

ASSEMBLY BILL NO. 539—COMMITTEE
ON GOVERNMENT AFFAIRS

MAY 22, 2019

Referred to Committee on Government Affairs

SUMMARY—Authorizes a board of county commissioners to create the office of county counsel. (BDR 20-1264)

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:

1 Existing law provides for the election, qualifications and duties of a district
2 attorney for each county in this State. (Chapter 252 of NRS) **Section 5** of this bill
3 authorizes a board of county commissioners to create the office of county counsel
4 to perform many of the noncriminal duties otherwise assigned to the district
5 attorney. **Section 5** authorizes a county manager, with the confirmation of the board
6 of county commissioners, or a board of county commissioners, as applicable, to
7 appoint a county counsel. **Section 5** sets forth the qualifications for appointment as
8 county counsel, which are similar to the qualifications required for a candidate for
9 the office of district attorney.
10 Existing law requires the district attorney of a county to perform certain legal
11 duties for the county, including, among others: (1) providing legal opinions to the
12 board of county commissioners and certain county, township and district officers;
13 (2) attending meetings of the board of county commissioners; (3) reviewing all
14 contracts under consideration by the board; (4) drafting ordinances and
15 amendments thereto; (5) providing certain legal advice; and (6) drawing all legal
16 papers on behalf of the board of county commissioners. (NRS 244.235, 252.160,
17 252.170) **Section 5** requires a board of county commissioners that has created the



18 office of county counsel to require the county counsel to perform such duties.
19 **Section 5** also requires the board of county commissioners to require the county
20 counsel to represent the county in certain civil matters relating to the abuse or
21 neglect of a child.

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

24 **Sections 13, 37, 59 and 60** of this bill require each county counsel to be
25 provided certain state publications.

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

32 **Sections 1, 14, 16, 18, 26, 28, 30, 33, 35, 42, 47, 53, 62, 65, 69, 75, 77, 79, 81,**
33 **83, 88, 90, 93, 100, 103, 105, 108, 111, 112, 114, 118, 120, 125 and 130** of this bill
34 revise the definition of "district attorney" in various provisions of existing law,
35 which authorize or require a district attorney to perform certain duties or bring
36 certain civil actions, for the purpose of authorizing or requiring, as applicable, a
37 county counsel to perform such duties or bring such actions. **Sections 2, 3, 20-25,**
38 **43, 44, 55-57, 63, 64, 71-74, 92, 95, 96, 116, 132 and 133** of this bill revise certain
39 provisions of existing law to conform to this revised definition of "district attorney"
40 for the purpose of prohibiting a county counsel from conducting criminal
41 prosecutions or bringing certain civil actions relating to an obligation for the
42 support of a child.

43 **Sections 8, 10-12, 17, 32, 39-41, 45, 46, 50-52, 58, 61, 67, 68, 82, 85-87, 97-**
44 **99, 102, 106, 107, 110, 117, 122, 123, 127-129 and 134-137** of this bill similarly
45 authorize or require, as applicable, a county counsel to perform certain additional
46 duties and bring certain additional civil actions.

47 **Sections 7, 9, 19, 27, 29, 34, 48, 54, 66, 70, 76, 78, 80, 84, 89, 94, 101, 104,**
48 **109, 113, 115, 119, 121, 124, 126 and 131** of this bill make conforming changes.

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

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

3 *As used in this chapter, "district attorney" means the district*
4 *attorney of a county or, in a county which has created the office of*
5 *county counsel pursuant to section 5 of this act, the county*
6 *counsel.*

7 **Sec. 2.** NRS 244.33506 is hereby amended to read as follows:

8 244.33506 1. If a board of county commissioners requires a
9 person to obtain a license, permit or certificate to practice a
10 profession or occupation pursuant to NRS 244.334 or 244.335, an
11 applicant for the issuance or renewal of such a license, certificate or
12 permit shall submit to the board of county commissioners the
13 statement prescribed by the Division of Welfare and Supportive
14 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. If such an office is created in a*
19 *county where there is a county manager, the county manager, with*
20 *the confirmation of the board of county commissioners, shall*
21 *appoint a county counsel. If such an office is created in a county*
22 *where there is no county manager, the board of county*
23 *commissioners shall appoint a county counsel. Any person so*
24 *appointed must be:*

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

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

28 2. *A board of county commissioners that creates the office of*
29 *county counsel shall by ordinance prescribe the duties of the*
30 *county counsel. Such duties must 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 advice 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.*



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

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

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

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

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

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

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

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

40 4. Any county counsel may, subject to the approval of the
41 board of county commissioners, appoint such clerical,
42 investigational and operational staff as the execution of duties and
43 the operation of his or her office may require. The compensation
44 of any person so appointed must be fixed by the board of county
45 commissioners in accordance with subsection 5, if applicable.



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

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

6 252.110 ~~[The]~~ **Except as otherwise provided by an ordinance**
7 **adopted pursuant to section 5 of this act, the** district attorney shall:

- 8 1. Draw all indictments, when required by the grand jury.
9 2. Defend all suits brought against his or her county.
10 3. Prosecute all recognizances forfeited in the district court and
11 all actions for the recovery of debts, fines, penalties and forfeitures
12 accruing to his or her county.

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

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

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

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

30 252.160 1. Except as otherwise provided in this section, the
31 district attorney **or the county counsel, as applicable**, shall, without
32 fees, give his or her legal opinion to any assessor, collector, auditor
33 or county treasurer, and to all other county, township or district
34 officers within his or her county, in any matter relating to the duties
35 of their respective offices.

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

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

41 252.170 **Except in a county which has created the office of**
42 **county counsel pursuant to section 5 of this act:**

43 1. The district attorney shall, when not in attendance at the
44 sittings of the district court as criminal prosecutor, attend the
45 meetings of the board of county commissioners. When attending



1 meetings of the board of county commissioners relating to the
2 auditing of accounts and claims brought against the county, the
3 district attorney shall oppose such accounts or claims as the district
4 attorney deems appropriate.

5 2. Additional duties of the district attorney include, without
6 limitation:

7 (a) Reviewing all contracts under consideration by the board of
8 county commissioners;

9 (b) Drafting ordinances and amendments thereto;

10 (c) Providing advice relating to the interpretation or application
11 of county ordinances;

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

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

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

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

20 252.180 No district attorney ~~H~~ *or county counsel*, except for
21 his or her own services, shall be allowed to present any claim,
22 account or demand, for allowance, against his or her own county, or
23 in any way to advocate the relief asked on the claim or demand
24 made by another.

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

26 253.0435 The public administrator may, within the limits of
27 appropriations for his or her office:

28 1. Be provided with sufficient facilities and supplies for the
29 proper performance of his or her duties.

30 2. Employ subordinates necessary for the proper performance
31 of his or her duties.

32 3. Contract for the services of consultants or assistants.

33 4. Consult with the district attorney *or county counsel, as*
34 *applicable*, in matters relating to the performance of his or her
35 duties.

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

37 253.215 1. When necessary for the proper administration of a
38 guardianship, a public guardian may:

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



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

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

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

7 2.345 The following persons and agencies are entitled to the
8 supreme court decisions in pamphlet form without charge:

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

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

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

15 4. Each public library in this State, one copy.

16 5. Each library in the Nevada System of Higher Education, one
17 copy.

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

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

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

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

27 10.010 As used in this title, unless the context otherwise
28 requires, the words and terms defined in NRS 10.015 to 10.125,
29 inclusive, **and section 14 of this act** have the meanings ascribed to
30 them in those sections.

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

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

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

38 50.225 1. For attending the courts of this State in any
39 criminal case, or civil suit or proceeding before a court of record,
40 master, commissioner, justice of the peace, or before the grand jury,
41 in obedience to a subpoena, each witness is entitled:

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

44 (b) Except as otherwise provided in this paragraph, to be paid
45 for attending a court of the county in which the witness resides at



1 the standard mileage reimbursement rate for which a deduction is
2 allowed for the purposes of federal income tax for each mile
3 necessarily and actually traveled from and returning to the place of
4 residence by the shortest and most practical route. A board of
5 county commissioners may provide that, for each mile so traveled to
6 attend a court of the county in which the witness resides, each
7 witness is entitled to be paid an amount equal to the allowance for
8 travel by private conveyance established by the State Board of
9 Examiners for state officers and employees generally. If the board of
10 county commissioners so provides, each witness at any other
11 hearing or proceeding held in that county who is entitled to receive
12 the payment for mileage specified in this paragraph must be paid
13 mileage in an amount equal to the allowance for travel by private
14 conveyance established by the State Board of Examiners for state
15 officers and employees generally.

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

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

35 4. Any person in attendance at a trial who is sworn as a witness
36 is entitled to the fees, the per diem allowance, if any, travel expenses
37 and any other reimbursement set forth in this section, irrespective of
38 the service of a subpoena.

39 5. Witness fees, per diem allowances, travel expenses and other
40 reimbursement in civil cases must be taxed as disbursement costs
41 against the defeated party upon proof by affidavit that they have
42 been actually incurred. Costs must not be allowed for more than two
43 witnesses to the same fact or series of facts, and a party plaintiff or
44 defendant must not be allowed any fees, per diem allowance, travel



1 expenses or other reimbursement for attendance as a witness in his
2 or her own behalf.

