Assembly Bill No. 600–Committee on
Legislative Operations and Elections

CHAPTER.....

AN ACT relating to the Legislative Department; clarifying that proceeds of sales of certain items approved by the Director of the Legislative Counsel Bureau must be deposited in the Legislative Fund; clarifying that the organization of the Nevada Revised Statutes into titles by the Legislative Counsel does not constitute a legislative determination for certain constitutional purposes; placing a certain parcel of land under the exclusive supervision and control of the Legislature, contingent upon its purchase; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) creates the Legislative Fund as a special revenue fund for the use of the Legislative Department of the State Government; (2) provides that money in the Legislative Fund does not revert to the State General Fund; and (3) requires money to be paid out of the Legislative Fund only on claims approved by the Director of the Legislative Counsel Bureau or his or her designee. (NRS 218A.150) Existing law further provides that when various items or services provided at the expense of the Legislative Fund are sold, the proceeds from such sales are deposited in the Legislative Fund. (NRS 218F.410-218F.440) **Section 2** of this bill clarifies that proceeds from the sales of food or other items in the Legislative Building or any building maintained for the use of the Legislature or the Legislative Counsel Bureau must be similarly deposited in the Legislative Fund. **Section 1** of this bill makes a conforming change relating to the petty cash account of the Legislative Counsel Bureau to account for the clarification made by **section 2**.

Existing law reserves the powers and duties relating to the revision of statutes and the compilation, organization, revision and publication of the Nevada Revised Statutes to the Legislative Counsel and the Legal Division of the Legislative Counsel Bureau. (Chapter 220 of NRS) Specifically, the Legislative Counsel is: (1) required to classify and arrange the entire body of statute laws in logical order throughout the volumes of the Nevada Revised Statutes to enable subjects of a kindred nature to be placed under one general head; and (2) authorized to create new titles, chapters and sections of the Nevada Revised Statutes as may be required to effectuate the orderly and logical arrangement of the statutes. (NRS 220.120)

In prior opinions, the Nevada Supreme Court has recognized that, based on the separation-of-powers provision in the Nevada Constitution, each state office, agency, court or other entity "must have a primary connection to and derive its power to act from one of the three branches of Nevada government." (*Comm'n on Ethics v. Hardy*, 125 Nev. 285, 298, 212 P.3d 1098, 1107 (2009); *Whitehead v. Nev. Comm'n on Jud. Discipline*, 110 Nev. 128, 159, 906 P.2d 230, 249 (1994); *Galloway v. Truesdell*, 83 Nev. 13, 19, 422 P.2d 237, 241 (1967) ("The Constitution of the State of Nevada distributes governmental powers into the Legislative, Executive and Judicial departments; and each department is separate from the others."). However, in a recent opinion, the Nevada Supreme Court erroneously construed the Legislative Counsel's decisions in organizing the Nevada Revised Statutes by title, distinguished by subject, as required by law, to be a

decision by the Legislature which "indicated its understanding" that certain agencies of the Executive Department of the State Government fall outside "the three departments of state government." (*Nev. Policy Research Institute, Inc. v. Miller*, 140 Nev. Adv. Op. 69, 558 P.3d 319, 327 (2024))

Section 3 of this bill provides that each state office, agency, court or other entity must have a primary connection to and be part of one of the three departments of the State Government, and no state office, agency, court or other entity is created, exists or functions outside of the three departments of the State Government. **Section 3** also: (1) clarifies that the Legislative Counsel's decisions in organizing the Nevada Revised Statutes to effectuate the orderly and logical arrangement of the statutes and to classify the body of statute law by subject matter, as required by law, is not a decision by the Legislature as to which department of the State Government any state office, agency, court or other entity is located or to exclude any state office, agency, court or other entity from the three departments of the State Government; and (2) prohibits construing the organization of the Nevada Revised Statutes in such a manner.

Existing law reserves to the Legislature the supervision and control of the property of the Legislative Department and requires title to such property to be held in the name of the Legislature of the State of Nevada. (NRS 331.135) Contingent upon the completion of the purchase of a certain parcel of land in Carson City, **section 4** of this bill includes the parcel among the property for which supervision and control is reserved to the Legislature.

