

**A.B. 535**

ASSEMBLY BILL NO. 535—COMMITTEE ON ELECTIONS,  
PROCEDURES, ETHICS, AND CONSTITUTIONAL AMENDMENTS

(ON BEHALF OF THE LEGISLATIVE COMMISSION)

APRIL 9, 2009

Referred to Committee on Elections, Procedures, Ethics,  
and Constitutional Amendments

SUMMARY—Makes various changes relating to the Legislature  
and the Legislative Counsel Bureau. (BDR 17-957)

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.

**Legislative Counsel's Digest:**

1 **Section 1** of this bill provides that reports made to the Legislature or the  
2 Legislative Counsel Bureau may be submitted electronically. **Sections 2 and 3** of  
3 this bill allow a Legislator to purchase and use letterhead and business cards after  
4 leaving office if the letterhead or business card clearly identifies the person as a  
5 former Legislator or retired Legislator. **Sections 4, 5, 7, 8, 10, 12, 13 and 14** of this  
6 bill make uniform the statutes concerning a Legislator who does not seek reelection  
7 or who is defeated for reelection. Such a Legislator continues to serve on legislative  
8 committees after the general election until the next regular or special session of the  
9 Legislature convenes. **Sections 5 and 6** of this bill expand the membership of the  
10 Legislative Committee on Public Lands and authorize the Legislative Commission  
11 to appoint alternate members. **Section 11** of this bill revises the description of the  
12 Administrative Division of the Legislative Counsel Bureau to reflect its duties more  
13 accurately.



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

**Section 1.** Chapter 218 of NRS is hereby amended by adding thereto a new section to read as follows:

*If a law or resolution requires or directs that a report be made to the Legislature, the Legislative Counsel Bureau, or any person or entity within the Legislature or the Legislative Counsel Bureau, submitting the report in electronic format satisfies the law or resolution.*

**Sec. 2.** NRS 218.048 is hereby amended to read as follows:

218.048 1. After he leaves office and a successor has been elected or appointed, it is unlawful for any Legislator to:

(a) Use any official stationery or business card acquired pursuant to NRS 218.225 ~~+~~ *unless the stationery or business card clearly identifies the person as a former Legislator or retired Legislator;*

(b) Maintain deliberately a listing in any directory, published after that date, which in any manner indicates that he is presently a Legislator; or

(c) Except as otherwise provided in a special act, use on his vehicle a special legislative license plate furnished pursuant to NRS 482.374.

2. Any person who violates any of the provisions of subsection 1 is guilty of a misdemeanor.

**Sec. 3.** NRS 218.225 is hereby amended to read as follows:

218.225 1. At each regular session of the Legislature, each Legislator is entitled to receive at the expense of the Legislative Fund:

(a) Not to exceed 2,000 letterheads, 8 1/2 inches x 11 inches, and 2,000 half size, or 4,000 of either variety;

(b) Not to exceed 2,000 No. 10 envelopes and 2,000 No. 6 3/4 envelopes, or 4,000 of either variety; and

(c) Not to exceed 2,000 business cards and 1,000 memorandum sheets, 500 each of the small and large type or 1,000 of either type.

2. Each female member of the Assembly is entitled to have the word "Assemblywoman" precede the inscription of her name on her official stationery and business cards.

3. All orders for the printing specified in subsection 1 must be placed by Legislators with the Director of the Legislative Counsel Bureau, who shall approve those claims which comply with the provisions of this section and shall pay the claims from the Legislative Fund.

4. A Legislator may purchase official stationery, cards and other material appropriate to his official duties in excess of that



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specified in subsection 1 at his own expense ~~and~~ *and may purchase stationery, cards or other material for use after he leaves office if the stationery, cards or other material clearly identifies the person as a former Legislator or retired Legislator.*

**Sec. 4.** NRS 218.5352 is hereby amended to read as follows:

218.5352 1. The Legislative Committee on Education, consisting of eight legislative members, is hereby created. The membership of the Committee consists of:

(a) Four members appointed by the Majority Leader of the Senate, at least one of whom must be a member of the minority political party.

(b) Four members appointed by the Speaker of the Assembly, at least one of whom must be a member of the minority political party.

2. After the initial selection, the Legislative Commission shall select the Chairman and Vice Chairman of the Committee from among the members of the Committee. After the initial selection of those officers, each of those officers holds the position for a term of 2 years commencing on July 1 of each odd-numbered year. The Chairmanship of the Committee must alternate each biennium between the houses of the Legislature. If a vacancy occurs in the Chairmanship or Vice Chairmanship, the vacancy must be filled in the same manner as the original selection for the remainder of the unexpired term.

