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S.B. 570

SENATE BILL No. 570—COMMITTEE ON LEGISLATIVE
AFFAIRS AND OPERATIONS

(ON BEHALF OF LEGISLATIVE COMMISSION)

MAY 4, 2001

Referred to Committee on Legislative Affairs and Operations

SUMMARY—Makes various changes relating to legislature and legislative counsel bureau.
(BDR 17-1073)FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.AN ACT relating to the legislature; making various changes relating to the legislature and the
legislative counsel bureau; and providing other matters properly relating thereto.THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:1 **Section 1.** Chapter 218 of NRS is hereby amended by adding thereto a
2 new section to read as follows:3 *1. The legislative counsel bureau may contract for the establishment*
4 *of an on-site child care facility for children of employees of the legislative*
5 *branch of government. No money appropriated to the legislative fund or*
6 *the legislative counsel bureau may be used to pay the cost of establishing*
7 *and operating the facility.*8 *2. All employees of the child-care facility shall be deemed employees*
9 *of the state for the purposes of NRS 41.0305 to 41.039, inclusive.*10 *3. The legislative counsel bureau may use the property described in*
11 *NRS 331.135 for a child-care facility established pursuant to this section.*12 *4. As used in this section, "on-site child care facility" has the*
13 *meaning ascribed to it in NRS 432A.0275.*14 **Sec. 2.** NRS 218.2423 is hereby amended to read as follows:

15 218.2423 1. Each:

16 (a) Incumbent assemblyman may request the drafting of not more than 5
17 legislative measures submitted to the legislative counsel *on or* before
18 September 1 preceding the commencement of a regular session of the
19 legislature and not more than 5 legislative measures submitted to the

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1 legislative counsel ~~on or~~ after September 1 but on or before December 15
2 preceding the commencement of a regular session of the legislature.

3 (b) Incumbent senator may request the drafting of not more than 10
4 legislative measures submitted to the legislative counsel *on or* before
5 September 1 preceding the commencement of a regular session of the
6 legislature and not more than 10 legislative measures submitted to the
7 legislative counsel ~~on or~~ after September 1 but on or before December 15
8 preceding the commencement of a regular session of the legislature.

9 (c) Newly elected assemblyman may request the drafting of not more
10 than 5 legislative measures submitted to the legislative counsel on or
11 before December 15 preceding the commencement of a regular session of
12 the legislature.

13 (d) Newly elected senator may request the drafting of not more than 10
14 legislative measures submitted to the legislative counsel on or before
15 December 15 preceding the commencement of a regular session of the
16 legislature.

17 2. In addition to the number authorized pursuant to subsection 1:

18 (a) The chairman of each standing committee of the immediately
19 preceding regular legislative session, or a person designated in the place of
20 the chairman by the speaker of the assembly or the majority leader of the
21 senate, as the case may be, may request before the commencement of the
22 next regular legislative session the drafting of not more than 1 legislative
23 measure for introduction by the committee in a subject within the
24 jurisdiction of the committee for every 15 legislative measures that were
25 referred to the respective standing committee during the immediately
26 preceding regular legislative session.

27 (b) A person designated after a general election as a chairman of a
28 standing committee for the next regular legislative session, or a person
29 designated in the place of a chairman by the person designated as the
30 speaker of the assembly or majority leader of the senate for the next regular
31 legislative session, may request before the commencement of the next
32 regular legislative session the drafting of the remaining number of the
33 legislative measures allowed for the respective standing committee that
34 were not requested by the previous chairman or designee.

35 **Sec. 3.** NRS 218.2426 is hereby amended to read as follows:

36 218.2426 1. In addition to the number authorized pursuant to
37 NRS 218.2423:

38 (a) The speaker of the assembly and the majority leader of the senate
39 may each request before or during a regular legislative session, without
40 limitation, the drafting of not more than 15 legislative measures for that
41 session.

42 (b) The minority leader of the assembly and the minority leader of the
43 senate may each request before or during a regular legislative session,
44 without limitation, the drafting of not more than 10 legislative measures for
45 that session.