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

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

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

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

14 75.010 As used in this title, unless the context otherwise
15 requires, the words and terms defined in NRS 75.020 to 75.090,
16 inclusive, ***and section 18 of this act*** have the meanings ascribed to
17 them in those sections.

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

19 76.175 1. If the Secretary of State receives a copy of a court
20 order issued pursuant to NRS 425.540 that provides for the
21 suspension of all professional, occupational and recreational
22 licenses, certificates and permits issued to a person who is
23 conducting business in this State as a sole proprietor, and the state
24 business license issued by the Secretary of State to such a person,
25 the Secretary of State shall deem the state business license issued to
26 that person to be suspended at the end of the 30th day after the date
27 on which the court order was issued unless the Secretary of State
28 receives a letter issued to the holder of the state business license by
29 the district attorney or other public agency pursuant to NRS 425.550
30 stating that the holder of the state business license has complied
31 with the subpoena or warrant or has satisfied the arrearage pursuant
32 to NRS 425.560.

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

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

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

44 90.375 1. An applicant for the issuance or renewal of a
45 license as a broker-dealer, sales representative, investment adviser,



1 representative of an investment adviser or transfer agent shall
2 submit to the Administrator the statement prescribed by the Division
3 of Welfare and Supportive Services of the Department of Health and
4 Human Services pursuant to NRS 425.520. The statement must be
5 completed and signed by the applicant.

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

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

10 (b) A separate form prescribed by the Administrator.

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

14 (a) Fails to submit the statement required pursuant to subsection
15 1; or

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

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

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

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

33 90.435 1. If the Administrator receives a copy of a court
34 order issued pursuant to NRS 425.540 that provides for the
35 suspension of all professional, occupational and recreational
36 licenses, certificates and permits issued to a person who is the
37 holder of a license as a broker-dealer, sales representative,
38 investment adviser, representative of an investment adviser or
39 transfer agent, the Administrator shall deem the license issued to
40 that person to be suspended at the end of the 30th day after the date
41 on which the court order was issued unless the Administrator
42 receives a letter issued to the holder of the license by the district
43 attorney or other public agency pursuant to NRS 425.550 stating
44 that the holder of the license has complied with the subpoena or
45 warrant or has satisfied the arrearage pursuant to NRS 425.560.



1 2. The Administrator shall reinstate a license as a broker-
2 dealer, sales representative, investment adviser, representative of an
3 investment adviser or transfer agent that has been suspended by a
4 district court pursuant to NRS 425.540 if the Administrator receives
5 a letter issued by the district attorney or other public agency
6 pursuant to NRS 425.550 to the person whose license was
7 suspended stating that the person whose license was suspended has
8 complied with the subpoena or warrant or has satisfied the arrearage
9 pursuant to NRS 425.560.

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

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

13 90.615 1. The Attorney General may investigate and
14 prosecute any violation of a provision of this chapter, a regulation
15 adopted pursuant to this chapter, an order denying, suspending or
16 revoking the effectiveness of registration or an order to cease and
17 desist issued by the Administrator.

18 2. The district attorney of the appropriate county may
19 prosecute any such violation:

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

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

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

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

25 90.730 1. Except as otherwise provided in subsection 2,
26 information and records filed with or obtained by the Administrator
27 are public information and are available for public examination.

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

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

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

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

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



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

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

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

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

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

17 91.340 1. Except as otherwise provided in subsection 2, a
18 person who willfully violates:

19 (a) Any provision of this chapter; or

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

22 ➤ is guilty of a category C felony and shall be punished as provided
23 in NRS 193.130, or by a fine of not more than \$20,000, or by both
24 fine and the punishment provided in NRS 193.130, for each
25 violation. In addition to any other penalty, the court shall order the
26 person to pay restitution.

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

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

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

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

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

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

44 97.015 As used in this chapter, unless the context otherwise
45 requires, the words and terms defined in NRS 97.017 to 97.145,



1 inclusive, *and section 26 of this act* have the meanings ascribed to
2 them in those sections.

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

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

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

9 118A.020 As used in this chapter, unless the context otherwise
10 requires, the terms defined in NRS 118A.030 to 118A.170,
11 inclusive, *and section 28 of this act* have the meanings ascribed to
12 them in those sections.

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

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

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

19 118B.010 As used in this chapter, unless the context otherwise
20 requires, the words and terms defined in NRS 118B.0105 to
21 118B.0195, inclusive, *and section 30 of this act* have the meanings
22 ascribed to them in those sections.

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

24 128.091 In any proceeding held pursuant to this chapter
25 involving a child who has been the subject of a proceeding pursuant
26 to chapter 432B of NRS, a party may not present evidence of any
27 previous sexual conduct of a child to challenge the child’s
28 credibility as a witness unless the attorney for the child has first
29 presented evidence or the child has testified concerning such
30 conduct, or the absence of such conduct, on direct examination by
31 the district attorney, *county counsel* or the attorney for the child, in
32 which case the scope of the cross-examination of the child or
33 rebuttal must be limited to the evidence presented by the child’s
34 attorney or the child.

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

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

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

41 163.001 As used in this chapter, unless the context otherwise
42 requires, the words and terms defined in NRS 163.0011 to
43 163.00185, inclusive, *and section 33 of this act* have the meanings
44 ascribed to them in those sections.



1 **Sec. 35.** Chapter 211 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. 36.** NRS 211.241 is hereby amended to read as follows:

7 211.241 As used in NRS 211.241 to 211.249, inclusive, *and*
8 *section 35 of this act*, unless the context otherwise requires, the
9 words and terms defined in NRS 211.2411 and 211.2413 *and*
10 *section 35 of this act* have the meanings ascribed to them in those
11 sections.

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

13 218D.955 1. The Secretary of State shall, within 3 days after
14 receiving them, furnish to the State Printer a copy of all acts,
15 resolutions and memorials passed at each regular or special session.

16 2. The Director shall:

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

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

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

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

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

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

41 228.150 1. When requested, the Attorney General shall give
42 his or her opinion, in writing, upon any question of law, to the
43 Governor, the Secretary of State, the State Controller, the State
44 Treasurer, the Director of the Department of Corrections, to any
45 head of any state department, agency, board or commission, to any



1 district attorney , *to any county counsel* and to any city attorney of
2 any incorporated city within the State of Nevada, upon any question
3 of law relating to their respective offices, departments, agencies,
4 boards or commissions.

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

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

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

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

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

20 2. The Attorney General, State Controller, district attorney,
21 *county counsel*, Department of Taxation, Director of the
22 Department of Health and Human Services, Administrator of the
23 Securities Division of the Office of the Secretary of State, public
24 administrator, sheriff or a police department from requesting of a
25 financial institution, and the institution from responding to the
26 request, as to whether a person has an account or accounts with that
27 financial institution and, if so, any identifying numbers of the
28 account or accounts.

29 3. A financial institution, in its discretion, from initiating
30 contact with and thereafter communicating with and disclosing the
31 financial records of a customer to appropriate governmental
32 agencies concerning a suspected violation of any law.

33 4. Disclosure of the financial records of a customer incidental
34 to a transaction in the normal course of business of the financial
35 institution if the director, officer, employee or agent of the financial
36 institution who makes or authorizes the disclosure has no reasonable
37 cause to believe that such records will be used by a governmental
38 agency in connection with an investigation of the customer.

39 5. A financial institution from notifying a customer of the
40 receipt of a subpoena or a search warrant to obtain the customer's
41 financial records, except when ordered by a court to withhold such
42 notification.

43 6. The examination by or disclosure to any governmental
44 regulatory agency of financial records which relate solely to the
45 exercise of its regulatory function if the agency is specifically



1 authorized by law to examine, audit or require reports of financial
2 records of financial institutions.

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

6 8. The disclosure of any information pursuant to NRS
7 353C.240, 425.393, 425.400 or 425.460.

8 9. A governmental agency from obtaining a credit report or
9 consumer credit report from anyone other than a financial
10 institution.

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

12 239B.050 1. If a public body maintains a website on the
13 Internet, the public body shall not disclose on that website personal
14 information unless the disclosure is required by a federal or state
15 law or for the administration of a public program or an application
16 for a federal or state grant.

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

23 3. An injunction:

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

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

28 4. As used in this section:

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

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

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

34 268.632 The county or regional planning commission, if any,
35 shall render advisory services to the city annexation commission
36 upon its request. Other county officers, including without limitation
37 the county engineer and the district attorney ~~§~~ *or county counsel,*
38 *as applicable*, shall cooperate with the city annexation commission
39 by furnishing information and staff services within their respective
40 fields.

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

43 *As used in this chapter, "district attorney" means the district*
44 *attorney of a county or, in a county which has created the office of*



1 *county counsel pursuant to section 5 of this act, the county*
2 *counsel.*

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

4 269.171 1. If a town board or board of county commissioners
5 requires a person to obtain a license, permit or certificate to practice
6 a profession or occupation pursuant to NRS 269.170, an applicant
7 for the issuance or renewal of such a license, certificate or permit
8 shall submit to the town board or board of county commissioners
9 the statement prescribed by the Division of Welfare and Supportive
10 Services of the Department of Health and Human Services pursuant
11 to NRS 425.520. The statement must be completed and signed by
12 the applicant.

