

Senate Bill No. 371–Committee on Legislative
Operations and Elections

CHAPTER.....

AN ACT relating to the Legislature; increasing the authority of the Legislative Commission over interim studies and statutory committees; limiting the duration of interim studies; limiting the assignment of staff of the Legislative Counsel Bureau to committees not chaired by Legislators; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes various legislative committees that meet throughout the year, though primarily during the interim between regular legislative sessions. The Legislature also assigns studies to the Legislative Commission for completion during the interim. This bill increases the authority of the Legislative Commission over committees established by statute and interim studies assigned to the Legislative Commission. **Sections 2, 4, 7, 8 and 11-13** of this bill establish beginning and ending dates for studies conducted by statutory committees or the Legislative Commission, unless otherwise ordered by the Legislative Commission. **Section 8** also prohibits assignment of staff of the Legislative Counsel Bureau to committees not chaired by Legislators, except as otherwise required by statute.

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

Section 1. 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]~~ *The Legislative Commission shall review and approve the budget and work program for the Committee and any changes to the budget or work program. 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]~~ 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 until the convening of the next regular session of the Legislature.

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

Sec. 2. NRS 218.5353 is hereby amended to read as follows:

218.5353 1. ~~[The]~~ *Except as otherwise ordered by the Legislative Commission, the* members of the Committee shall meet ~~[throughout]~~ *not earlier than November 1 of each odd-numbered year and not later than August 31 of the following even-numbered* year at the times and places specified by a call of the Chairman or a majority of the Committee. The Director of the Legislative Counsel Bureau or his designee shall act as the nonvoting recording Secretary of the Committee. Five members of the Committee constitute a quorum, and a quorum may exercise all the power and authority conferred on the Committee.

2. Except during a regular or special session of the Legislature, for each day or portion of a day during which a member of the Committee attends a meeting of the Committee or is otherwise engaged in the work of the Committee, he is entitled to receive the:

(a) Compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session;

(b) Per diem allowance provided for state officers and employees generally; and

(c) Travel expenses provided pursuant to NRS 218.2207.

➔ The compensation, per diem allowances and travel expenses of the members of the Committee must be paid from the Legislative Fund.

Sec. 3. 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 members of the Senate, three 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 Legislative Commission shall review and approve the budget and work program for the Committee and any changes to*



the budget or work program. 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}~~ *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 Committee shall select a replacement for the remainder of the unexpired term.

3. Any member of the Committee who is not a candidate for reelection or who is defeated for reelection continues to serve until the convening of the next session of the Legislature.

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

Sec. 4. NRS 218.5365 is hereby amended to read as follows:

218.5365 1. ~~{The}~~ *Except as otherwise ordered by the Legislative Commission, the* members of the Committee shall meet ~~{throughout each}~~ *not earlier than November 1 of each odd-numbered year and not later than August 31 of the following even-numbered* year at the times and places specified by a call of the Chairman or a majority of the Committee. The Research Director of the Legislative Counsel Bureau or a person he has designated shall act as the nonvoting recording Secretary. The Committee shall prescribe regulations for its own management and government. Four members of the Committee constitute a quorum, and a quorum may exercise all the power and authority conferred on the Committee.

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

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



Sec. 5. NRS 218.5373 is hereby amended to read as follows:

218.5373 1. There is hereby created an Interim Retirement and Benefits Committee of the Legislature to review the operation of the Public Employees' Retirement System, the Judicial Retirement System established pursuant to chapter 1A of NRS and the Public Employees' Benefits Program and to make recommendations to the Public Employees' Retirement Board and the Board of the Public Employees' Benefits Program, the Legislative Commission and the Legislature. The Interim Retirement and Benefits Committee consists of six members appointed as follows:

(a) Three members of the Senate, one of whom is the Chairman of the Committee on Finance during the preceding session and two of whom are appointed by the Majority Leader of the Senate.

(b) Three members of the Assembly, one of whom is the Chairman of the Committee on Ways and Means and two of whom are appointed by the Speaker of the Assembly.

2. *The Legislative Commission shall review and approve the budget and work program for the Committee and any changes to the budget or work program.* The immediate past Chairman of the Senate Standing Committee on Finance is the Chairman of the Interim Retirement and Benefits Committee for the period ending with the convening of each odd-numbered session of the Legislature. The immediate past Chairman of the Assembly Standing Committee on Ways and Means is the Chairman of the Interim Retirement and Benefits Committee during the next legislative interim, and the chairmanship alternates between the houses of the Legislature according to this pattern.

3. The Interim Retirement and Benefits Committee may exercise the powers conferred on it by law only when the Legislature is not in regular or special session and shall meet at the call of the Chairman.

4. The Director of the Legislative Counsel Bureau shall provide a Secretary for the Interim Retirement and Benefits Committee.

