

ASSEMBLY BILL NO. 495—COMMITTEE ON
LEGISLATIVE OPERATIONS AND ELECTIONS

(ON BEHALF OF THE LEGISLATIVE COUNSEL)

MAY 31, 2015

Referred to Committee on Legislative Operations and Elections

SUMMARY—Makes various changes relating to bill draft requests.
(BDR 17-1283)

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

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to the Legislature; requiring certain legislative measures requested by Legislators to be prefiled; revising provisions governing the submission of a request for the drafting of a legislative measure to the Legislative Counsel; revising the deadline for prefiling legislative measures; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Legislative Counsel is prohibited from assigning a number to a bill draft request to establish the priority of the request until sufficient detail has been received to allow complete drafting of the requested measure. (NRS 218D.100) **Sections 3-10** of this bill clarify that this prohibition applies to bill draft requests from Legislators and authorized nonlegislative requesters.

Existing law establishes deadlines by which Legislators and legislative committees are required to submit bill draft requests and subsequent deadlines by which they are required to submit sufficient detail to allow complete drafting of those requests. (NRS 218D.150, 218D.155, 218D.160) **Sections 1-5** of this bill eliminate the subsequent deadlines relating to the submission of details for the drafting of a legislative measure, thereby requiring the submission of details for the drafting of a legislative measure with the bill draft request for that measure.

Under existing law, certain measures requested on behalf of nonlegislative requesters are required to be prefiled on or before December 20 preceding a regular session or are deemed withdrawn. (NRS 218D.175-218D.220, 218D.575-218D.585) **Sections 6-10** of this bill move that prefiling deadline for those measures to the third Wednesday in November preceding a regular session.



18 **Section 2** of this bill requires certain measures requested by Legislators to be
19 prefiled on or before the first day of a regular legislative session.

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

1 **Section 1.** NRS 218D.100 is hereby amended to read as
2 follows:

3 218D.100 1. The provisions of NRS 218D.100 to 218D.220,
4 inclusive, apply to requests for the drafting of legislative measures
5 for a regular session.

6 2. Except as otherwise provided by a specific statute, joint rule
7 or concurrent resolution, the Legislative Counsel shall not honor a
8 request for the drafting of a legislative measure if the request:

9 (a) Exceeds the number of requests authorized by NRS
10 218D.100 to 218D.220, inclusive, for the requester; or

11 (b) Is submitted by an authorized nonlegislative requester
12 pursuant to NRS 218D.175 to 218D.220, inclusive, but is not in a
13 subject related to the function of the requester.

14 3. The Legislative Counsel shall not:

15 (a) ~~[Except as otherwise provided in NRS 218D.150, 218D.155~~
16 ~~and 218D.160, assign]~~ **Assign** a number to a request for the drafting
17 of a legislative measure to establish the priority of the request until
18 sufficient detail has been received to allow complete drafting of the
19 legislative measure.

20 (b) Honor a request to change the subject matter of a request for
21 the drafting of a legislative measure after it has been submitted for
22 drafting.

23 (c) Honor a request for the drafting of a legislative measure
24 which has been combined in violation of Section 17 of Article 4 of
25 the Nevada Constitution.

26 **Sec. 2.** NRS 218D.150 is hereby amended to read as follows:

27 218D.150 1. Except as otherwise provided in this section,
28 each:

29 (a) Incumbent member of the Assembly may request the
30 drafting of:

31 (1) Not more than 4 legislative measures submitted to the
32 Legislative Counsel on or before August 1 preceding a regular
33 session;

34 (2) Not more than 5 legislative measures submitted to the
35 Legislative Counsel after August 1 but on or before December 10
36 preceding a regular session; and

37 (3) Not more than 1 legislative measure submitted to the
38 Legislative Counsel after a regular session has convened but on or
39 before the eighth day of the regular session at 5 p.m.