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

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

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

19 3. A license, certificate or permit may not be issued or renewed
20 by a town board or board of county commissioners pursuant to NRS
21 269.170 if the applicant:

22 (a) Fails to submit the statement required pursuant to subsection
23 1; or

24 (b) Indicates on the statement submitted pursuant to subsection
25 1 that he or she is subject to a court order for the support of a child
26 and is not in compliance with the order or a plan approved by the
27 district attorney or other public agency enforcing the order for the
28 repayment of the amount owed pursuant to the order.

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

38 5. As used in this section ~~[, “license,] :~~

39 (a) *“District attorney” does not include a county counsel.*

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

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

44 269.172 1. If a town board or board of county commissioners
45 receives a copy of a court order issued pursuant to NRS 425.540 that



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

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

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

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

27 270.110 1. The city council, or other legislative board of the
28 city, may cause such action to be commenced and prosecuted by
29 ~~the~~ :

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

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

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

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

36 2. *The city council or other legislative board of the city* may
37 retain additional or other counsel for the purpose of ~~the~~
38 *commencing and prosecuting an action authorized by this chapter*
39 and may allow a reasonable sum for the compensation of the
40 attorney or attorneys so acting.

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

42 281.050 1. The residence of a person with reference to his or
43 her eligibility to any office is the person's actual residence within
44 the State, county, district, ward, subdistrict or any other unit



1 prescribed by law, as the case may be, during all the period for
2 which residence is claimed by the person.

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

9 3. If a person who has filed a declaration of candidacy or
10 acceptance of candidacy for any elective office moves the person's
11 actual residence out of the State, county, district, ward, subdistrict or
12 any other unit prescribed by law, as the case may be, in which the
13 person is required actually, as opposed to constructively, to reside in
14 order for the person to be eligible to the office, a vacancy is created
15 thereby and the appropriate action for filling the vacancy must be
16 taken.

17 4. Once a person's actual residence is fixed, the person shall be
18 deemed to have moved the person's actual residence for the
19 purposes of this section if:

20 (a) The person has acted affirmatively and has actually removed
21 himself or herself from the place of permanent habitation where the
22 person actually resided and was legally domiciled;

23 (b) The person has an intention to abandon the place of
24 permanent habitation where the person actually resided and was
25 legally domiciled; and

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

29 5. Except as otherwise provided in this subsection and NRS
30 293.1265, the district court has jurisdiction to determine the
31 question of residence in any preelection action for declaratory
32 judgment brought against a person who has filed a declaration of
33 candidacy or acceptance of candidacy for any elective office. If the
34 question of residence relates to whether an incumbent meets any
35 qualification concerning residence required for the term of office in
36 which the incumbent is presently serving, the district court does not
37 have jurisdiction to determine the question of residence in an action
38 for declaratory judgment brought by a person pursuant to this
39 section but has jurisdiction to determine the question of residence
40 only in an action to declare the office vacant that is authorized by
41 NRS 283.040 and brought by the Attorney General or the
42 appropriate district attorney *or county counsel, as applicable,*
43 pursuant to that section.

44 6. Except as otherwise provided in NRS 293.1265, if in any
45 preelection action for declaratory judgment, the district court finds



1 that a person who has filed a declaration of candidacy or acceptance
2 of candidacy for any elective office fails to meet any qualification
3 concerning residence required for the office pursuant to the
4 Constitution or laws of this State, the person is subject to the
5 provisions of NRS 293.2045.

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

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

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

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

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

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

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

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

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

39 (6) The place listed as the person's residential address on the
40 voter registration card issued to the person pursuant to
41 NRS 293.517.

42 (7) The place listed as the person's residential address on any
43 driver's license or identification card issued to the person by the
44 Department of Motor Vehicles, any passport or military
45 identification card issued to the person by the United States or any



1 other form of identification issued to the person by a governmental
2 agency.

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

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

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

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

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

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

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

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

40 8. As used in this section:

41 (a) "Actual residence" means the place of permanent habitation
42 where a person actually resides and is legally domiciled. If the
43 person maintains more than one place of permanent habitation, the
44 place the person declares to be the person's principal permanent
45 habitation when filing a declaration of candidacy or acceptance of



1 candidacy for any elective office must be the place where the person
2 actually resides and is legally domiciled in order for the person to be
3 eligible to the office.

4 (b) "Declaration of candidacy or acceptance of candidacy"
5 means a declaration of candidacy or acceptance of candidacy filed
6 pursuant to chapter 293 or 293C of NRS.

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

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

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

13 281A.030 As used in this chapter, unless the context otherwise
14 requires, the words and terms defined in NRS 281A.032 to
15 281A.170, inclusive, ***and section 47 of this act*** have the meanings
16 ascribed to them in those sections.

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

18 281A.790 1. In addition to any other penalties provided by
19 law and in accordance with the provisions of NRS 281A.775, the
20 Commission may impose on a public officer or employee or former
21 public officer or employee civil penalties:

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

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

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

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

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

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

42 3. If the Commission finds that a violation of a provision of
43 this chapter by a public officer or employee or former public officer
44 or employee has resulted in the realization of a financial benefit by
45 the current or former public officer or employee or another person,



1 the Commission may, in addition to any other penalties provided by
2 law, require the current or former public officer or employee to pay
3 a civil penalty of not more than twice the amount so realized.

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

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

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

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

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

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

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

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

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



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

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

9 (b) The advice of the legal counsel was:

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

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

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

26 7. The provisions of this chapter do not abrogate or decrease
27 the effect of the provisions of the Nevada Revised Statutes which
28 define crimes or prescribe punishments with respect to the conduct
29 of public officers or employees. If the Commission finds that a
30 public officer or employee has committed a willful violation of this
31 chapter which it believes may also constitute a criminal offense, the
32 Commission shall refer the matter to the Attorney General or the
33 district attorney, as appropriate, for a determination of whether a
34 crime has been committed that warrants prosecution.

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

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

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



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

2 282.330 1. Losses to counties which occur from defalcation,
3 misappropriation or negligent loss of public money or from failure
4 faithfully to perform the duties of office on the part of a county or
5 township officer or employee must be reported by the district
6 attorney *or county counsel, as applicable*, of that county to the
7 State Board of Examiners.

8 2. Losses to cities which occur from defalcation,
9 misappropriation or negligent loss of public money or from failure
10 faithfully to perform the duties of office on the part of a city officer
11 or employee must be reported by the city attorney of that city to the
12 State Board of Examiners.

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

15 4. In the case of an irrigation district, any losses must be
16 reported to the State Board of Examiners by the board of directors
17 of the irrigation district.

18 5. In each case the State Board of Examiners shall make, or
19 cause to be made, a full investigation. If, from the investigation, the
20 State Board of Examiners determines that the loss comes under the
21 conditions of a surety bond issued pursuant to the provisions of
22 chapter 193, Statutes of Nevada 1937, as amended, which
23 established the bond trust fund, the State Board of Examiners shall
24 order that restitution be made in the following manner:

25 (a) If there is a sufficient amount in the Reserve for Statutory
26 Contingency Account to cover the loss, the State Controller shall
27 draw a warrant on the Reserve for Statutory Contingency Account
28 for the full amount of the loss as covered by the surety bond, in the
29 manner in which claims against the State are usually paid, and the
30 State Treasurer shall pay the warrant.

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

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

41 282.340 1. If any public officer or employee defaults,
42 misappropriates or otherwise is responsible for loss of funds
43 committed to the officer's or employee's care, the officer or
44 employee is civilly liable for the amount thereof in an action to be
45 prosecuted by:



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

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

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

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

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

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

27 283.040 1. Every office becomes vacant upon the occurring
28 of any of the following events before the expiration of the term:

29 (a) The death or resignation of the incumbent.

30 (b) The removal of the incumbent from office.

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

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

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

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



1 in which the incumbent was required to reside to be a candidate for
2 office or appointed to office.

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

18 (1) The medical condition of the incumbent;

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

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

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

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

28 2. Upon the happening of any of the events described in
29 subsection 1, if the incumbent fails or refuses to relinquish the
30 incumbent's office, the Attorney General shall, if the office is a state
31 office or concerns more than one county, or the district attorney *or*
32 *county counsel, as applicable*, shall, if the office is a county office
33 or concerns territory within one county, commence and prosecute, in
34 a court of competent jurisdiction, any proceedings for judgment and
35 decree declaring that office vacant.

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



1 **Sec. 53.** Chapter 293 of NRS is hereby amended by adding
2 there to 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. 54.** NRS 293.010 is hereby amended to read as follows:

7 293.010 As used in this title, unless the context otherwise
8 requires, the words and terms defined in NRS 293.013 to 293.121,
9 inclusive, *and section 53 of this act* have the meanings ascribed to
10 them in those sections.

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

12 293.505 1. All justices of the peace, except those located in
13 county seats, are ex officio field registrars to carry out the
14 provisions of this chapter.

