

## Amendment No. 498

Assembly Amendment to Assembly Bill No. 150

(BDR 17-739)

**Proposed by:** Assembly Committee on Legislative Operations and Elections**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 underlining* is newly added transitory language.

KCP



Date: 4/18/2013

A.B. No. 150—Provides for the legislative review of governmental agencies to promote governmental oversight and accountability.  
(BDR 17-739)



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.~~ Enacts provisions relating to interim legislative committees. (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;~~ eliminating the Legislative Committee on High-Level Radioactive Waste; authorizing the Legislative Committee on Public Lands to review issues relating to the disposal of high-level radioactive waste; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

**Section 5** of this bill creates the Legislative Committee on Governmental Oversight and Accountability and provides for the appointment of its members. **Section 6** of this bill prescribes the manner in which meetings must be conducted by the Committee and provides for the compensation of its members. **Section 7** of this bill authorizes the Committee to study and comment upon issues relating to the operations and accountability of governmental agencies and to conduct investigations and hold hearings. **Section 8** of this bill authorizes the Committee to provide for the administration of oaths, the deposition of witnesses and the issuance of subpoenas in connection with those investigations and hearings.

~~Section 9 of this bill creates the Legislative Bureau of Governmental Oversight, Accountability and Program Evaluation in the Fiscal Analysis Division of the Legislative Counsel Bureau and prescribes its powers and duties.~~

Under existing law, the Legislative Committee on Public Lands reviews issues relating to public lands in this State (NRS 218E.525), and the Legislative Committee on High-Level Radioactive Waste reviews issues relating to the disposal of high-level radioactive waste in this State. (NRS 459.0085) Section 12 of this bill eliminates the

Legislative Committee on High-Level Radioactive Waste, and section 10 of this bill authorizes the Legislative Committee on Public Lands to review issues relating to the disposal of high-level radioactive waste.

Existing law requires the Executive Director of the Agency for Nuclear Projects to evaluate potentially adverse effects of a facility for the disposal of radioactive waste in this State and to submit semiannual reports to the Legislative Committee on High-Level Radioactive Waste. (NRS 459.0094) Section 11 of this bill requires those reports to be submitted to the Legislative Committee on Public Lands.

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

**Section 1.** ~~[Title 17]~~ **Chapter 218E** 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.*

**Sec. 6. 1.** *Except as otherwise ordered by the Legislative Commission, the members of the Committee shall meet not earlier than ~~September~~ **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 Chair or a majority of the Committee.*

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

1       3. Six members of the Committee constitute a quorum, and a quorum may  
2       exercise all the power and authority conferred on the Committee.

3       4. Except during a regular or special session, for each day or portion of a  
4       day during which a member of the Committee attends a meeting of the Committee  
5       or is otherwise engaged in the business of the Committee, the member is entitled  
6       to receive the:

7       (a) Compensation provided for a majority of the Legislators during the first  
8       60 days of the preceding regular session;

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

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

12      5. All such compensation, per diem allowances and travel expenses must be  
13      paid from the Legislative Fund.

14      Sec. 7. The Committee may:

15      1. To fulfill the objectives and duties granted to the Legislative Commission  
16      pursuant to NRS 232B.010 to 232B.100, inclusive, and paragraph (b) of  
17      subsection 1 and paragraph (c) of subsection 2 of NRS 218E.175, evaluate,  
18      review and comment upon issues related to governmental agencies, including, but  
19      not limited to:

20      (a) Programs to enhance accountability in government;

21      (b) Legislative measures regarding governmental oversight;

22      (c) Methods of financing governmental agencies; and

23      (d) Any other matters that, in the determination of the Committee, affect  
24      governmental agencies.

25      2. Conduct investigations and hold hearings in connection with its duties  
26      pursuant to this section.

27      3. Request that the Legislative Counsel Bureau assist in the research,  
28      investigations, hearings and reviews of the Committee.

29      4. Make recommendations to the Legislature concerning the manner in  
30      which government may be improved.

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

33      (a) The Secretary of the Committee or, in the Secretary's absence, a member  
34      designated by the Committee may administer oaths.

35      (b) The Secretary or Chair of the Committee may cause the deposition of  
36      witnesses, residing either within or without the State, to be taken in the manner  
37      prescribed by rule of court for taking depositions in civil actions in the district  
38      courts.

