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CHAPTER III

LEGISLATIVE PROCEDURE AND ACTION

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LEGISLATIVE PROCEDURE

Sessions

Regular sessions of the Nevada Legislature are held biennially, in odd-numbered years. They convene on the first Monday in February next ensuing the election of members of the Senate and Assembly, unless the Governor, by proclamation, convenes a special session at an earlier date.¹

Sessions are limited to 120 calendar days in accordance with voter approval of a constitutional amendment in 1998.² Prior to the 1999 Session, the Legislative Commission's Committee to Consult with the Director approved recommendations regarding the operation of the 120-day session.³ The recommendations affect many procedural rules, including the limitations on the number of bills that may be requested and the deadlines for the submission, introduction, and passage of legislation. Although these proposals are included in the narrative of this chapter, users of the manual should be aware that the final version of the rules (which may differ from the recommendations) will be adopted by the Legislature after it convenes on February 1, 1999.

Previous sessions were unlimited in length following the repeal in 1958 of a constitutional provision setting a 60-day maximum limit on the duration of a session. Since 1958, there has been only one regular session of less than 60 days, that being the single annual session of 1960, which lasted 55 days. Since 1975, regular sessions in Nevada have run between 113 and 169 days. The record for the longest a session has continued into the calendar year is held by the 1995 and 1997 Sessions, both of which lasted 169 days. Conversely, the 1989 Special Session was the shortest in history, lasting just over two hours in the Senate.

The *Nevada Constitution* also limits the number of days for which legislators may receive compensation. Since 1987, the salary of members has been set by statute at

¹*Nevada Constitution*, Art. 4, Sec. 2.

²*Nevada Constitution*, Art. 4, Sec. 3.

³NRS 218.6828. See the minutes for the Legislative Commission's Committee to Consult with the Director, November 18, 1998. The Committee approved recommendations governing the procedural operation of the 120-day session which must be approved by the Legislature after it convenes on February 1, 1999.

\$130 per day. However, the constitution forbids compensation for services to be paid to legislators for more than 60 calendar days for any regular session and 20 days for any special session.⁴ Reimbursement for actual expenses of members, however, may continue for the entire length of a session.

Special sessions of the Legislature may only be convened on the call of the Governor.⁵ After both houses have organized in special session, the Governor is required by the *Nevada Constitution* to state the purpose for which they have been convened. The Legislature may not enact any bills or joint resolutions pertaining to subjects other than those for which they were convened. The Governor, however, may expand the reasons for calling the Legislature into session at any time during that session, thereby reducing the restrictions on legislative initiative,⁶ and the Legislature, at times, has adopted simple or concurrent resolutions to express its sentiments on matters not contained in the Governor's call.

Legislative activities, including committee hearings, are open to the public. The constitution also stipulates that neither house may, without the consent of the other, adjourn for more than three days, nor move to any place other than where it is holding its session.⁷ The Joint Rules of the Senate and Assembly specify that one or more adjournments, for a duration of more than three days, may be taken to permit standing committees, select committees, or the Legislative Counsel Bureau to prepare the matters respectively entrusted to them for the consideration of the Legislature as a whole. The total time taken for all such adjournments is not to exceed 20 days during any regular session.⁸ The 1991, 1993, and 1995 Legislatures adjourned for two weeks early in the session to allow the Senate Committee on Finance and Assembly Committee on Ways and Means to work full-time on the review of proposed state agency budgets. During this same period, the remaining morning committees of the Legislature held hearings on bills and other legislative matters in the Las Vegas area.

In the case of a disagreement between the two houses with respect to the time of the Legislature's final adjournment, the Governor is constitutionally empowered to

⁴*Nevada Constitution*, Art. 4, Sec. 33.

⁵*Nevada Constitution*, Art. 5, Sec. 9.

⁶*Nevada Constitution*, Art. 5, Sec. 9.

⁷*Nevada Constitution*, Art. 4, Sec. 15.

⁸Joint Rule 9, *Statutes of Nevada 1995*, 2897.

adjourn the Legislature to such a time as deemed proper, but not, however, beyond the time fixed for the meeting of the next Legislature.⁹

Legislative Leadership

LEGISLATIVE OFFICERS: SENATE

To perform their proper roles efficiently, the two houses of the Nevada Legislature are authorized by the state constitution to choose their own officers (except for the *President of the Senate*). They also may determine the rules of their proceedings, punish their members for disorderly conduct, and, with the concurrence of two-thirds of all the members elected, expel a member.¹⁰ From tradition and experience, both houses have created internal administrative structures that closely parallel one another. There are, however, certain differences in terminology and the assignment of responsibility that distinguish the two houses.