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

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

34 4. When a field registrar has in his or her possession five or
35 more completed applications to preregister or register to vote, the
36 field registrar shall forward them to the county clerk, but in no case
37 may the field registrar hold any number of them for more than 10
38 days.

39 5. Each field registrar shall forward to the county clerk all
40 completed applications in his or her possession immediately after
41 the last day to register to vote by mail pursuant to NRS 293.560 or
42 293C.527, as applicable. Within 5 days after the last day to register
43 to vote by mail pursuant to NRS 293.560 or 293C.527, as
44 applicable, a field registrar shall return all unused applications in his
45 or her possession to the county clerk. If all of the unused



1 applications are not returned to the county clerk, the field registrar
2 shall account for the unreturned applications.

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

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

10 8. A field registrar, employee of a voter registration agency or
11 person assisting a voter pursuant to subsection 13 of NRS 293.5235
12 shall not:

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

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

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

19 10. A county clerk, field registrar, employee of a voter
20 registration agency or person assisting another person pursuant to
21 subsection 13 of NRS 293.5235 shall not:

22 (a) Solicit a vote for or against a particular question or
23 candidate;

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

26 (c) Distribute any petition or other material concerning a
27 candidate or question which will be on the ballot for the ensuing
28 election,

29 ↪ while preregistering or registering the person.

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

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

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

35 12. A county clerk, field registrar, employee of a voter
36 registration agency or person assisting another person pursuant to
37 subsection 13 of NRS 293.5235 shall not:

38 (a) Knowingly:

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

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



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

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

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

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

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

21 15. A person who violates any of the provisions of subsection
22 8, 9, 10, 12 or 13 is guilty of a category E felony and shall be
23 punished as provided in NRS 193.130.

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

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

27 293.755 1. A person who tampers or interferes with, or
28 attempts to tamper or interfere with, a mechanical voting system,
29 mechanical voting device or any computer program used to count
30 ballots with the intent to prevent the proper operation of that device,
31 system or program is guilty of a category D felony and shall be
32 punished as provided in NRS 193.130.

33 2. A person who tampers or interferes with, or attempts to
34 tamper or interfere with, a mechanical voting system, mechanical
35 voting device or any computer program used to count ballots with
36 the intent to influence the outcome of an election is guilty of a
37 category B felony and shall be punished by imprisonment in the
38 state prison for a minimum term of not less than 2 years and a
39 maximum term of not more than 20 years.

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

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



1 **Sec. 57.** NRS 293.840 is hereby amended to read as follows:
2 293.840 1. In addition to any criminal penalty, a person who
3 violates the provisions of this chapter is subject to a civil penalty in
4 an amount not to exceed \$20,000 for each violation. This penalty
5 must be recovered in a civil action brought in the name of the State
6 of Nevada by the Attorney General or by any district attorney in a
7 court of competent jurisdiction.

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

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

13 **Sec. 58.** NRS 328.510 is hereby amended to read as follows:

14 328.510 1. The State Land Registrar shall:

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

19 (b) With the advice and assistance of the Attorney General ,
20 ~~and~~ the district attorneys ~~and~~ **and the county counsels**, determine
21 and state in the Registry the nature and extent of the Federal
22 Government's jurisdiction over each tract of land or interest in land
23 entered in the Registry.

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

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

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

30 **Sec. 59.** NRS 345.010 is hereby amended to read as follows:

31 345.010 Upon publication of the Statutes of Nevada, the
32 Director of the Legislative Counsel Bureau shall distribute them
33 without charge as follows:

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

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

37 3. To each justice of the Supreme Court, Clerk of the Supreme
38 Court, judge of the Court of Appeals, district judge, county clerk,
39 district attorney, **county counsel**, justice of the peace and municipal
40 judge in this State, one copy.

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

42 5. To each library in the Nevada System of Higher Education,
43 one copy.

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

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



1 **Sec. 60.** NRS 345.020 is hereby amended to read as follows:

2 345.020 Upon receipt of copies of each volume of Nevada
3 Reports from the State Printer, the Director of the Legislative
4 Counsel Bureau shall distribute them without charge as follows:

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

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

8 3. To each justice of the Supreme Court, Clerk of the Supreme
9 Court, judge of the Court of Appeals, district judge, district attorney,
10 *county counsel*, county clerk, justice of the peace and municipal
11 judge in this State, one copy.

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

13 5. To each library in the Nevada System of Higher Education,
14 one copy.

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

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

17 **Sec. 61.** NRS 350.0205 is hereby amended to read as follows:

18 350.0205 1. The Committee on Local Government Finance
19 shall annually provide to each city clerk, county clerk, ~~and~~ district
20 attorney ~~and~~ *and county counsel*:

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

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

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

29 **Sec. 62.** Chapter 354 of NRS is hereby amended by adding
30 thereto a new section to read as follows:

31 *As used in this chapter, "district attorney" means the district*
32 *attorney of a county or, in a county which has created the office of*
33 *county counsel pursuant to section 5 of this act, the county*
34 *counsel.*

35 **Sec. 63.** NRS 354.613 is hereby amended to read as follows:

36 354.613 1. Except as otherwise provided in this section, the
37 governing body of a local government may, on or after July 1, 2011,
38 loan or transfer money from an enterprise fund, money collected
39 from fees imposed for the purpose for which an enterprise fund was
40 created or any income or interest earned on money in an enterprise
41 fund only if the loan or transfer is made:

42 (a) In accordance with a medium-term obligation issued by the
43 recipient in compliance with the provisions of chapter 350 of NRS,
44 the loan or transfer is proposed to be made and the governing body
45 approves the loan or transfer under a nonconsent item that is



1 separately listed on the agenda for a regular meeting of the
2 governing body, and:

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

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

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

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

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

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

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

15 (c) For a cost allocation for employees, equipment or other
16 resources related to the purpose of the enterprise fund which is
17 approved by the governing body under a nonconsent item that is
18 separately listed on the agenda for a regular meeting of the
19 governing body; or

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

21 2. Except as otherwise provided in this section, the governing
22 body of a local government may increase the amount of any fee
23 imposed for the purpose for which an enterprise fund was created
24 only if the governing body approves the increase under a
25 nonconsent item that is separately listed on the agenda for a regular
26 meeting of the governing body, and the governing body determines
27 that:

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

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

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

33 3. Upon the adoption of an increase in any fee pursuant to
34 subsection 2, the governing body shall, except as otherwise provided
35 in this subsection, provide to the Department of Taxation an
36 executed copy of the action increasing the fee. This requirement
37 does not apply to the governing body of a federally regulated
38 airport.

39 4. The provisions of subsection 2 do not limit the authority of
40 the governing body of a local government to increase the amount of
41 any fee imposed upon a public utility in compliance with the
42 provisions of NRS 354.59881 to 354.59889, inclusive, for a right-
43 of-way over any public area if the public utility is billed separately
44 for that fee. As used in this subsection, "public utility" has the
45 meaning ascribed to it in NRS 354.598817.



1 5. This section must not be construed to:

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

5 (b) Prohibit or impose any substantive or procedural limitations
6 on any increase of a fee that is necessary to meet the requirements of
7 an instrument that authorizes any bonds or other debt obligations
8 which are secured by or payable from, in whole or in part, money in
9 the enterprise fund or the revenues of the enterprise for which the
10 enterprise fund was created.

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

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

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

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

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

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

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

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



1 of the local government for the purpose of subsidizing the general
2 fund if the local government:

3 (a) Does not increase the amount of the transfers to subsidize the
4 general fund in any fiscal year beginning on or after July 1, 2011,
5 above the amount transferred in the fiscal year ending on June 30,
6 2011, except for loans and transfers that comply with the provisions
7 of subsection 1; and

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

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

15 (a) On or before July 1, 2018, the Committee on Local
16 Government Finance has approved a plan adopted by the governing
17 body of the local government to eliminate transfers from an
18 enterprise fund to subsidize the general fund of the local
19 government that are not made in compliance with subsection 1,
20 which must include, without limitation, a plan to reduce, by at least
21 3.3 percent each fiscal year during the term of the plan, the amount
22 of the transfers from the enterprise fund to the general fund of the
23 local government for the purpose of subsidizing the general fund;
24 and

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

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

34 12. After the expiration of the term of a plan approved by the
35 Committee on Local Government Finance pursuant to subsection
36 10, the provisions of subsection 1 apply to the local government that
37 adopted the plan.

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

40 **Sec. 64.** NRS 354.626 is hereby amended to read as follows:

41 354.626 1. No governing body or member thereof, officer,
42 office, department or agency may, during any fiscal year, expend or
43 contract to expend any money or incur any liability, or enter into
44 any contract which by its terms involves the expenditure of money,
45 in excess of the amounts appropriated for that function, other than



1 bond repayments, medium-term obligation repayments and any
2 other long-term contract expressly authorized by law. Any officer or
3 employee of a local government who willfully violates NRS
4 354.470 to 354.626, inclusive, is guilty of a misdemeanor and upon
5 conviction thereof ceases to hold his or her office or employment.
6 Prosecution for any violation of this section may be conducted by
7 the Attorney General or, in the case of incorporated cities, school
8 districts or special districts, by the district attorney.

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

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

15 (b) Long-term cooperative agreements as authorized by chapter
16 277 of NRS.

