

SENATE BILL NO. 477—COMMITTEE ON LEGISLATIVE
OPERATIONS AND ELECTIONS

(ON BEHALF OF THE LEGISLATIVE COMMISSION)

MARCH 29, 2005

Referred to Committee on Legislative Operations and Elections

SUMMARY—Makes various changes relating to Legislature and
Legislative Counsel Bureau. (BDR 17-371)

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.** NRS 218.2475 is hereby amended to read as
- 2 follows:
- 3 218.2475 1. On July 1 preceding each regular session of the
- 4 Legislature, and each week thereafter until the adjournment of the
- 5 Legislature sine die, the Legislative Counsel shall prepare a list of
- 6 all requests received by him, for the preparation of measures to be
- 7 submitted to the Legislature. The requests must be listed
- 8 numerically by a unique serial number which must be assigned to
- 9 the measures by the Legislative Counsel for the purposes of
- 10 identification in the order that he received the requests. Except as
- 11 otherwise provided in subsections 3 and 4, the list must only contain
- 12 the name of each requester, the date and a brief summary of the
- 13 request.
- 14 2. The Legislative Counsel Bureau shall make copies of the list
- 15 available to the public for a reasonable sum fixed by the **Legislative**



~~Commission upon the recommendation of the~~ Director of the
Legislative Counsel Bureau.

3. In preparing the list, the Legislative Counsel shall:

(a) Not include the name of the Legislator who has requested the
preparation of a measure until:

(1) The particular measure is introduced in the Legislature;
or

(2) The Legislator requests that his name be disclosed as the
requester of the measure,

↳ whichever occurs first.

(b) If a standing or special committee of the Legislature requests
a measure on behalf of a Legislator or organization, include the
name of the standing or special committee and the name of the
Legislator or organization on whose behalf the measure was
originally requested.

4. Upon the request of a Legislator who has requested the
preparation of a measure and requested that his name be disclosed
pursuant to subsection 3, the Legislative Counsel shall add the name
of one or more Legislators from either or both houses of the
Legislature as joint requesters. The Legislative Counsel shall not
add the name of a joint requester to the list until he has received
confirmation of the joint request from the primary requester of the
measure and from the Legislator to be added as a joint requester.
The Legislative Counsel shall remove the name of a joint requester
upon receipt of a request to do so made by the primary requester or
the joint requester. The names must appear on the list in the order in
which the names were received by the Legislative Counsel
beginning with the primary requester. The Legislative Counsel shall
not act upon the direction of a joint requester to withdraw the
requested measure or modify its substance until the Legislative
Counsel has received confirmation of the withdrawal or
modification from the primary requester. For the purposes of all
limitations on the number of legislative measures that may be
requested by a Legislator, a legislative measure with joint requesters
must only be counted as a request of the primary requester.

Sec. 2. NRS 218.5382 is hereby amended to read as follows:

218.5382 1. If:

(a) The Legislature, by concurrent resolution, during a regular
legislative session; or

(b) The Interim Finance Committee, by resolution, while the
Legislature is not in regular session,

↳ determines that the performance of a fundamental review of the
base budget of a particular agency is necessary, the ~~Legislative
Commission~~ *Interim Finance Committee* shall create a legislative
committee for the fundamental review of the base budgets of state



1 agencies. The ~~{Legislative Commission}~~ *Interim Finance*
2 *Committee* may create more than one such committee if the number
3 of agencies designated for review warrants additional committees. If
4 more than one such committee is created, the ~~{Legislative~~
5 ~~Commission}~~ *Interim Finance Committee* shall determine which
6 agencies are to be reviewed by the respective committees.

7 2. Each such committee must consist of an equal number of
8 members of the Senate and the Assembly. The ~~{Majority Leader of~~
9 ~~the Senate and the Speaker of the Assembly}~~ *Interim Finance*
10 *Committee* shall appoint the members of a committee. At least a
11 majority of the members of a committee must be members of the
12 Interim Finance Committee. The ~~{Legislative Commission}~~ *Interim*
13 *Finance Committee* shall designate the chairman of a committee.

