

SENATE BILL NO. 403—SENATOR PICKARD

MARCH 29, 2021

Referred to Committee on Legislative Operations and Elections

SUMMARY—Makes various changes relating to legislative measures. (BDR 17-30)

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 legislative measures; authorizing each Legislator to request the drafting of not more than 1 legislative measure for each special session; requiring the names of Legislators who request and sponsor legislative measures to be confidential and not published on the list of legislative measures prepared by the Legislative Counsel or printed on the legislative measure under certain circumstances; authorizing the designation of certain legislative measures that must receive a hearing in a standing committee of the Legislature; establishing various procedures relating to legislative measures with confidential sponsorship; requiring the list of legislative measures prepared by the Legislative Counsel to contain a detailed summary of each legislative measure; requiring the Legislative Counsel to consult with each Legislator concerning the proposed wording of any part of his or her requested legislative measure; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 The Nevada Constitution grants express power to the Legislature or the  
2 Governor to convene a special session of the Legislature. (Nev. Const. Art. 4, § 2A,  
3 Art. 5, § 9) **Section 2** of this bill authorizes each Legislator to request the drafting  
4 of not more than 1 legislative measure for each special session, subject to certain  
5 limitations set forth in the Nevada Constitution.

6 Existing law prohibits the Legislative Counsel and Legal Division of the  
7 Legislative Counsel Bureau from drafting legislative measures for or during a  
8 special session unless authorized by a joint rule or concurrent resolution or directed



by the Legislature or the Legislative Commission. (NRS 218D.050) **Section 5** of this bill revises the circumstances under which the Legislative Counsel and Legal Division are authorized to draft legislative measures for or during a special session by authorizing the Legislative Counsel and Legal Division to only draft such legislative measures for or during a special session as requested by a Legislator pursuant to **section 2**.

On July 1 preceding each regular session, existing law requires the Legislative Counsel to prepare and publish a weekly list of requests received for the drafting of legislative measures for the regular session. Existing law requires the list to contain the following information as relates to the requested legislative measure: (1) the unique serial number of the request; (2) the name of the requester; (3) the date of the request; (4) a brief summary of the request; and (5) if a standing or special committee submitted the request, the name of the committee and that of the Legislator or organization on whose behalf the request was submitted. (NRS 218D.130)

**Section 3** of this bill provides that the name of any Legislator who requests or sponsors a legislative measure is confidential and must not be published on the list of legislative measures prepared by the Legislative Counsel or printed on the legislative measure until the earliest occurrence of one of the following circumstances: (1) if the primary requester of the legislative measure submits a request to the Legislative Counsel to revoke the confidentiality of sponsorship of the legislative measure; (2) if the primary requester of the legislative measure or any joint requester or sponsor thereof presents the legislative measure before a standing committee in the House of origin of the legislative measure; or (3) immediately following a vote on the legislative measure in its House of origin. **Section 3** also establishes various procedures relating to scheduling committee hearings for such legislative measures and adding sponsors to the legislative measures. **Sections 7-9** of this bill make conforming changes relating to legislative measures whose sponsorship is confidential.

**Section 4** of this bill authorizes: (1) each member of the Senate to designate two legislative measures requested by the member that must be given a hearing in a standing committee of the Senate; (2) each member of the Assembly to designate one legislative measure requested by the member that must be given a hearing in a standing committee of the Assembly; (3) the Majority Leader of the Senate and the Minority Leader of the Senate to each designate 10 legislative measures requested by a member of the Senate that must be given a hearing in a standing committee of the Senate; and (4) the Speaker of the Assembly and Minority Leader of the Assembly to each designate 5 legislative measures requested by a member of the Assembly that must be given a hearing in a standing committee of the Assembly.

**Section 7** of this bill removes the requirement that the list of legislative measures prepared by the Legislative Counsel contain a brief summary of each legislative measure, and instead requires the list to contain a detailed summary of the legislative measure, including, without limitation, details as to how the requested legislative measure adds to, changes or repeals existing law.

Existing law requires the Legislative Counsel to assist Legislators in the drafting of legislative measures authorized to be requested by the Legislator, including, without limitation: (1) drafting the legislative measures in the proper form; and (2) furnishing the Legislator with certain information relating to the duties of the Legislative Counsel. (NRS 218D.110) **Section 6** of this bill additionally requires the Legislative Counsel to assist any such Legislator in the drafting of the legislative measure by consulting with the Legislator concerning the proposed wording of any part of the requested legislative measure.



