
SENATE BILL NO. 403—SENATORS BROWER, HUTCHISON,
KIECKHEFER AND ROBERSON

MARCH 18, 2013

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing representation of the State by the Attorney General. (BDR 18-883)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to the Attorney General; requiring the Interim Finance Committee to authorize the employment of attorneys or counselors at law to represent the State in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law authorizes an officer, commissioner or appointee of the Executive
2 Department of the State Government to employ a private attorney to represent the
3 State if the Attorney General or his or her deputies are disqualified to act in the
4 matter or if an act of the Legislature specifically authorizes the employment of
5 other attorneys or counselors at law. (NRS 228.110) **Section 1** of this bill further
6 requires the Interim Finance Committee to authorize such employment when the
7 Attorney General enters into a contract or agreement with a person to act as the
8 attorney for the State in a civil action brought on behalf of the State. **Section 2** of
9 this bill allows the Interim Finance Committee to meet during a regular or special
10 session to provide such authorization.

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

1 **Section 1.** NRS 228.110 is hereby amended to read as follows:
2 228.110 1. The Attorney General and the duly appointed
3 deputies of the Attorney General shall be the legal advisers on all
4 state matters arising in the Executive Department of the State
5 Government.



1 2. No officer, commissioner or appointee of the Executive
2 Department of the Government of the State of Nevada shall employ
3 any attorney at law or counselor at law to represent the State of
4 Nevada within the State, or to be compensated by state funds,
5 directly or indirectly, as an attorney acting within the State for the
6 State of Nevada or any agency in the Executive Department thereof
7 unless the Attorney General and the deputies of the Attorney
8 General are disqualified to act in such matter or unless an act of the
9 Legislature specifically authorizes the employment of other
10 attorneys or counselors at law.

11 3. *In addition to any other requirement provided by law,*
12 *before the Attorney General enters into any contract or agreement*
13 *with a person to act as the attorney for the State in a civil action*
14 *brought on behalf of the State, the Attorney General must obtain*
15 *approval from the Interim Finance Committee to commit money*
16 *for that purpose.*

17 4. All claims for legal services rendered in violation of this
18 section shall be void.

19 **Sec. 2.** NRS 218E.405 is hereby amended to read as follows:

20 218E.405 1. Except as otherwise provided in subsection 2,
21 the Interim Finance Committee may exercise the powers conferred
22 upon it by law only when the Legislature is not in a regular or
23 special session.

24 2. During a regular or special session, the Interim Finance
25 Committee may also perform the duties imposed on it by **NRS**
26 **228.110**, subsection 5 of NRS 284.115, NRS 284.1729, 285.070,
27 subsection 2 of NRS 321.335, NRS 322.007, subsection 2 of NRS
28 323.020, NRS 323.050, subsection 1 of NRS 323.100, subsection 3
29 of NRS 341.126, NRS 341.142, paragraph (f) of subsection 1 of
30 NRS 341.145, NRS 353.220, 353.224, 353.2705 to 353.2771,
31 inclusive, 353.288, 353.335, 353C.226, paragraph (b) of subsection
32 4 of NRS 407.0762, NRS 428.375, 439.4905, 439.620, 439.630,
33 445B.830 and 538.650. In performing those duties, the Senate
34 Standing Committee on Finance and the Assembly Standing
35 Committee on Ways and Means may meet separately and transmit
36 the results of their respective votes to the Chair of the Interim
37 Finance Committee to determine the action of the Interim Finance
38 Committee as a whole.

39 3. The Chair of the Interim Finance Committee may appoint a
40 subcommittee consisting of six members of the Committee to
41 review and make recommendations to the Committee on matters of
42 the State Public Works Division of the Department of
43 Administration that require prior approval of the Interim Finance
44 Committee pursuant to subsection 3 of NRS 341.126, NRS 341.142



1 and paragraph (f) of subsection 1 of NRS 341.145. If the Chair
2 appoints such a subcommittee:

3 (a) The Chair shall designate one of the members of the
4 subcommittee to serve as the chair of the subcommittee;

5 (b) The subcommittee shall meet throughout the year at the
6 times and places specified by the call of the chair of the
7 subcommittee; and

8 (c) The Director or the Director's designee shall act as the
9 nonvoting recording secretary of the subcommittee.

10 **Sec. 3.** This act becomes effective on July 1, 2013.

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