3. A member of the Committee who is not a candidate for reelection or who is defeated for reelection continues to serve *after the general election* until the ~~convening of the~~ next regular *or special* session of the Legislature ~~convenes~~.

4. A vacancy on the Committee must be filled in the same manner as the original appointment.

**Sec. 5.** NRS 218.5363 is hereby amended to read as follows:

218.5363 1. There is hereby established a Legislative Committee on Public Lands consisting of ~~three~~ *four* members of the Senate, ~~three~~ *four* members of the Assembly and one elected officer representing the governing body of a local political subdivision, appointed by the Legislative Commission with appropriate regard for their experience with and knowledge of matters relating to public lands. The members who are State Legislators must be appointed to provide representation from the various geographical regions of the State.

2. The members of the Committee shall select a Chairman from one House of the Legislature and a Vice Chairman from the other. After the initial selection of a Chairman and a Vice Chairman, each such officer shall hold office for a term of 2 years commencing on July 1 of each odd-numbered year. If a vacancy occurs in the Chairmanship or Vice Chairmanship, the members of the



1 Committee shall select a replacement for the remainder of the  
2 unexpired term.

3 3. Any member of the Committee who is not a candidate for  
4 reelection or who is defeated for reelection continues to serve *after*  
5 *the general election* until the ~~[convening of the]~~ next *regular or*  
6 *special* session of the Legislature ~~[ ]~~ *convenes*.

7 4. *The Legislative Commission may appoint alternates for*  
8 *members of the Committee.* Vacancies on the Committee must be  
9 filled in the same manner as original appointments. *The Chairman*  
10 *of the Committee may designate an alternate appointed by the*  
11 *Legislative Commission to serve in place of a regular member who*  
12 *is unable to attend a meeting. The Chairman shall appoint an*  
13 *alternate who is a member of the same House and political party*  
14 *as the regular member to serve in place of the regular member if*  
15 *one is available.*

16 **Sec. 6.** NRS 218.5365 is hereby amended to read as follows:

17 218.5365 1. The members of the Committee shall meet  
18 throughout each year at the times and places specified by a call of  
19 the Chairman or a majority of the Committee. The Research  
20 Director of the Legislative Counsel Bureau or a person he has  
21 designated shall act as the nonvoting recording Secretary. The  
22 Committee shall prescribe regulations for its own management and  
23 government. ~~[Four]~~ *Five* members of the Committee constitute a  
24 quorum, and a quorum may exercise all the power and authority  
25 conferred on the Committee.

26 2. Except during a regular or special session of the Legislature,  
27 the members of the Committee who are State Legislators are entitled  
28 to receive the compensation provided for a majority of the members  
29 of the Legislature during the first 60 days of the preceding session,  
30 the per diem allowance provided for state officers and employees  
31 generally and the travel expenses provided pursuant to NRS  
32 218.2207 for each day of attendance at a meeting of the Committee  
33 and while engaged in the business of the Committee. Per diem  
34 allowances, compensation and travel expenses of the legislative  
35 members of the Committee must be paid from the Legislative Fund.

36 3. The member of the Committee who represents a local  
37 political subdivision is entitled to receive the subsistence allowances  
38 and travel expenses provided by law for his position for each day of  
39 attendance at a meeting of the Committee and while engaged in the  
40 business of the Committee, to be paid by his local political  
41 subdivision.

42 **Sec. 7.** NRS 218.5382 is hereby amended to read as follows:

43 218.5382 1. If:

44 (a) The Legislature, by concurrent resolution, during a regular  
45 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 Interim Finance Committee shall create a legislative committee for the fundamental review of the base budgets of state agencies. The Interim Finance Committee may create more than one such committee if the number of agencies designated for review warrants additional committees. If more than one such committee is created, the Interim Finance Committee shall determine which agencies are to be reviewed by the respective committees.

2. Each such committee must consist of an equal number of members of the Senate and the Assembly. The Interim Finance Committee shall appoint the members of a committee. At least a majority of the members of a committee must be members of the Interim Finance Committee. The Interim Finance Committee shall designate the chairman of a committee.

3. Any member of a committee who is not a candidate for reelection or who is defeated for reelection continues to serve *after the general election* until the next *regular or special* session of the Legislature ~~is convened.~~ *convenes.*

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

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

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

**Sec. 8.** NRS 218.53871 is hereby amended to read as follows:

218.53871 1. There is hereby created the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System consisting of three members of the Senate and three members of the Assembly, appointed by the Legislative Commission with appropriate regard for their experience with and knowledge of matters relating to the management of natural resources. The members must be appointed to provide representation from the various geographical regions of the State.