(b) Incumbent member of the Senate may request the drafting of:

(1) Not more than 8 legislative measures submitted to the Legislative Counsel on or before August 1 preceding a regular session;

(2) Not more than 10 legislative measures submitted to the Legislative Counsel after August 1 but on or before December 10 preceding a regular session; and

(3) Not more than 2 legislative measures submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.

(c) Newly elected member of the Assembly may request the drafting of:

(1) Not more than 5 legislative measures submitted to the Legislative Counsel on or before December 10 preceding a regular session; and

(2) Not more than 1 legislative measure submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.

(d) Newly elected member of the Senate may request the drafting of:

(1) Not more than 10 legislative measures submitted to the Legislative Counsel on or before December 10 preceding a regular session; and

(2) Not more than 2 legislative measures submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.

2. *Except as otherwise provided in this subsection, on or before the first day of a regular session, each:*

(a) Incumbent member of the Assembly must:

(1) Prefile at least 4 of the legislative measures that he or she requested pursuant to subparagraphs (1) and (2) of paragraph (a) of subsection 1; or

(2) Inform the Legislative Counsel of which 4 legislative measures that he or she requested pursuant to subparagraphs (1) and (2) of paragraph (a) of subsection 1 that he or she withdraws.

↪ If an incumbent member of the Assembly does not request the maximum number of legislative measures authorized by subparagraphs (1) and (2) of paragraph (a) of subsection 1, the number of legislative measures that he or she must prefile or withdraw pursuant to this paragraph is reduced by that number of unused requests.

(b) Incumbent member of the Senate must:



(1) Prefile at least 8 of the legislative measures that he or she requested pursuant to subparagraphs (1) and (2) of paragraph (b) of subsection 1; or

(2) Inform the Legislative Counsel of which 8 legislative measures that he or she requested pursuant to subparagraphs (1) and (2) of paragraph (b) of subsection 1 that he or she withdraws.

➤ If an incumbent member of the Senate does not request the maximum number of legislative measures authorized by subparagraphs (1) and (2) of paragraph (b) of subsection 1, the number of legislative measures that he or she must prefile or withdraw pursuant to this paragraph is reduced by that number of unused requests.

(c) Newly elected member of the Assembly must:

(1) Prefile at least 2 of the legislative measures that he or she requested pursuant to subparagraphs (1) and (2) of paragraph (c) of subsection 1; or

(2) Inform the Legislative Counsel of which 2 legislative measures that he or she requested pursuant to subparagraphs (1) and (2) of paragraph (c) of subsection 1 that he or she withdraws.

➤ If a newly elected member of the Assembly does not request the maximum number of legislative measures authorized by subparagraphs (1) and (2) of paragraph (c) of subsection 1, the number of legislative measures that he or she must prefile or withdraw pursuant to this paragraph is reduced by that number of unused requests.

(d) Newly elected member of the Senate:

(1) Prefile at least 4 of the legislative measures that he or she requested pursuant to subparagraphs (1) and (2) of paragraph (d) of subsection 1; or

(2) Inform the Legislative Counsel of which 4 legislative measures that he or she requested pursuant to subparagraphs (1) and (2) of paragraph (d) of subsection 1 that he or she withdraws.

➤ If a newly elected member of the Senate does not request the maximum number of legislative measures authorized by subparagraphs (1) and (2) of paragraph (d) of subsection 1, the number of legislative measures that he or she must prefile or withdraw pursuant to this paragraph is reduced by that number of unused requests.

3. A Legislator may not request the drafting of a legislative measure pursuant to subsection 1 on or after the date on which the Legislator becomes a nonreturning Legislator. For the purposes of this subsection, "nonreturning Legislator" means a Legislator who, in the year that the Legislator's term of office expires:



(a) Has not filed a declaration or an acceptance of candidacy within the time allowed for filing for election as a member of the Senate or the Assembly;

(b) Has failed to win nomination as a candidate for the Senate or the Assembly at the primary election; or

(c) Has withdrawn as a candidate for the Senate or the Assembly.

