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## COMMITTEE BRIEF

### LEGISLATIVE AFFAIRS AND OPERATIONS

#### 2003 NEVADA LEGISLATURE

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This paper summarizes issues pertaining to legislative affairs and operations reviewed by the 2001 Nevada Senate. It includes bills, resolutions, and studies approved by the 2001 Senate Committee on Legislative Affairs and Operations. It also provides an overview of the use of joint sponsorship of bills and resolutions. Finally, a listing is provided of Bill Draft Requests for the 2003 Session pertaining to legislative affairs.

#### **JURISDICTION OF THE SENATE COMMITTEE ON LEGISLATIVE AFFAIRS AND OPERATIONS**

Senate Standing Rule No. 40 specifies that the Committee on Legislative Affairs and Operations has jurisdiction over legislation affecting the State Legislative Department, except the districts from which members of the legislature are elected. Specifically, this committee covers Title 17 of the *Nevada Revised Statutes* (NRS), with the exception of NRS 218.010 through 218.084. Chapter 218 of Title 17 deals with the state legislature, its members and employment, legislative compensation and retirement, preparation of legislative measures, the Legislative Counsel Bureau (LCB), and lobbying in the Legislature. Chapter 219 of Title 17 addresses commissioners on uniform state laws. Chapter 220 of Title 17 covers the revision of statutes.

#### **SELECTED LEGISLATION ENACTED IN 2001**

During the 2001 Regular Session, the Senate Committee on Legislative Affairs and Operations conducted 17 meetings. Of those, eight were regularly scheduled meetings in Room 2144, and nine were held on the floor of the Senate Chamber. The Committee considered 24 measures in 2001 on topics concerning the Legislature, Legislative Commission, LCB, and interim legislative studies. Following is a listing of selected bills and resolutions reviewed and approved by the committee in 2001.

## **LEGISLATIVE PROCESS**

### **SENATE BILL 57 (Chapter 269, *Statutes of Nevada 2001*)**

<b>Committees Heard In</b>	<b><i>Senate Committee on Legislative Affairs and Operations</i></b> <b><i>Assembly Committee on Elections, Procedures, and Ethics</i></b>
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Senate Bill 57 requires certain employers to grant leave for legislators to attend certain meetings during the legislative interim. The measure prohibits a private contract of employment that provides for a loss of job seniority for a legislator because of the legislator's attendance at certain meetings during the legislative interim. The bill requires all public employers and any private employer who has more than 50 employees to grant leave, with or without pay, to an employee who is an elected member of the Nevada Legislature. Such leave is authorized for meetings of legislative bodies of which the employee is a member, including: (1) meetings of the Legislative Commission or a subcommittee thereof; (2) meetings of the Interim Finance Committee or another legislative committee created by statute; (3) an interim committee that conducts a study or investigation pursuant to state law; and (4) any other committee of which the legislator is a member in his official capacity.

### **SENATE BILL 570 (Chapter 602, *Statutes of Nevada 2001*)**

<b>Committees Heard In</b>	<b><i>Senate Committee on Legislative Affairs and Operations</i></b> <b><i>Assembly Committee on Elections, Procedures, and Ethics</i></b>
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Senate Bill 570 makes various changes relating to the Legislature and Legislative Counsel Bureau. The bill clarifies certain dates by which measures must be requested for drafting. Further, the bill authorizes the Legislative Counsel to request the drafting of legislative measures as may be required to carry out his or her duties. The bill also requires certain statutory legislative bodies and interim study committees to request the drafting of any proposed legislative measures on or before September 1 preceding the commencement of a regular legislative session and reduces from ten to five the number of bill drafts that may be requested by interim study committees. The bill further directs the Legislative Commission to review each legislative committee created by statute to assess the need for such committees and determine whether they should be abolished or scheduled for sunset.

In addition, S.B. 570 makes certain technical changes regarding fiscal notes and adds the former Capitol Apartments in Carson City to the description of the legislative grounds. The bill updates the procedure used by the courts to enforce a subpoena issued by a legislative committee and authorizes reprinting of editions of the *Statutes of Nevada* that are out of print or limited in supply. Further, the measure authorizes the Legislative Counsel Bureau to contract, at no cost to the state, for the establishment of an on-site child care facility for the children of its employees.