2. The members of the Committee shall elect a Chairman from one house of the Legislature and a Vice Chairman from the other house. Each Chairman and Vice Chairman holds office for a term of 2 years commencing on July 1 of each odd-numbered year.

3. Any member of the Committee who is not a candidate for reelection or who is defeated for reelection continues to serve *after*



1 *the general election* until the next *regular or special* session of the  
2 Legislature convenes.

3 4. Vacancies on the Committee must be filled in the same  
4 manner as original appointments.

5 5. The Committee shall report annually to the Legislative  
6 Commission concerning its activities and any recommendations.

7 **Sec. 9.** NRS 218.610 is hereby amended to read as follows:

8 218.610 As used in NRS 218.610 to 218.735, inclusive, *and*  
9 *section 1 of this act*, "agency of the State" includes all offices,  
10 departments, boards, commissions and institutions of the State.

11 **Sec. 10.** NRS 218.6825 is hereby amended to read as follows:

12 218.6825 1. There is hereby created in the Legislative  
13 Counsel Bureau an Interim Finance Committee composed of the  
14 members of the Assembly Standing Committee on Ways and Means  
15 and the Senate Standing Committee on Finance during the current or  
16 immediately preceding session of the Legislature. The immediate  
17 past Chairman of the Senate Standing Committee on Finance is the  
18 Chairman of the Interim Finance Committee for the period ending  
19 with the convening of each even-numbered regular session of the  
20 Legislature. The immediate past Chairman of the Assembly  
21 Standing Committee on Ways and Means is the Chairman of the  
22 Interim Finance Committee during the next legislative interim, and  
23 the chairmanship alternates between the houses of the Legislature  
24 according to this pattern.

25 2. If any regular member of the Committee informs the  
26 Secretary that he will be unable to attend a particular meeting, the  
27 Secretary shall notify the Speaker of the Assembly or the Majority  
28 Leader of the Senate, as the case may be, to appoint an alternate for  
29 that meeting from the same house and political party as the absent  
30 member.

31 3. The membership of any member who does not become a  
32 candidate for reelection or who is defeated for reelection continues  
33 *after the general election* until the next *regular or special* session  
34 of the Legislature ~~[is convened.]~~ *convenes.*

35 4. The Director of the Legislative Counsel Bureau shall act as  
36 the Secretary of the Interim Finance Committee.

37 5. A majority of the members of the Assembly Standing  
38 Committee on Ways and Means and a majority of the members of  
39 the Senate Standing Committee on Finance, jointly, may call a  
40 meeting of the Interim Finance Committee if the Chairman does not  
41 do so.

42 6. In all matters requiring action by the Interim Finance  
43 Committee, the vote of the Assembly and Senate members must be  
44 taken separately. No action may be taken unless it receives the



1 affirmative vote of a majority of the Assembly members and a  
2 majority of the Senate members.

3 7. Except during a regular or special session of the Legislature,  
4 each member of the Interim Finance Committee and appointed  
5 alternate is entitled to receive the compensation provided for a  
6 majority of the members of the Legislature during the first 60 days  
7 of the preceding regular session for each day or portion of a day  
8 during which he attends a Committee meeting or is otherwise  
9 engaged in Committee work plus the per diem allowance provided  
10 for state officers and employees generally and the travel expenses  
11 provided pursuant to NRS 218.2207. All such compensation must  
12 be paid from the Contingency Fund in the State Treasury.

13 **Sec. 11.** NRS 218.6851 is hereby amended to read as follows:

14 218.6851 1. The Administrative Division consists of the  
15 Chief of the Division and such staff as he may require.

16 2. The Administrative Division is responsible for:

17 (a) Accounting ~~[(f)]~~ *and human resources;*

18 (b) *Audio and video services;*

19 (c) Communication equipment;

20 ~~[(e)]~~ (d) Control of inventory;

21 ~~[(d)]~~ (e) *Information technology services;*

22 (f) Janitorial services;

23 ~~[(e)]~~ (g) Maintenance of buildings, grounds and vehicles;

24 ~~[(f)]~~ (h) Purchasing;

25 ~~[(g)]~~ (i) Security;

26 ~~[(h)]~~ (j) Shipping and receiving;

27 ~~[(i)]~~ (k) Utilities;

28 ~~[(j)]~~ *and*

29 (l) Warehousing operations . ~~[(k)]~~

30 ~~—(k) Data processing; and~~

31 ~~—(l) Reproduction of documents.]~~

32 3. The Legislative Commission may assign any other  
33 appropriate function to the Administrative Division.