5. The members of the Interim Retirement and Benefits Committee are entitled to receive the compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding session, the per diem allowance provided for state officers and employees generally and the travel expenses provided by NRS 218.2207 for each day of attendance at a meeting of the Committee and while engaged in the business of the Committee. Per



diem allowances, compensation and travel expenses of the members of the Committee must be paid from the Legislative Fund.

Sec. 6. 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 Legislative Commission shall review and approve the budget and work program for the Committee and any changes to the budget or work program.* 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 until the next session of the Legislature convenes.

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

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

Sec. 7. NRS 218.53872 is hereby amended to read as follows:

218.53872 1. ~~[The]~~ *Except as otherwise ordered by the Legislative Commission, the* members of the Committee shall meet ~~[throughout each]~~ *not earlier than November 1 of each odd-numbered year and not later than August 31 of the following even-numbered* year at the times and places specified by a call of the Chairman or a majority of the Committee.

2. The Director of the Legislative Counsel Bureau or a person he designates shall act as the nonvoting recording Secretary.

3. The Committee shall adopt rules for its own management and government.

4. Except as otherwise provided in subsection 5, four members of the Committee constitute a quorum.

5. Any recommended legislation proposed by the Committee must be approved by a majority of the members of the Senate and by a majority of the members of the Assembly appointed to the Committee.



6. Each member of the Committee, except during a regular or special session of the Legislature, is entitled to receive the compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session for each day or portion of a day during which he attends a meeting of the Committee or is otherwise engaged in the business of the Committee plus the per diem allowance provided for state officers and employees generally and the travel expenses provided pursuant to NRS 218.2207. The salaries and expenses paid pursuant to this subsection and any other expenses of the Committee must be paid from the Legislative Fund.

Sec. 8. NRS 218.635 is hereby amended to read as follows:

218.635 1. The Legislative Commission shall, between sessions of the Legislature, fix the work priority of all studies and investigations assigned to it by concurrent resolutions of the Legislature, or directed by an order of the Legislative Commission, within the limits of available time, money and staff. The Legislative Commission shall not make studies or investigations directed by resolutions of only one house of the Legislature or studies or investigations proposed but not approved during the preceding legislative session. All requests for the drafting of legislation to be recommended as the result of a study or investigation, except a study or investigation directed by an order of the Legislative Commission, must be made before July 1 of the year preceding a legislative session.

2. Except as otherwise provided by NRS 218.637 , between sessions of the Legislature no study or investigation may be initiated or continued by the Fiscal Analysts, the Legislative Auditor, the Legislative Counsel or the Research Director and their staffs except studies and investigations which have been specifically authorized by concurrent resolutions of the Legislature or by an order of the Legislative Commission. No study or investigation may be carried over from one session of the Legislature to the next without additional authorization by a concurrent resolution of the Legislature, except audits in progress, whose carryover has been approved by the Legislative Commission. *Except as otherwise provided by specific statute, the staff of the Legislative Counsel Bureau shall not serve as primary administrative or professional staff for a committee unless the chairman of the committee is required by statute or resolution to be a Legislator.*

3. *The Legislative Commission shall review and approve the budget and work program and any changes to the budget or work program for each study or investigation conducted by the*



Legislative Commission or a committee or subcommittee established by the Legislative Commission.

4. A committee or subcommittee established to conduct a study or investigation assigned to the Legislative Commission by concurrent resolution of the Legislature or directed by order of the Legislative Commission must, unless otherwise ordered by the Legislative Commission, meet not earlier than January 1 of the even-numbered year and not later than June 30 of that year.

Sec. 9. NRS 218.681 is hereby amended to read as follows:

218.681 1. The general objectives and functions of the Legislative Commission are to:

(a) Assist the Legislature in retaining status coordinate with the Executive and Judicial Branches of State Government.

(b) Investigate and inquire into subjects upon which the Legislature may act by the enactment or amendment of statutes, governmental problems, important issues of public policy or questions of statewide interest.

(c) Assure that the most effective use is made of the audit, fiscal, legal and research services and facilities provided by the Legislative Counsel Bureau to the Legislature and its members.

(d) Coordinate and oversee interim studies and other legislative committees meeting in the interim between regular legislative sessions.

2. In addition to the powers and duties elsewhere conferred and imposed upon the Legislative Commission in this chapter, in order to carry out its general objectives and functions the Legislative Commission:

(a) Shall receive recommendations and suggestions for legislation or investigation from:

(1) Members of the Legislative Commission and other members of the Legislature; and

(2) Any board, commission, department or officer of the state government or any local government.

(b) May receive recommendations and suggestions for legislation or investigation from:

(1) Bar associations, chambers of commerce, labor unions and other organized associations and groups; and

(2) Individual citizens.