Senate Bill 570 also allows employees of the Legislature to transfer into a position in the classified service at any time on or before November 1 following a legislative session. Finally, the bill specifies that a legislative employee's weekly salary be considered when determining what constitutes a comparable position in the classified service of the state.

### **INTERIM STUDIES IDENTIFIED BY 2001 LEGISLATURE**

As has been the practice over recent legislative sessions, each house of the Legislature designates topics for additional study during the interim period between sessions. In 2001, the Senate designated three studies and the Assembly also designated three studies. \*Note: The three interim studies designated by the Senate did not obtain final approval because of the volume of uncompleted business on the 120<sup>th</sup> day of the 71<sup>st</sup> Regular Session. The Legislative Commission subsequently designated all three studies for interim study.

### **SENATE BILL 355\***

<b>Committees Heard In</b>	Senate Committee on Government Affairs <i>Senate Committee on Legislative Affairs and Operations</i>
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Senate Bill 355\* requires the Legislative Commission to appoint a committee, consisting of an equal number of legislators from the Assembly and Senate, to conduct an interim study of the competition between local government and private enterprise in the provision of certain goods or services. The study must include, without limitation, a review of the history of the provision of the same goods or services by both local governments and private enterprises in Nevada, especially government-subsidized services, such as medical care.

### **SENATE CONCURRENT RESOLUTION 3\***

<b>Committees Heard In</b>	<i>Senate Committee on Legislative Affairs and Operations</i>
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Senate Concurrent Resolution 3\* requires the Legislative Commission to appoint an interim committee, composed of members of the Senate and Assembly, to study the problem of suicide in the State of Nevada. Additionally, the study committee is directed to analyze the feasibility of developing and carrying out a statewide plan for the prevention of suicide. The study must include, without limitation, the creation and maintenance of community-based initiatives that address the impact of suicides on the residents of Nevada and are likely to result in a sustained reduction in the rate of suicides in the state. The study must also consider the relationship between suicide and "co-occurring disorders," which consist of a combination of mental disorders and alcohol or drug abuse. Finally, S.C.R. 3 requires the Legislative Commission to submit a report of the results of the study and make recommendations to the 72<sup>nd</sup> Session of the Nevada Legislature.

## SENATE CONCURRENT RESOLUTION 32\*

<b>Committees Heard In</b>	<i>Senate Committee on Legislative Affairs and Operations</i>
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Senate Concurrent Resolution 32\* directs the Legislative Commission to appoint a committee, consisting of three members of the Senate and three members of the Assembly, to study Nevada's program for providing services for persons with disabilities. The committee must review the state's compliance with and the impact of certain federal initiatives. Additionally, the study must include a full review of the state's current laws and systems of providing services to the disabled. Further, the study must examine possible options for improving service delivery to maximize resources, consolidating services, and increasing cooperation between state, local and community-based programs. Finally, the study must consider the feasibility of establishing a single state agency to coordinate services provided to persons with disabilities. A report of the committee's findings and recommendations must be submitted to the 72<sup>nd</sup> Session of the Nevada Legislature.

## ASSEMBLY BILL 381 (Chapter 538, *Statutes of Nevada 2001*)

<b>Committees Heard In</b>	Assembly Committee on Government Affairs Assembly Committee on Elections, Procedures, and Ethics Senate Committee on Government Affairs <i>Senate Committee on Legislative Affairs and Operations</i>
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Assembly Bill 381 directs the Legislative Commission to appoint a subcommittee consisting of six legislators to conduct an interim study to develop and recommend proposed enabling legislation for the creation of an incorporated town. The bill stipulates that the subcommittee may appoint an advisory committee to assist the study committee in carrying out its duties. The advisory committee must include a member of the Committee on Local Government Finance and representatives of the Nevada League of Cities and Municipalities, the Nevada Association of Counties, and the Nevada Taxpayers Association. The results of the study and any recommendations for legislation are to be submitted to the Legislative Commission and the 2003 Nevada Legislature.