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

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

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

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

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

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

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

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

44 (g) Contracts which are entered into by a local government and
45 delivered to any person solely for the purpose of acquiring supplies,



1 services and equipment necessarily ordered in the current fiscal year
2 for use in an ensuing fiscal year and which, under the method of
3 accounting adopted by the local government, will be charged against
4 an appropriation of a subsequent fiscal year. Purchase orders
5 evidencing such contracts are public records available for inspection
6 by any person on demand.

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

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

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

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

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

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

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

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

25 **Sec. 65.** Chapter 357 of NRS is hereby amended by adding
26 thereto a new section to read as follows:

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

30 **Sec. 66.** NRS 357.010 is hereby amended to read as follows:

31 357.010 As used in this chapter, unless the context otherwise
32 requires, the words and terms defined in NRS 357.020 to 357.030,
33 inclusive, ***and section 65 of this act*** have the meanings ascribed to
34 them in those sections.

35 **Sec. 67.** NRS 360.245 is hereby amended to read as follows:

36 360.245 1. Except as otherwise provided in this title:

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

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



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

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

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

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

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

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

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

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

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

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

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



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

4 8. Upon application by a taxpayer, the Nevada Tax
5 Commission shall review the denial of relief pursuant to NRS
6 361.4835 and may grant, deny or modify the relief sought.

7 **Sec. 68.** NRS 360.260 is hereby amended to read as follows:

8 360.260 1. The Nevada Tax Commission shall have the
9 power to direct what proceedings, actions or prosecutions shall be
10 instituted to support the law.

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

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

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

18 **Sec. 69.** Chapter 361 of NRS is hereby amended by adding
19 thereto a new section to read as follows:

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

23 **Sec. 70.** NRS 361.010 is hereby amended to read as follows:

24 361.010 As used in this chapter, unless the context otherwise
25 requires, the words and terms defined in NRS 361.013 to 361.043,
26 inclusive, *and section 69 of this act* have the meanings ascribed to
27 them in those sections.

28 **Sec. 71.** NRS 361.2225 is hereby amended to read as follows:

29 361.2225 1. An applicant for the issuance of a certificate as
30 an appraiser shall submit to the Department the statement prescribed
31 by the Division of Welfare and Supportive Services of the
32 Department of Health and Human Services pursuant to NRS
33 425.520. The statement must be completed and signed by the
34 applicant.

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

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

39 (b) A separate form prescribed by the Department.

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

42 (a) Fails to submit the statement required pursuant to subsection
43 1; or

44 (b) Indicates on the statement submitted pursuant to subsection
45 1 that he or she is subject to a court order for the support of a child



1 and is not in compliance with the order or a plan approved by the
2 district attorney or other public agency enforcing the order for the
3 repayment of the amount owed pursuant to the order.

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

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

15 **Sec. 72.** NRS 361.2226 is hereby amended to read as follows:

16 361.2226 1. If the Department receives a copy of a court
17 order issued pursuant to NRS 425.540 that provides for the
18 suspension of all professional, occupational and recreational
19 licenses, certificates and permits issued to a person who is the
20 holder of a certificate as an appraiser, the Department shall deem
21 the certificate issued to that person to be suspended at the end of the
22 30th day after the date on which the court order was issued unless
23 the Department receives a letter issued to the holder of the
24 certificate by the district attorney or other public agency pursuant to
25 NRS 425.550 stating that the holder of the certificate has complied
26 with the subpoena or warrant or has satisfied the arrearage pursuant
27 to NRS 425.560.

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

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

37 **Sec. 73.** NRS 361.550 is hereby amended to read as follows:

38 361.550 1. Should the county assessor neglect or refuse to
39 make the monthly statements of his or her collections of movable
40 personal property tax as required by law, or neglect or refuse to file
41 the original schedules of his or her assessments of such property, the
42 county assessor shall be guilty of a misdemeanor, and shall be
43 removed from office.

44 2. In case of such neglect and refusal, the county auditor shall
45 inform the district attorney immediately of such facts, and the



1 district attorney shall commence proceedings against the county
2 assessor under this section.

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

5 **Sec. 74.** NRS 361.555 is hereby amended to read as follows:

6 361.555 1. The county auditor shall be liable on his or her
7 official bond for double the amount of the loss that the State and
8 county may sustain through the defalcation of the county assessor,
9 or otherwise, in cases where the county auditor has not notified the
10 district attorney of the neglect or refusal of the county assessor to
11 make his or her monthly statement, under oath, of collection of the
12 tax on movable personal property as required by law.

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

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

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

28 **Sec. 75.** Chapter 372A of NRS is hereby amended by adding
29 thereto a new section to read as follows:

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

33 **Sec. 76.** NRS 372A.010 is hereby amended to read as follows:

34 372A.010 As used in this chapter, unless the context otherwise
35 requires, the words and terms defined in NRS 372A.020, 372A.030
36 and 372A.040 **and section 75 of this act** have the meanings ascribed
37 to them in those sections.

38 **Sec. 77.** Chapter 373 of NRS is hereby amended by adding
39 thereto a new section to read as follows:

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

43 **Sec. 78.** NRS 373.020 is hereby amended to read as follows:

44 373.020 As used in this chapter, unless the context otherwise
45 requires, the words and terms defined in NRS 373.0205 to 373.029,



1 inclusive, *and section 77 of this act* have the meanings ascribed to
2 them in those sections.

3 **Sec. 79.** Chapter 374 of NRS is hereby amended by adding
4 thereto a new section to read as follows:

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

8 **Sec. 80.** NRS 374.020 is hereby amended to read as follows:

9 374.020 As used in this chapter, unless the context otherwise
10 requires, the words and terms defined in NRS 374.025 to 374.108,
11 inclusive, *and section 79 of this act* have the meanings ascribed to
12 them in those sections.

13 **Sec. 81.** NRS 375.010 is hereby amended to read as follows:

14 375.010 1. The following terms, wherever used or referred to
15 in this chapter, have the following meaning unless a different
16 meaning clearly appears in the context:

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

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

26 (1) A lease for any term of years;

27 (2) An easement;

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

30 (4) A last will and testament;

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

33 (6) An affidavit of a surviving tenant;

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

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

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

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



1 ~~(e)~~ (e) “Land sale installment contract” means any agreement
2 between a seller and a buyer of real property located in this State
3 pursuant to which the buyer gives and the seller receives the
4 consideration paid in multiple payments during a specified period
5 and the seller retains title to the real property that is the subject of
6 the agreement until the full contract price is paid, at which time title
7 to the real property is transferred by an instrument in writing from
8 the seller to the buyer. The term does not include a deed of trust or
9 common-law mortgage instrument that encumbers real property or
10 an option to purchase real property.

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

15 ~~(g)~~ (g) “Value” means:

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

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

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

29 **Sec. 82.** NRS 387.3286 is hereby amended to read as follows:

30 387.3286 1. The Committee on Local Government Finance
31 shall annually provide to each county clerk , ~~and~~ district attorney
32 ~~and county counsel~~:

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

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

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

40 **Sec. 83.** Chapter 392 of NRS is hereby amended by adding
41 thereto a new section to read as follows:

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



1 **Sec. 84.** NRS 392.275 is hereby amended to read as follows:
2 392.275 As used in NRS 392.275 to 392.365, inclusive, *and*
3 *section 83 of this act*, unless the context otherwise requires, the
4 words and terms defined in NRS 392.281 to 392.295, inclusive, *and*
5 *section 83 of this act* have the meanings ascribed to them in those
6 sections.

7 **Sec. 85.** NRS 405.130 is hereby amended to read as follows:
8 405.130 1. The chair of the board of county commissioners
9 shall notify at once the person or persons violating the provisions of
10 NRS 405.120 to 405.160, inclusive, to make such construction or
11 repair as may be necessary.


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

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

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

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

26 **Sec. 86.** NRS 405.150 is hereby amended to read as follows:
27 405.150 Upon receiving the bill of expense as provided in NRS
28 405.130, the district attorney *or county counsel, as applicable*, shall
29 immediately commence an action in any court of competent
30 jurisdiction for the recovery of such an amount as is set forth in the
31 itemized bill of expense together with the costs of the suit.

32 **Sec. 87.** NRS 418.030 is hereby amended to read as follows:
33 418.030 A person who claims to be entitled to the benefits of
34 the provisions of 38 U.S.C. §§ 2021 to 2026, inclusive, may apply
35 for the assistance of the district attorney *or the county counsel, as*
36 *applicable*, for the county in which the claimant's employer
37 maintains a place of business. The district attorney  *or county*
38 *counsel*, if reasonably satisfied that the person applying is entitled to
39 the benefits, shall appear and act as attorney for that person in the
40 amicable adjustment of the claim, or in the:

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

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



1 **Sec. 88.** 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. 89.** 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 88 of this act* have the meanings
10 ascribed to them in those sections.

11 **Sec. 90.** 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. 91.** 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 90 of this act* have the meanings
20 ascribed to them in those sections.

21 **Sec. 92.** 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. 93.** 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. 94.** 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 93 of this act* have the meanings
40 ascribed to them in those sections.