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

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

Section 1. NRS 218F.220 is hereby amended to read as follows:

218F.220 1. A petty cash account of the Legislative Counsel Bureau is hereby created:

(a) For each building in which offices of employees of the Legislative Counsel Bureau are located; and

(b) In any division approved for the sale of ***food,*** souvenirs ***or other items*** pursuant to NRS 218F.430,

➥ in the sum of not more than $1,000 each for the minor expenses of the Legislative Counsel Bureau.

2. Each account must be kept in the custody of an employee designated by the Director and must be replenished periodically from the Legislative Fund upon approval of expenditures and submission of vouchers or other documents to indicate payment.

Sec. 2. NRS 218F.430 is hereby amended to read as follows:

218F.430 1. The Director may approve the purchase and sale of ***food,*** souvenirs of the Nevada Legislature and of the State of Nevada ***and other items*** in the Legislative Building or any building maintained for the use of the Legislature or the Legislative Counsel

Bureau. Such souvenirs may include, without limitation, souvenir wine. The Director shall fix reasonable fees for the items which must in the aggregate at least cover the cost to the Legislative Counsel Bureau of purchasing and selling the items.

2. The money received from the sale of ***food,*** souvenirs ***and other items*** must be deposited in a revolving account in the Legislative Fund. The money in the revolving account must be used to purchase additional ***food,*** souvenirs ***or other items*** for sale and pay any other expenses related to the sale of ***food,*** souvenirs ***and other items*** deemed appropriate by the Director. The balance in the revolving account not exceeding $150,000 must not be reverted to the Legislative Fund at the end of the fiscal year.

Sec. 3. The preliminary chapter of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each state office, agency, court or other entity must have a primary connection to and be part of one of the three departments of the State Government, and no state office, agency, court or other entity is created, exists or functions outside of the three departments of the State Government pursuant to Section 1 of Article 3 of the Nevada Constitution.

2. The exercise of the Legislative Counsel's duties as prescribed in chapter 220 of NRS relating to the compilation, organization, revision and publication of the Nevada Revised Statutes is performed in the interest of effectuating the orderly and logical arrangement of the statutes and shall not be construed as a decision by the Legislature as to which department of the State Government any state office, agency, court or other entity is located or to exclude any state office, agency, court or other entity from the three departments of the State Government pursuant to Section 1 of Article 3 of the Nevada Constitution.

3. To effectuate the orderly and logical arrangement of the statutes, to classify and arrange the entire body of statute law in logical order and place subjects of a kindred nature under one general head and to avoid any individual title becoming unwieldy in length, statutes relating to the various state offices, agencies or other entities of the Executive Department of the State Government are codified in numerous titles of NRS, including, without limitation, titles 7 to 12, inclusive, 14, 16, 18, 19 and 22 to 58, inclusive, of NRS, and distinguished by subject matter, and the organization of the titles of the Nevada Revised Statutes by subject matter shall not be construed as a decision by the Legislature to exclude any of those state offices, agencies or other entities from

the Executive Department of the State Government pursuant to Section 1 of Article 3 of the Nevada Constitution.

Sec. 4. NRS 331.135 is hereby amended to read as follows:

331.135 1. The Legislature reserves the supervision and control, both during and between legislative sessions, of:

(a) The entire Legislative Building, including its chambers, offices and other rooms, and its furnishings and equipment.

(b) A portion of the parcel of land bounded on the west by Carson Street, on the south by Fifth Street, on the east by a portion of the abandoned Fall and Plaza Streets, and on the north by the sidewalk along the south fence of the capitol grounds, situated in a portion of the Capitol Complex, as shown on the Record of Survey Map No. 297, Official Records of Carson City, Nevada, File No. 3043, section 17, T. 15 N., R. 20 E., M.D.M., more particularly described as follows:

Beginning at the southwest corner of block 36, Sears, Thompson and Sears Division, as shown on that record of survey;

Thence N 89°52′32″ E, a distance of 443.93 feet;

Thence N 00°12′15″ E, a distance of 302.14 feet;

Thence N 44°47′45″ W, a distance of 327.16 feet to the east side of an existing sidewalk;

Thence N 00°14′26″ E, along that sidewalk, a distance of 173.16 feet, more or less, to the north line of a sidewalk;

Thence N 89°47′45″ W, along that sidewalk, a distance of 212.50 feet, to the east right-of-way line of Carson Street;

Thence S 00°13′08″ W, along that line, a distance of 709.40 feet, more or less, to the true point of beginning.

