
ASSEMBLY BILL NO. 446—COMMITTEE ON
LEGISLATIVE OPERATIONS AND ELECTIONS

MARCH 25, 2013

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions governing requests for the drafting of legislative measures. (BDR 17-984)

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; revising provisions governing requests for the drafting of legislative measures; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law sets forth provisions governing requests for the drafting of
2 legislative measures. (NRS 218D.100-218D.215) This bill revises the number of
3 legislative measures that various persons and entities may request for drafting, and
4 the deadlines for making those requests. **Section 5** of this bill makes such revisions
5 concerning an incumbent member of the Assembly, an incumbent member of the
6 Senate, a newly elected member of the Assembly, a newly elected member of the
7 Senate and the chair of each standing committee. **Section 6** of this bill reduces
8 the number of legislative measures that the Chair of the Legislative Commission
9 may request for drafting. **Section 7** of this bill revises the deadlines for requests for
10 the drafting of legislative measures that may be made by the Governor or the
11 Governor’s designated representative and increases the number of legislative
12 measures that the Lieutenant Governor, the Secretary of State, the State Treasurer,
13 the State Controller and the Attorney General may request for drafting. **Section 8** of
14 this bill reduces the number of legislative measures that the city council of a city
15 whose population is 150,000 or more but less than 500,000 (currently the cities of
16 Henderson, North Las Vegas and Reno) may request for drafting. **Sections 10 and**
17 **11** of this bill eliminate the authority of certain entities to request the drafting of
18 legislative measures, including, respectively: (1) an interagency committee created
19 by the Director of the Department of Health and Human Services to evaluate the
20 child welfare system in this State; and (2) certain mental health consortiums.



* A B 4 4 6 *

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

1 **Section 1.** NRS 218D.050 is hereby amended to read as
2 follows:

3 218D.050 1. The Legislative Counsel and the Legal Division
4 shall not prepare or assist in the preparation of legislative measures
5 for or during a regular session unless:

6 (a) Authorized by NRS 218D.100 to ~~218D.215,~~ **218D.210**,
7 inclusive, another specific statute, a joint rule or a concurrent
8 resolution; or

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

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

13 (a) Authorized by a joint rule or concurrent resolution; or

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

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

20 **Sec. 2.** NRS 218D.100 is hereby amended to read as follows:

21 218D.100 1. The provisions of NRS 218D.100 to
22 ~~218D.215,~~ **218D.210**, inclusive, apply to requests for the drafting
23 of legislative measures for a regular session.

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

27 (a) Exceeds the number of requests authorized by NRS
28 218D.100 to ~~218D.215,~~ **218D.210**, inclusive, for the requester; or

29 (b) Is submitted by an authorized nonlegislative requester
30 pursuant to NRS 218D.175 to ~~218D.215,~~ **218D.210**, inclusive, but
31 is not in a subject related to the function of the requester.

32 3. The Legislative Counsel shall not:

33 (a) Except as otherwise provided in NRS 218D.150, 218D.155
34 and 218D.160, assign a number to a request for the drafting of a
35 legislative measure to establish the priority of the request until
36 sufficient detail has been received to allow complete drafting of the
37 legislative measure.

38 (b) Honor a request to change the subject matter of a request for
39 the drafting of a legislative measure after it has been submitted for
40 drafting.



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

4 **Sec. 3.** NRS 218D.105 is hereby amended to read as follows:

5 218D.105 1. Upon a finding that exceptional circumstances
6 so warrant, the Legislative Commission when the Legislature is not
7 in a regular session, or a standing committee which has jurisdiction
8 of the subject matter when the Legislature is in a regular session,
9 may grant a waiver to an authorized nonlegislative requester to
10 submit a request for the drafting of a legislative measure after the
11 time limits in NRS 218D.175 to ~~{218D.215,}~~ **218D.210**, inclusive.

12 2. The request for the waiver must be submitted in writing to
13 the Legislative Commission or standing committee, as appropriate,
14 explaining the exceptional circumstances.

15 **Sec. 4.** NRS 218D.115 is hereby amended to read as follows:

16 218D.115 1. The Legislative Counsel shall assist authorized
17 nonlegislative requesters in the drafting of the legislative measures
18 which they are authorized to request pursuant to NRS 218D.175 to
19 ~~{218D.215,}~~ **218D.210**, inclusive.

