
ASSEMBLY BILL NO. 296—ASSEMBLYMAN ELLIOT ANDERSON

MARCH 15, 2017

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions governing the drafting of legislative measures. (BDR 17-956)

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; eliminating certain statutory limits and deadlines regarding requests for legislative measures by Legislators and legislative committees; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Historically, the number of authorized requests for legislative measures by
2 Legislators and legislative committees and the deadlines for submission of those
3 requests have been prescribed in statute, concurrent resolution and the joint
4 standing rules of the Houses. (*See, e.g.*, NRS 218D.150-218D.160; Assembly
5 Concurrent Resolution No. 56, File No. 135, Statutes of Nevada 1997, p. 3709;
6 Rule No. 14 of the Joint Standing Rules, File No. 1, Statutes of Nevada 2011, p.
7 3761) Currently, the number of requests for legislative measures that Legislators
8 and legislative committees are authorized to make for each regular legislative
9 session are prescribed in statute. The deadlines by which Legislators and legislative
10 committees are required to submit requests for the drafting of legislative measures
11 and the subsequent deadlines by which they are required to submit sufficient detail
12 to allow complete drafting of those requests are also prescribed in statute. (NRS
13 218D.150-218D.160) This bill removes from statute, effective July 1, 2019, those
14 limits on the number of and the deadlines for submission of requests for legislative
15 measures by Legislators and legislative committees.



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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~~ *Except as otherwise provided by a*
4 *specific statute, joint rule or concurrent resolution, the* provisions
5 of NRS 218D.100 to 218D.220, inclusive, apply to requests for the
6 drafting of legislative measures for a regular session.

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

11 (a) Exceeds the number of requests authorized by *a joint rule,*
12 *concurrent resolution or* NRS ~~218D.100~~ *218D.175* to 218D.220,
13 inclusive, for the requester; or

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

17 3. The Legislative Counsel shall not:

18 (a) Assign a number to a request for the drafting of a legislative
19 measure to establish the priority of the request until sufficient detail
20 has been received to allow complete drafting of the legislative
21 measure.

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

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

28 **Sec. 2.** NRS 218D.110 is hereby amended to read as follows:

29 218D.110 1. The Legislative Counsel shall assist Legislators
30 in the drafting of the legislative measures which they are authorized
31 to request, including, without limitation, drafting them in proper
32 form and furnishing the Legislators with the fullest information
33 upon all matters within the scope of the Legislative Counsel's
34 duties.

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

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



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

4 (b) The drafting of requests from chairs or members of standing
5 committees or special committees which are made on behalf of
6 those committees must not, except where urgency is recognized,
7 take precedence over the priority established or designated for
8 requests from individual Legislators.

9 ~~[(c) After November 1 preceding a regular session, the
10 Legislative Counsel shall give full priority to the drafting of requests
11 from Legislators for which sufficient detail to allow complete
12 drafting of the legislative measure was submitted within the period
13 required by statute.]~~

14 **Sec. 3.** NRS 218D.130 is hereby amended to read as follows:

15 218D.130 1. On July 1 preceding each regular session, and
16 each week thereafter until the adjournment of the Legislature sine
17 die, the Legislative Counsel shall prepare a list of all requests
18 received by the Legislative Counsel for the drafting of legislative
19 measures for the regular session.

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

22 3. In preparing the list:

23 (a) The requests must be listed numerically by a unique serial
24 number which must be assigned to the legislative measures by the
25 Legislative Counsel for the purposes of identification in the order
26 that the Legislative Counsel received the requests.

27 (b) Except as otherwise provided in this section, the list must
28 only contain the name of each requester, the date and a brief
29 summary of the request.

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

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

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

36 4. Upon the request of a Legislator who has requested the
37 drafting of a legislative measure, the Legislative Counsel shall add
38 the name of one or more other Legislators from either or both
39 Houses as joint requesters of the legislative measure. The
40 Legislative Counsel:

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



1 (b) Shall remove the name of a joint requester upon receipt of a
2 request to do so made by the primary requester or the joint
3 requester.