46 (c) A person designated after a general election as the speaker of the
47 assembly, the majority leader of the senate, the minority leader of the
48 assembly or the minority leader of the senate for the next regular legislative
49 session may request the drafting of the remaining number of the legislative



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1 measures allowed for the respective officer that were not requested by the
2 previous officer.

3 2. The *legislative counsel, the* secretary of the senate and the chief
4 clerk of the assembly may request before or during a regular legislative
5 session, without limitation, the drafting of as many legislative measures as
6 are necessary or convenient for the proper exercise of their duties.

7 **Sec. 4.** NRS 218.2429 is hereby amended to read as follows:

8 218.2429 1. The chairman of the legislative commission may request
9 the drafting of not more than 15 legislative measures before the
10 commencement of a regular legislative session, with the approval of the
11 commission, which relate to the affairs of the legislature or its employees,
12 including measures requested by the legislative staff.

13 2. The chairman of the interim finance committee may request the
14 drafting of not more than 10 legislative measures before the
15 commencement of a regular legislative session, with the approval of the
16 committee, which relate to matters within the scope of the committee.

17 3. Except as otherwise provided by specific statute or concurrent
18 resolution of the legislature:

19 (a) Any other legislative committee created by statute may request the
20 drafting of not more than 10 legislative measures ~~{before the~~
21 ~~commencement of a regular legislative session,}~~ which relate to matters
22 within the scope of the committee.

23 (b) An interim committee which conducts a study or investigation
24 pursuant to subsection 5 of NRS 218.682 may request the drafting of not
25 more than ~~{10}~~ 5 legislative measures ~~{before the commencement of a~~
26 ~~regular legislative session,}~~ which relate to matters within the scope of the
27 study or investigation, except that such a committee may request the
28 drafting of additional legislative measures before the commencement of a
29 regular legislative session if the legislative commission approves each
30 additional request by a majority vote.

31 (c) Any other committee established by the legislature which conducts
32 an interim legislative study may request the drafting of not more than
33 ~~{10}~~ 5 legislative measures ~~{before the commencement of a regular~~
34 ~~legislative session,}~~ which relate to matters within the scope of the study.

35 *Except as otherwise provided in NRS 218.635, measures authorized to be*
36 *requested pursuant to this subsection must be submitted to the legislative*
37 *counsel on or before September 1 preceding the commencement of a*
38 *regular session of the legislature unless the legislative commission*
39 *authorizes submitting a request after that date.*

40 **Sec. 5.** NRS 218.245 is hereby amended to read as follows:

41 218.245 1. Except as otherwise provided in subsections 2 and 5, the
42 legislative counsel and the legal division of the legislative counsel bureau
43 shall not prepare or assist in the preparation of proposed legislation for any
44 agency or officer of the executive branch of the state government or for a
45 county, school district or city before a regular session of the legislature
46 unless the request is approved by the governor or a designated member of
47 his staff, or the governing body of the county, school district or city, and
48 transmitted to the legislative counsel *on or* before September 1 preceding
49 the convening of the session.



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1 2. A request for proposed legislation may be submitted to the
2 legislative counsel *pursuant to subsection 3 or 4 of NRS 218.2455* by the
3 board of regents of the University of Nevada, lieutenant governor,
4 secretary of state, attorney general, state controller or state treasurer
5 without the approval of the governor or a designated member of his staff.

6 3. After November 1, preceding a legislative session, the legislative
7 counsel and the legal division of the legislative counsel bureau shall give
8 full priority to the preparation of proposed legislation requested by
9 members of the legislature.

10 4. The legislative counsel and the legal division of the legislative
11 counsel bureau shall not prepare or assist in the preparation of any
12 proposed legislation during any regular session of the legislature except as
13 authorized by statute or joint rule of the legislature.