20 2. To ensure the greatest possible equity in the handling of
21 such requests, drafting must proceed as follows:

22 (a) Requests from each agency or officer of the Executive
23 Department or from a county, school district or city must, insofar as
24 is possible, be acted upon in the order in which they are received,
25 unless a different priority is designated by the requester.

26 (b) As soon as an agency or officer of the Executive Department
27 has requested 10 legislative measures for a regular session, the
28 Legislative Counsel may request the agency or officer to designate
29 the priority for each succeeding request.

30 3. The priority designated pursuant to this section must guide
31 the Legislative Counsel in acting upon the requests of the respective
32 agencies and officers of the Executive Department and the counties,
33 school districts and cities to ensure each agency and officer, and
34 each county, school district and city, as nearly as is possible, an
35 equal rank.

36 **Sec. 5.** NRS 218D.150 is hereby amended to read as follows:

37 218D.150 1. Except as otherwise provided in subsection 2,
38 each:

39 (a) Incumbent member of the Assembly may request the
40 drafting of ~~{not}~~ :

41 **(1) Not** more than ~~{6}~~ **4** legislative measures submitted to the
42 Legislative Counsel on or before ~~{September}~~ **August** 1 preceding a
43 regular session ~~{and not}~~ ;



1 (2) *Not* more than 5 legislative measures submitted to the
2 Legislative Counsel after ~~September~~ *August* 1 but on or before
3 December 10 preceding a regular session ~~†~~; *and*

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

7 (b) Incumbent member of the Senate may request the drafting of
8 ~~†not~~:

9 (1) *Not* more than ~~†2~~ 8 legislative measures submitted to
10 the Legislative Counsel on or before ~~September~~ *August* 1
11 preceding a regular session ~~†and not~~;

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

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

18 (c) Newly elected member of the Assembly may request the
19 drafting of ~~†not~~:

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

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

26 (d) Newly elected member of the Senate may request the
27 drafting of ~~†not~~:

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

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

34 2. A Legislator may not request the drafting of a legislative
35 measure pursuant to subsection 1 on or after the date on which the
36 Legislator becomes a nonreturning Legislator. For the purposes of
37 this subsection, “nonreturning Legislator” means a Legislator who,
38 in the year that the Legislator’s term of office expires:

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

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

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



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

2 (a) On or before ~~September~~ *August* 1 preceding a regular
3 session, sufficient detail to allow complete drafting of the legislative
4 measure must be submitted on or before December 1 preceding the
5 regular session.

6 (b) After ~~September~~ *August* 1 but on or before December 10
7 preceding a regular session, sufficient detail to allow complete
8 drafting of the legislative measure must be submitted on or before
9 January 15 preceding the regular session.

10 (c) *After a regular session has convened but on or before the*
11 *eighth day of the regular session at 5 p.m., sufficient detail to*
12 *allow complete drafting of the legislative measure must be*
13 *submitted on or before the 15th day of the regular session.*

14 4. In addition to the number of requests authorized pursuant to
15 subsection 1:

16 (a) The chair of each standing committee of the immediately
17 preceding regular session, or a person designated in the place of the
18 chair by the Speaker of the Assembly or the Majority Leader of the
19 Senate, may request before the date of the general election
20 preceding a regular session the drafting of not more than 1
21 legislative measure for introduction by the committee in a subject
22 within the jurisdiction of the committee for every ~~15~~ *18* legislative
23 measures that were referred to the respective standing committee
24 during the immediately preceding regular session.

25 (b) A person designated after the general election as a chair of a
26 standing committee for the next regular session, or a person
27 designated in the place of a chair by the person designated as the
28 Speaker of the Assembly or the Majority Leader of the Senate for
29 the next regular session, may request on or before December 10
30 preceding that regular session the drafting of the remaining number
31 of the legislative measures allowed for the respective standing
32 committee that were not requested by the previous chair or designee.

33 5. If a request made pursuant to subsection 4 is submitted:

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

38 (b) After the date of the general election but on or before
39 December 10 preceding a regular session, sufficient detail to allow
40 complete drafting of the legislative measure must be submitted on or
41 before January 15 preceding the regular session.