WHEREAS, The laws enacted by the Legislature are most beneficial to the residents of this State when the Legislature considers the different viewpoints, ideas, policies and legislation proposed by each of its members and is able to debate openly and honestly the merits those viewpoints, ideas, policies and legislation; and

WHEREAS, To improve the policy-making and law-making processes, the Legislature should consider legislation based on the merits of the policy contained in the legislation and should not give or deny consideration to legislation based on the special interests supporting or opposing it or the Legislator sponsoring it or that Legislator's party affiliation; and

WHEREAS, Each Legislator should have the opportunity to have the legislation sponsored by him or her heard in at least one standing committee of the Legislature so that the merits of the legislation and the policy behind the legislation may be considered and debated by the Legislature; now, therefore,

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

**Section 1.** Chapter 218D of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

**Sec. 2.** *Each Legislator may submit a request to the Legislative Counsel for the drafting of not more than 1 legislative measure for each special session, subject to any limitations placed on the preparation and consideration of legislative measures as described in the Nevada Constitution.*

**Sec. 3. 1.** *Except as otherwise provided in subsection 4, the name of a Legislator who is the primary requester of a legislative measure and that of any joint requester or other sponsor thereof is confidential and must not be published on the list described in NRS 218D.130 or printed on the legislative measure, as applicable, and instead the word "Legislator" must appear in each circumstance in which the name of a requester or sponsor would otherwise be published on the list or printed on the legislative measure.*

**2.** *If a standing committee in the House of origin of a legislative measure whose requester and sponsorship is confidential pursuant to subsection 1 decides to hear the legislative measure, the chair of the standing committee must notify the staff of the standing committee that the legislative measure will be heard and the staff of the standing committee must in turn notify the Legislative Counsel of the requested*



1 *hearing for the legislative measure. Upon such notification from*  
2 *the staff of the standing committee, the Legislative Counsel must*  
3 *inform the Legislator who is the primary requester of the*  
4 *legislative measure that the legislative measure will be heard by*  
5 *the standing committee.*

6 3. *The Legislator who is the primary requester of a legislative*  
7 *measure and is informed pursuant to subsection 2 that the*  
8 *measure will be heard shall inform the Legislative Counsel of the*  
9 *name of any person who will be presenting the legislative measure*  
10 *to the standing committee, and the Legislative Counsel shall relay*  
11 *such information to the staff of the standing committee for the*  
12 *scheduling of the hearing on the legislative measure. The*  
13 *Legislator who is the primary requester of the legislative measure*  
14 *and any joint requester or other sponsor thereof must not be*  
15 *required to present the legislative measure at the hearing.*

16 4. *The Legislator who is the primary requester of a legislative*  
17 *measure whose sponsorship is confidential pursuant to subsection*  
18 *1 and any joint requester or other sponsor thereof may voluntarily*  
19 *disclose his or her own identity as a sponsor of the legislative*  
20 *measure, but the name of any such Legislator must not be*  
21 *published on the list described in NRS 218D.130 or printed on the*  
22 *legislative measure, as applicable, until the earliest occurrence of*  
23 *the following circumstances:*

24 (a) *The Legislator who is the primary requester of the*  
25 *legislative measure notifies the Legislative Counsel that his or her*  
26 *name and that of any joint requester or other sponsor thereof must*  
27 *be published on the list and printed on the legislative measure, as*  
28 *applicable;*

29 (b) *The Legislator who is the primary requester of the*  
30 *legislative measure or any joint requester or other sponsor thereof*  
31 *presents the legislative measure at the hearing described in*  
32 *subsection 3; or*

33 (c) *Immediately following a vote by the House of origin on a*  
34 *legislative measure.*

35 5. *At any time after the introduction of a legislative measure*  
36 *whose sponsorship is confidential pursuant to subsection 1, a*  
37 *Legislator may submit an application to the Legislative Counsel to*  
38 *have his or her name added as a sponsor to the legislative*  
39 *measure. Upon receipt of such an application, the Legislative*  
40 *Counsel shall inform the Legislator who is the primary requester*  
41 *of the legislative measure of the application and if the primary*  
42 *requester signs the application, the name of the sponsor must be*  
43 *printed on the legislative measure at any time that the sponsorship*  
44 *of the legislative measure becomes public pursuant to*  
45 *subsection 4.*



6. *Nothing in this section:*

(a) *Applies to a request for the drafting of a legislative measure submitted by the Speaker of the Assembly, the Majority Leader of the Senate, the Minority Leader of the Assembly, the Minority Leader of the Senate or a chair of a standing committee, in his or her leadership capacity.*