14 3. Any member of a committee who is not a candidate for
15 reelection or who is defeated for reelection continues to serve until
16 the next session of the Legislature is convened.

17 4. Vacancies on a committee must be filled in the same manner
18 as original appointments.

19 5. A majority of the members appointed to a committee
20 constitutes a quorum.

21 6. The Director of the Legislative Counsel Bureau shall assign
22 employees of the Legislative Counsel Bureau to provide such
23 technical, clerical and operational assistance to a committee as the
24 functions and operations of the committee may require.

25 **Sec. 3.** NRS 218.5384 is hereby amended to read as follows:

26 218.5384 1. A committee shall, during the legislative interim,
27 perform a fundamental review of the base budget of each state
28 agency assigned to it for review.

29 2. A committee may request the state agency under review and
30 any other agency to submit information, analyses and reports which
31 are pertinent to the reviews conducted pursuant to this section. Each
32 agency of the State shall cooperate fully and provide the material
33 requested within the period specified by a committee.

34 3. A committee shall, before the convening of the next regular
35 session of the Legislature, transmit a report of each review
36 conducted pursuant to this section, and any related
37 recommendations, to the *Interim Finance Committee and the*
38 *Legislative Commission*.

39 **Sec. 4.** NRS 218.620 is hereby amended to read as follows:

40 218.620 1. There is hereby created the Legislative Counsel
41 Bureau, which consists of a Legislative Commission, an Interim
42 Finance Committee, a Director, an Audit Division, a Fiscal Analysis
43 Division, a Legal Division, a Research Division, and an
44 Administrative Division.



2. The Legislative Auditor is Chief of the Audit Division. The Legislative Counsel is Chief of the Legal Division. The Research Director is Chief of the Research Division. The Director shall designate from time to time one of the fiscal analysts to be responsible for the administration of the Fiscal Analysis Division.

3. The Legislative Commission shall ~~fix~~

~~(a) Appoint~~ **appoint** the Director.

~~(b) Fix the compensation of the Director, each of the other division chiefs, and each fiscal analyst.~~

~~4.~~ The Director shall appoint the fiscal analysts and the Chiefs of the other Divisions with the approval of the Legislative Commission, and may serve as the chief of any division.

~~5.~~ 4. The Director may, with the consent of the Legislative Commission, designate one of the other division chiefs or an employee of the Legislative Counsel Bureau as Deputy Director, who shall serve as Deputy Director without additional compensation.

Sec. 5. NRS 218.645 is hereby amended to read as follows:

218.645 The **Director of the** Legislative ~~Commission~~ **Counsel Bureau** may fix reasonable fees for the sale of studies, audit reports, bulletins and miscellaneous materials of the Legislative Counsel Bureau, and those fees must be deposited with the State Treasurer for credit to the Legislative Fund.

Sec. 6. NRS 218.646 is hereby amended to read as follows:

218.646 With the approval of the Legislative Commission, the Legislative Counsel may compile and publish manuals or handbooks containing selected portions of Nevada Revised Statutes. Such manuals and handbooks ~~shall~~ **must** be sold at a price fixed by the ~~Legislative Commission~~ **Director of the Legislative Counsel Bureau** and all ~~moneys~~ **money** received for the sale of such publications ~~shall~~ **must** be deposited in the Legislative Fund in the State Treasury.

Sec. 7. NRS 218.6827 is hereby amended to read as follows:

218.6827 1. Except as otherwise provided in ~~subsections 2 and 3,~~ **subsection 2**, the Interim Finance Committee may exercise the powers conferred upon it by law only when the Legislature is not in regular or special session.

2. During a regular **or special** session, the Interim Finance Committee may also perform the duties imposed on it by subsection 5 of NRS 284.115, subsection 2 of NRS 321.335, NRS 322.007, subsection 2 of NRS 323.020, NRS 323.050, subsection 1 of NRS 323.100, NRS 353.220, 353.224, 353.2705 to 353.2771, inclusive, and 353.335, paragraph (b) of subsection 4 of NRS 407.0762, NRS 428.375, 439.620 and 439.630, subsection 1 of NRS 422.2745 and NRS 445B.830 and 538.650. In performing those duties, the Senate



1 Standing Committee on Finance and the Assembly Standing
2 Committee on Ways and Means may meet separately and transmit
3 the results of their respective votes to the Chairman of the Interim
4 Finance Committee to determine the action of the Interim Finance
5 Committee as a whole.