## ASSEMBLY CONCURRENT RESOLUTION 2 (File No.6, *Statutes of Nevada 2001 Special Session*) (Heard as Assembly Concurrent Resolution 3 during Regular Session)

<b>Committees Heard In</b>	Assembly Committee on Elections, Procedures, and Ethics <i>Senate Committee on Legislative Affairs and Operations</i>
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Assembly Concurrent Resolution 2 explains that during the 1995 Legislative Session, legislation was enacted to provide categories for felonies and that the *Nevada Revised Statutes* (NRS) currently provides for two categories of misdemeanors. The measure further notes that a study to determine whether providing categories for misdemeanors and penalties

commensurate with those categories would provide more consistency in criminal statutory provisions.

The resolution stipulates that the study consist of three members of the Assembly and three members of the Senate, with two legislators from each house who are members of the Standing Committees on Judiciary. Furthermore, the measure specifies that the committee: (1) analyze existing statutes concerning misdemeanors; (2) examine whether it is beneficial to amend the NRS to categorize misdemeanors; and (3) study the effect that categorizing misdemeanors would have on the courts of this state.

Finally, the resolution requires any recommended legislation proposed by the committee must be approved by a majority of the committee members from both houses of the Legislature and requires that the Legislative Commission submit a final report of the results and recommendations from the study to the 72<sup>nd</sup> Session of the Nevada Legislature.

**ASSEMBLY CONCURRENT RESOLUTION 3 (File No.7, *Statutes of Nevada 2001 Special Session*) (Heard as Assembly Concurrent Resolution 21 during Regular Session)**

<b>Committees Heard In</b>	Assembly Committee on Elections, Procedures, and Ethics <i>Senate Committee on Legislative Affairs and Operations</i>
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Assembly Concurrent Resolution No. 3 requires the Legislative Commission to study during the 2001-2002 interim: (1) the costs of incarceration and prosecuting capital cases; (2) the number of prisoners executed versus those sentenced to death; (3) the impact of race, color, religion, national origin, gender, and economic status of defendants in capital cases; (4) whether defendants who are mentally retarded or under 18 years of age at the time of committing an offense should be sentenced to death; (5) the competency and expertise of attorneys and judges involved in capital cases; (6) a review of the ability of jurors to adequately understand the application of law in capital cases; (7) whether capital punishment serves as an effective deterrent against the commission of murder; and (8) a review of the appeals process and the various phases of a capital trial. Furthermore, the study must examine the various issues pertaining to the use of DNA information and testing.

The measure specifies that the committee consist of four members of the Assembly and four members of the Senate, with two legislators from each house who are members of the Standing Committees on Judiciary. Finally, the resolution requires any recommended legislation proposed by the committee must be approved by a majority of the committee members from both houses of the Legislature and requires that the Legislative Commission submit a final report of the results and recommendations from the study.

## **OTHER LEGISLATIVE STUDIES AND COMMITTEES**

In addition, the 2001 Legislature designated two other topics for interim study. One established a task force on Nevada's tax policy while the other continues Nevada's oversight of the Tahoe Regional Planning Agency and Compact.

### **ASSEMBLY CONCURRENT RESOLUTION 5 (File No. 20, *Statutes of Nevada 2001*)**

<b>Committees Heard In</b>	Assembly Committee on Government Affairs Assembly Committee on Elections, Procedures, and Ethics Senate Committee on Government Affairs <i>Senate Committee on Legislative Affairs and Operations</i>
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Assembly Concurrent Resolution 5 directs the Legislative Commission to appoint a committee composed of three members of the Senate and three members of the Assembly to continue its review of the Compact and to oversee the Tahoe Regional Planning Agency, as well as federal and state agencies with regulatory authority in the Tahoe Basin.

The resolution also directs the committee to communicate with members of California's Legislature to achieve the goals established in the Compact.