Containing 5.68 acres, more or less.

(c) The entire parcel of land bounded on the north by Fifth Street, on the south by Sixth Street, on the east by Stewart Street and on the west by Plaza Street, also described as blocks 2 and 3, Pierson and Goodridge Addition; and that portion of Fall Street between Fifth Street and Sixth Street abandoned by Carson City on April 26, 1990, Meeting Agenda Item 9 M-89/90-10. Also the entire parcel of land bounded on the north by the south boundary line of block 2, Pierson and Goodridge Addition, on the south by Seventh Street, on the east by Stewart Street and on the west by Fall Street, and further described as block 7, Pierson and Goodridge Addition.

(d) The entire parcel of land bounded on the north by Sixth Street, on the south by Seventh Street, on the east by Fall Street, and

on the west by Plaza Street, also described as block 6, Pierson and Goodridge Addition.

(e) The entire parcel of land bounded on the north by Fourth Street, on the west by Stewart Street, on the south by Fifth Street, and on the east by the abandoned right-of-way of Valley Street, also described as block 39 of Sears, Thompson and Sears Division of Carson City; and the west 30.00 feet of the abandoned right-of-way of Valley Street abutting block 39 of Sears, Thompson and Sears Division. Excepting therefrom that portion of Stewart and Fifth Streets deeded to the State of Nevada through its Department of Transportation as recorded in book 283, page 208, of Deeds, Carson City, Nevada.

(f) The entire parcel of land bounded on the north by Third Street, on the west by Stewart Street, on the south by Fourth Street, and on the east by Valley Street, also described as block 22 of Sears, Thompson and Sears Division of Carson City; and the land occupied by the state printing warehouse in block 21 of Sears, Thompson and Sears Division of Carson City; and the abandoned right-of-way of Fourth Street between block 22 of Sears, Thompson and Sears Division and block 39 of Sears, Thompson and Sears Division of Carson City. Excepting therefrom that portion of Stewart Street deeded to the State of Nevada through its Department of Transportation as recorded in book 283, page 208, of Deeds, Carson City, Nevada.

(g) The entire area of land bounded on the west by Fall Street, on the south by Fifth Street, on the east by Stewart Street and on the north by the northern edge of the sidewalk along the northern side of the parking garage, also described as block 38 and a portion of block 23 of Sears, Thompson and Sears Division of Carson City (including the portion of Fourth Street abandoned on December 5, 1989).

(h) ***The entire parcel of land bounded on the west by South Carson Street, on the south by East Sixth Street and on the east by South Plaza Street, also described as Carson City parcel number 004-061-02, and also described as lots 5 through 10, inclusive, in block 4 of Pierson and Goodridge Addition of Carson City, together with all that portion of the vacated and abandoned alley adjacent to those lots and vacated by resolution of the Carson City Board of Trustees dated February 11, 1936, as recorded in book 6, page 358, of the Official Records of the Board of Trustees.***

(i) The following Clark County parcel numbers:

(1) 177-03-311-005;

(2) 177-03-410-006;

(3) 177-03-410-008;
(4) 177-03-410-011; and
(5) 177-03-410-014.

~~[(i)]~~ ***(j)*** Any other property acquired for the use of the Legislature or its staff.

➥ Title to the property described in this subsection must be held in the name of the Legislature of the State of Nevada.

2. The Director of the Legislative Counsel Bureau:

(a) Shall provide an individual office for each Legislator whose position as an officer or as a chair of a committee does not otherwise entitle the Legislator to occupy an assigned office.

(b) May assign the use of space in the Legislative Building or other legislative facilities or on the legislative grounds in such a manner as the Legislative Commission prescribes.

3. The Director of the Legislative Counsel Bureau shall cause the Legislative Building, chambers and grounds and other legislative facilities to be kept in good repair, clean, orderly and presentable as befits public property and the dignity of the Legislature. For this purpose he or she may, in addition to the general power of the Director to employ or contract for the services of personnel, contract with any private enterprise or governmental agency for the provision of appropriate services.

Sec. 5. 1. This section and sections 1, 2 and 3 of this act become effective upon passage and approval.

2. Section 4 of this act becomes effective upon the date that the purchase of the parcel of land described in paragraph (h) of subsection 1 of NRS 331.135, as amended by section 4 of this act, is completed.

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