

Amendment No. 1018

Assembly Amendment to Senate Bill No. 490

(BDR 17-789)

Proposed by: Assembly Committee on Elections, Procedures, Ethics, and
Constitutional Amendments

Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) **green bold** is newly added transitory language.

KMG



Date: 5/25/2007

S.B. No. 490—Revises provisions governing the prefiling, reprinting and
transmittal of bills and resolutions. (BDR 17-789)



SENATE BILL NO. 490—COMMITTEE ON LEGISLATIVE
OPERATIONS AND ELECTIONS

MARCH 26, 2007

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises **various** provisions governing ~~the prefiling, reprinting and transmittal of~~ bills and resolutions. (BDR 17-789)

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; **revising provisions governing bill draft requests authorized for various requesters**; revising provisions governing the prefiling, reprinting and transmittal of bills and resolutions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law specifies the number of bill drafts various entities may request the Legislative Counsel to prepare. (NRS 218.240-218.255) Sections 1-7 and 13 of this bill revise those provisions to limit the number of measures that may be requested by most nonlegislative requesters and increasing the number of measures that may be requested by Legislators and chairs of legislative committees. Sections 6 and 8 of this bill require that certain measures requested on behalf of Executive Branch officers be prefiled on or before December 15 preceding session.

Section ~~14~~ 7 of this bill **also** removes the provision that requires all bill drafts requested by the Supreme Court to be delivered to the Chairman of the Committee on Judiciary of each House.

Under existing law, when a prefiled bill or joint resolution is printed it must contain the standing committee to which the bill or joint resolution is proposed to be referred. The appropriate standing committee must be determined pursuant to the rules or recommendations for the referral of bills and joint resolutions adopted by the appropriate House during the preceding regular session of the Legislature. (NRS 218.278) Section ~~14~~ 9 of this bill removes the specified method for determining the appropriate standing committee.

Section 14 of this bill provides that sections 1-8 and 13 of this bill expire by limitation on June 30, 2009.

Under existing law, when a bill is amended it must be reprinted unless two-thirds of the members present vote to dispense with the reprinting of the bill. Existing law limits the circumstances under which such a vote may be taken to only those cases involving bills over 32 pages in length, amendments to the titles and preambles of bills, amendments to correct typographical errors, and other amendments which do not change the meaning, intent or significance of a bill. (NRS 218.320, 218.330) Sections ~~12 and 11~~ 10 and 11 of this bill remove such limiting circumstances.

Under existing law, when a bill or resolution is passed by both Houses it must be immediately transmitted by the Secretary of the Senate or the Chief Clerk of the Assembly to the Legislative Counsel to be enrolled. (NRS 218.340) Section ~~12~~ 12 of this bill revises that requirement by providing that the bill or resolution must be transmitted to the Legislative

Counsel upon adjournment . ~~[unless the Secretary of the Senate or the Chief Clerk of the Assembly is directed by the respective House to transmit the bill or resolution immediately.]~~

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

Section 1. NRS 218.240 is hereby amended to read as follows:

218.240 1. Except as otherwise provided by specific statute, joint rule or concurrent resolution of the Legislature, the Legislative Counsel shall honor:

(a) The number of requests for the drafting of a bill or resolution for a regular session of the Legislature only as provided in NRS 218.240 to 218.255, inclusive.

(b) A request for the drafting of a bill or resolution for any session of the Legislature which is submitted by a state agency, board or department, ~~for a local government, the judiciary,~~ *the Supreme Court* or another authorized nonlegislative requester only if the request is in a subject related to the function of the requester.

2. The Legislative Counsel shall not:

(a) Assign a number to a request for the drafting of a bill or resolution for any session of the Legislature to establish the priority of the request until sufficient detail has been received to allow complete drafting of the legislative measure.

(b) Honor a request to change the subject matter of a request for the drafting of a bill or resolution for any session of the Legislature after it has been submitted for drafting.

(c) Honor a request for the drafting of a bill or resolution for any session of the Legislature which has been combined in violation of Section 17 of Article 4 of the Nevada Constitution.

Sec. 2. NRS 218.241 is hereby amended to read as follows:

218.241 1. Upon request made within the time allowed and limits established pursuant to NRS 218.240 to 218.255, inclusive, the Legislative Counsel shall advise any agency or officer of the Executive Branch of the State Government ~~for, and any county, school district or city,~~ as to the preparation of measures to be submitted to the Legislature.