41 **Sec. 95.** NRS 433.617 is hereby amended to read as follows:
42 433.617 *1.* A natural person who applies for the issuance or
43 renewal of a certificate must submit to the Division the statement
44 prescribed by the Division of Welfare and Supportive Services of



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

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

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

7 (b) A separate form prescribed by the Division.

8 3. A certificate may not be issued or renewed by the Division if
9 the applicant is a natural person who:

10 (a) Fails to submit the statement required pursuant to subsection
11 1; or

12 (b) Indicates on the statement submitted pursuant to subsection
13 1 that the applicant is subject to a court order for the support of a
14 child and is not in compliance with the order or a plan approved by
15 the district attorney or other public agency enforcing the order for
16 the repayment of the amount owed pursuant to the order.

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

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

27 **Sec. 96.** NRS 433.621 is hereby amended to read as follows:

28 433.621 1. If the Division receives a copy of a court order
29 issued pursuant to NRS 425.540 that provides for the suspension of
30 all professional, occupational and recreational licenses, certificates
31 and permits issued to a natural person who is the holder of a
32 certificate, the Division shall deem the certificate issued to that
33 person to be suspended at the end of the 30th day after the date the
34 court order was issued unless the Division receives a letter issued to
35 the holder of the certificate by the district attorney or other public
36 agency pursuant to NRS 425.550 stating that the holder of the
37 certificate has complied with the subpoena or warrant or has
38 satisfied the arrearage pursuant to NRS 425.560.

39 2. The Division shall reinstate a certificate that has been
40 suspended by a district court pursuant to NRS 425.540 if the
41 Division receives a letter issued by the district attorney or other
42 public agency pursuant to NRS 425.550 to the person whose
43 certificate was suspended stating that the person whose certificate
44 was suspended has complied with the subpoena or warrant or has
45 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. 97.** NRS 441A.660 is hereby amended to read as follows:

4 441A.660 1. The person alleged to have been infected with
5 or exposed to a communicable disease, or any relative or friend on
6 behalf of the person, is entitled to retain counsel to represent the
7 person in any proceeding before the district court relating to
8 involuntary court-ordered isolation or quarantine, and if the person
9 fails or refuses to obtain counsel, the court shall advise the person
10 and his or her guardian or next of kin, if known, of the right to
11 counsel and shall appoint counsel, who may be the public defender
12 or his or her deputy.

13 2. Any counsel appointed pursuant to subsection 1 must be
14 awarded compensation by the court for his or her services in an
15 amount determined by the court to be fair and reasonable. Except as
16 otherwise provided in this subsection, the compensation must be
17 charged against the estate of the person for whom the counsel was
18 appointed or, if the person is indigent, against the county in which
19 the application for involuntary court-ordered isolation or quarantine
20 was filed. In any proceeding before the district court relating to
21 involuntary court-ordered isolation or quarantine, if the person for
22 whom counsel was appointed is challenging his or her isolation or
23 quarantine or any condition of such isolation or quarantine and the
24 person succeeds in his or her challenge, the compensation must be
25 charged against the county in which the application for involuntary
26 court-ordered isolation or quarantine was filed.

27 3. The court shall, at the request of counsel representing the
28 person alleged to have been infected with or exposed to a
29 communicable disease in proceedings before the court relating to
30 involuntary court-ordered isolation or quarantine, grant a recess in
31 the proceedings for the shortest time possible, but for not more than
32 5 days, to give the counsel an opportunity to prepare his or her case.

33 4. Each district attorney **or county counsel, as applicable**, or
34 his or her deputy shall appear and represent the State in all
35 involuntary court-ordered isolation or quarantine proceedings in his
36 or her county. The district attorney is responsible for the
37 presentation of evidence, if any, in support of the involuntary court-
38 ordered isolation or quarantine of a person to a medical facility,
39 residence or other safe location in proceedings held pursuant to NRS
40 441A.600 or 441A.610.

41 **Sec. 98.** NRS 445B.460 is hereby amended to read as follows:

42 445B.460 1. If, in the judgment of the Director, any person is
43 engaged in or is about to engage in any act or practice which
44 constitutes or will constitute a violation of any provision of NRS
45 445B.100 to 445B.640, inclusive, or any rule, regulation, order or



1 operating permit issued pursuant to NRS 445B.100 to 445B.640,
2 inclusive, the Director may request that the Attorney General apply
3 to the district court for an order enjoining the act or practice, or for
4 an order directing compliance with any provision of NRS 445B.100
5 to 445B.640, inclusive, or any rule, regulation, order or operating
6 permit issued pursuant to NRS 445B.100 to 445B.640, inclusive.

7 2. If, in the judgment of the control officer of a local air
8 pollution control board, any person is engaged in or is about to
9 engage in such an act or practice, the control officer may request
10 that the district attorney *or the county counsel, as applicable*, of the
11 county in which the act or practice is being engaged in or is about to
12 be engaged in apply to the district court for such an order.

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

17 **Sec. 99.** NRS 449.207 is hereby amended to read as follows:

18 449.207 1. An employee of a medical facility or a registered
19 nurse, licensed practical nurse, nursing assistant or medication aide -
20 certified who is employed by or contracts to provide nursing
21 services for the medical facility and who believes that he or she has
22 been retaliated or discriminated against in violation of NRS 449.205
23 may file an action in a court of competent jurisdiction.

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

27 (a) Compensatory damages;

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

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

34 (d) Punitive damages, if the facts warrant.

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

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

42 5. If any action to retaliate or discriminate is taken against an
43 employee, registered nurse, licensed practical nurse, nursing
44 assistant or medication aide - certified within 60 days after the
45 employee, registered nurse, licensed practical nurse, nursing



1 assistant or medication aide - certified takes any action described in
2 subsection 1 of NRS 449.205, there is a rebuttable presumption that
3 the action taken against the employee, registered nurse, licensed
4 practical nurse, nursing assistant or medication aide - certified
5 constitutes retaliation or discrimination in violation of
6 NRS 449.205.

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

13 7. Any action under this section must be brought not later than
14 2 years after the date of the last event constituting the alleged
15 violation for which the action is brought.

16 8. As used in this section, "retaliate or discriminate" has the
17 meaning ascribed to it in NRS 449.205.

18 **Sec. 100.** Chapter 450 of NRS is hereby amended by adding
19 thereto a new section to read as follows:

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

23 **Sec. 101.** NRS 450.005 is hereby amended to read as follows:

24 450.005 As used in this chapter, unless the context otherwise
25 requires, the words and terms defined in NRS 450.006 and 450.008
26 *and section 100 of this act* have the meanings ascribed to them in
27 those sections.

28 **Sec. 102.** NRS 452.030 is hereby amended to read as follows:

29 452.030 1. Every owner of a cemetery shall keep the same in
30 an orderly condition, and authority is conferred on the board of
31 county commissioners of each county to make such rules as will
32 carry out the intent of this section.

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

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

43 (b) If the court also determines that continued ownership of the
44 cemetery by the owner is not in accordance with the health, safety,
45 comfort or welfare of the public, transfer title to the cemetery to the



1 city or, if the cemetery is located in an unincorporated area of a
2 county, the county in which the cemetery is located, if the city or
3 county accepts such a transfer of title.

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

6 (a) Operate the cemetery;

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

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

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

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

15 **Sec. 103.** Chapter 455 of NRS is hereby amended by adding
16 thereto a new section to read as follows:

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

20 **Sec. 104.** NRS 455.080 is hereby amended to read as follows:

21 455.080 As used in NRS 455.080 to 455.180, inclusive, *and*
22 *section 103 of this act*, unless the context otherwise requires, the
23 words and terms defined in NRS 455.082 to 455.105, inclusive, *and*
24 *section 103 of this act* have the meanings ascribed to them in those
25 sections.

26 **Sec. 105.** NRS 455.200 is hereby amended to read as follows:

27 455.200 As used in NRS 455.200 to 455.250, inclusive, unless
28 the context otherwise requires:

29 1. *“District attorney” has the meaning ascribed to it in*
30 *section 103 of this act.*

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

33 ~~2.~~ 3. “Overhead line” means a bare or insulated electrical
34 conductor installed above ground.

35 ~~3.~~ 4. “Public utility” has the meaning ascribed to it in
36 NRS 704.020.

37 **Sec. 106.** NRS 482.3657 is hereby amended to read as
38 follows:

39 482.3657 When there is a violation of any of the provisions of
40 NRS 482.3643 to 482.3665, inclusive, by any corporation
41 mentioned in such sections, the Attorney General or the district
42 attorney *or county counsel, as applicable*, of the proper county shall
43 institute proper suits or quo warranto proceedings in the district
44 court of the county where the violation occurred for the forfeiture of



1 its charter rights, franchises or privileges and powers exercised by
2 such corporation.

3 **Sec. 107.** NRS 532.160 is hereby amended to read as follows:
4 532.160 The Attorney General and the district attorney *or the*
5 *county counsel, as applicable*, of the county in which legal
6 questions arise shall be the legal advisers of the State Engineer and
7 shall perform any and all legal duties necessary in connection with
8 their work without any further compensation than their salaries fixed
9 by law.