(c) May hold hearings on any subject or matter which is a proper subject for legislative action or which concerns governmental problems, important issues of public policy or questions of statewide interest, whenever it considers such hearings necessary or



desirable in the performance of its duties or the exercise of its powers.

Sec. 10. 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 Legislature 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 review and approve the budget and work program for the Committee and any changes to the budget or work program.* 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 continues to serve until the next 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. 11. NRS 439B.210 is hereby amended to read as follows:

439B.210 1. ~~[The]~~ *Except as otherwise ordered by the Legislative Commission, the* members of the Committee shall meet ~~[throughout each]~~ *not earlier than November 1 of each odd-numbered year and not later than August 31 of the following even-numbered* year at the times and places specified by a call of the Chairman or a majority of the Committee. The Director of the Legislative Counsel Bureau or a person he has designated shall act as the nonvoting recording Secretary. The Committee shall prescribe regulations for its own management and government. Four members of the Committee constitute a quorum, and a quorum may exercise all the powers conferred on the Committee.

2. Except during a regular or special session of the Legislature, members of the Committee are entitled to receive the compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session for each day or portion of a day during which he attends a meeting of the Committee or is otherwise engaged in the business of the Committee plus the per diem allowance provided for state officers and employees generally and the travel expenses provided pursuant to NRS 218.2207.

3. The salaries and expenses of the Committee must be paid from the Legislative Fund.

Sec. 12. NRS 459.0085 is hereby amended to read as follows:

459.0085 1. There is hereby created a Committee on High-Level Radioactive Waste. It is a committee of the Legislature composed of:

(a) Four members of the Senate, appointed by the Majority Leader of the Senate.

(b) Four members of the Assembly, appointed by the Speaker.

2. *The Legislative Commission shall review and approve the budget and work program for the Committee and any changes to the budget or work program.* The Legislative Commission shall select a Chairman and a Vice Chairman from the members of the Committee.

3. ~~[The]~~ *Except as otherwise ordered by the Legislative Commission, the* Committee shall meet *not earlier than November 1 of each odd-numbered year and not later than August 31 of the following even-numbered year* at the call of the Chairman to study and evaluate:



(a) Information and policies regarding the location in this State of a facility for the disposal of high-level radioactive waste;

(b) Any potentially adverse effects from the construction and operation of a facility and the ways of mitigating those effects; and

(c) Any other policies relating to the disposal of high-level radioactive waste.

4. The Committee shall report the results of its studies and evaluations to the Legislative Commission and the Interim Finance Committee at such times as the Legislative Commission or the Interim Finance Committee may require.

5. The Committee may recommend any appropriate legislation to the Legislature and the Legislative Commission.

6. The Director of the Legislative Counsel Bureau shall provide a Secretary for the Committee on High-Level Radioactive Waste. Except during a regular or special session of the Legislature, each member of the Committee is entitled to receive the compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session for each day or portion of a day during which he attends a Committee meeting or is otherwise engaged in the work of the Committee plus the per diem allowance provided for state officers and employees generally and the travel expenses provided pursuant to NRS 218.2207. Per diem allowances, salary and travel expenses of members of the Committee must be paid from the Legislative Fund.

Sec. 13. 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 vacancy occurs in the chairmanship or vice chairmanship, the members of the Committee shall select a replacement for the remainder of the unexpired term.

2. Any member of the Committee who is not a candidate for reelection or who is defeated for reelection continues to serve until the next session of the Legislature convenes.

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

4. ~~[The]~~ *Except as otherwise ordered by the Legislative Commission, the* members of the Committee shall meet ~~[throughout each]~~ *not earlier than November 1 of each odd-numbered year and not later than August 31 of the following even-numbered* year at the times and places specified by a call of the Chairman or a majority of the Committee.

5. *The Legislative Commission shall review and approve the budget and work program for the Committee and any changes to the budget or work program.* The Director of the Legislative Counsel Bureau or his designee shall act as the nonvoting recording Secretary.

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

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

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

9. Except during a regular or special session of the Legislature, the members of the Committee are entitled to receive the compensation provided for a majority of the



members of the Legislature during the first 60 days of the preceding regular session, the per diem allowance provided for state officers and employees generally and the travel expenses provided pursuant to NRS 218.2207 for each day or portion of a day of attendance at a meeting of the Committee and while engaged in the business of the Committee. The salaries and expenses paid pursuant to this subsection and the expenses of the Committee must be paid from the Legislative Fund.

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

11. The Committee may:

(a) Conduct investigations and hold hearings in 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.

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

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

Sec. 14. 1. This act becomes effective upon passage and approval.

2. Section 13 of this act expires by limitation on July 1, 2013.