2. To ensure the greatest possible equity in the handling of requests, drafting must proceed as follows:

(a) Requests for legislative measures from each agency or officer of the Executive Branch of the State Government ~~for from a county, school district or city,~~ must, insofar as is possible, be acted upon in the order in which they are received, unless a different priority is designated by the requester.

(b) As soon as an agency or officer of the Executive Branch of the State Government has requested 10 legislative measures for any session, the Legislative Counsel may request the agency or officer to designate the priority for each succeeding request.

~~[(c) Not later than 2 weeks before the commencement of a regular session of the Legislature, any county, school district or city which has requested the preparation of more than one legislative measure for that session shall submit to the Legislative Counsel a list which designates the order of priority for each request.]~~

➤ The priority designated pursuant to this subsection must guide the Legislative Counsel in acting upon the requests of the respective agencies and officers of the Executive Branch of the State Government ~~[and the counties, school districts and cities]~~ to ensure each agency and officer, ~~[and each county, school district and city,~~ as nearly as is possible, an equal rank.

Sec. 3. NRS 218.2423 is hereby amended to read as follows:

218.2423 1. Each:

(a) Incumbent Assemblyman may request the drafting of not more than ~~15~~ 6 legislative measures submitted to the Legislative Counsel on or before September 1 preceding the commencement of a regular session of the Legislature and not more than 5 legislative measures submitted to the Legislative Counsel after September 1 but on or before December 15 preceding the commencement of a regular session of the Legislature.

(b) Incumbent Senator may request the drafting of not more than ~~10~~ 12 legislative measures submitted to the Legislative Counsel on or before September 1 preceding the commencement of a regular session of the Legislature and not more than 10 legislative measures submitted to the Legislative Counsel after September 1 but on or before December 15 preceding the commencement of a regular session of the Legislature.

(c) Newly elected Assemblyman may request the drafting of not more than 5 legislative measures submitted to the Legislative Counsel on or before December 15 preceding the commencement of a regular session of the Legislature.

(d) Newly elected Senator may request the drafting of not more than 10 legislative measures submitted to the Legislative Counsel on or before December 15 preceding the commencement of a regular session of the Legislature.

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

(a) The chairman of each standing committee of the immediately preceding regular legislative session, or a person designated in the place of the chairman by the Speaker of the Assembly or the Majority Leader of the Senate, as the case may be, may request before the date of the general election preceding the commencement of the next regular legislative session the drafting of not more than 1 legislative measure for introduction by the committee in a subject within the jurisdiction of the committee for every ~~15~~ 10 legislative measures that were referred to the respective standing committee during the immediately preceding regular legislative session.

(b) A person designated after a general election as a chairman of a standing committee for the next regular legislative session, or a person designated in the place of a chairman by the person designated as the Speaker of the Assembly or the Majority Leader of the Senate for the next regular legislative session, may request on or before December 15 preceding the commencement of the next regular legislative session the drafting of the remaining number of the legislative measures allowed for the respective standing committee that were not requested by the previous chairman or designee.

3. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel.

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

218.2429 1. The Chairman of the Legislative Commission may request the drafting of not more than 15 legislative measures before the commencement of a regular legislative session, with the approval of the Commission, which relate to the affairs of the Legislature or its employees, including measures requested by the legislative staff.

2. The Chairman of the Interim Finance Committee may request the drafting of not more than 10 legislative measures before the commencement of a regular legislative session, with the approval of the Committee, which relate to matters within the scope of the Committee.

3. Except as otherwise provided by specific statute or concurrent resolution of the Legislature:

(a) Any other legislative committee created by statute may request the drafting of not more than 10 legislative measures which relate to matters within the scope of the committee.

(b) An interim committee which conducts a study or investigation pursuant to subsection 5 of NRS 218.682 may request the drafting of not more than 5 legislative measures which relate to matters within the scope of the study or investigation, except that such a committee may request the drafting of additional legislative measures if the Legislative Commission approves each additional request by a majority vote.

(c) Any other committee established by the Legislature which conducts an interim legislative study may request the drafting of not more than 5 legislative measures which relate to matters within the scope of the study.

Except as otherwise provided in NRS 218.635, measures authorized to be requested pursuant to this subsection must be submitted to the Legislative Counsel on or before September 1 preceding the commencement of a regular session of the Legislature unless the Legislative Commission authorizes submitting a request after that date.

4. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel.