### **ASSEMBLY CONCURRENT RESOLUTION 1 (File No.5, *Statutes of Nevada 2001 Special Session*)**

<b>Committees Heard In</b>	Assembly Floor Session Senate Floor Session
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Assembly Concurrent Resolution No. 1 recognizes that a broad-based tax structure reflecting the diversity of Nevada's economy is desirable and worthy of study. The resolution contends that Nevada's growth in public revenue has not kept pace with its rapid growth in population, causing a disparity between the increase in revenue from current sources and the rise in public spending. As a result, A.C.R. 1 states that revenue collections to fund education, long-term care of senior residents, and soaring energy costs are falling behind.

The measure creates a Governor's Task Force on Tax Policy in Nevada, consisting of six members: two members of the Task Force appointed by the Governor, two by the Senate Majority Leader, and two by the Speaker of the Assembly. The measure authorizes the Governor to appoint two additional members if desired. The resolution directs the Task Force to undertake the following duties:

- Identify specific taxes to be reviewed;
- Focus on broader tax policy issues and consider ways to reduce budgetary reliance on volatile or cyclical revenue streams;
- Solicit comments and suggestions for changes to Nevada's tax policy;
- Consider the desirability of lowering the state's sales and use taxes; and
- Develop proposals to carry out the state's need for additional revenue for state programs, to stabilize the tax base, and to reduce Nevada's long-term structural budget deficit.

Finally, the Task Force may engage in a review of certain fees charged by state agencies, and is authorized to make recommendations for future legislation.

### **JOINT SPONSORSHIP OF BILLS AND RESOLUTIONS**

In 1998, the Legislative Commission's Committee to Consult with the Director reviewed and approved proposed rules for joint sponsorship of bills and resolutions, which were included as part of the Joint Rules of the 1999 Legislative Session. These rules allow legislators to sign on to a measure in the other house rather than introduce duplicative legislation in his or her house. Joint sponsorship also gives a bill sponsor the ability to secure, in advance, a co-sponsor in the other house to provide testimony and guide it through the legislative procedures of that house. However, it is important to note that the primary sponsor of a measure has the authority to decide whether or not to seek joint sponsorship. That is, a legislator could not sign on to a bill in the other house without the consent of the primary sponsor. The 1999 Session was the first session in which individual legislators or committees from both houses could jointly sponsor bills or resolutions in the other house.

Although the Joint Rules allow a committee to jointly sponsor bills or resolutions in the other house, this did not occur during either the 1999 or 2001 Sessions. The following tables provide an overview of the number of bills and resolutions introduced and passed by sponsorship.

#### **2001 LEGISLATIVE SESSION**

##### ***Joint Sponsorship (Legislators from Both Houses) – 2001 Session***

	Bills			Resolutions			Total		
	Introduced	Passed	Percent	Introduced	Passed	Percent	Introduced	Passed	Percent
Senate	42	16	38%	39	36	92%	81	52	64%
Assembly	77	31	40%	34	34	100%	111	65	59%
Total	119	47	40%	73	70	96%	192	117	61%



***Sponsorship by Individual or Multiple Legislators from the Same House – 2001 Session***

	Bills			Resolutions			Total		
	Introduced	Passed	Percent	Introduced	Passed	Percent	Introduced	Passed	Percent
Senate	199	58	29%	23	13	57%	222	71	32%
Assembly	289	61	21%	11	9	82%	300	70	23%
Total	488	119	24%	34	22	65%	522	141	27%

***Committee Sponsorship (Committees from the Same House – 2001 Session)***

	Bills			Resolutions			Total		
	Introduced	Passed	Percent	Introduced	Passed	Percent	Introduced	Passed	Percent
Senate	355	194	55%	16	8	50%	371	202	54%
Assembly	317	177	56%	30	13	43%	347	190	55%
Total	672	371	55%	46	21	46%	718	392	55%

