

ASSEMBLY BILL NO. 150—ASSEMBLYMEN DALY, KIRKPATRICK,
BOBZIEN; BENITEZ-THOMPSON, BUSTAMANTE ADAMS,
CARLTON, HEALEY, OHRENSCHALL, PIERCE AND SPRINKLE

FEBRUARY 20, 2013

JOINT SPONSOR: SENATOR SMITH

Referred to Committee on Legislative Operations and Elections

SUMMARY—Provides for the legislative review of governmental agencies to promote governmental oversight and accountability. (BDR 17-739)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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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 legislative affairs; creating the Legislative Committee on Governmental Oversight and Accountability; prescribing the powers and duties of the Committee; creating the Legislative Bureau of Governmental Oversight, Accountability and Program Evaluation; prescribing the powers and duties of the Bureau; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 **Section 5** of this bill creates the Legislative Committee on Governmental
2 Oversight and Accountability and provides for the appointment of its members.
3 **Section 6** of this bill prescribes the manner in which meetings must be conducted
4 by the Committee and provides for the compensation of its members. **Section 7** of
5 this bill authorizes the Committee to study and comment upon issues relating to the
6 operations and accountability of governmental agencies and to conduct
7 investigations and hold hearings. **Section 8** of this bill authorizes the Committee to
8 provide for the administration of oaths, the deposition of witnesses and the issuance
9 of subpoenas in connection with those investigations and hearings.
10 **Section 9** of this bill creates the Legislative Bureau of Governmental
11 Oversight, Accountability and Program Evaluation in the Fiscal Analysis Division
12 of the Legislative Counsel Bureau and prescribes its powers and duties.



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

Section 1. Title 17 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 9, inclusive, of this act.

Sec. 2. *As used in sections 2 to 9, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Committee” means the Legislative Committee on Governmental Oversight and Accountability created pursuant to section 5 of this act.*

Sec. 4. *“Governmental agency” means any agency, office, board, commission, department, division, bureau, authority, institution, district or other unit of the State or a political subdivision of the State.*

Sec. 5. 1. *The Legislative Committee on Governmental Oversight and Accountability, consisting of 10 legislative members, is hereby created. The membership of the Committee consists of:*

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

(b) Five members appointed by the Speaker of the Assembly, at least two of whom must be members of the minority political party.

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.*

3. *The Legislative Commission shall select the Chair and Vice Chair of the Committee from among the members of the Committee. Each Chair and Vice Chair holds office for a term of 2 years commencing on July 1 of each odd-numbered year. The office of Chair of the Committee must alternate each biennium between the Houses. If a vacancy occurs in the office of Chair or Vice Chair, the vacancy must be filled in the same manner as the original selection for the remainder of the unexpired term.*

4. *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 next regular or special session convenes.*

5. *A vacancy on the Committee must be filled in the same manner as the original appointment for the remainder of the unexpired term.*



1 **Sec. 6. 1.** *Except as otherwise ordered by the Legislative*
2 *Commission, the members of the Committee shall meet not earlier*
3 *than September 1 of each odd-numbered year and not later than*
4 *August 31 of the following even-numbered year at the times and*
5 *places specified by a call of the Chair or a majority of the*
6 *Committee.*

7 2. *The Director or the Director's designee shall act as the*
8 *nonvoting recording Secretary of the Committee.*

9 3. *Six members of the Committee constitute a quorum, and a*
10 *quorum may exercise all the power and authority conferred on the*
11 *Committee.*

12 4. *Except during a regular or special session, for each day or*
13 *portion of a day during which a member of the Committee attends*
14 *a meeting of the Committee or is otherwise engaged in the*
15 *business of the Committee, the member is entitled to receive the:*

16 (a) *Compensation provided for a majority of the Legislators*
17 *during the first 60 days of the preceding regular session;*

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

20 (c) *Travel expenses provided pursuant to NRS 218A.655.*

21 5. *All such compensation, per diem allowances and travel*
22 *expenses must be paid from the Legislative Fund.*

23 **Sec. 7.** *The Committee may:*

24 1. *To fulfill the objectives and duties granted to the*
25 *Legislative Commission pursuant to NRS 232B.010 to 232B.100,*
26 *inclusive, and paragraph (b) of subsection 1 and paragraph (c) of*
27 *subsection 2 of NRS 218E.175, evaluate, review and comment*
28 *upon issues related to governmental agencies, including, but not*
29 *limited to:*

30 (a) *Programs to enhance accountability in government;*

31 (b) *Legislative measures regarding governmental oversight;*

32 (c) *Methods of financing governmental agencies; and*

33 (d) *Any other matters that, in the determination of the*
34 *Committee, affect governmental agencies.*