10 **Sec. 108.** Chapter 533 of NRS is hereby amended by adding
11 thereto a new section to read as follows:

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

15 **Sec. 109.** NRS 533.005 is hereby amended to read as follows:
16 533.005 As used in this chapter, unless the context otherwise
17 requires, the words and terms defined in NRS 533.007 to 533.023,
18 inclusive, *and section 108 of this act* have the meanings ascribed to
19 them in those sections.

20 **Sec. 110.** NRS 535.070 is hereby amended to read as follows:
21 535.070 1. The term “water of such river,” as used in this
22 section, means the normal and natural flow of water in the river
23 unaffected by flood, storm or other abnormal natural causes.

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

30 3. If any person fails, neglects or refuses to comply with the
31 provisions of subsection 2, the district attorney *or county counsel,*
32 *as applicable*, of the county wherein the dam is situated or being
33 constructed shall commence mandamus proceedings to compel the
34 person to comply with the provisions of subsection 2, or the board
35 of county commissioners of the county may order the weir to be
36 constructed at the expense of the county, and the county has a right
37 of action against the owner or lessee of the dam for all expenses
38 incurred by the county in constructing the weir and may recover
39 judgment on the right of action and satisfy the judgment in the
40 manner provided by law.

41 4. The provisions of this section do not apply to dams
42 constructed or being constructed or hereafter to be constructed for
43 the purpose of permanently storing the waters of such river for
44 beneficial purposes.



1 **Sec. 111.** NRS 539.013 is hereby amended to read as follows:
2 539.013 As used in this chapter:

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

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

8 3. “Irrigation district” or “district” shall be held to mean any
9 irrigation district organized under the laws of this state prior to
10 July 1, 1919, as well as under this chapter, to the full extent required
11 to accomplish the purposes of this chapter. Whenever the words
12 “irrigation district” are or have been used in any action or
13 proceeding or in any act or resolution of the Legislature, such words
14 shall be construed to mean an irrigation district organized under the
15 provisions of chapter 134, Statutes of Nevada 1911, or acts
16 supplementary thereto or amendatory thereof, or an irrigation
17 district organized or existing under this chapter.

18 ~~3.~~ 4. “Works of an irrigation district” shall be held to include
19 any drain or watercourse, any side, lateral, spur or branch ditch or
20 drain, whether opened, covered or tiled, or any natural watercourse
21 into which drains or ditches of the district may enter for the purpose
22 of outlet, whether such watercourse is situated in or outside of the
23 district.

24 **Sec. 112.** Chapter 543 of NRS is hereby amended by adding
25 thereto a new section to read as follows:

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

29 **Sec. 113.** NRS 543.180 is hereby amended to read as follows:

30 543.180 As used in NRS 543.170 to 543.830, inclusive, *and*
31 *section 112 of this act*, unless the context otherwise requires, the
32 words and terms defined in NRS 543.181 to 543.188, inclusive, *and*
33 *section 112 of this act* have the meanings ascribed to them in those
34 sections.

35 **Sec. 114.** Chapter 554 of NRS is hereby amended by adding
36 thereto a new section to read as follows:

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

40 **Sec. 115.** NRS 554.010 is hereby amended to read as follows:

41 554.010 As used in this chapter, unless the context otherwise
42 requires, the words and terms defined in NRS 554.011 to 554.016,
43 inclusive, *and section 114 of this act* have the meanings ascribed to
44 them in those sections.



1 **Sec. 116.** NRS 554.140 is hereby amended to read as follows:
2 554.140 1. The State Quarantine Officer is responsible for
3 carrying out the provisions of NRS 554.110 to 554.240, inclusive.

4 2. The sheriff and all peace officers of any county, if called
5 upon by the State Quarantine Officer, shall aid and assist the State
6 Quarantine Officer in the enforcement of a quarantine and in the
7 arrest of any person accused of violating the quarantine. The district
8 attorney of any county in which any person is charged with a
9 misdemeanor or gross misdemeanor pursuant to the provisions of
10 NRS 554.110 to 554.240, inclusive, shall prosecute the
11 misdemeanor or gross misdemeanor, as applicable.

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

14 **Sec. 117.** NRS 555.120 is hereby amended to read as follows:
15 555.120 1. All sums paid by the Department constitute a lien
16 on the property and premises from which the nuisance has been
17 removed or abated pursuant to NRS 555.100 and 555.110, and may
18 be recovered by an action against that property and premises.

19 2. A notice of lien must be filed and recorded in the office of
20 the county recorder of the county in which the property and
21 premises are situated within 30 days after the right to liens has
22 accrued.

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

28 4. If the property is sold, enough of the proceeds must be paid
29 to the Department to satisfy the lien and costs, and the balance
30 remaining, if any, must be paid to the owner of the property if the
31 owner is known, and if not, into the Court for the owner's use when
32 ascertained. All sales under the provisions of this section and NRS
33 555.100 and 555.110 must be made in the same manner and upon
34 the same notice as sales of real property under execution from a
35 Justice Court.

36 **Sec. 118.** Chapter 563 of NRS is hereby amended by adding
37 thereto a new section to read as follows:

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

41 **Sec. 119.** NRS 563.250 is hereby amended to read as follows:
42 563.250 As used in NRS 563.250 to 563.380, inclusive, ***and***
43 ***section 118 of this act,*** unless the context otherwise requires, the
44 words and terms defined in NRS 563.260, 563.270 and 563.280 ***and***



1 *section 118 of this act* have the meanings ascribed to them in those
2 sections.

3 **Sec. 120.** Chapter 588 of NRS is hereby amended by adding
4 thereto a new section to read as follows:

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

8 **Sec. 121.** NRS 588.010 is hereby amended to read as follows:

9 588.010 As used in this chapter, unless the context otherwise
10 requires, the words and terms defined in NRS 588.020 to 588.150,
11 inclusive, *and section 120 of this act* have the meanings ascribed to
12 them in those sections.

13 **Sec. 122.** NRS 597.945 is hereby amended to read as follows:

14 597.945 1. Except as otherwise provided in this section, if a
15 business accepts credit cards or debit cards for the transaction of
16 business, the business shall not:

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

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

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

25 2. This section:

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

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

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

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

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

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



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

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

8 7. As used in this section:

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

14 (b) "Debit card" means any instrument or device, whether
15 known as a debit card or by any other name, that is issued with or
16 without a fee by an issuer for the use of the cardholder in obtaining
17 money, property, goods, services or anything else of value, subject
18 to the issuer removing money from the checking account or savings
19 account of the cardholder.

20 **Sec. 123.** NRS 597.947 is hereby amended to read as follows:

21 597.947 1. A manufacturer or supplier of a cash register or
22 other machine or device that prints receipts for transactions in which
23 a credit card or debit card is used shall not provide, lease or sell for
24 the transaction of business any equipment that does not allow a
25 business to comply with the provisions of subsection 1 of
26 NRS 597.945.

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

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

35 4. As used in this section:

36 (a) "Credit card" has the meaning ascribed to it in NRS 597.945.

37 (b) "Debit card" has the meaning ascribed to it in NRS 597.945.

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

41 **Sec. 124.** NRS 598.0923 is hereby amended to read as
42 follows:

43 598.0923 A person engages in a "deceptive trade practice"
44 when in the course of his or her business or occupation he or she
45 knowingly:



1 1. Conducts the business or occupation without all required
2 state, county or city licenses.

3 2. Fails to disclose a material fact in connection with the sale
4 or lease of goods or services.

5 3. Violates a state or federal statute or regulation relating to the
6 sale or lease of goods or services.

7 4. Uses coercion, duress or intimidation in a transaction.

8 5. As the seller in a land sale installment contract, fails to:

9 (a) Disclose in writing to the buyer:

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

12 (2) Any condition known to the seller that would affect the
13 buyer's use of such property.

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

16 (c) Record the land sale installment contract pursuant to NRS
17 111.315 within 30 calendar days after the date upon which the seller
18 accepts the first payment from the buyer under such a contract.

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

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

24 ➤ As used in this subsection, "land sale installment contract" has
25 the meaning ascribed to it in paragraph ~~(e)~~ (e) of subsection 1 of
26 NRS 375.010.

27 **Sec. 125.** Chapter 603A of NRS is hereby amended by adding
28 thereto a new section to read as follows:

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

32 **Sec. 126.** NRS 603A.010 is hereby amended to read as
33 follows:

34 603A.010 As used in NRS 603A.010 to 603A.290, inclusive,
35 *and section 125 of this act*, unless the context otherwise requires,
36 the words and terms defined in NRS 603A.020, 603A.030 and
37 603A.040 *and section 125 of this act* have the meanings ascribed to
38 them in those sections.

39 **Sec. 127.** NRS 608.150 is hereby amended to read as follows:

40 608.150 1. Except as otherwise provided in subsections 2 and
41 3, every original contractor entering into any contract in this State
42 for the erection, construction, alteration, maintenance or repair,
43 including, without limitation, repairs made under a warranty, of any
44 building or structure, including, without limitation, any equipment
45 or fixtures related thereto, or other work of improvement, shall



1 assume and is liable for the indebtedness for labor incurred by any
2 subcontractor or any contractors acting under, by or for the original
3 contractor in performing any labor, construction or other work
4 included in the subject of the original contract, for labor, and for the
5 requirements imposed by chapters 616A to 617, inclusive, of NRS.