34 **Sec. 12.** NRS 417.230 is hereby amended to read as follows:

35 417.230 1. There are hereby created the Advisory Committee  
36 for a Veterans' Cemetery in Northern Nevada and the Advisory  
37 Committee for a Veterans' Cemetery in Southern Nevada, each  
38 consisting of seven members as follows:

39 (a) One member of the Senate, appointed by the Majority Leader  
40 of the Senate.

41 (b) One member of the Assembly, appointed by the Speaker of  
42 the Assembly.

43 (c) Five members of veterans' organizations in this State,  
44 appointed by the Governor.



2. The members of the Committees shall serve terms of 2 years.

3. Each Committee shall annually elect a Chairman and a Vice Chairman from among its members.

4. Each Committee shall meet at least 4 times a year.

5. Any legislative member of a Committee who is not a candidate for reelection or who is defeated for reelection continues to serve *after the general election* until the ~~convening of the~~ next *regular or special* session of the Legislature ~~it~~ *convenes*.

6. While engaged in the work of the Committee, each member of each Committee is entitled to receive the per diem allowances and travel expenses provided for state officers and employees generally.

7. The Executive Director shall consult with each Committee regarding the establishment, maintenance and operation of the veterans' cemetery for which the Committee was created.

**Sec. 13.** NRS 439B.200 is hereby amended to read as follows:

439B.200 1. There is hereby established a Legislative Committee on Health Care consisting of three members of the Senate and three members of the Assembly, appointed by the Legislative Commission. The members must be appointed with appropriate regard for their experience with and knowledge of matters relating to health care.

2. No member of the Committee may:

(a) Have a financial interest in a health facility in this State;

(b) Be a member of a board of directors or trustees of a health facility in this State;

(c) Hold a position with a health facility in this State in which the Legislator exercises control over any policies established for the health facility; or

(d) Receive a salary or other compensation from a health facility in this State.

3. The provisions of subsection 2 do not:

(a) Prohibit a member of the Committee from selling goods which are not unique to the provision of health care to a health facility if the member primarily sells such goods to persons who are not involved in the provision of health care.

(b) Prohibit a member of the Legislature from serving as a member of the Committee if:

(1) The financial interest, membership on the board of directors or trustees, position held with the health facility or salary or other compensation received would not materially affect the independence of judgment of a reasonable person; and





(2) Serving on the Committee would not materially affect any financial interest he has in a health facility in a manner greater than that accruing to any other person who has a similar interest.

4. The Legislative Commission shall select the Chairman and Vice Chairman of the Committee from among the members of the Committee. Each such officer shall hold office for a term of 2 years commencing on July 1 of each odd-numbered year. The chairmanship of the Committee must alternate each biennium between the houses of the Legislature.

5. Any member of the Committee who does not ~~return to the Legislature~~ *become a candidate for reelection or who is defeated for reelection* continues to serve until the next *regular or special* session of the Legislature convenes.

6. Vacancies on the Committee must be filled in the same manner as original appointments.

7. The Committee shall report annually to the Legislative Commission concerning its activities and any recommendations.

**Sec. 14.** Section 56 of chapter 531, Statutes of Nevada 2007, at page 3302, is hereby amended to read as follows:

Sec. 56. 1. There is hereby created the Legislative Committee to Oversee the Western Regional Water Commission created pursuant to section 23 of this act. The Committee must:

(a) Consist of six Legislators as follows:

(1) One member of the Senate appointed by the Chairman of the Senate Committee on Natural Resources;

(2) One member of the Assembly appointed by the Chairman of the Assembly Committee on Natural Resources, Agriculture, and Mining;

(3) One member of the Senate appointed by the Majority Leader of the Senate;

(4) One member of the Senate appointed by the Minority Leader of the Senate;

(5) One member of the Assembly appointed by the Speaker of the Assembly; and

(6) One member of the Assembly appointed by the Minority Leader of the Assembly.

(b) Insofar as practicable, represent the various areas within the planning area.

(c) Elect a Chairman and a Vice Chairman from among its members. The Chairman must be elected from one House of the Legislature and the Vice Chairman from the other House. After the initial selection of a Chairman and a Vice Chairman, each of those officers holds office for a term of 2 years commencing on July 1 of each odd-numbered year. If a



1 vacancy occurs in the chairmanship or vice chairmanship, the  
2 members of the Committee shall select a replacement for the  
3 remainder of the unexpired term.