35 2. *Conduct investigations and hold hearings in connection*
36 *with its duties pursuant to this section.*

37 3. *Request that the Legislative Counsel Bureau assist in the*
38 *research, investigations, hearings and reviews of the Committee.*

39 4. *Make recommendations to the Legislature concerning the*
40 *manner in which government may be improved.*

41 **Sec. 8. 1.** *If the Committee conducts investigations or holds*
42 *hearings pursuant to section 7 of this act:*

43 (a) *The Secretary of the Committee or, in the Secretary's*
44 *absence, a member designated by the Committee may administer*
45 *oaths.*



(b) *The Secretary or Chair of the Committee may cause the deposition of witnesses, residing either within or without 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 Chair of the Committee may issue subpoenas to compel the attendance and testimony of witnesses and the production of books, papers, accounts, department records and other documents.*

2. *If any witness fails or refuses to attend or testify or to produce the books, papers, accounts, department records or other documents required by the subpoena, the Chair of the Committee may report the failure or refusal to the district court by a petition which:*

(a) *Sets forth that:*

(1) *Due notice has been given of the time and place of the attendance of the witness or the production of the required books, papers, accounts, department records or other documents;*

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

(3) *The witness has failed or refused to attend or testify or to produce the books, papers, accounts, department records or other documents required by the subpoena before the Committee named in the subpoena; and*

(b) *Asks for an order of the court compelling the witness to attend and testify or to produce the required books, papers, accounts, department records or other documents before the Committee.*

3. *Upon such a petition, the court shall:*

(a) *Enter an order directing the witness:*

(1) *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*

(2) *To show cause why the witness has not attended or testified or produced the required books, papers, accounts, department records or other documents before the Committee; and*

(b) *Serve a certified copy of the order upon the witness.*

4. *If it appears to the court that the subpoena was regularly issued by the Committee, the court shall enter an order that the witness:*

(a) *Must appear before the Committee at the time and place fixed in the order;*

(b) *Must testify or produce the required books, papers, accounts, department records or other documents; and*

(c) *Upon failure to obey the order, must be dealt with as for contempt of court.*



1 **Sec. 9. 1. The Legislative Bureau of Governmental**
2 **Oversight, Accountability and Program Evaluation is hereby**
3 **created within the Fiscal Analysis Division. The Fiscal Analysts**
4 **shall appoint to the Bureau a Chief and such other personnel as**
5 **the Fiscal Analysts determine are necessary for the Bureau to**
6 **carry out its duties pursuant to this section.**

7 **2. The Bureau shall, as the Fiscal Analysts determine is**
8 **necessary or at the request of the Committee:**

9 **(a) Collect and analyze data and issue written reports**
10 **concerning:**

11 **(1) The efficiency, transparency and accountability of the**
12 **operations of governmental agencies; and**

13 **(2) Any program or legislative measure, the purpose of**
14 **which is to reform or improve the operations of governmental**
15 **agencies.**

16 **(b) Conduct studies, investigations and analyses to evaluate**
17 **the performance, policies and statutory and regulatory compliance**
18 **of governmental agencies. Such studies, investigations and**
19 **analyses may be conducted at the request of the Legislature or the**
20 **Legislative Commission. This paragraph does not prohibit the**
21 **Bureau from contracting with a person or entity to conduct**
22 **studies, investigations and analyses on behalf of the Bureau.**

23 **(c) On or before October 1 of each even-numbered year,**
24 **submit a written report of its findings pursuant to paragraphs (a)**
25 **and (b) to the Director for transmission to the next regular**
26 **session. The Bureau shall, on or before October 1 of each odd-**
27 **numbered year, submit a written report of its findings pursuant to**
28 **paragraphs (a) and (b) to the Director for transmission to the**
29 **Legislative Commission and to the Committee.**

30 **3. The Bureau may, pursuant to NRS 218F.620, require a**
31 **governmental agency to submit to the Bureau books, papers,**
32 **records and other information that the Chief of the Bureau**
33 **determines are necessary to carry out the duties of the Bureau**
34 **pursuant to this section. An entity whom the Bureau requests to**
35 **produce records or other information shall provide the records or**
36 **other information in any readily available format specified by the**
37 **Bureau.**

38 **4. Except as otherwise provided in this subsection and NRS**
39 **239.0115, any information obtained by the Bureau pursuant to**
40 **this section shall be deemed a work product that is confidential**
41 **pursuant to NRS 218F.150. The Bureau may, at the discretion of**
42 **the Chief of the Bureau and after submission to the Legislature or**
43 **Legislative Commission, as appropriate, publish reports of its**
44 **findings pursuant to paragraphs (a) and (b) of subsection 2.**



1 **Sec. 10.** This act becomes effective on July 1, 2013.

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