, unless the context otherwise
27 requires, the words and terms defined in NRS 554.011 to 554.016,
28 inclusive, *and section 118 of this act* have the meanings ascribed to
29 them in those sections.

30 **Sec. 120.** NRS 554.140 is hereby amended to read as follows:

31 554.140 1. The State Quarantine Officer is responsible for
32 carrying out the provisions of NRS 554.110 to 554.240, inclusive.

33 2. The sheriff and all peace officers of any county, if called
34 upon by the State Quarantine Officer, shall aid and assist the State
35 Quarantine Officer in the enforcement of a quarantine and in the
36 arrest of any person accused of violating the quarantine. The district
37 attorney of any county in which any person is charged with a
38 misdemeanor or gross misdemeanor pursuant to the provisions of
39 NRS 554.110 to 554.240, inclusive, shall prosecute the
40 misdemeanor or gross misdemeanor, as applicable.

41 *3. As used in this section, "district attorney" does not include*
42 *a county counsel.*

43 **Sec. 121.** NRS 555.120 is hereby amended to read as follows:

44 555.120 1. All sums paid by the Department constitute a lien
45 on the property and premises from which the nuisance has been



1 removed or abated pursuant to NRS 555.100 and 555.110, and may
2 be recovered by an action against that property and premises.

3 2. A notice of lien must be filed and recorded in the office of
4 the county recorder of the county in which the property and
5 premises are situated within 30 days after the right to liens has
6 accrued.

7 3. An action to foreclose a lien may be commenced at any time
8 within 1 year after the filing and recording of the notice of lien,
9 which action must be brought in the proper court by the district
10 attorney *or county counsel, as applicable*, of the county in the name
11 and for the benefit of the Department.

12 4. If the property is sold, enough of the proceeds must be paid
13 to the Department to satisfy the lien and costs, and the balance
14 remaining, if any, must be paid to the owner of the property if the
15 owner is known, and if not, into the Court for the owner's use when
16 ascertained. All sales under the provisions of this section and NRS
17 555.100 and 555.110 must be made in the same manner and upon
18 the same notice as sales of real property under execution from a
19 Justice Court.

20 **Sec. 122.** Chapter 563 of NRS is hereby amended by adding
21 thereto a new section to read as follows:

22 *“District attorney” means the district attorney of a county or, in*
23 *a county which has created the office of county counsel pursuant*
24 *to section 5 of this act, the county counsel.*

25 **Sec. 123.** NRS 563.250 is hereby amended to read as follows:

26 563.250 As used in NRS 563.250 to 563.380, inclusive, *and*
27 *section 122 of this act*, unless the context otherwise requires, the
28 words and terms defined in NRS 563.260, 563.270 and 563.280 *and*
29 *section 122 of this act* have the meanings ascribed to them in those
30 sections.

31 **Sec. 124.** Chapter 588 of NRS is hereby amended by adding
32 thereto a new section to read as follows:

33 *“District attorney” means the district attorney of a county or, in*
34 *a county which has created the office of county counsel pursuant*
35 *to section 5 of this act, the county counsel.*

36 **Sec. 125.** NRS 588.010 is hereby amended to read as follows:

37 588.010 As used in this chapter, unless the context otherwise
38 requires, the words and terms defined in NRS 588.020 to 588.150,
39 inclusive, *and section 124 of this act* have the meanings ascribed to
40 them in those sections.

41 **Sec. 126.** NRS 597.945 is hereby amended to read as follows:

42 597.945 1. Except as otherwise provided in this section, if a
43 business accepts credit cards or debit cards for the transaction of
44 business, the business shall not:



(a) Print the expiration date of the credit card or debit card on any receipt provided to the cardholder;

(b) Print more than the last five digits of the account number of the credit card or debit card on any receipt provided to the cardholder; or

(c) Print more than the last five digits of the account number of the credit card or debit card on any copy of a receipt retained by the business.

2. This section:

(a) Applies only to receipts that are electronically printed.