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

218.245 1. Except as otherwise provided in subsections 2 and 5, the Legislative Counsel and the Legal Division of the Legislative Counsel Bureau shall not prepare or assist in the preparation of proposed legislation for any agency or officer of the Executive Branch of the State Government ~~for for a county, school district or city~~ before a regular session of the Legislature unless the request is approved by the Governor or a designated member of his staff ~~for the governing body of the county, school district or city,~~ and transmitted to the Legislative Counsel on or before September 1 preceding the convening of the session.

2. A request for proposed legislation may be submitted to the Legislative Counsel pursuant to subsection 3 ~~for 4~~ of NRS 218.2455 by the ~~Board of Regents of the University of Nevada,~~ Lieutenant Governor, Secretary of State, Attorney General, State Controller or State Treasurer without the approval of the Governor or a designated member of his staff.

3. After November 1, preceding a legislative session, the Legislative Counsel and the Legal Division of the Legislative Counsel Bureau shall give full priority to the preparation of proposed legislation requested by members of the Legislature.

4. The Legislative Counsel and the Legal Division of the Legislative Counsel Bureau shall not prepare or assist in the preparation of any proposed legislation during any regular session of the Legislature except as authorized by statute or joint rule of the Legislature.

5. An agency or officer of the Executive Branch of the State Government ~~for a county, school district or city,~~ shall not request a Legislator to have legislation drafted on its behalf. The Legislative Commission, when the Legislature is not in session, or a standing committee which has jurisdiction of the subject matter when the Legislature is in session, may, if it finds that exceptional circumstances so warrant, authorize the drafting of legislation requested after the time limited by subsection 1 of this section and subsection 1 ~~for 3~~ ~~for 4~~ of NRS 218.2455.

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

218.2455 1. The Governor or his designated representative may transmit to the Legislative Counsel on or before September 1 preceding a regular legislative session not more than ~~125~~ 100 requests for the drafting of legislative measures approved on behalf of state agencies, boards and departments of the Executive Branch of the State Government pursuant to subsection 1 of NRS 218.245.

2. The Department of Administration may request on or before the 19th day of the legislative session, without limitation, the drafting of as many legislative measures as are necessary to implement the budget proposed by the Governor and to provide for the fiscal management of the State.

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

Lieutenant Governor.....	(2) 1
Secretary of State.....	(8) 5
State Treasurer.....	(4) 2
State Controller.....	(4) 2
Attorney General	(25) 15

4. The ~~[Board of Regents of the University of Nevada may request the drafting of not more than 5 legislative measures on behalf of the Nevada System of Higher Education on or before September 1 preceding a regular legislative session.]~~ **measures requested pursuant to subsections 1 and 3 must be prefiled on or before December 15 preceding the regular session. A measure that is not prefiled on or before that date shall be deemed withdrawn.**

~~[Section 1.]~~ **Sec. 7.** NRS 218.247 is hereby amended to read as follows:

218.247 1. The Legislative Counsel and the Legal Division of the Legislative Counsel Bureau shall prepare and assist in the preparation of legislative measures at the request of the Supreme Court if the legislative measures are transmitted to the Legislative Counsel on or before September 1 preceding the commencement of the next regular session of the Legislature. The Supreme Court may transmit to the Legislative Counsel pursuant to this section not more than ~~(6)~~ **10** legislative measures on behalf of the Supreme Court. ~~[and district courts of this State and not more than 4 legislative measures on behalf of the municipal courts and Justice Courts of this State.]~~

2. Every requested legislative measure must set forth the substance of the provisions desired or which may be needed with the reasons therefor.

~~3. [The Legislative Counsel shall transmit any legislative measure prepared pursuant to this section to the Chairman of the Committee on Judiciary of each House at the next regular session of the Legislature.]~~ **Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel.**

Sec. 8. NRS 218.277 is hereby amended to read as follows:

218.277 1. Any member of the next succeeding regular session of the Legislature may request the Legislative Counsel to prefile any legislative bill or joint resolution that was requested by that Legislator for introduction in the next succeeding regular session of the Legislature.

2. A person designated as a chairman of a standing committee for the next succeeding regular session of the Legislature may request the Legislative Counsel to prefile on behalf of the committee any legislative bill or joint resolution within the jurisdiction of the committee for introduction in the next succeeding regular session of the Legislature.

