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EXPLANATION OF ASSEMBLY BILL 542 (R1)

Summary of Changes:

1. Establishes and clarifies various deadlines for submitting proposed bill draft requests. Some of the deadlines were not specified, making it unclear whether there was no deadline or the December 15 catch-all deadline applied. The statutes that allow requesting bill drafts based upon position (e.g., committee chair, majority leader, etc.) did not specifically prohibit requesting bills after the date of the election (when leadership can change), and requests authorized after the general election either were not subject to a deadline or were subject to a very late deadline. Sections 1 through 4.

2. Revises provisions concerning preparation of fiscal notes, particularly those prepared for local government. This bill eliminates the requirement to prepare a local government fiscal note if the only impact is the possibility of additional terms of imprisonment in a local jail or detention facility, unless a local government submits a fiscal note indicating an impact. Instead, the fact of the increased term would be noted on the bill. The fiscal impact on local governments would be expressed as "May have Fiscal Impact" and the notation that a bill with an impact on local government "contains appropriation" would be eliminated. A deadline is established for submitting fiscal notes from local governments, and if no fiscal note is received before the deadline, the note will indicate that no impact has been reported. Sections 5 through 11 and 23.

3. Allows prefilings of bills on behalf of standing committees. Currently, only individual legislators may prefile bills. The more bills that are prefiled, the more bills that can be heard in the first few weeks of session. The bills would need to be within the jurisdiction of the committee, and would be prefiled by the person designated to chair the committee. Section 12.

4. Eliminates the requirement to print 100 copies of the bound Journals following session. This is far more than we need, and it is getting very expensive to print the Journals. We would only print the amount that we need (including a small number of extras), and would thereby save the state several thousand dollars. Section 13.

5. Allows the establishment of a petty cash account for the gift shop. We are allowed to have a petty cash account in each building, and currently have one with the Legislative Police that the entire LCB uses. The gift shop uses this account a great deal, and finds itself in a bind if the account is short on cash (it is replenished periodically). Section 14.

6. Eliminates the requirement that the Legislative Manual contain a directory of state government. Preparation and maintenance of the Directory of State and Local Government has become a terribly time-consuming task. With this requirement removed from the statute, we would seek other ways to acquire and update this information, perhaps solely on-line rather than in a publication that is usually out of date within days after it is published. Section 15.

7. Eliminates the designation of the Director as the Nevada Legislative Federal-State Coordinator. This is a designation that serves no positive purpose, and can cause mischief when leadership designates another person to the position (NCSL has a "state-federal coordinator" that is designated by leadership). If leadership wishes to designate the Director, he or she can serve in that capacity; if not, there is no reason for the statute to purport to dictate the decision. Section 16.

8. Allows the Legislative Commission to exempt a classification of lobbyist from the requirement of paying fines for late filings (the intent being to exempt nonpaid lobbyists). Currently, all lobbyists are required to file reports every month. If a report is not filed by the 10th day of the following month, a daily fee of \$10 applies. For a nonpaid lobbyist, this can amount to far more than the cost of registration (\$15). Many of them lobby not just without compensation, but at expense to themselves, and often do not spend any money all session in reportable expenditures. This change would allow the Legislative Commission to exempt them from the fines. To ensure that this would not allow nonpaid lobbyists to avoid the filing requirements, the law is also amended to allow revocation of a registration if a person repeatedly files reports late. Sections 17 and 17.5.

9. Authorizes the Legislative Counsel to make name changes when codifying the Nevada Revised Statutes to reflect changes in the law or in the manner of codification. This would apply, for example, if the name of an agency were incorrectly written in a section of NRS. It would also apply to situations in which a new agency is given authority previously conferred to another agency – sometimes other bills passed during the session do not account for the change, or sections are overlooked in the legislation. This provision would allow the Legislative Counsel to make the name changes as part of the process of codification. Section 18.

10. Provides that laws that are repealed and reenacted are to be construed as continuations of the prior law. We have restructured sections of NRS for ease of use and application, such as Title 53 concerning industrial insurance (new chapters 616A through 616D) or the current recodification of the juvenile law provisions (chapter 62 of NRS). If sections are merely recodified, the case law and interpretations should not be lost merely because the number of the section has changed. This amendment makes it clear that the new provisions should be construed as continuations of the prior law. Section 19.

11. Designates a symbol for denoting flush lines. NRS 0.025 explains flush lines and how they are to be read and interpreted in statutes. The section is amended to specify the symbol for flush lines. Section 20.

12. Provides that session employees who work full time for 6 months or more are entitled to a full year of eligibility in the Public Employees' Retirement System, but solely for the purpose of eligibility for retirement. Many people who have worked during session over the years have withdrawn their contributions (and thereby forfeited their service credit) because it would take 10 sessions (or more under prior law) to accrue enough service credit to vest in the system. With this change, a person could vest in 5 sessions. A person who withdrew his or her contributions could repurchase the service credit, thereby qualifying for a benefit. The benefit itself would be based upon the actual time worked, but at least people would qualify for a benefit (that would grow each session). Sections 21, 24, 25.