4 2. Any member of the Committee who is not a candidate  
5 for reelection or who is defeated for reelection continues to  
6 serve *after the general election* until the next *regular or*  
7 *special* session of the Legislature convenes.

8 3. Vacancies on the Committee must be filled in the  
9 same manner as original appointments.

10 4. The members of the Committee shall meet throughout  
11 each year at the times and places specified by a call of the  
12 Chairman or a majority of the Committee.

13 5. The Director of the Legislative Counsel Bureau or his  
14 designee shall act as the nonvoting recording Secretary.

15 6. The Committee shall prescribe regulations for its own  
16 management and government.

17 7. Except as otherwise provided in subsection 8, four  
18 members of the Committee constitute a quorum, and a  
19 quorum may exercise all the powers conferred on the  
20 Committee.

21 8. Any recommended legislation proposed by the  
22 Committee must be approved by a majority of the members  
23 of the Senate and by a majority of the members of the  
24 Assembly appointed to the Committee.

25 9. Except during a regular or special session of the  
26 Legislature, the members of the Committee are entitled to  
27 receive the compensation provided for a majority of the  
28 members of the Legislature during the first 60 days of the  
29 preceding regular session, the per diem allowance provided  
30 for state officers and employees generally and the travel  
31 expenses provided pursuant to NRS 218.2207 for each day or  
32 portion of a day of attendance at a meeting of the Committee  
33 and while engaged in the business of the Committee. The  
34 salaries and expenses paid pursuant to this subsection and the  
35 expenses of the Committee must be paid from the Legislative  
36 Fund.

37 10. The Committee shall review the programs and  
38 activities of the Western Regional Water Commission. The  
39 review must include an analysis of potential consolidation of  
40 the retail distribution systems and facilities of all public  
41 purveyors in the planning area, which is described in section  
42 22 of this act.

43 11. The Committee may:

44 (a) Conduct investigations and hold hearings in  
45 connection with its powers pursuant to this section.



(b) Direct the Legislative Counsel Bureau to assist in the study of issues related to oversight of the Western Regional Water Commission.

12. In conducting the investigations and hearings of the Committee:

(a) The Secretary of the Committee or, in his absence, any member of the Committee may administer oaths.

(b) The Secretary or Chairman of the Committee may cause the deposition of witnesses, residing either within or outside of the State, to be taken in the manner prescribed by rule of court for taking depositions in civil actions in the district courts.

(c) The Chairman of the Committee may issue subpoenas to compel the attendance of witnesses and the production of books and papers.

13. If any witness refuses to attend or testify or produce any books and papers as required by the subpoena issued pursuant to this section, the Chairman of the Committee may report to the district court by petition, setting forth that:

(a) Due notice has been given of the time and place of attendance of the witness or the production of the books and papers;

(b) The witness has been subpoenaed by the Committee pursuant to this section; and

(c) The witness has failed or refused to attend or produce the books and papers required by the subpoena before the Committee which is named in the subpoena, or has refused to answer questions propounded to him,

➡ and asking for an order of the court compelling the witness to attend and testify or produce the books and papers before the Committee.

14. Upon a petition pursuant to subsection 13, the court shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and to show cause why he has not attended or testified or produced the books or papers before the Committee. A certified copy of the order must be served upon the witness.

15. If it appears to the court that the subpoena was regularly issued by the Committee, the court shall enter an order that the witness appear before the Committee at the time and place fixed in the order and testify or produce the required books or papers. Failure to obey the order constitutes contempt of court.



1           16. Each witness who appears before the Committee by  
2 its order, except a state officer or employee, is entitled to  
3 receive for his attendance the fees and mileage provided for  
4 witnesses in civil cases in the courts of record of this State.  
5 The fees and mileage must be audited and paid upon the  
6 presentation of proper claims sworn to by the witness and  
7 approved by the Secretary and Chairman of the Committee.

8           17. On or before January 15 of each odd-numbered year,  
9 the Committee shall submit to the Director of the Legislative  
10 Counsel Bureau for transmittal to the Legislature a report  
11 concerning the review conducted pursuant to subsection 10  
12 and any recommendations for legislation.

13 **Sec. 15.** 1. This act becomes effective on July 1, 2009.

14 2. Section 14 of this act expires by limitation on July 1, 2013.