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

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

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

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

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

39 7. As used in this section:

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

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



1 **Sec. 128.** NRS 612.745 is hereby amended to read as follows:
2 612.745 1. In any civil action to enforce the provisions of this
3 chapter the Administrator, the Board of Review and the State may
4 be represented by:

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

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

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

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

16 **Sec. 129.** NRS 613.160 is hereby amended to read as follows:

17 613.160 1. It is unlawful for any person, firm, association or
18 corporation, or agent, superintendent or manager thereof, employing
19 any special agent, detective or person commonly known as a spotter
20 for the purpose of investigating, obtaining and reporting to the
21 employer or the employer's agent, superintendent or manager
22 information concerning his or her employees, to discipline or
23 discharge any employee in his or her service, where the act of
24 discipline or the discharge is based upon a report by a special agent,
25 detective or spotter which involves a question of integrity, honesty
26 or a breach of rules of the employer, unless the employer or the
27 employer's agent, superintendent or manager gives notice and a
28 hearing to the employee thus accused, when requested by the
29 employee, at which hearing the accused employee must have the
30 opportunity to confront the person making the report and must have
31 the right to furnish testimony in his or her defense.

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

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



1 **Sec. 130.** Chapter 624 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. 131.** NRS 624.006 is hereby amended to read as follows:

7 624.006 As used in this chapter, unless the context otherwise
8 requires, the words and terms defined in NRS 624.010 to 624.029,
9 inclusive, *and section 130 of this act* have the meanings ascribed to
10 them in those sections.

11 **Sec. 132.** NRS 624.268 is hereby amended to read as follows:

12 624.268 1. In addition to any other requirements set forth in
13 this chapter:

14 (a) A natural person who applies for the issuance of a
15 contractor’s license shall include the social security number of the
16 applicant in the application submitted to the Board.

17 (b) A natural person who applies for the issuance or renewal of a
18 contractor’s license shall submit to the Board the statement
19 prescribed by the Division of Welfare and Supportive Services of
20 the Department of Health and Human Services pursuant to NRS
21 425.520. The statement must be completed and signed by the
22 applicant.

23 2. The Board shall include the statement required pursuant to
24 subsection 1 in:

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

27 (b) A separate form prescribed by the Board.

28 3. A contractor’s license may not be issued or renewed by the
29 Board if the applicant is a natural person who:

30 (a) Fails to submit the statement required pursuant to subsection
31 1; or

32 (b) Indicates on the statement submitted pursuant to subsection
33 1 that the applicant is subject to a court order for the support of a
34 child and is not in compliance with the order or a plan approved by
35 the district attorney or other public agency enforcing the order for
36 the repayment of the amount owed pursuant to the order.

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



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

3 **Sec. 133.** NRS 624.30175 is hereby amended to read as
4 follows:

5 624.30175 1. If the Board receives a copy of a court order
6 issued pursuant to NRS 425.540 that provides for the suspension of
7 all professional, occupational and recreational licenses, certificates
8 and permits issued to a person who is the holder of a contractor’s
9 license, the Board shall deem the license issued to that person to be
10 suspended at the end of the 30th day after the date on which the
11 court order was issued unless the Board receives a letter issued to
12 the holder of the license by the district attorney or other public
13 agency pursuant to NRS 425.550 stating that the holder of the
14 license has complied with the subpoena or warrant or has satisfied
15 the arrearage pursuant to NRS 425.560.

16 2. The Board shall reinstate a contractor’s license that has been
17 suspended by a district court pursuant to NRS 425.540 if the Board
18 receives a letter issued by the district attorney or other public agency
19 pursuant to NRS 425.550 to the person whose license was
20 suspended stating that the person whose license was suspended has
21 complied with the subpoena or warrant or has satisfied the arrearage
22 pursuant to NRS 425.560.

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

25 **Sec. 134.** NRS 630.417 is hereby amended to read as follows:

26 630.417 1. An employee of a physician or a registered nurse,
27 licensed practical nurse, nursing assistant or medication aide -
28 certified who is employed by or contracts to provide nursing
29 services for the physician and who believes that he or she has been
30 retaliated or discriminated against in violation of NRS 630.415 may
31 file an action in a court of competent jurisdiction.

32 2. If a court determines that a violation of NRS 630.415 has
33 occurred, the court may award such damages as it determines to
34 have resulted from the violation, including, without limitation:

35 (a) Compensatory damages;

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

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

42 (d) Punitive damages, if the facts warrant.

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



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

6 5. If any action to retaliate or discriminate is taken against an
7 employee, registered nurse, licensed practical nurse, nursing
8 assistant or medication aide - certified within 60 days after the
9 employee, registered nurse, licensed practical nurse, nursing
10 assistant or medication aide - certified takes any action described in
11 subsection 1 of NRS 630.415, there is a rebuttable presumption that
12 the action taken against the employee, registered nurse, licensed
13 practical nurse, nursing assistant or medication aide - certified
14 constitutes retaliation or discrimination in violation of
15 NRS 630.415.

16 6. A physician or any agent or employee thereof that violates
17 the provisions of NRS 630.415 is subject to a civil penalty of not
18 more than \$10,000 for each violation. The Attorney General or any
19 district attorney *or county counsel, as applicable*, of this State may
20 recover the penalty in a civil action brought in the name of the State
21 of Nevada in any court of competent jurisdiction.

22 7. Any action under this section must be brought not later than
23 2 years after the date of the last event constituting the alleged
24 violation for which the action is brought.

25 8. As used in this section, "retaliate or discriminate" has the
26 meaning ascribed to it in NRS 630.415.

27 **Sec. 135.** NRS 633.755 is hereby amended to read as follows:

28 633.755 1. An employee of an osteopathic physician or a
29 registered nurse, licensed practical nurse, nursing assistant or
30 medication aide - certified who is employed by or contracts to
31 provide nursing services for the osteopathic physician and who
32 believes that he or she has been retaliated or discriminated against in
33 violation of NRS 633.750 may file an action in a court of competent
34 jurisdiction.

35 2. If a court determines that a violation of NRS 633.750 has
36 occurred, the court may award such damages as it determines to
37 have resulted from the violation, including, without limitation:

38 (a) Compensatory damages;

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

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

45 (d) Punitive damages, if the facts warrant.



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

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

8 5. If any action to retaliate or discriminate is taken against an
9 employee, registered nurse, licensed practical nurse, nursing
10 assistant or medication aide - certified within 60 days after the
11 employee, registered nurse, licensed practical nurse, nursing
12 assistant or medication aide - certified takes any action described in
13 subsection 1 of NRS 633.750, there is a rebuttable presumption that
14 the action taken against the employee, registered nurse, licensed
15 practical nurse, nursing assistant or medication aide - certified
16 constitutes retaliation or discrimination in violation of
17 NRS 633.750.

18 6. An osteopathic physician or any agent or employee thereof
19 that violates the provisions of NRS 633.750 is subject to a civil
20 penalty of not more than \$10,000 for each violation. The Attorney
21 General or any district attorney *or county counsel, as applicable*, of
22 this State may recover the penalty in a civil action brought in the
23 name of the State of Nevada in any court of competent jurisdiction.

24 7. Any action under this section must be brought not later than
25 2 years after the date of the last event constituting the alleged
26 violation for which the action is brought.

27 8. As used in this section, "retaliate or discriminate" has the
28 meaning ascribed to it in NRS 633.750.

29 **Sec. 136.** NRS 642.5178 is hereby amended to read as
30 follows:

31 642.5178 1. A petition for the revocation or suspension of a
32 license, permit or certificate issued by the Board pursuant to this
33 chapter or chapter 451 or 452 of NRS may be filed by the Attorney
34 General or by the district attorney *or county counsel, as applicable*,
35 of the county in which the funeral establishment or direct cremation
36 facility exists or the licensee or holder of the permit or certificate
37 resides or has practiced, or by any person residing in this State.

38 2. The petition must be filed with the Board and state the
39 charges against the licensee or holder of the permit or certificate
40 with reasonable definiteness.

41 **Sec. 137.** NRS 710.152 is hereby amended to read as follows:

42 710.152 When proceedings are instituted to sell or lease a
43 county-owned telephone system pursuant to paragraph (a) of
44 subsection 1 of NRS 710.151, the district attorney *or county*



1 *counsel, as applicable*, shall draft the measure and an explanation
2 thereof for submission to the registered voters.

3 **Sec. 138.** 1. This act becomes effective:

4 (a) Upon passage and approval for the purposes of adopting an
5 ordinance creating the office of county counsel and performing any
6 other preparatory administrative tasks that are necessary to carry out
7 the provisions of this act; and

8 (b) On July 1, 2019, for all other purposes.

9 2. Section 118 of this act expires by limitation on December 31
10 of the first year during which the Governor proclaims that the
11 amount of the fees refunded by the Rangeland Resources
12 Commission pursuant to the provisions of NRS 563.340 for the
13 immediately preceding calendar year is more than 50 percent of the
14 fees collected by the Commission pursuant to that section for that
15 calendar year.

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