14 5. An agency or officer of the executive branch of the state
15 government or a county, school district or city, shall not request a legislator
16 to have legislation drafted on its behalf. The legislative commission, when
17 the legislature is not in session, or a standing committee which has
18 jurisdiction of the subject matter when the legislature is in session, may, if
19 it finds that exceptional circumstances so warrant, authorize the drafting of
20 legislation requested after the time limited by subsection 1 of this section
21 and subsection 1, 3 or 4 of NRS 218.2455.

22 **Sec. 6.** NRS 218.2455 is hereby amended to read as follows:

23 218.2455 1. The governor or his designated representative may
24 transmit to the legislative counsel *on or* before September 1 preceding a
25 regular legislative session not more than 125 requests for the drafting of
26 legislative measures approved on behalf of state agencies, boards and
27 departments of the executive branch of state government pursuant to
28 subsection 1 of NRS 218.245.

29 2. The department of administration may request on or before the 19th
30 day of the legislative session, without limitation, the drafting of as many
31 legislative measures as are necessary to implement the budget proposed by
32 the governor and to provide for the fiscal management of the state.

33 3. The following constitutional officers may request the drafting of not
34 more than the following numbers of legislative measures *on or* before
35 September 1 preceding a regular legislative session:

36

37 Lieutenant governor	2
38 Secretary of state	8
39 State treasurer	5
40 State controller	5
41 Attorney general	25

42

43 4. The board of regents of the University of Nevada may request the
44 drafting of not more than 5 legislative measures on behalf of the University
45 and Community College System of Nevada *on or* before September 1
46 preceding a regular legislative session.

47 **Sec. 7.** NRS 218.272 is hereby amended to read as follows:

48 218.272 1. Except as otherwise provided in subsection 4, the fiscal
49 analysis division shall obtain a fiscal note on:



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1 (a) ~~{Any bill which makes an appropriation or increases any existing~~
2 ~~appropriation;~~
3 ~~—(b)—~~ Any bill or joint resolution which creates or increases any fiscal
4 liability or decreases any revenue which appears to be in excess of \$2,000;
5 and
6 ~~{(e)}~~ (b) Any bill or joint resolution which increases or newly provides
7 for a term of imprisonment in the state prison or makes release on parole or
8 probation from the state prison less likely,
9 before a vote is taken on such a bill or joint resolution by a committee of
10 the assembly or the senate.
11 2. The fiscal note must contain a reliable estimate of the anticipated
12 change in appropriation authority, fiscal liability or state revenue under the
13 bill or joint resolution, including, to the extent possible, a projection of
14 such changes in future biennia.
15 3. Except as otherwise provided in NRS 218.272 to 218.2758,
16 inclusive, or in the joint rules of the senate and assembly, the estimates
17 must be made by the *affected* agency ~~{receiving the appropriation or~~
18 ~~collecting the revenue.}~~ *or agencies.*
19 4. The fiscal note is not required on any bill or joint resolution relating
20 exclusively to the proposed executive budget.
21 **Sec. 8.** NRS 218.275 is hereby amended to read as follows:
22 218.275 1. The name of the agency preparing the fiscal note must
23 appear ~~{at the end thereof}~~ *on a fiscal note* with the signature of the official
24 of the agency who is primarily responsible for preparing the note.
25 2. The department of administration shall review the fiscal notes
26 prepared by the agencies before such notes are returned to the legislature.
27 If the department of administration disagrees with a fiscal note prepared by
28 the agency, it may submit a supplementary fiscal note for the bill or joint
29 resolution.
30 **Sec. 9.** NRS 218.2752 is hereby amended to read as follows:
31 218.2752 Whenever a bill or joint resolution is submitted to an agency
32 for a fiscal note, the agency shall prepare the note and return it to the fiscal
33 analysis division within 5 working days. The fiscal analysis division may
34 extend the period for not more than 10 additional *working* days if the
35 matter requires extended research.
36 **Sec. 10.** NRS 218.2755 is hereby amended to read as follows:
37 218.2755 ~~{1.}~~ After a bill or joint resolution has been drafted, the
38 fiscal analysis division shall inform the requester that a fiscal note is
39 required when the draft is submitted to the requester for review. If the
40 requester so directs, the fiscal analysis division shall promptly determine
41 the agency to which the bill or joint resolution should be submitted and
42 shall submit it for a fiscal note. If the requester is a legislator and desires to
43 introduce the bill or joint resolution without a fiscal note, he may do so, but
44 when the bill is introduced, the fiscal analysis division shall promptly
45 determine the agency to which the bill or joint resolution is to be submitted
46 and shall forward it to the agency to obtain the fiscal note.
47 ~~{2. The agency shall prepare the note in quadruplicate and return it~~
48 ~~within the required time to the fiscal analysis division.}~~