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



1 **Sec. 6.** NRS 218D.160 is hereby amended to read as follows:

2 218D.160 1. The Chair of the Legislative Commission may
3 request the drafting of not more than ~~15~~ 10 legislative measures
4 before the first day of a regular session, with the approval of the
5 Legislative Commission, which relate to the affairs of the
6 Legislature or its employees, including legislative measures
7 requested by the legislative staff.

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

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

16 4. Except as otherwise provided by a specific statute, joint rule
17 or concurrent resolution:

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

22 (b) Any committee or subcommittee established by an order of
23 the Legislative Commission pursuant to NRS 218E.200 may request
24 the drafting of not more than 5 legislative measures which relate to
25 matters within the scope of the study or investigation, except that
26 such a committee or subcommittee may request the drafting of
27 additional legislative measures if the Legislative Commission
28 approves each additional request by a majority vote.

29 (c) Any other committee established by the Legislature which
30 conducts an interim legislative study or investigation may request
31 the drafting of not more than 5 legislative measures which relate to
32 matters within the scope of the study or investigation.

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

37 5. If a request made pursuant to subsection 4 is submitted on or
38 before September 1 preceding a regular session, sufficient detail to
39 allow complete drafting of the legislative measure must be
40 submitted on or before December 1 preceding the regular session.

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



1 **Sec. 7.** NRS 218D.175 is hereby amended to read as follows:
2 218D.175 1. For a regular session, the Governor or the
3 Governor’s designated representative may request the drafting of
4 ~~not~~ :

5 (a) *Not more than ~~100~~ 50 legislative measures submitted to*
6 *the Legislative Counsel on or before July 1 preceding a legislative*
7 *session; and*

8 (b) *Not more than 50 legislative measures submitted to the*
9 *Legislative Counsel after July 1 but on or before September 1*
10 *preceding a legislative session,*

11 *↳ which have been approved by the Governor or the Governor’s*
12 *designated representative on behalf of the officers, agencies, boards,*
13 *commissions, departments and other units of the Executive*
14 *Department. ~~[The requests must be submitted to the Legislative~~*
15 *~~Counsel on or before September 1 preceding the regular session.]~~*

16 2. The Department of Administration may request on or before
17 the 19th day of a regular session, without limitation, the drafting of
18 as many legislative measures as are necessary to implement the
19 budget proposed by the Governor and to provide for the fiscal
20 management of the State. In addition to the requests otherwise
21 authorized pursuant to this section, the Governor may request the
22 drafting of not more than 5 legislative measures on or before the
23 19th day of a regular session to propose the Governor’s legislative
24 agenda.

25 3. For a regular session, the following constitutional officers
26 may request, without the approval of the Governor or the
27 Governor’s designated representative, the drafting of not more than
28 the following numbers of legislative measures, which must be
29 submitted to the Legislative Counsel on or before September 1
30 preceding the regular session:

31	
32	Lieutenant Governor..... 11 3
33	Secretary of State..... 15 8
34	State Treasurer..... 12 5
35	State Controller..... 12 5
36	Attorney General 15 20
37	

38 4. Each request made pursuant to this section must be on a
39 form prescribed by the Legislative Counsel. The legislative
40 measures requested pursuant to subsections 1 and 3 must be prefiled
41 on or before December 20 preceding the regular session. A
42 legislative measure that is not prefiled on or before that date shall be
43 deemed withdrawn.



1 **Sec. 8.** NRS 218D.205 is hereby amended to read as follows:

2 218D.205 1. For a regular session, each board of county
3 commissioners, board of trustees of a school district and city council
4 may request the drafting of not more than the numbers of legislative
5 measures set forth in this section if the requests are:

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

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

11 2. The Legislative Counsel shall notify the requesting county,
12 school district or city if its request substantially duplicates a request
13 previously submitted by another county, school district or city.

14 3. The board of county commissioners of a county whose
15 population:

16 (a) Is 700,000 or more may request the drafting of not more than
17 4 legislative measures for a regular session.

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

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

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

25 (a) Is 700,000 or more may request the drafting of not more than
26 2 legislative measures for a regular session.

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

29 5. The city council of a city whose population:

30 (a) Is ~~150,000~~ **500,000** or more may request the drafting of not
31 more than 3 legislative measures for a regular session.