3. **Measures submitted for prefiling pursuant to subsection 4 of NRS 218.245 must be randomly divided in equal amounts between the Senate and the Assembly and prefiled on behalf of the appropriate standing committee.**

4. Such bills and joint resolutions must be in such final and correct form for introduction in the Legislature as required by the Nevada Constitution and this chapter.

~~[4]~~ 5. The Legislative Counsel shall not prefile a bill or joint resolution requested by:

(a) A member of the Legislature who is not a candidate for reelection until after the general election immediately preceding the regular session of the Legislature.

(b) A member of the Legislature who is elected or reelected to his office at the general election immediately preceding the regular session of the Legislature until he is determined to have received the highest number of votes pursuant to the canvass of votes required by NRS 293.395.

~~[Sec. 2]~~ **Sec. 9.** NRS 218.278 is hereby amended to read as follows:

218.278 1. The Legislative Counsel shall, upon receipt of requests for prefiling bills and joint resolutions, transmit those bills and resolutions that may be prefiled to the Secretary of the Senate or the Chief Clerk of the Assembly, as appropriate. The Secretary or Chief Clerk shall number the bills and joint resolutions consecutively in the same manner as during regular sessions of the Legislature and is responsible for the safekeeping of such bills and joint resolutions.

2. After a bill or joint resolution has been properly numbered, the Legislative Counsel shall cause the bill or joint resolution to be printed in the same manner as during regular sessions of the Legislature. The bill or joint resolution must contain:

(a) The name of the introducer;

(b) The date on which it was prefiled;

(c) If it was not requested by a member of the Legislature, the name of the entity that requested the preparation of the bill or joint resolution; and

(d) The standing committee of the Senate or Assembly to which the bill or joint resolution is proposed to be referred. ~~[The standing committee must be determined pursuant to the rules or recommendations for the referral of bills and joint resolutions adopted by the appropriate House during the preceding regular session of the Legislature.]~~

3. The number of copies to be printed must be determined by the Legislative Counsel, and the expenses of printing and mailing must be paid from the Legislative Fund.

4. The Legislative Counsel shall release copies of a prefiled bill or joint resolution to the public.

~~[Sec. 3]~~ **Sec. 10.** NRS 218.320 is hereby amended to read as follows:

218.320 All bills amended by either House shall be immediately reprinted. New matter shall be indicated by underscoring in the typewritten or other machine-produced copy and italics in the printed copy. Matter to be omitted shall be indicated by brackets in the typewritten or other machine-produced copy and brackets or strike-out type in the printed copy. When a bill is amended in either House, the first or previous markings shall be omitted. However, ~~[in the cases of bills over 32 pages in length, amendments to the titles and preambles of bills, amendments to correct typographical errors, and other amendments which do not change the meaning, intent or significance of a bill.]~~ the reprinting of the bill may be dispensed with on motion carried by a two-thirds majority of the members present. If the reprinting is so dispensed with, the amendments may be inserted by hand in the printed bill, but the authenticity of each amendment shall be established by endorsement, such endorsement to consist of initials signed on the margin near each amendment by the Secretary of the Senate or by the Chief Clerk of the Assembly, as the case may be.

~~[Sec. 4]~~ **Sec. 11.** NRS 218.330 is hereby amended to read as follows:

218.330 Whenever a bill or resolution which shall have been passed in one House shall be amended in the other, it shall immediately be reprinted as amended by the House making such amendment or amendments. Such amendment or

amendments shall be attached to the bill or resolution so amended and endorsed "adopted" and such amendment or amendments, if concurred in by the House in which such bill or resolution originated, shall be endorsed "concurred in" and such endorsement shall be signed by the Secretary of the Senate or by the Chief Clerk of the Assembly, as the case may be. However, ~~in the cases of bills over 32 pages in length, amendments to the titles and preambles of bills, amendments to correct typographical errors, and other amendments which do not change the meaning, intent or significance of a bill,~~ the reprinting of the bill may be dispensed with on motion carried by a two-thirds majority of the members present, but such amendment must be concurred in by the House in which such bill originated. If the reprinting is so dispensed with, the amendments may be inserted by hand in the printed bill, but the authenticity of each amendment shall be established by endorsement, such endorsement to consist of initials signed on the margin near each amendment by the Secretary of the Senate or by the Chief Clerk of the Assembly, as the case may be.