13. (Deleted by amendment.) The original provision eliminated the requirement that the Legislative Counsel Bureau provide staff services for the Nevada Silver Haired Legislative Forum. The forum is demanding more resources than we can afford to allocate. Rather than taking this responsibility away from the LCB, the Assembly sought to add to the budget of the LCB. Another alternative is to return the forum to the Aging Services Division, which was formerly responsible for staff support. Section 22.

Section-by-Section Review:

Section 1. Clarifies that the number of requests a legislator may submit may be limited by Joint Rule, and eliminates the catch-all deadline of December 15 for submitting proposed bill drafts: the bill specifies all deadlines that aren't already covered, and this catch-all caused some confusion and ambiguity. See summary of changes #1.

Sec. 2. Specifies a deadline of September 1 for requests from associations of elected officials, counties or cities. This is the deadline for the local governments themselves. See summary of change #1.

Sec. 3. Clarifies that persons designated to request bill drafts on behalf of a committee during the interim may only do so until the date of the election, and establishes a deadline of December 15 for those measures requested by the new chair or designee after the election. See summary of changes #1.

Sec. 4. Clarifies that the Speaker, Majority Leader and Minority Leaders may request bill drafts authorized for those positions during the interim only up until the date of the general election, and provides that persons designated as these officers after the election must request any remaining measures before the commencement of the legislative session. See summary of changes #1.

Sec. 5. Requires that a local government be provided with copies of measures that may require a fiscal note. Provides that a fiscal note is not required for the effect on local government if the only impact is to increase the likelihood of imprisonment in a jail or detention facility, unless a local government submits a fiscal note indicating such an impact. See summary of changes #2.

Sec. 6. Requires only that the name of a person who prepares a fiscal note appear on the note rather than the signature (primarily to allow electronic submission) See summary of changes #2.

Sec. 6.5. Clarifies that general requirements concerning fiscal notes apply to local governments as well as state agencies. See summary of changes #2.

Sec. 7. Requires a local government to review a bill or joint resolution for fiscal impact and submit a fiscal note within 8 working days. See summary of changes #2.

Sec. 8. Clarifies that local governments must keep bills submitted to them for fiscal notes confidential. See summary of changes #2.

Sec. 9. Changes the designation of local government fiscal notes to change "Yes" to "May have Fiscal Impact," eliminates any reference to containing an appropriation, and adds the designation that a bill may increase or provide for a new term of imprisonment in a local jail or detention facility. See summary of changes #2

Sec. 10. Adds local governments to the basic procedure for obtaining fiscal notes. See summary of changes #2.

Sec. 11. Provides for preparation of a local government fiscal note upon expiration of the period for response and provides a procedure for submitting local government fiscal notes after the deadline. Provides that if no response is received, the fiscal note will indicate that no impact on local government has been reported. See summary of changes #2.

Sec. 12. Authorizes the designated chair of a committee for the ensuing legislative session to prefile bills within the jurisdiction of the committee on behalf of the committee. See summary of changes #3.

Sec. 13. Eliminates the requirement that 100 copies of the bound journals be printed following each session. We would print a sufficient number, and additional copies based upon demand. See summary of changes #4.

Sec. 14. Authorizes the establishment of a petty cash account within the gift shop. See summary of changes #5.

Sec. 15. Eliminates the requirement that the Legislative Manual contain a directory of state government. See summary of changes #6.

Sec. 16. Eliminates the requirement that the Director of the LCB serve as the Nevada Legislative Federal-State Coordinator. See summary of changes #7.

Sec. 17. Allows the revocation of the registration of a lobbyist who repeatedly fails to file activity reports in a timely manner. See summary of changes #8.

Sec. 17.5. Authorizes the Legislative Commission to exempt a classification of lobbyist (presumably "nonpaid lobbyists") from paying a fee for late filing of a monthly expenditure report. See summary of changes #8.

Sec. 18. Authorizes the Legislative Counsel to make name changes when codifying the Nevada Revised Statutes to reflect changes in the law or in the manner of codification. See summary of changes #9.

Sec. 19. Provides that laws that are repealed and reenacted are to be construed as continuations of the prior law. See summary of changes #10.

Sec. 20. Designates a symbol for denoting flush lines. See summary of changes # 11.

Sec. 21. Provides that session employees who work full time for 6 months or more are entitled to a full year of eligibility in the Public Employees' Retirement System (PERS), but solely for the purpose of eligibility for retirement. See summary of changes # 12.

Sec. 22. (Deleted by amendment.) The original provision eliminated the requirement that the Legislative Counsel Bureau provide staff services for the Nevada Silver Haired Legislative Forum. See summary of changes #13.

Sec. 23. Repeals unnecessary provision concerning preparation of fiscal notes. See summary of changes #2.

Sec. 24. Allows a person who is entitled to the additional service credit provided pursuant to section 21 to have PERS recalculate the benefit and to redeposit withdrawn contributions to the system. See summary of changes # 12.

Sec. 25. Provides that provisions concerning retirement benefits for session employees in sections 21 and 24 apply retroactively to any person who would have been entitled to those benefits. See summary of changes #12.