(b) Does not apply to transactions in which the only means of recording the credit card or debit card number is:

(1) By handwriting the credit card or debit card number; or

(2) By imprinting or copying the credit card or debit card.

3. A business that violates any provision of this section is liable for a civil penalty in the amount of \$500. The business must be given notice of the violation and 2 weeks to correct the violation. A business that does not correct the violation within 2 weeks after receiving notice of the violation is liable for an additional civil penalty in the amount of \$1,000 per week until the business corrects the violation, except that the aggregate amount of civil penalties imposed on a business for violations which occur on the same premises must not exceed \$4,500.

4. A civil penalty imposed pursuant to subsection 3 must be recovered in a civil action brought in the name of the State of Nevada by the Attorney General or by any district attorney **or county counsel, as applicable**, in a court of competent jurisdiction. Any penalty collected pursuant to this section must be paid to the State Treasurer for credit to the State General Fund.

5. The Attorney General or the district attorney **or county counsel, as applicable**, may bring an action in any court of competent jurisdiction in the name of the State of Nevada against any business to restrain and prevent any violation of this section. The court may issue an injunction for those purposes without proof of actual damage sustained by any person.

6. A business that violates any order or injunction issued pursuant to this section is guilty of a gross misdemeanor.

7. As used in this section:

(a) “Credit card” means any instrument or device, whether known as a credit card, credit plate or by any other name, issued with or without fee by an issuer for the use of the cardholder in obtaining money, property, goods, services or anything else of value on credit.

(b) “Debit card” means any instrument or device, whether known as a debit card or by any other name, that is issued with or



without a fee by an issuer for the use of the cardholder in obtaining money, property, goods, services or anything else of value, subject to the issuer removing money from the checking account or savings account of the cardholder.

Sec. 127. NRS 597.947 is hereby amended to read as follows:

597.947 1. A manufacturer or supplier of a cash register or other machine or device that prints receipts for transactions in which a credit card or debit card is used shall not provide, lease or sell for the transaction of business any equipment that does not allow a business to comply with the provisions of subsection 1 of NRS 597.945.

2. The Attorney General or the district attorney *or county counsel, as applicable*, may bring an action in any court of competent jurisdiction in the name of the State of Nevada against any person to restrain and prevent any violation of this section. The court may issue an injunction for those purposes without proof of actual damage sustained by any person.

3. A person who violates any order or injunction issued pursuant to this section is guilty of a gross misdemeanor.

4. As used in this section:

(a) “Credit card” has the meaning ascribed to it in NRS 597.945.

(b) “Debit card” has the meaning ascribed to it in NRS 597.945.

(c) “Supplier” means a person engaged in the business of providing, leasing or selling cash registers or other machines or devices that are used to print receipts in the transaction of business.

Sec. 128. NRS 598.0923 is hereby amended to read as follows:

598.0923 1. A person engages in a “deceptive trade practice” when in the course of his or her business or occupation he or she knowingly:

(a) Conducts the business or occupation without all required state, county or city licenses.

(b) Fails to disclose a material fact in connection with the sale or lease of goods or services.

(c) Violates a state or federal statute or regulation relating to the sale or lease of goods or services.

(d) Uses coercion, duress or intimidation in a transaction.

(e) Uses an unconscionable practice in a transaction.

(f) As the seller in a land sale installment contract, fails to:

(1) Disclose in writing to the buyer:

(I) Any encumbrance or other legal interest in the real property subject to such contract; or

(II) Any condition known to the seller that would affect the buyer’s use of such property.



(2) Disclose the nature and extent of legal access to the real property subject to such agreement.

(3) Record the land sale installment contract pursuant to NRS 111.315 within 30 calendar days after the date upon which the seller accepts the first payment from the buyer under such a contract.

(4) Pay the tax imposed on the land sale installment contract pursuant to chapter 375 of NRS.

(5) Include terms in the land sale installment contract providing rights and protections to the buyer that are substantially the same as those under a foreclosure pursuant to chapter 40 of NRS.

2. As used in this section:

(a) “Land sale installment contract” has the meaning ascribed to it in paragraph ~~(d)~~ (e) of subsection 1 of NRS 375.010.