6 ~~[3. During a regular or special session, the Interim Finance~~
7 ~~Committee may exercise the powers and duties conferred upon it~~
8 ~~pursuant to the provisions of NRS 353.2705 to 353.2771, inclusive.~~

9 ~~4. If the Interim Finance Committee determines that a~~
10 ~~fundamental review of the base budget of a state agency is~~
11 ~~necessary, it shall, by resolution, notify the Legislative Commission~~
12 ~~of that finding for assignment of the review to a legislative~~
13 ~~committee for the fundamental review of the base budgets of state~~
14 ~~agencies established pursuant to NRS 218.5382.]~~

15 **Sec. 8.** NRS 218.684 is hereby amended to read as follows:

16 218.684 The Director of the Legislative Counsel Bureau may:

17 1. Upon the request of any person, government, governmental
18 agency or political subdivision, conduct searches by computer of the
19 text of the publications of the Legislative Counsel Bureau and any
20 other information he deems appropriate which may be accessible by
21 a computer operated by the Legislative Counsel Bureau.

22 2. Make any information described in subsection 1 available
23 for access by computer to any person, government, governmental
24 agency or political subdivision.

25 ➤ The ~~[Legislative Commission]~~ **Director** shall prescribe a
26 reasonable fee for these services.

27 **Sec. 9.** NRS 218.926 is hereby amended to read as follows:

28 218.926 1. Each registrant shall file with the Director within
29 30 days after the close of the legislative session a final report signed
30 under penalty of perjury concerning his lobbying activities. In
31 addition, each registrant shall file with the Director between the 1st
32 and 10th day of the month after each month that the Legislature is in
33 session a report concerning his lobbying activities during the
34 previous month, whether or not any expenditures were made. Each
35 report must be on a form prescribed by the Director and must
36 include the total of all expenditures, if any, made by the registrant
37 on behalf of a Legislator or an organization whose primary purpose
38 is to provide support for Legislators of a particular political party
39 and house, including expenditures made by others on behalf of the
40 registrant if the expenditures were made with the registrant's
41 express or implied consent or were ratified by the registrant. Except
42 as otherwise provided in subsection 4, the report must identify each
43 Legislator and each organization whose primary purpose is to
44 provide support for Legislators of a particular political party and
45 house on whose behalf expenditures were made and must be



1 itemized with respect to each such Legislator and organization. An
2 expenditure on behalf of a person other than a Legislator or an
3 organization whose primary purpose is to provide support for
4 Legislators of a particular political party and house need not be
5 reported pursuant to this section unless the expenditure is made for
6 the benefit of a Legislator or such an organization.

7 2. ~~If expenditures made by or on behalf of a registrant during~~
8 ~~the previous month exceed \$50, the~~ **The** report must include a
9 compilation of expenditures, itemized in the manner required by the
10 regulations of the Legislative Commission, in the following
11 categories:

12 (a) Entertainment;

13 (b) Expenditures made in connection with a party or similar
14 event hosted by the organization represented by the registrant;

15 (c) Gifts and loans, including money, services and anything of
16 value provided to a Legislator, to an organization whose primary
17 purpose is to provide support for Legislators of a particular political
18 party and house, or to any other person for the benefit of a
19 Legislator or such an organization; and

20 (d) Other expenditures directly associated with legislative
21 action, not including personal expenditures for food, lodging and
22 travel expenses or membership dues.

23 3. The Legislative Commission may authorize an audit or
24 investigation by the Legislative Auditor that is proper and necessary
25 to verify compliance with the provisions of this section. A lobbyist
26 shall make available to the Legislative Auditor all books, accounts,
27 claims, reports, vouchers and other records requested by the
28 Legislative Auditor in connection with any such audit or
29 investigation. The Legislative Auditor shall confine his requests for
30 such records to those which specifically relate to the lobbyist's
31 compliance with the reporting requirements of this section.