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

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

11 5. If the primary requester of a legislative measure will not be
12 returning to the Legislature for the regular session in which the
13 legislative measure is to be considered:

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

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

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

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

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

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

31 **Sec. 4.** NRS 218D.155 is hereby amended to read as follows:

32 218D.155 1. ~~{In addition to the number of requests~~
33 ~~authorized pursuant to NRS 218D.150:~~

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

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

42 ~~—(c) A person designated after the general election as the Speaker~~
43 ~~of the Assembly, the Majority Leader of the Senate, the Minority~~
44 ~~Leader of the Assembly or the Minority Leader of the Senate for the~~
45 ~~next regular session may request before the first day of that regular~~



~~1 session the drafting of the remaining number of the legislative
2 measures allowed for the respective officer that were not requested
3 by the previous officer.~~

~~4 —2.†~~ The Legislative Counsel, the Secretary of the Senate and
5 the Chief Clerk of the Assembly may request before or during a
6 regular session, without limitation, the drafting of as many
7 legislative measures as are necessary or convenient for the proper
8 exercise of their duties.

~~9 †3.†~~ 2. The Legislative Counsel shall not assign a number to a
10 request for the drafting of a legislative measure submitted pursuant
11 to this section to establish the priority of the request until sufficient
12 detail has been received to allow complete drafting of the legislative
13 measure.

Sec. 5. NRS 218D.380 is hereby amended to read as follows:

15 218D.380 1. Any provision of state legislation enacted on or
16 after July 1, 2013, which adds or revises a requirement to submit a
17 report to the Legislature must:

18 (a) Expire by limitation 5 years after the effective date of the
19 addition or revision of the requirement; or

20 (b) Contain a statement by the Legislature setting forth the
21 justifications for continuing the requirement for more than 5 years.
22 The statement must include, without limitation:

23 (1) If the requirement is being revised, the date the
24 requirement was enacted;

25 (2) If the requirement concerns a report regarding the
26 implementation or monitoring of a new program, an analysis of the
27 continued usefulness of such a report after 5 years; and

28 (3) An identification and analysis of any costs or benefits
29 associated with or expected to be associated with the report.

30 2. The Legislative Commission shall review the requirements
31 in state legislation for submitting a report to the Legislature which
32 have been in existence for 4 years or more to determine whether the
33 requirements should be repealed, revised or continued. In making its
34 determination pursuant to this subsection, the Legislative
35 Commission shall:

36 (a) Identify and analyze any costs or benefits associated with the
37 report;

38 (b) Consider the ability of the Legislature to obtain the
39 information provided in the report from another source;

40 (c) Consider any recommendations made by the Director
41 pursuant to NRS 218D.385 regarding the elimination or revision of
42 requirements in state legislation to submit obsolete or redundant
43 reports to the Legislature; and

44 (d) Consider any other criteria determined by the Legislative
45 Commission to be appropriate.



1 3. Based upon its review of the requirements pursuant to
2 subsection 2, the Legislative Commission shall, as it deems
3 appropriate:

4 (a) Make recommendations to the Legislature regarding whether
5 the requirements in state legislation for submitting such reports to
6 the Legislature should be repealed, revised or continued; and

7 (b) Request the drafting of a legislative measure ~~pursuant to~~
8 ~~NRS 218D.160~~ to facilitate its recommendations.

9 **Sec. 6.** NRS 218D.385 is hereby amended to read as follows:

10 218D.385 1. The Director shall develop recommendations for
11 the:

12 (a) Elimination of any requirements to submit obsolete or
13 redundant reports to the Legislature; and

14 (b) Revision of any requirements for reporting to reduce the
15 frequency or to change the due dates, or any other revision of the
16 requirements deemed appropriate by the Director.

17 2. In developing the recommendations required pursuant to
18 subsection 1, the Director shall consider:

19 (a) The length of time the requirement has been in existence and
20 whether the requirement remains relevant;

21 (b) The ability of the Legislature and the public to obtain the
22 information provided in a report from another source; and

23 (c) Any other criteria determined by the Director to be
24 appropriate.