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

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

37 6. Each request made pursuant to this section must be on a
38 form prescribed by the Legislative Counsel. The legislative
39 measures requested pursuant to this section must be prefiled on or
40 before December 20 preceding the regular session. A legislative
41 measure that is not prefiled on or before that date shall be deemed
42 withdrawn.

43 7. As used in this section, "population" means the current
44 population estimate for that city or county as determined and



1 published by the Department of Taxation and the demographer
2 employed pursuant to NRS 360.283.

3 **Sec. 9.** NRS 218D.575 is hereby amended to read as follows:

4 218D.575 1. A Legislator who will be a member of the next
5 regular session may request the Legislative Counsel to prefile any
6 bill or joint resolution that was requested by that Legislator for
7 introduction in the next regular session.

8 2. A Legislator designated as a chair of a standing committee
9 for the next regular session may request the Legislative Counsel to
10 prefile on behalf of the committee any bill or joint resolution within
11 the jurisdiction of the committee for introduction in the next regular
12 session.

13 3. The bills and joint resolutions submitted for prefilng
14 pursuant to NRS 218D.175 to ~~218D.215~~ 218D.210, inclusive,
15 must be:

16 (a) Randomly divided in equal amounts between the Senate and
17 the Assembly and prefiled on behalf of the appropriate standing
18 committee.

19 (b) Prepared in final and correct form for introduction in the
20 Legislature as required by the Nevada Constitution and this chapter.

21 4. The Legislative Counsel shall not prefile a bill or joint
22 resolution requested by:

23 (a) A Legislator who is not a candidate for reelection until after
24 the general election immediately preceding the regular session.

25 (b) A Legislator who is elected or reelected to legislative office
26 at the general election immediately preceding the regular session
27 until the Legislator is determined to have received the highest
28 number of votes pursuant to the canvass of votes required by
29 NRS 293.395.

30 **Sec. 10.** NRS 432B.178 is hereby amended to read as follows:

31 432B.178 1. The Director of the Department of Health and
32 Human Services may create an interagency committee to evaluate
33 the child welfare system in this State. Any such evaluation must
34 include, without limitation, a review of state laws to ensure that the
35 state laws comply with federal law and to ensure that the state laws
36 reflect the current practices of each agency which provides child
37 welfare services and others involved in the child welfare system.

38 2. The Director may appoint as many members to the
39 interagency committee as the Director deems appropriate except that
40 the members of such a committee must include, without limitation,
41 at least one person to represent:

42 (a) Each agency which provides child welfare services;

43 (b) The Department of Education;

44 (c) The juvenile justice system;

45 (d) Law enforcement; and



1 (e) Providers of treatment or services for persons in the child
2 welfare system.

3 3. ~~The interagency committee created pursuant to subsection 1
4 may directly request the Legislative Counsel and the Legal Division
5 of the Legislative Counsel Bureau to prepare one legislative
6 measure for a regular legislative session if it determines that
7 changes in legislation are necessary. Any such request must be
8 submitted to the Legislative Counsel on or before September 1
9 preceding the commencement of a regular session of the
10 Legislature. Upon completion of the proposed legislation, the
11 Legislative Counsel shall transmit any legislative measure prepared
12 pursuant to this subsection to the appropriate standing committee of
13 the Assembly or Senate within the first week of the next regular
14 legislative session for introduction.~~

15 ~~4.1~~ The interagency committee created pursuant to subsection 1
16 shall, on or before January 1 of each odd-numbered year after it is
17 created, submit to the Director of the Legislative Counsel Bureau a
18 written report for transmittal to the Chairs of the Assembly and
19 Senate Standing Committees on Judiciary, the Chair of the
20 Assembly Committee on Health and Human Services and the Chair
21 of the Senate Committee on Health and Education.

22 **Sec. 11.** NRS 218D.215 is hereby repealed.

23 **Sec. 12.** This act becomes effective upon passage and
24 approval.

TEXT OF REPEALED SECTION

218D.215 Requests from mental health consortium.

1. For a regular session, each mental health consortium established pursuant to NRS 433B.333 may request the drafting of not more than 1 legislative measure. The request 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 preceding the regular session. A legislative measure that is not prefiled on or before that date shall be deemed withdrawn.