(b) *Prohibits a Legislator who is the primary requester of a legislative measure whose sponsorship is confidential pursuant to subsection 1 and any joint requester or other sponsor thereof from requesting that the legislative measure receive a hearing in a standing committee.*

(c) *Prohibits the Speaker of the Assembly, the Majority Leader of the Senate, the Minority Leader of the Assembly or the Minority Leader of the Senate from requesting that a legislative measure whose sponsorship is confidential pursuant to subsection 1 receive a hearing in a standing committee.*

**Sec. 4. During each regular session:**

1. *Each member of the Senate may designate not more than 2 of the legislative measures requested by that member of the Senate to be given a hearing in a Senate standing committee to which the legislative measure is referred, and a Senate standing committee to which such a legislative measure is referred must conduct at least one hearing on the legislative measure.*

2. *Each member of the Assembly may designate 1 of the legislative measures requested by that member of the Assembly to be given a hearing in an Assembly standing committee to which the legislative measure is referred, and an Assembly standing committee to which such a legislative measure is referred must conduct at least one hearing on the legislative measure.*

3. *The Majority Leader of the Senate and the Minority Leader of the Senate may each designate not more than 10 legislative measures requested by a member of the Senate to be given a hearing in a Senate standing committee to which the legislative measure is referred, and a Senate standing committee to which such a legislative measure is referred must conduct at least one hearing on the legislative measure.*

4. *The Speaker of the Assembly and the Minority Leader of the Assembly may each designate not more than 5 legislative measures requested by a member of the Assembly to be given a hearing in an Assembly standing committee to which the legislative measure is referred, and an Assembly standing committee to which such a legislative measure is referred must conduct at least one hearing on the legislative measure.*



**Sec. 5.** NRS 218D.050 is hereby amended to read as follows:

218D.050 1. The Legislative Counsel and the Legal Division shall not prepare or assist in the preparation of legislative measures for or during a regular session unless:

(a) Authorized by NRS 218D.100 to 218D.220, inclusive, another specific statute, a joint rule or a concurrent resolution; or

(b) Directed by the Legislature or the Legislative Commission.

2. The Legislative Counsel and the Legal Division shall not prepare or assist in the preparation of legislative measures for or during a special session unless ~~[-~~:

~~—(a) Authorized by a joint rule or concurrent resolution; or~~

~~—(b) Directed by the Legislature or the Legislative Commission.]~~  
*authorized by section 2 of this act.*

3. During a regular or special session, the Legislative Counsel and the Legal Division shall provide the Legislature with legal, technical and other appropriate services concerning any legislative measure properly before the Legislature or any committee of the Legislature for consideration.

**Sec. 6.** NRS 218D.110 is hereby amended to read as follows:

218D.110 1. The Legislative Counsel shall assist Legislators in the drafting of the legislative measures which they are authorized to request, including, without limitation ~~[-, drafting them] :~~

*(a) Drafting the legislative measures* in proper form ~~[and furnishing]~~;

*(b) Furnishing* the Legislators with the fullest information upon all matters within the scope of the Legislative Counsel's duties ~~[-]~~ ;  
*and*

*(c) Consulting with the Legislator concerning the proposed wording of any part of the legislative measure, including, without limitation, the summary of the legislative measure, before prefiling the legislative measure pursuant to NRS 218D.580, introduction in the Legislature or lawful release to the public, whichever is earliest.*

2. Except as otherwise provided in this section, the Legislative Counsel shall, insofar as is possible, act upon all Legislators' requests for the drafting of legislative measures in the order in which they are received.

3. To assure the greatest possible equity in the handling of such requests, drafting must proceed as follows:

(a) If a Legislator so desires, the Legislator may designate a different priority for the Legislator's requests which the Legislative Counsel shall observe, insofar as is possible.

(b) The drafting of requests from chairs or members of standing committees or special committees which are made on behalf of those committees must not, except where urgency is recognized,



1 take precedence over the priority established or designated for  
2 requests from individual Legislators.

3 (c) The Legislative Counsel shall give full priority to the  
4 drafting of requests from Legislators for which sufficient detail to  
5 allow complete drafting of the legislative measure is submitted.

6 **Sec. 7.** NRS 218D.130 is hereby amended to read as follows:

7 218D.130 1. On July 1 preceding each regular session, and  
8 each week thereafter until the adjournment of the Legislature sine  
9 die, the Legislative Counsel shall prepare a list of all requests  
10 received by the Legislative Counsel for the drafting of legislative  
11 measures for the regular session.

12 2. The Legislative Counsel Bureau shall make copies of the list  
13 available to the public for a reasonable sum fixed by the Director.