(b) “Unconscionable practice” means an act or practice which, to the detriment of a consumer:

(1) Takes advantage of the lack of knowledge, ability, experience or capacity of the consumer to a grossly unfair degree;

(2) Results in a gross disparity between the value received and the consideration paid, in a transaction involving transfer of consideration; or

(3) Arbitrarily or unfairly excludes the access of a consumer to a good or service.

Sec. 129. Chapter 603A of NRS is hereby amended by adding thereto a new section to read as follows:

“District attorney” means the district attorney of a county or, in a county which has created the office of county counsel pursuant to section 5 of this act, the county counsel.

Sec. 130. NRS 603A.010 is hereby amended to read as follows:

603A.010 As used in NRS 603A.010 to 603A.290, inclusive, *and section 129 of this act*, unless the context otherwise requires, the words and terms defined in NRS 603A.020, 603A.030 and 603A.040 *and section 129 of this act* have the meanings ascribed to them in those sections.

Sec. 131. NRS 608.150 is hereby amended to read as follows:

608.150 1. Except as otherwise provided in subsections 2 and 3, every original contractor entering into any contract in this State for the erection, construction, alteration, maintenance or repair, including, without limitation, repairs made under a warranty, of any building or structure, including, without limitation, any equipment or fixtures related thereto, or other work of improvement, shall assume and is liable for the indebtedness for labor incurred by any subcontractor or any contractors acting under, by or for the original contractor in performing any labor, construction or other work



1 included in the subject of the original contract, for labor, and for the
2 requirements imposed by chapters 616A to 617, inclusive, of NRS.

3 2. Except as otherwise provided in subsection 6, the provisions
4 of subsection 1 do not require an original contractor to assume or be
5 liable for any liability of a subcontractor or other contractor in
6 excess of the indebtedness for labor incurred by a subcontractor or
7 any other contractor acting under, by or for the original contractor if
8 such indebtedness for labor had been paid when originally due.

9 3. The provisions of subsection 1 do not require an original
10 contractor to assume or be liable for any liability of a subcontractor
11 or other contractor for any amount for which the original contractor
12 did not receive proper notice in accordance with NRS 608.152.

13 4. It is unlawful for any original contractor or any other person
14 to fail to comply with the provisions of subsection 1, or to attempt to
15 evade the responsibility imposed thereby, or to do any other act or
16 thing tending to render nugatory the provisions of this section.

17 5. The district attorney *or county counsel, as applicable*, of
18 any county wherein the defendant may reside or be found, or any
19 potential claimant pursuant to this section may institute civil
20 proceedings against any such original contractor failing to comply
21 with the provisions of this section in a civil action for the amount of
22 any indebtedness for labor that may be owing or have accrued as a
23 result of the failure of any subcontractor acting under the original
24 contractor, and any property of the original contractor, not exempt
25 by law, is subject to attachment and execution for the payment of
26 any judgment that may be recovered in any action under the
27 provisions of this section.

28 6. In any court action regarding a claim instituted pursuant to
29 this section, the court shall award costs and reasonable attorney's
30 fees to the prevailing party. If the claimant is the prevailing party,
31 the court shall award to the claimant the applicable interest that has
32 accrued after the claimant provided to the original contractor,
33 subcontractor or other contractor the written notice of such claim
34 pursuant to NRS 608.152 or otherwise notifies the original
35 contractor of a claim under NRS 608.150.

36 7. As used in this section:

37 (a) "Contractor" has the meaning ascribed to it in NRS 624.020.

38 (b) "Original contractor" includes a contractor or any other
39 person who enters into a contract described in subsection 1.

40 **Sec. 132.** NRS 612.745 is hereby amended to read as follows:

41 612.745 1. In any civil action to enforce the provisions of this
42 chapter the Administrator, the Board of Review and the State may
43 be represented by:



(a) Any qualified attorney who is employed by the Administrator and is designated by the Administrator for the purpose;

(b) The Attorney General, at the Administrator's request; or

(c) The district attorney *or county counsel, as applicable*, of the proper county.