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1 **Sec. 11.** NRS 218.2756 is hereby amended to read as follows:

2 218.2756 1. ~~If the fiscal note is obtained before the bill or joint~~
3 ~~resolution is introduced the fiscal analysis division shall submit a copy of~~
4 ~~the note to the requester. If the requester desires to introduce the bill or~~
5 ~~joint resolution the legislative counsel shall attach a duplicate copy of the~~
6 ~~note to the bill or joint resolution and shall prepare the bill or joint~~
7 ~~resolution for introduction.]~~ The original, signed copy of ~~the~~ *a fiscal* note
8 *that is obtained before a bill or joint resolution is introduced* must be
9 retained by the fiscal analysis division to be used as printer's copy after the
10 bill or joint resolution is introduced.

11 2. If the fiscal note is obtained after the bill or joint resolution has been
12 introduced, the fiscal analysis division shall forward a ~~duplicate copy of~~
13 ~~the note to the chief clerk of the assembly or the secretary of the senate and~~
14 ~~shall forward the original,]~~ signed copy to the superintendent of the state
15 printing division of the department of administration for the purposes of
16 printing.

17 3. The ~~triplicate copy of the~~ *original* fiscal note must be retained by
18 the fiscal analysis division.

19 4. The fiscal analysis division shall send a copy of the fiscal note to the
20 chairman of the standing committee or committees to which the bill or joint
21 resolution has been referred.

22 **Sec. 12.** NRS 218.5327 is hereby amended to read as follows:

23 218.5327 If any witness neglects or refuses to obey a subpoena, or
24 after appearing neglects or refuses to testify as to any relevant matter, or to
25 produce upon reasonable notice any relevant evidence, if the evidence is in
26 his possession or under his control, he has committed a contempt. *The*
27 *district court of any county, or the judge thereof, shall, on application of*
28 *the president of the senate, speaker of the assembly or chairman of the*
29 *committee, as the case may be, compel obedience by proceedings for*
30 *contempt, as in the case of disobedience of the requirements of a*
31 *subpoena issued from such court or a refusal to testify therein.*

32 **Sec. 13.** NRS 218.610 is hereby amended to read as follows:

33 218.610 As used in NRS 218.610 to 218.735, inclusive, *and section 1*
34 *of this act*, "agency of the state" includes all offices, departments, boards,
35 commissions and institutions of the state.

36 **Sec. 14.** NRS 284.3775 is hereby amended to read as follows:

37 284.3775 1. Except as otherwise provided in this section, employees
38 of the supreme court, employees in the unclassified service of the executive
39 branch of the government of the State of Nevada, or employees of the
40 legislative branch of the government of the State of Nevada who have
41 served for 4 consecutive months or more are entitled to transfer to a
42 position having similar duties and compensation in the classified service of
43 the state on the same basis as employees may transfer within the classified
44 service from a position under one appointing authority to a position under
45 another appointing authority. The benefit conferred by this subsection
46 includes any exemption from the taking of a competitive examination,
47 retention of credits for annual and sick leave and longevity, and priority on
48 the lists of eligible persons to the extent that such privileges are accorded
49 to employees transferring within the classified service.



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1 2. Except as otherwise provided in subsection 4, the benefits conferred
2 by subsection 1 do not apply to an employee in the unclassified service
3 who is the chief officer of a department or division.