14 3. ~~It is~~ *Except as otherwise provided in section 3 of this act, in*  
15 preparing the list:

16 (a) The requests must be listed numerically by a unique serial  
17 number which must be assigned to the legislative measures by the  
18 Legislative Counsel for the purposes of identification in the order  
19 that the Legislative Counsel received the requests.

20 (b) Except as otherwise provided in this section, the list must  
21 only contain ~~the~~ :

22 (1) *The* name of each requester ~~the~~ ;

23 (2) *The* date *of the request*; and ~~a brief~~

24 (3) *A* summary of the request ~~it~~ , *including, without*  
25 *limitation, details of how the request adds to, changes or repeals*  
26 *existing law.*

27 (c) If a standing or special committee of the Legislature requests  
28 a legislative measure on behalf of a Legislator or organization, the  
29 list must include:

30 (1) The name of the standing or special committee; and

31 (2) The name of the Legislator or organization on whose  
32 behalf the legislative measure was originally requested.

33 4. ~~Upon~~ *Except as otherwise provided in section 3 of this*  
34 *act, upon* the request of a Legislator who has requested the drafting  
35 of a legislative measure, the Legislative Counsel shall add the name  
36 of one or more other Legislators from either or both Houses as joint  
37 requesters of the legislative measure. The Legislative Counsel:

38 (a) Shall not add the name of a joint requester to the list until the  
39 Legislative Counsel has received confirmation of the joint request  
40 from the primary requester of the legislative measure and from the  
41 Legislator to be added as a joint requester.

42 (b) Shall remove the name of a joint requester upon receipt of a  
43 request to do so made by the primary requester or the joint  
44 requester.



(c) Shall cause the names to appear on the list in the order in which the names were received by the Legislative Counsel beginning with the primary requester.

(d) Shall not act upon the direction of a joint requester to withdraw the requested legislative measure or modify its substance until the Legislative Counsel has received confirmation of the withdrawal or modification from the primary requester.

5. ~~HH~~ *Except as otherwise provided in section 3 of this act, if* the primary requester of a legislative measure will not be returning to the Legislature for the regular session in which the legislative measure is to be considered:

(a) The primary requester may authorize a Legislator who will be serving during that regular session to become the primary sponsor of the legislative measure, either individually or as the chair on behalf of a standing committee.

(b) A Legislator who agrees to become or have the committee become the primary sponsor of the legislative measure shall notify the Legislative Counsel of that fact.

(c) Upon receipt of such notification, the Legislative Counsel shall list the name of that Legislator or the name of the committee as the primary requester of the legislative measure on the list.

6. For the purposes of all limitations on the number of legislative measures that may be requested by a Legislator:

(a) A legislative measure with joint requesters must only be counted as a request of the primary requester.

(b) A legislative measure for which a Legislator or standing committee becomes the primary sponsor pursuant to subsection 5 must be counted as a request of that Legislator or committee.

**Sec. 8.** NRS 218D.250 is hereby amended to read as follows:

218D.250 ~~HH~~ *Except as otherwise provided in section 3 of this act, if* a standing or special committee of the Legislature requests the drafting of a legislative measure on behalf of a Legislator or an organization, the legislative measure must indicate the name of the standing or special committee and the Legislator or organization on whose behalf the legislative measure was originally requested.

**Sec. 9.** NRS 218D.580 is hereby amended to read as follows:

218D.580 1. The Legislative Counsel shall, upon receipt of requests for prefiling bills and joint resolutions for introduction in the next regular session, transmit those bills and joint resolutions that may be prefiled to the Secretary of the Senate or the Chief Clerk of the Assembly, as appropriate. The Secretary or Chief Clerk shall number the prefiled bills and joint resolutions consecutively in the same manner as during regular sessions and is responsible for the safekeeping of such prefiled bills and joint resolutions.





2. ~~After~~ *Except as otherwise provided in section 3 of this act, after* a prefiled bill or joint resolution has been properly numbered, the Legislative Counsel shall cause the prefiled bill or joint resolution to be printed in the same manner as during regular sessions ~~[- The]~~ *and the* prefiled bill or joint resolution must contain:

(a) The name of the introducer;

(b) The date on which it was prefiled;

(c) If it was not requested by a Legislator, the name of the entity that requested the preparation of the prefiled bill or joint resolution; and

(d) The standing committee of the Senate or the Assembly to which the prefiled bill or joint resolution is proposed to be referred.

3. The number of copies to be printed must be determined by the Legislative Counsel, and the expenses of printing and mailing must be paid from the Legislative Fund.

4. The Legislative Counsel shall release copies of a prefiled bill or joint resolution to the public.