32 4. A report filed pursuant to this section must not itemize with
33 respect to each Legislator an expenditure if the expenditure is the
34 cost of a function to which every Legislator was invited. For the
35 purposes of this subsection, "function" means a party, meal or other
36 social event.

37 **Sec. 10.** NRS 338.1373 is hereby amended to read as follows:

38 338.1373 1. A local government or its authorized
39 representative shall award a contract for a public work pursuant to
40 the provisions of:

41 (a) NRS 338.1377 to 338.139, inclusive;

42 (b) NRS 338.143 to 338.148, inclusive; or

43 (c) NRS 338.1711 to 338.1727, inclusive.

44 2. The provisions of NRS 338.1375 to 338.1382, inclusive,
45 338.1386, 338.13862, 338.13864, 338.139, 338.142 and 338.1711 to



1 338.1727, inclusive, do not apply with respect to contracts for the
2 construction, reconstruction, improvement and maintenance of
3 highways that are awarded by the Department of Transportation
4 pursuant to NRS 408.313 to 408.433, inclusive.

5 **3. *The provisions of NRS 338.1375 to 338.645, inclusive, do***
6 ***not apply with respect to contracts for public works awarded by the***
7 ***Legislature or the Legislative Counsel Bureau.***

8 **Sec. 11.** NRS 345.050 is hereby amended to read as follows:

9 345.050 1. The Director of the Legislative Counsel Bureau
10 may sell the following publications:

11 (a) Nevada Reports.

12 (b) Statutes of Nevada.

13 (c) Compilation of laws:

14 (1) Compiled Laws of Nevada (1861—1873), by Bonnifield
15 and Healy (two volumes).

16 (2) General Statutes Nevada 1885 (1861—1885), by Bailly &
17 Hammond.

18 (3) Compiled Laws of Nevada 1861—1900, by Cutting.

19 (4) Revised Laws of Nevada 1912, Volumes I and II (two
20 volumes).

21 (5) Revised Laws of Nevada 1919, Volume III.

22 (6) Nevada Revised Statutes with annotations, including
23 replacement and supplementary pages.

24 (d) Miscellaneous publications:

25 (1) Nevada Constitutional Debates & Proceedings 1864.

26 (2) Nevada and Sawyer's Digest 1878.

27 (3) Nevada Digest Annotated (1912), by Patrick.

28 (4) Journals of the Assembly or Senate.

29 (5) Appendices to journals of Senate and Assembly.

30 2. The ~~Legislative Commission~~ **Director** shall:

31 (a) Set the prices for the publications sold pursuant to
32 subsection 1.

33 (b) Charge and collect a fee to cover the costs of postage and
34 handling related to the sale of copies of Nevada Reports.

35 3. No volume may be sold or delivered until the purchase price
36 for the volume and the fee for postage and handling have been paid.

37 4. Money received from the sale of Nevada Reports, excluding
38 any money collected for postage and handling, must be deposited in
39 the State General Fund. Money received from the sale of all other
40 publications enumerated in subsection 1 and any money collected
41 for postage and handling related to the sale of Nevada Reports must
42 be deposited in the Legislative Fund.

43 **Sec. 12.** NRS 353.226 is hereby amended to read as follows:

44 353.226 1. On or before ~~February~~ **July** 1 of each even-
45 numbered year, the Governor shall impanel an Economic Forum.



2. The Governor shall appoint three members of his own selection and one member nominated by the Majority Floor Leader of the Senate and one member nominated by the Speaker of the Assembly to serve on the Economic Forum for a term of 2 years.

3. On or before ~~January~~ June 15 of each even-numbered year, and within 30 days after the position of his nominee on the Economic Forum becomes vacant, each nominating authority set forth in subsection 2 shall submit to the Governor the name of his nominee to the Economic Forum.