2. All criminal actions for violation of any provisions of this chapter, or of any rules or regulations issued pursuant thereto, must be prosecuted by the Attorney General or by the district attorney of any county in which the employer has a place of business or the violator resides.

Sec. 133. NRS 613.160 is hereby amended to read as follows:

613.160 1. It is unlawful for any person, firm, association or corporation, or agent, superintendent or manager thereof, employing any special agent, detective or person commonly known as a spotter for the purpose of investigating, obtaining and reporting to the employer or the employer's agent, superintendent or manager information concerning his or her employees, to discipline or discharge any employee in his or her service, where the act of discipline or the discharge is based upon a report by a special agent, detective or spotter which involves a question of integrity, honesty or a breach of rules of the employer, unless the employer or the employer's agent, superintendent or manager gives notice and a hearing to the employee thus accused, when requested by the employee, at which hearing the accused employee must have the opportunity to confront the person making the report and must have the right to furnish testimony in his or her defense.

2. Any person, corporation, firm, association or employer who violates any provision of this section is liable to the State of Nevada for a penalty of \$5,000 for each offense. The penalty must be recovered and the suit must be brought in the name of the State of Nevada in a court of proper jurisdiction by the Attorney General, or under his or her direction by the district attorney *or county counsel, as applicable*, in any county having proper jurisdiction.

3. If a penalty is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the Attorney General, ~~the~~ district attorney ~~H~~ *or county counsel*, as appropriate.

Sec. 134. Chapter 624 of NRS is hereby amended by adding thereto a new section to read as follows:

"District attorney" means the district attorney of a county or, in a county which has created the office of county counsel pursuant to section 5 of this act, the county counsel.



1 **Sec. 135.** NRS 624.006 is hereby amended to read as follows:
2 624.006 As used in this chapter, unless the context otherwise
3 requires, the words and terms defined in NRS 624.010 to 624.029,
4 inclusive, *and section 134 of this act* have the meanings ascribed to
5 them in those sections.

6 **Sec. 136.** NRS 624.268 is hereby amended to read as follows:
7 624.268 1. In addition to any other requirements set forth in
8 this chapter:

9 (a) A natural person who applies for the issuance of a
10 contractor's license shall include the social security number of the
11 applicant in the application submitted to the Board.

12 (b) A natural person who applies for the issuance or renewal of a
13 contractor's license shall submit to the Board the statement
14 prescribed by the Division of Welfare and Supportive Services of
15 the Department of Health and Human Services pursuant to NRS
16 425.520. The statement must be completed and signed by the
17 applicant.

18 2. The Board shall include the statement required pursuant to
19 subsection 1 in:

20 (a) The application or any other forms that must be submitted
21 for the issuance or renewal of the license; or

22 (b) A separate form prescribed by the Board.

23 3. A contractor's license may not be issued or renewed by the
24 Board if the applicant is a natural person who:

25 (a) Fails to submit the statement required pursuant to subsection
26 1; or

27 (b) Indicates on the statement submitted pursuant to subsection
28 1 that the applicant is subject to a court order for the support of a
29 child and is not in compliance with the order or a plan approved by
30 the district attorney or other public agency enforcing the order for
31 the repayment of the amount owed pursuant to the order.

32 4. If an applicant indicates on the statement submitted pursuant
33 to subsection 1 that the applicant is subject to a court order for the
34 support of a child and is not in compliance with the order or a plan
35 approved by the district attorney or other public agency enforcing
36 the order for the repayment of the amount owed pursuant to the
37 order, the Board shall advise the applicant to contact the district
38 attorney or other public agency enforcing the order to determine the
39 actions that the applicant may take to satisfy the arrearage.

