
ASSEMBLY BILL NO. 423—ASSEMBLYMEN DALY;
ATKINSON, KIRKPATRICK AND PIERCE

MARCH 21, 2011

Referred to Committee on Government Affairs

SUMMARY—Allows certain organizations to request an opinion of the Attorney General under certain circumstances. (BDR 18-719)

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

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

AN ACT relating to the Office of the Attorney General; authorizing certain organizations to request an opinion of the Attorney General under certain circumstances; authorizing the Attorney General to charge an organization that requests an opinion a fee for issuing a written opinion; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law, the Attorney General is required to provide to certain state
2 and local governmental entities and officials a written opinion upon a question of
3 law. (NRS 228.150) **Section 1** of this bill allows certain organizations that have a
4 dispute with a state or local governmental agency over a question of state law to
5 request an opinion of the Attorney General on the matter. **Section 1** also requires
6 the Attorney General to charge a reasonable fee of not less than \$2,500 to offset the
7 costs of the Attorney General in providing the opinion.

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

1 **Section 1.** NRS 228.150 is hereby amended to read as follows:
2 228.150 1. When requested, the Attorney General shall give
3 his or her opinion, in writing, upon any question of law, to the
4 Governor, the Secretary of State, the State Controller, the State
5 Treasurer, the Director of the Department of Corrections, to the
6 head of any state department, agency, board or commission, to any



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1 district attorney and to any city attorney of any incorporated city
2 within the State of Nevada, upon any question of law relating to
3 their respective offices, departments, agencies, boards or
4 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. ~~[The]~~ *When requested by a labor organization or trade
10 association or its local affiliate that has a dispute with a state or
11 local governmental agency which may result in litigation, over a
12 question of law relating to a state statute or regulation, the
13 Attorney General shall give to the organization or association his
14 or her opinion, in writing, upon the question. This subsection
15 shall not be construed as giving a homeowners' association or
16 similar organization the power to request an opinion of the
17 Attorney General.*

18 4. *Except as otherwise provided in subsection 5, the* Attorney
19 General is not entitled to receive any fee for the performance of any
20 duty required of him or her by law, but money may be paid to his or
21 her office or pursuant to law or an agreement with an agency of the
22 State for the performance of any duty or service by his or her office.

23 5. *The Attorney General shall charge an organization that
24 requests an opinion pursuant to subsection 3 a reasonable fee as
25 provided in this subsection for providing the opinion. The fee:*

26 (a) *Must be charged for services on an hourly basis in an
27 amount sufficient to pay the salary and other expenses of the
28 deputy attorney general who provides the services; and*

29 (b) *Is \$2,500 if the amount described in paragraph (a) is less
30 than \$2,500.*

31 6. *As used in this section:*

32 (a) *“Labor organization” has the meaning ascribed to it in
33 NRS 613.230.*

34 (b) *“Trade association” means an association of persons
35 having a common business interest, the purpose of which is to
36 promote such common interest and not to engage in a regular
37 business of a kind ordinarily carried on for profit.*

38 **Sec. 2.** This act becomes effective on July 1, 2011.