**1999 LEGISLATIVE SESSION**

***Joint Sponsorship (Legislators from Both Houses) – 1999 Session***

	Bills			Resolutions			Total		
	Introduced	Passed	Percent	Introduced	Passed	Percent	Introduced	Passed	Percent
Senate	32	16	50%	25	25	100%	57	41	72%
Assembly	74	36	49%	47	41	87%	121	77	64%
Total	106	52	49%	72	66	92%	178	118	66%

***Sponsorship by Individual or Multiple Legislators from the Same House – 1999 Session***

	Bills			Resolutions			Total		
	Introduced	Passed	Percent	Introduced	Passed	Percent	Introduced	Passed	Percent
Senate	193	86	45%	28	20	71%	221	106	48%
Assembly	250	87	35%	24	16	67%	274	103	38%
Total	443	173	39%	52	36	69%	495	109	42%

***Committee Sponsorship (Committees from the Same House) – 1999 Session***

	Bills			Resolutions			Total		
	Introduced	Passed	Percent	Introduced	Passed	Percent	Introduced	Passed	Percent
Senate	334	190	57%	25	17	68%	334	207	58%
Assembly	378	231	61%	46	31	67%	378	262	62%
Total	421	421	59%	71	48	68%	712	469	60%

### LEGISLATIVE PROPOSALS EXPECTED IN 2003

Following is a chart of legislative proposals that may come before the Senate Committee on Legislative Affairs and Operations during the 2003 Session. This listing was compiled using the public listing of bill draft requests maintained by the Legal Division of the LCB.

BDR Number	Requested By	Topic
R--25	Senator Wiener	Requires a study of the economic, medical and societal costs and impacts of obesity.
17--30 SB56	Senator Coffin	Require the Legislature to sine die by midnight on the 120th calendar day of the session.
17--115 SB 37	Senator Wiener	Repeal certain antiquated statutes.
R--175	Study of Tahoe Regional Planning Compact (ACR 5)	Directs Legislative Commission to appoint committee to continue review of Tahoe Regional Planning Compact.
R--387	Assemblywoman Ohrenschall	Directs interim study of practices of the automobile insurance industry.
17--412	Competition Between Local Governments and Private Enterprises	Provides for establishment of criteria to be used by state and local governmental entities when procuring services and entering into activities, to reduce competition between those entities and private businesses.
17--631 AB35	Local Government Taxes and Finance (NRS 218.5388-218.53886)	Makes various changes concerning legislative committee for local government taxes and finance.
17--676	Requested by Legislator	Provides a limited transportation allowance for legislators during the interim.
--684	Assemblywoman Giunchigliani	Directs legislative commission to conduct an interim study of all elections, ethics and campaign practices to find conflicting, outdated or unnecessary provisions.
17-700	Study of State Program for Providing Services to Persons with Disabilities	Establishes a Statutory Legislative Committee Concerning Services Provided to Persons with Disabilities.
R-717	Legislative Committee on Public Lands Subcommittee Concerning Wilderness Areas and Wilderness Study Areas	Directs Legislative Commission to conduct interim study concerning wilderness areas and wilderness study areas in this state.

<b>BDR Number</b>	<b>Requested By</b>	<b>Topic</b>
<b>C--757</b>	Senator Coffin	Proposes to amend the Nevada Constitution to authorize the Legislature to convene temporarily at places other than the seat of government.
<b>--905</b>	Senator Neal	Expresses the sense of the Nevada Legislature condemning any move by Congress to go back to the Dixiecratic policies of the past.
<b>17--922</b>	Senator Carlton	Enacts provisions prohibiting certain practices by business and professions.
<b>17--949</b>	Requested by Legislator	Revises provisions governing reimbursement of legislators for expenses of office.
<b>17--1023 AB39</b>	Legislative Commission (NRS 218.660)	Provides for change in manner of resolving nonsubstantive conflicts between legislative measures.
<b>--1024</b>	Legislative Commission (NRS 218.660)	Makes various changes relating to the Legislature and the Legislative Counsel Bureau.
<b>--1025</b>	Legislative Commission (NRS 218.660)	Revises provisions governing legislative studies to implement the recommendations of the Legislative Commission resulting from the interim study of the need for the elimination or continuation of the legislative committees created by statute.