~~[3.]~~ 4. A Legislator may not request the drafting of a legislative measure pursuant to paragraph (a) or (b) of subsection 1 on or after the date on which the Legislator files a declaration or an acceptance of candidacy for election to the House in which he or she is not currently a member. If the Legislator is elected to the other House, any request that he or she submitted pursuant to paragraph (a) or (b) of subsection 1 before filing his or her declaration or acceptance of candidacy for election counts against the applicable limitation set forth in paragraph (c) or (d) of subsection 1 for the House in which the Legislator is a newly elected member.

~~[4.— If a request made pursuant to subsection 1 is submitted:
—(a) On or before August 1 preceding a regular session, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before November 1 preceding the regular session.
—(b) After August 1 but on or before December 10 preceding a regular session, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before January 1 preceding the regular session.
—(c) After a regular session has convened but on or before the 8th day of the regular session at 5 p.m., sufficient detail to allow complete drafting of the legislative measure must be submitted on or before the 15th day of the regular session.]~~

5. In addition to the number of requests authorized pursuant to subsection 1:

(a) The chair of each standing committee of the immediately preceding regular session, or a person designated in the place of the chair by the Speaker of the Assembly or the Majority Leader of the Senate, may request before the date of the general election preceding a regular 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 18 legislative measures that were referred to the respective standing committee during the immediately preceding regular session.

(b) A person designated after the general election as a chair of a standing committee for the next regular session, or a person designated in the place of a chair by the person designated as the Speaker of the Assembly or the Majority Leader of the Senate for the next regular session, may request on or before December 10



preceding that regular session the drafting of the remaining number of the legislative measures allowed for the respective standing committee that were not requested by the previous chair or designee.

6. ~~If a request made pursuant to subsection 5 is submitted:~~

~~—(a) Before the date of the general election preceding a regular session, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before December 10 preceding the regular session.~~

~~—(b) After the date of the general election but on or before December 10 preceding a regular session, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before January 1 preceding the regular session.~~

~~—7.]~~ Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel.

7. The Legislative Counsel shall not assign a number to a request for the drafting of a legislative measure submitted pursuant to this section to establish the priority of the request until sufficient detail has been received to allow complete drafting of the legislative measure.

Sec. 3. NRS 218D.155 is hereby amended to read as follows:

218D.155 1. In addition to the number of requests authorized pursuant to NRS 218D.150:

(a) The Speaker of the Assembly and the Majority Leader of the Senate may each request before the date of the general election preceding a regular session, without limitation, the drafting of not more than 15 legislative measures for that regular session.

(b) The Minority Leader of the Assembly and the Minority Leader of the Senate may each request before the date of the general election preceding a regular session, without limitation, the drafting of not more than 10 legislative measures for that regular session.

(c) A person designated after the general election as the Speaker of the Assembly, the Majority Leader of the Senate, the Minority Leader of the Assembly or the Minority Leader of the Senate for the next regular session may request before the first day of that regular session the drafting of the remaining number of the legislative measures allowed for the respective officer that were not requested by the previous officer.

2. ~~If a request made pursuant to subsection 1 is submitted:~~

~~—(a) Before the date of the general election preceding a regular session, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before December 10 preceding the regular session.~~

~~—(b) After the date of the general election but before the first day of a regular session, sufficient detail to allow complete drafting of~~



~~the legislative measure must be submitted on or before March 1 of the regular session.~~

~~—3.]~~ The Legislative Counsel, the Secretary of the Senate and the Chief Clerk of the Assembly may request before or during a regular session, without limitation, the drafting of as many legislative measures as are necessary or convenient for the proper exercise of their duties.

3. The Legislative Counsel shall not assign a number to a request for the drafting of a legislative measure submitted pursuant to this section to establish the priority of the request until sufficient detail has been received to allow complete drafting of the legislative measure.