39      (c) The Chair of the Committee may issue subpoenas to compel the  
40      attendance and testimony of witnesses and the production of books, papers,  
41      accounts, department records and other documents.

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

46      (a) Sets forth that:

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

50      (2) The witness has been subpoenaed by the Committee pursuant to this  
51      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.

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

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

~~(a) Collect and analyze data and issue written reports concerning:~~

~~(1) The efficiency, transparency and accountability of the operations of governmental agencies; and~~

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

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

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

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

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

**Sec. 10. NRS 218E.525 is hereby amended to read as follows:**

218E.525 1. The Committee shall:

(a) Actively support the efforts of state and local governments in the western states regarding public lands and state sovereignty as impaired by federal ownership of land.

(b) Advance knowledge and understanding in local, regional and national forums of Nevada's unique situation with respect to public lands.

(c) Support legislation that will enhance state and local roles in the management of public lands and will increase the disposal of public lands.

2. The Committee:

(a) Shall review the programs and activities of:

(1) The Colorado River Commission of Nevada;

(2) All public water authorities, districts and systems in the State of Nevada, including, without limitation, the Southern Nevada Water Authority, the Truckee Meadows Water Authority, the Virgin Valley Water District, the Carson Water Subconservancy District, the Humboldt River Basin Water Authority and the Truckee-Carson Irrigation District; and

(3) All other public or private entities with which any county in the State has an agreement regarding the planning, development or distribution of water resources, or any combination thereof;

(b) Shall, on or before January 15 of each odd-numbered year, submit to the Director for transmittal to the Legislature a report concerning the review conducted pursuant to paragraph (a); ~~and~~

(c) May review and comment on other issues relating to water resources in this State, including, without limitation:

(1) The laws, regulations and policies regulating the use, allocation and management of water in this State; and

(2) The status of existing information and studies relating to water use, surface water resources and groundwater resources in this State. ~~++;~~ and

(d) May review and comment on issues and policies relating to the disposal of high-level radioactive waste, including, without limitation:

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

(2) Any potentially adverse effects from the construction and operation of, and the transportation of high-level radioactive waste to, such a facility and the ways of mitigating those effects; and

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

**Sec. 11. NRS 459.0094 is hereby amended to read as follows:**

459.0094 The Executive Director shall:

1. Appoint, with the consent of the Commission, an Administrator of each Division of the Agency.

2. Advise the Commission on matters relating to the potential disposal of radioactive waste in this State.

3. Evaluate the potentially adverse effects of a facility for the disposal of radioactive waste in this State.

4. Consult frequently with local governments and state agencies that may be affected by a facility for the disposal of radioactive waste and appropriate legislative committees.

5. Assist local governments in their dealings with the Department of Energy and its contractors on matters relating to radioactive waste.

6. Carry out the duties imposed on the State by 42 U.S.C. §§ 10101 to 10226, inclusive, as those sections existed on July 1, 1995.

7. Cooperate with any governmental agency or other person to carry out the provisions of NRS 459.009 to 459.0098, inclusive.

8. Provide semiannual written reports to the Legislative Committee on High-Level Radioactive Waste and Public Lands. The reports must contain:

(a) A summary of the status of the activities undertaken by the Agency since the previous report;

(b) A description of all contracts the Agency has with natural persons or organizations, including, but not limited to, the name of the recipient of each contract, the amount of the contract, the duties to be performed under the contract, the manner in which the contract assists the Agency in achieving its goals and responsibilities and the status of the performance of the terms of the contract;

(c) The status of any litigation relating to the goals and responsibilities of the Agency to which the State of Nevada is a party; and

(d) Any other information requested by the Legislative Committee.

Sec. 12. **NRS 459.0085 is hereby repealed.**

~~Sec. 10.~~ Sec. 13. This act becomes effective on July 1, 2013.

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### TEXT OF REPEALED SECTION

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**459.0085 Creation; membership; duties; compensation and expenses of members.**

**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 Chair and a Vice Chair from the members of the Committee.**

**3. 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 Chair 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 the member 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 218A.655. Per diem allowances, salary and travel expenses of members of the Committee must be paid from the Legislative Fund.