4 3. Except as otherwise provided in this subsection and subsection 4, a
5 person may not transfer pursuant to subsection 1 to a class composed of:

6 (a) Professionally qualified persons; or

7 (b) Officers and administrators who set broad policies and exercise
8 responsibility for the execution of those policies.

9 A person may transfer to a class described in paragraph (a) or (b) if that
10 class is provided for pursuant to subsection 2 of NRS 284.155.

11 4. The restrictions provided in subsections 2 and 3 do not apply to an
12 employee of the supreme court, an employee in the unclassified service of
13 the executive branch of government or an employee of the legislative
14 branch of government whose appointment to that position was immediately
15 preceded by an appointment in the classified service, except that such an
16 employee may only transfer to a position in the classified service that has
17 duties and compensation that are similar either to his current position or to
18 a position he previously held in the classified service.

19 5. An employee in the classified service of the state who is granted
20 leave without pay to accept a position in the legislative branch of
21 government during a regular or special session:

22 (a) Is entitled to be restored to his previous position in the classified
23 service upon the completion of the legislative session without loss of
24 seniority or benefits. Seniority must be calculated as if he had not taken the
25 leave.

26 (b) Is eligible to fill vacancies in positions within the classified service
27 to the extent that he would be eligible if he was not on leave from his
28 position in the classified service.

29 6. *An employee of the legislative branch of the government of the*
30 *State of Nevada who is employed at the conclusion of a regular session of*
31 *the legislature and is eligible at that time pursuant to subsection 1 to*
32 *transfer to a position having similar duties and compensation in the*
33 *classified service of the state may transfer to such a position on or before*
34 *November 1 following session notwithstanding the termination of his*
35 *employment with the legislative branch of government before that date.*
36 *For the purposes of this section, the weekly compensation of a person*
37 *paid a daily salary during a legislative session is seven times the daily*
38 *salary.*

39 **Sec. 15.** NRS 331.135 is hereby amended to read as follows:

40 331.135 1. The legislature reserves the supervision and control, both
41 during and between legislative sessions, of:

42 (a) The entire legislative building, including its chambers, offices and
43 other rooms, and its furnishings and equipment.

44 (b) A portion of the parcel of land bounded on the west by Carson
45 Street, on the south by Fifth Street, on the east by Fall Street, and on the
46 north by the sidewalk along the south fence of the capitol grounds, situated
47 in a portion of the Capitol Complex, as shown on the Record of Survey
48 Map No. 297, Official Records of Carson City, Nevada, File No. 3043,



1 section 17, T. 15 N., R. 20 E., M.D.M., more particularly described as
2 follows:

3
4 Beginning at the southwest corner of block 36, Sears Thompson
5 Sears Division, as shown on that record of survey;
6 Thence N 89°52'32" E, a distance of 443.93 feet;
7 Thence N 00°12'15" E, a distance of 302.14 feet;
8 Thence N 44°47'45" W, a distance of 189.88 feet to the north side
9 of an existing sidewalk;
10 Thence N 89°39'33" W, along that sidewalk, a distance of 97.13
11 feet to the east side of an existing sidewalk;
12 Thence N 00°14'26" E, along that sidewalk, a distance of 270.00
13 feet, more or less, to the north line of a sidewalk;
14 Thence N 89°47'45" W, along that sidewalk, a distance of 212.50
15 feet, to the east right-of-way line of Carson Street;
16 Thence S 00°13'08" W, along that line, a distance of 709.40 feet,
17 more or less, to the true point of beginning.
18 Containing 5.572 acres, more or less.
19

20 (c) The entire parcel of land bounded on the north by Fifth Street, on the
21 south by Sixth Street, on the east by Stewart Street and on the west by
22 Plaza Street, also described as blocks 2 and 3, Pierson and Goodridge
23 Addition; and that portion of Fall Street between Fifth Street and Sixth
24 Street abandoned by Carson City on April 26, 1990, Meeting Agenda Item
25 9 M-89/90-10. Also the entire parcel of land bounded on the north by the
26 south boundary line of block 2, Pierson and Goodridge Addition, on the
27 south by Seventh Street, on the east by Stewart Street and on the west by
28 Fall Street, and further described as block 7, Pierson and Goodridge
29 Addition.