40 **5. As used in this section, "district attorney" does not include**
41 **a county counsel.**

42 **Sec. 137.** NRS 624.30175 is hereby amended to read as
43 follows:

44 624.30175 1. If the Board receives a copy of a court order
45 issued pursuant to NRS 425.540 that provides for the suspension of



1 all professional, occupational and recreational licenses, certificates
2 and permits issued to a person who is the holder of a contractor's
3 license, the Board shall deem the license issued to that person to be
4 suspended at the end of the 30th day after the date on which the
5 court order was issued unless the Board receives a letter issued to
6 the holder of the license by the district attorney or other public
7 agency pursuant to NRS 425.550 stating that the holder of the
8 license has complied with the subpoena or warrant or has satisfied
9 the arrearage pursuant to NRS 425.560.

10 2. The Board shall reinstate a contractor's license that has been
11 suspended by a district court pursuant to NRS 425.540 if the Board
12 receives a letter issued by the district attorney or other public agency
13 pursuant to NRS 425.550 to the person whose license was
14 suspended stating that the person whose license was suspended has
15 complied with the subpoena or warrant or has satisfied the arrearage
16 pursuant to NRS 425.560.

17 3. *As used in this section, "district attorney" does not include*
18 *a county counsel.*

19 **Sec. 138.** NRS 630.417 is hereby amended to read as follows:

20 630.417 1. An employee of a physician or a registered nurse,
21 licensed practical nurse, nursing assistant or medication aide -
22 certified who is employed by or contracts to provide nursing
23 services for the physician and who believes that he or she has been
24 retaliated or discriminated against in violation of NRS 630.415 may
25 file an action in a court of competent jurisdiction.

26 2. If a court determines that a violation of NRS 630.415 has
27 occurred, the court may award such damages as it determines to
28 have resulted from the violation, including, without limitation:

29 (a) Compensatory damages;

30 (b) Reimbursement of any wages, salary, employment benefits
31 or other compensation denied to or lost by the employee, registered
32 nurse, licensed practical nurse, nursing assistant or medication aide -
33 certified as a result of the violation;

34 (c) Attorney's fees and costs, including, without limitation, fees
35 for expert witnesses; and

36 (d) Punitive damages, if the facts warrant.

37 3. The court shall award interest on the amount of damages at a
38 rate determined pursuant to NRS 17.130.

39 4. The court may grant any equitable relief it considers
40 appropriate, including, without limitation, reinstatement of the
41 employee, registered nurse, licensed practical nurse, nursing
42 assistant or medication aide - certified and any temporary,
43 preliminary or permanent injunctive relief.

44 5. If any action to retaliate or discriminate is taken against an
45 employee, registered nurse, licensed practical nurse, nursing



assistant or medication aide - certified within 60 days after the employee, registered nurse, licensed practical nurse, nursing assistant or medication aide - certified takes any action described in subsection 1 of NRS 630.415, there is a rebuttable presumption that the action taken against the employee, registered nurse, licensed practical nurse, nursing assistant or medication aide - certified constitutes retaliation or discrimination in violation of NRS 630.415.

6. A physician or any agent or employee thereof that violates the provisions of NRS 630.415 is subject to a civil penalty of not more than \$10,000 for each violation. The Attorney General or any district attorney *or county counsel, as applicable*, of this State may recover the penalty in a civil action brought in the name of the State of Nevada in any court of competent jurisdiction.

7. Any action under this section must be brought not later than 2 years after the date of the last event constituting the alleged violation for which the action is brought.

8. As used in this section, “retaliate or discriminate” has the meaning ascribed to it in NRS 630.415.

Sec. 139. NRS 633.755 is hereby amended to read as follows:

633.755 1. An employee of an osteopathic physician or a registered nurse, licensed practical nurse, nursing assistant or medication aide - certified who is employed by or contracts to provide nursing services for the osteopathic physician and who believes that he or she has been retaliated or discriminated against in violation of NRS 633.750 may file an action in a court of competent jurisdiction.

2. If a court determines that a violation of NRS 633.750 has occurred, the court may award such damages as it determines to have resulted from the violation, including, without limitation:

(a) Compensatory damages;

(b) Reimbursement of any wages, salary, employment benefits or other compensation denied to or lost by the employee, registered nurse, licensed practical nurse, nursing assistant or medication aide - certified as a result of the violation;

(c) Attorney’s fees and costs, including, without limitation, fees for expert witnesses; and

(d) Punitive damages, if the facts warrant.