~~[Sec. 5.]~~ **Sec. 12.** NRS 218.340 is hereby amended to read as follows:

218.340 When any bill or resolution is passed by both Houses, the Secretary of the Senate or the Chief Clerk of the Assembly ~~[upon adjournment or immediately if so directed by the respective House,]~~ shall ~~[immediately]~~ transmit the same to the Legislative Counsel to be enrolled, and shall take his receipt therefor. The receipt shall bear the date of delivery and shall give the bill or resolution number. The fact that the bill or resolution was received by the Legislative Counsel shall be noted as a part of the history of the bill or resolution. When the same shall have been duly and regularly enrolled and delivered to the Governor, as provided by NRS 218.280 to 218.440, inclusive, ~~[if]~~ in all cases where it is required to be so delivered, ~~[if]~~ the fact of such delivery and the date thereof shall also be noted, over the signature of the Legislative Counsel, as a part of the history of the bill or resolution.

Sec. 13. NRS 218.2413, 218.2415 and 218.2417 are hereby repealed.

~~[Sec. 6.]~~ **Sec. 14. 1.** This act becomes effective upon passage and approval.

2. Sections 1 to 8, inclusive, and 13 of this act expire by limitation on June 30, 2009.

TEXT OF REPEALED SECTIONS

218.2413 Requests by county, school district or city for preparation of legislative measures; notice of duplicate requests.

1. Except as otherwise provided in subsections 3, 4 and 5, each board of county commissioners, board of trustees of a school district and city council may request the Legislative Counsel and the Legal Division of the Legislative Counsel Bureau to prepare any legislative measure which has been approved by the governing body of the county, school district or city at a public hearing before its submission to the Legislative Counsel Bureau.

2. The Legislative Counsel shall notify the requesting county, school district or city if its request substantially duplicates a request previously submitted by another county, school district or city.

3. The board of county commissioners of a county whose population:

(a) Is 400,000 or more shall not request the preparation of more than 15 legislative measures pursuant to subsection 1 for a regular legislative session.

At least one of the measures must be recommended by a metropolitan police department that is located within the county.

(b) Is 100,000 or more but less than 400,000 shall not request the preparation of more than 10 legislative measures pursuant to subsection 1 for a regular legislative session.

(c) Is less than 100,000 shall not request the preparation of more than 2 legislative measures pursuant to subsection 1 for a regular legislative session.

4. The board of trustees of a school district in a county whose population:

(a) Is 400,000 or more shall not request the preparation of more than 5 legislative measures pursuant to subsection 1 for a regular legislative session.

(b) Is 100,000 or more but less than 400,000 shall not request the preparation of more than 2 legislative measures pursuant to subsection 1 for a regular legislative session.

(c) Is less than 100,000 shall not request the preparation of more than 1 legislative measure pursuant to subsection 1 for a regular legislative session.

5. The city council of a city whose population:

(a) Is 100,000 or more shall not request the preparation of more than 4 legislative measures pursuant to subsection 1 for a regular legislative session.

(b) Is less than 100,000 shall not request the preparation of more than 1 legislative measure pursuant to subsection 1 for a regular legislative session.

6. As used in this section, "population" means the current population estimate for that city or county as determined and published by the Department of Taxation and the demographer employed pursuant to NRS 360.283.

218.2415 Requests by association of elected officials or association of counties or cities for preparation of legislative measures.

1. An association of elected officials may directly request the Legislative Counsel and the Legal Division of the Legislative Counsel Bureau to prepare no more than 5 legislative measures for a regular legislative session.

2. An association of counties or cities may directly request the Legislative Counsel and the Legal Division of the Legislative Counsel Bureau to prepare no more than 20 legislative measures for a regular legislative session.

3. A request for the drafting of a legislative measure pursuant to this section must be submitted to the Legislative Counsel on or before September 1 preceding the commencement of a regular session of the Legislature.

218.2417 Preparation of legislative measures for regional planning coalition by Legislative Counsel and Legal Division of Legislative Counsel Bureau.

1. The Legislative Counsel and the Legal Division of the Legislative Counsel Bureau shall prepare and assist in the preparation of legislative measures at the request of a regional planning coalition if the legislative measures are transmitted to the Legislative Counsel on or before September 1 preceding the commencement of the next regular session of the Legislature. A regional planning coalition may transmit to the Legislative Counsel pursuant to this section not more than one legislative measure for a regular legislative session.

2. Every requested legislative measure must set forth the substance of the provisions which are desired or which may be needed with the reasons therefor.

3. As used in this section, "regional planning coalition" has the meaning ascribed to it in NRS 278.0172.