30 (d) *The entire parcel of land bounded on the north by Sixth Street, on*
31 *the south by Seventh Street, on the east by Fall Street, and on the west by*
32 *Plaza Street, also described as block 6, Pierson and Goodridge Addition.*

33 (e) The entire parcel of land bounded on the north by Fourth Street, on
34 the west by Stewart Street, on the south by Fifth Street, and on the east by
35 the abandoned right of way of Valley Street, also described as block 39 of
36 Sears Thompson Sears Division of Carson City; and the west 30.00 feet of
37 the abandoned right of way of Valley Street abutting block 39 of Sears
38 Thompson Sears Division. Excepting therefrom that portion of Stewart and
39 Fifth Streets deeded to the State of Nevada through its department of
40 transportation as recorded in book 283, page 208, of Deeds, Carson City,
41 Nevada.

42 ~~(e)~~ (f) Any other property acquired for the use of the legislature or its
43 staff.

44 2. The director of the legislative counsel bureau:

45 (a) Shall provide an individual office for each legislator whose position
46 as an officer or as a chairman of a committee does not otherwise entitle
47 him to occupy an assigned office.



1 (b) May assign the use of space in the legislative building or other
2 legislative facilities or on the legislative grounds in such a manner as the
3 legislative commission prescribes.

4 3. The director of the legislative counsel bureau shall cause the
5 legislative building, chambers and grounds and other legislative facilities to
6 be kept in good repair, clean, orderly and presentable as befits public
7 property and the dignity of the legislature. For this purpose he may, in
8 addition to his general power to employ or contract for the services of
9 personnel, contract with any private enterprise or governmental agency for
10 the provision of appropriate services.

11 **Sec. 16.** NRS 345.025 is hereby amended to read as follows:

12 345.025 Within the limits of legislative appropriations, specifically
13 made for such purpose, the director of the legislative counsel bureau may
14 contract with a private printing firm for the reproduction by printing or
15 other reproductive process of volumes of Nevada Reports *or Statutes of*
16 *Nevada* which are out of print or of limited supply in the office of the
17 legislative counsel bureau if the price quoted by the firm for such services
18 is lower than the price quoted by the superintendent of the state printing
19 division of the department of administration. Such reproduced volumes
20 may be bound so as to contain one or more volumes of the original Nevada
21 Reports *or Statutes of Nevada* and must be sold to the public at the prices
22 established pursuant to NRS 345.050. The proceeds of such sales must be
23 deposited by the director of the legislative counsel bureau with the state
24 treasurer for credit to the state general fund.

25 **Sec. 17.** NRS 218.248 is hereby repealed.

26 **Sec. 18.** 1. The legislative commission shall review each legislative
27 committee created by statute to determine whether:

- 28 (a) There is a need to continue the existence of the committee;
29 (b) The committee should be eliminated; or
30 (c) The committee should be scheduled for elimination at a future
31 date.

32 The legislative commission shall conduct the review without appointing a
33 subcommittee.

34 2. The legislative commission shall report the results of its review and
35 any recommendations for legislation to the 72nd session of the Nevada
36 legislature.

37 **Sec. 19.** This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTION

218.248 Payment for services of legal division in preparation of certain legislative measures.

1. The legislative counsel shall keep a record of the hours expended by personnel of the legal division of the legislative counsel bureau to prepare legislative measures requested by any state agency, officer of the executive



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branch of state government or any justice of the supreme court or judge of a district court.

2. The record of total hours must be furnished to the chief of the administrative division who shall send to each such requesting agency, officer, justice or judge a claim stating the amount of charges for such preparation. The claim must be paid to the legislative counsel bureau as other claims against the state are paid.

3. The rates to be charged for the services of the legal division of the legislative counsel bureau must be determined by the legislative commission.

4. All money received by the legislative counsel bureau pursuant to this section must be deposited in the legislative fund.