3. The court shall award interest on the amount of damages at a rate determined pursuant to NRS 17.130.

4. The court may grant any equitable relief it considers appropriate, including, without limitation, reinstatement of the employee, registered nurse, licensed practical nurse, nursing assistant or medication aide - certified and any temporary, preliminary or permanent injunctive relief.



5. If any action to retaliate or discriminate is taken against an employee, registered nurse, licensed practical nurse, nursing assistant or medication aide - certified within 60 days after the employee, registered nurse, licensed practical nurse, nursing assistant or medication aide - certified takes any action described in subsection 1 of NRS 633.750, there is a rebuttable presumption that the action taken against the employee, registered nurse, licensed practical nurse, nursing assistant or medication aide - certified constitutes retaliation or discrimination in violation of NRS 633.750.

6. An osteopathic physician or any agent or employee thereof that violates the provisions of NRS 633.750 is subject to a civil penalty of not more than \$10,000 for each violation. The Attorney General or any district attorney *or county counsel, as applicable*, of this State may recover the penalty in a civil action brought in the name of the State of Nevada in any court of competent jurisdiction.

7. Any action under this section must be brought not later than 2 years after the date of the last event constituting the alleged violation for which the action is brought.

8. As used in this section, "retaliate or discriminate" has the meaning ascribed to it in NRS 633.750.

Sec. 140. NRS 642.5178 is hereby amended to read as follows:

642.5178 1. A petition for the revocation or suspension of a license, permit or certificate issued by the Board pursuant to this chapter or chapter 451 or 452 of NRS may be filed by the Attorney General or by the district attorney *or county counsel, as applicable*, of the county in which the funeral establishment or direct cremation facility exists or the licensee or holder of the permit or certificate resides or has practiced, or by any person residing in this State.

2. The petition must be filed with the Board and state the charges against the licensee or holder of the permit or certificate with reasonable definiteness.

Sec. 141. NRS 678A.650 is hereby amended to read as follows:

678A.650 1. A person who does not hold a license and who, in violation of the provisions of this title:

(a) Cultivates, delivers, transfers, supplies or sells cannabis;

(b) Manufactures, delivers, transfers, supplies or sells cannabis products; or

(c) Advertises the sale of cannabis or cannabis products by the person,

is liable for a civil penalty of not more than \$50,000 to be recovered in an action brought by the district attorney *or county counsel, as applicable*, or city attorney for the jurisdiction in which



1 the violation occurred. Any civil penalty collected by a district
2 attorney , *county counsel* or city attorney pursuant to this section
3 must be deposited in the county or city treasury, as applicable.

4 2. The district attorney , *county counsel* or city attorney of any
5 county or city, respectively, in which a person engages in any of the
6 conduct described in subsection 1 in violation of the provisions of
7 this title may bring an action to enjoin the violation.

8 **Sec. 142.** NRS 710.152 is hereby amended to read as follows:

9 710.152 When proceedings are instituted to sell or lease a
10 county-owned telephone system pursuant to paragraph (a) of
11 subsection 1 of NRS 710.151, the district attorney *or county*
12 *counsel, as applicable*, shall draft the measure and an explanation
13 thereof for submission to the registered voters.

14 **Sec. 143.** 1. This section becomes effective upon passage
15 and approval.

16 2. Sections 1 to 142, inclusive, of this act become effective:

17 (a) Upon passage and approval for the purposes of adopting an
18 ordinance creating the office of county counsel and performing any
19 other preparatory administrative tasks that are necessary to carry out
20 the provisions of this act; and

21 (b) On July 1, 2023, for all other purposes.

22 3. Sections 122 and 123 of this act expire by limitation on
23 December 31 of the first year during which the Governor proclaims
24 that the amount of fees refunded by the Rangeland Resources
25 Commission pursuant to the provisions of NRS 563.340 for the
26 immediately preceding calendar year is more than 50 percent of the
27 fees collected by the Commission pursuant to the section for that
28 calendar year.