4. If a nominating authority fails to submit a timely nomination of a person who is qualified pursuant to subsections 6 and 7 to the Governor pursuant to subsection 3, the Governor may appoint any qualified person to the position.

5. Each member appointed pursuant to subsection 2 or 4 may be removed by the Governor for good cause.

6. Each member must be an expert with demonstrated ability in the field of economics, taxation or other discipline necessary to economic forecasting and be able to bring knowledge and professional judgment to the deliberations of the Economic Forum.

7. No officer or employee of the State Government, including publicly supported institutions of higher education, may be a member of the Economic Forum.

8. Except as otherwise provided in subsection 4, a person appointed to fill a vacancy must be nominated and appointed in the same manner as his predecessor in office.

Sec. 13. NRS 353.228 is hereby amended to read as follows:

353.228 1. The Economic Forum impaneled pursuant to NRS 353.226 shall:

(a) Make such projections for economic indicators as it deems necessary to ensure that an accurate estimate is produced pursuant to paragraph (b);

(b) Provide an accurate estimate of the revenue that will be collected by the State for general, unrestricted uses, and not for special purposes, during the biennium that begins on ~~the second~~ July 1 of the year following the date on which the Economic Forum was empaneled;

(c) Request such technical assistance as the Economic Forum deems necessary from the Technical Advisory Committee created by NRS 353.229;

(d) On or before December 1 of the year in which the Economic Forum was empaneled, prepare a written report of its projections of economic indicators and estimate of future state revenue required by paragraphs (a) and (b) and present the report to the Governor and the Legislature; and



1 (e) On or before May 1 of the year following the year in which
2 the Economic Forum was empaneled, prepare a written report
3 confirming or revising the projections of economic indicators and
4 estimate of future state revenue contained in the report prepared
5 pursuant to paragraph (d) and present the report to the Governor and
6 the Legislature.

7 2. The Economic Forum may make preliminary projections of
8 economic indicators and estimates of future state revenue at any
9 time. Any such projections and estimates must be made available to
10 the various agencies of the State through the Chief.

11 3. The Economic Forum may request information directly from
12 any state agency. A state agency that receives a reasonable request
13 for information from the Economic Forum shall comply with the
14 request as soon as is reasonably practicable after receiving the
15 request.

16 4. To carry out its duties pursuant to this section, the Economic
17 Forum may consider any information received from the Technical
18 Advisory Committee and any other information received from
19 independent sources.

20 5. Copies of the projections and estimates made pursuant to
21 this section must be made available to the public by the Director of
22 the Legislative Counsel Bureau for the cost of reproducing the
23 material.

24 **Sec. 14.** NRS 218.115 is hereby repealed.

25 **Sec. 15.** This act becomes effective on July 1, 2005.

TEXT OF REPEALED SECTION

218.115 Adjournment during regular session for legislative committees to hold hearings.

1. In addition to any other adjournment taken during a legislative session, the Legislature may adjourn once for not more than 16 days before the 63rd calendar day of the regular session. During this adjournment, the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means may hold hearings in both the mornings and afternoons to consider the budgets of the major agencies of the State. The two committees shall, when practicable, meet jointly while maintaining majorities of both committees. Except as otherwise provided by the Legislative Commission pursuant to subsection 2, during this adjournment all other standing committees may hold hearings at any place in the



State on legislative measures or on any general topic which is pertinent to possible legislative action.

2. Except as otherwise provided in subsection 4, on or before December 31 of each even-numbered year, the Legislative Commission, in consultation with the Speaker of the Assembly and Majority Leader of the Senate, shall tentatively determine:

(a) The dates of the adjournment authorized by subsection 1;

(b) Which committees other than the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means may meet during the adjournment; and

(c) The location of all meetings to be held during the adjournment.

3. The Director of the Legislative Counsel Bureau may contract for necessary facilities, travel, lodging and services and otherwise make arrangements in preparation for meetings to be held during the adjournment.

4. During each regular session of the Legislature, the Legislature may, by concurrent resolution, direct the Legislative Commission not to carry out the provisions of subsection 2.