Sec. 4. NRS 218D.160 is hereby amended to read as follows:

218D.160 1. The Chair of the Legislative Commission may request the drafting of not more than 10 legislative measures before the first day of a regular session, with the approval of the Legislative Commission, which relate to the affairs of the Legislature or its employees, including legislative measures requested by the legislative staff.

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

~~3. [If a request made pursuant to subsection 1 or 2 is submitted before the first day of a regular session, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before March 1 of the regular session.~~

~~—4.]~~ Except as otherwise provided by a specific statute, joint rule or concurrent resolution:

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

(b) Any committee or subcommittee established by an order of the Legislative Commission pursuant to NRS 218E.200 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 or subcommittee 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 or investigation may request the drafting of not more than 5 legislative measures which relate to matters within the scope of the study or investigation.



1 ↪ The requests authorized pursuant to this subsection must be
2 submitted to the Legislative Counsel on or before September 1
3 preceding a regular session unless the Legislative Commission
4 authorizes submitting a request after that date.

5 ~~[5.—If a request made pursuant to subsection 4 is submitted on~~
6 ~~or before September 1 preceding a regular session, sufficient detail~~
7 ~~to allow complete drafting of the legislative measure must be~~
8 ~~submitted on or before November 1 preceding the regular session.~~

9 ~~—6.]~~ 4. Each request made pursuant to this section must be on a
10 form prescribed by the Legislative Counsel.

11 5. *The Legislative Counsel shall not assign a number to a*
12 *request for the drafting of a legislative measure submitted*
13 *pursuant to this section to establish the priority of the request until*
14 *sufficient detail has been received to allow complete drafting of*
15 *the legislative measure.*

16 **Sec. 5.** NRS 218D.175 is hereby amended to read as follows:

17 218D.175 1. For a regular session, the Governor or the
18 Governor's designated representative may request the drafting of
19 not more than 110 legislative measures which have been approved
20 by the Governor or the Governor's designated representative on
21 behalf of the officers, agencies, boards, commissions, departments
22 and other units of the Executive Department. The requests must be
23 submitted to the Legislative Counsel on or before August 1
24 preceding the regular session.

25 2. The Department of Administration may request on or before
26 the 19th day of a regular session, without limitation, the drafting of
27 as many legislative measures as are necessary to implement the
28 budget proposed by the Governor and to provide for the fiscal
29 management of the State. In addition to the requests otherwise
30 authorized pursuant to this section, the Governor may request the
31 drafting of not more than 5 legislative measures on or before the
32 19th day of a regular session to propose the Governor's legislative
33 agenda.

34 3. For a regular session, the following constitutional officers
35 may request, without the approval of the Governor or the
36 Governor's designated representative, the drafting of not more than
37 the following numbers of legislative measures, which must be
38 submitted to the Legislative Counsel on or before September 1
39 preceding the regular session:

40		
41	Lieutenant Governor.....	3
42	Secretary of State.....	6
43	State Treasurer.....	5
44	State Controller.....	5
45	Attorney General	20



4. In addition to the requests authorized by subsection 3, the Secretary of State may request, without the approval of the Governor or the Governor's designated representative, the drafting of not more than 2 legislative measures, which must be submitted to the Legislative Counsel on or before December ~~31~~ preceding the regular session. ~~[Sufficient detail to allow complete drafting of the legislative measures requested pursuant to this subsection must be submitted on or before December 31 preceding the regular session.]~~

5. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel. The legislative measures requested pursuant to subsections 1 and 3 must be prefiled on or before ~~[December 20]~~ *the third Wednesday in November* preceding the regular session. A legislative measure that is not prefiled on or before that ~~[date]~~ *day* shall be deemed withdrawn.

6. The Legislative Counsel shall not assign a number to a request for the drafting of a legislative measure submitted pursuant to this section to establish the priority of the request until sufficient detail has been received to allow complete drafting of the legislative measure.

Sec. 6. NRS 218D.190 is hereby amended to read as follows:

218D.190 1. For a regular session, the Supreme Court may request the drafting of not more than 10 legislative measures which have been approved by the Supreme Court on behalf of the Judicial Department. The requests must be submitted to the Legislative Counsel on or before September 1 preceding the regular session.

2. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel. The legislative measures requested pursuant to this section must be prefiled on or before ~~[December 20]~~ *the third Wednesday in November* preceding the regular session. A legislative measure that is not prefiled on or before that ~~[date]~~ *day* shall be deemed withdrawn.

3. The Legislative Counsel shall not assign a number to a request for the drafting of a legislative measure submitted pursuant to this section to establish the priority of the request until sufficient detail has been received to allow complete drafting of the legislative measure.

Sec. 7. NRS 218D.205 is hereby amended to read as follows:

218D.205 1. For a regular session, each board of county commissioners, board of trustees of a school district and city council may request the drafting of not more than the numbers of legislative measures set forth in this section if the requests are:

(a) Approved by the governing body of the county, school district or city at a public hearing before their submission to the Legislative Counsel; and



(b) Submitted to the Legislative Counsel on or before September 1 preceding the regular session.

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 700,000 or more may request the drafting of not more than 4 legislative measures for a regular session.

(b) Is 100,000 or more but less than 700,000 may request the drafting of not more than 2 legislative measures for a regular session.

(c) Is less than 100,000 may request the drafting of not more than 1 legislative measure for a regular session.

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

(a) Is 700,000 or more may request the drafting of not more than 2 legislative measures for a regular session.

(b) Is less than 700,000 may request the drafting of not more than 1 legislative measure for a regular session.

5. The city council of a city whose population:

(a) Is 500,000 or more may request the drafting of not more than 3 legislative measures for a regular session.

(b) Is 150,000 or more but less than 500,000 may request the drafting of not more than 2 legislative measures for a regular session.

(c) Is less than 150,000 may request the drafting of not more than 1 legislative measure for a regular session.

6. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel. The legislative measures requested pursuant to this section must be prefiled on or before ~~December 20~~ *the third Wednesday in November* preceding the regular session. A legislative measure that is not prefiled on or before that ~~date~~ *day* shall be deemed withdrawn.

7. The Legislative Counsel shall not assign a number to a request for the drafting of a legislative measure submitted pursuant to this section to establish the priority of the request until sufficient detail has been received to allow complete drafting of the legislative measure.

8. 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.



Sec. 8. NRS 218D.210 is hereby amended to read as follows:

218D.210 1. For a regular session, an association of counties or cities may request the drafting of not more than 5 legislative measures. The requests must be submitted to the Legislative Counsel on or before September 1 preceding the regular session.

2. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel. The legislative measures requested pursuant to this section must be prefiled on or before ~~{December 20}~~ *the third Wednesday in November* preceding the regular session. A legislative measure that is not prefiled on or before that ~~{date}~~ *day* shall be deemed withdrawn.

3. The Legislative Counsel shall not assign a number to a request for the drafting of a legislative measure submitted pursuant to this section to establish the priority of the request until sufficient detail has been received to allow complete drafting of the legislative measure.

Sec. 9. NRS 218D.220 is hereby amended to read as follows:

218D.220 1. For a regular session, the Nevada Silver Haired Legislative Forum created by NRS 427A.320 may request the drafting of not more than 1 legislative measure which relates to matters within the scope of the Forum. The request must be submitted to the Legislative Counsel on or before September 1 preceding the regular session.

2. A request made pursuant to this section must be on a form prescribed by the Legislative Counsel. A legislative measure requested pursuant to this section must be prefiled on or before ~~{December 20}~~ *the third Wednesday in November* preceding the regular session. A legislative measure that is not prefiled on or before that ~~{date}~~ *day* shall be deemed withdrawn.

3. The Legislative Counsel shall not assign a number to a request for the drafting of a legislative measure submitted pursuant to this section to establish the priority of the request until sufficient detail has been received to allow complete drafting of the legislative measure.

Sec. 10. This act becomes effective on July 1, 2015.