25 3. The Director's recommendations, if any, must be:

26 (a) Presented to the Legislative Commission on or before July 1
27 of each even-numbered year; and

28 (b) Considered by the Legislative Commission when it conducts
29 its review pursuant to NRS 218D.380 of the requirements in state
30 legislation for submitting such reports to the Legislature.

31 4. Based on the Director's recommendations and its review
32 pursuant to NRS 218D.380, the Legislative Commission shall, as it
33 deems appropriate:

34 (a) Make recommendations to the Legislature regarding whether
35 the requirements in state legislation for submitting such reports to
36 the Legislature should be repealed, revised or continued; and

37 (b) Request the drafting of a legislative measure ~~pursuant to~~
38 ~~NRS 218D.160~~ to facilitate its recommendations.

39 **Sec. 7.** NRS 218E.205 is hereby amended to read as follows:

40 218E.205 1. Between regular sessions, the Legislative
41 Commission:

42 (a) Shall fix the work priority of all studies and investigations
43 assigned to it by a statute or concurrent resolution or directed by an
44 order of the Legislative Commission, within the limits of available
45 time, money and staff.



1 (b) Shall not make studies or investigations directed by a
2 resolution of only one House or studies or investigations proposed
3 but not approved during the preceding regular session.

4 2. All requests for the drafting of legislative measures to be
5 recommended as the result of a study or investigation must be made
6 in accordance with ~~NRS 218D.160.~~ *any specific statute, joint rule*
7 *or concurrent resolution governing requests for the drafting of a*
8 *legislative measure.*

9 3. Except as otherwise provided by NRS 218E.210, between
10 regular sessions, a study or investigation may not be initiated or
11 continued by the Fiscal Analysts, the Legislative Auditor, the
12 Legislative Counsel or the Research Director and their staffs, except
13 studies and investigations which have been specifically authorized
14 by a statute, concurrent resolution or order of the Legislative
15 Commission.

16 4. A study or investigation may not be carried over from one
17 regular session to the next without additional authorization by a
18 statute, concurrent resolution or order of the Legislative
19 Commission, except audits in progress whose carryover has been
20 approved by the Legislative Commission.

21 5. Except as otherwise provided by a specific statute, the staff
22 of the Legislative Counsel Bureau shall not serve as primary
23 administrative or professional staff for a committee established by a
24 statute, concurrent resolution or order of the Legislative
25 Commission to conduct a study or investigation, unless the chair of
26 the committee is required by the statute, concurrent resolution or
27 order of the Legislative Commission to be a Legislator.

28 6. The Legislative Commission shall review and approve the
29 budget and work program and any changes to the budget or work
30 program for each study or investigation conducted by the
31 Legislative Commission or a committee or subcommittee
32 established by the Legislative Commission.

33 7. A committee or subcommittee established to conduct a study
34 or investigation assigned to the Legislative Commission by a statute
35 or concurrent resolution or directed by an order of the Legislative
36 Commission must, unless otherwise ordered by the Legislative
37 Commission, meet not earlier than January 1 of the even-numbered
38 year and not later than June 30 of that year.

39 **Sec. 8.** NRS 218D.150 and 218D.160 are hereby repealed.

40 **Sec. 9.** This act becomes effective on July 1, 2019.



TEXT OF REPEALED SECTIONS

218D.150 Requests from Legislators and chairs of standing committees.

1. Except as otherwise provided in this section, each:

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

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

(2) Not more than 5 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 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.

(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 Council 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 Council 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 Council 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 subparagraph (1) of paragraph (c) of subsection 1; or

(2) Inform the Legislative Council of which 2 legislative measures that he or she requested pursuant to subparagraph (1) 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 subparagraph (1) 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 must:



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

(2) Inform the Legislative Counsel of which 4 legislative measures that he or she requested pursuant to subparagraph (1) 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 subparagraph (1) 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.

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.

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. 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.

218D.160 Requests from chairs of Legislative Commission and Interim Finance Committee; requests from statutory, interim and other committees.

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. 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.



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

4. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel.

5. 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.