The Lieutenant Governor is the Senate's presiding officer, sitting as the President of the Senate. The Lieutenant Governor is elected by the public for a four-year term in November of even-numbered years between presidential elections and is the first in line of succession to the governorship. The Lieutenant Governor presides over the Senate but is not a member of it; cannot vote on any question, except to break a tie vote; and is not permitted to vote on any measure (bill or joint resolution) requiring a constitutional majority for passage.¹¹

The President calls the Senate to order, chairs the conduct of business before the body, is responsible for the maintenance of decorum in the chamber, and has the general direction of the Senate chamber. In addition, the President recognizes Senators during debate; decides questions of parliamentary procedure, subject to appeal to the whole Senate; and signs all acts, addresses, joint resolutions, writs, warrants, and subpoenas.¹²

The *President pro Tempore* presides over the Senate in the absence of the President. Unlike the President, the President pro Tempore is a member of the Senate and elected by it. As a Senator, the President pro Tempore may vote on all issues, may enter into debate by relinquishing the Chair, and exercises all of the powers and

⁹Nevada Constitution, Art. 5, Sec. 11.

¹⁰Nevada Constitution, Art. 4, Sec. 6.

¹¹Nevada Constitution, Art. 5, Sec. 17; Senate Standing Rule 31, *Statutes of Nevada 1977*, 1650.

¹²Senate Standing Rule 1, *Statutes of Nevada 1987*, 2330.

responsibilities of the President.¹³ Under the *Nevada Constitution*, the President pro Tempore is the second in line of succession to the governorship, immediately after the Lieutenant Governor.¹⁴

If both the President of the Senate and the President pro Tempore are absent or unable to discharge their duties, the Standing Rules of the Senate stipulate that the Chairman of the Standing Committee on Legislative Affairs and Operations, or if this officer is absent, the committee's Vice Chairman, should preside. In the event that none of the designated officers is able to preside, the rules provide for the Senate to elect one of its members as the presiding officer for that occasion.¹⁵

The Secretary of the Senate is elected by the members of the Senate to serve as Administrative Officer, Parliamentarian, and *ex officio* member of the Committee on Legislative Affairs and Operations. Responsible to the *Majority Floor Leader*, the Secretary coordinates the daily activities of floor sessions, reads official communications to the body, calls roll, tabulates votes, edits the *Journals and Histories of the Senate*, records all floor action, oversees the processing of bills and resolutions, and signs all acts passed by the Legislature. The Secretary also interviews and recommends to the Committee on Legislative Affairs and Operations persons to be considered for employment by the Senate and supervises a cadre of assistant clerks and secretaries. At the end of each working day, unless otherwise ordered by the Senate, the secretary transmits to the Assembly those bills and resolutions upon which the next action is to be taken by that body.¹⁶

The Sergeant at Arms of the Senate is responsible for keeping order in and around the chambers, ensuring that only authorized persons are permitted on the floor, and handling other duties as directed by the Majority Floor Leader. The Sergeant at Arms is also responsible to maintain the Senate's chamber, private caucus room and kitchen, and meeting rooms for committees.¹⁷ The deputy to the Sergeant at Arms acts as the Senate doorkeeper, preserves order in the Senate Chambers, and provides other assistance to the Sergeant at Arms.¹⁸

¹³NRS 218.110 and Senate Standing Rule 2, *Statutes of Nevada 1987*, 2331.

¹⁴*Nevada Constitution*, Art. 5, Sec. 17.

¹⁵Senate Standing Rule 2, *Statutes of Nevada 1987*, 2331.

¹⁶NRS 218.140; Senate Standing Rule 3, *Statutes of Nevada 1987*, 2331.

¹⁷Senate Standing Rule 4, *Statutes of Nevada 1987*, 2331.

¹⁸Senate Standing Rule 5, *Statutes of Nevada 1973*, 1866.

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In addition to these major Senate officers, there are a number of employees hired to perform miscellaneous functions. Secretaries, clerks, and other *attachés* are appointed to their positions via a one-house resolution. Both houses have such employees, appointed in exactly the same manner. The number of officers and employees of the Senate and the Assembly is determined each session by each respective house.¹⁹

LEGISLATIVE OFFICERS: ASSEMBLY

The presiding officer of the Nevada Assembly is the Speaker. Unlike the President of the Senate, the Speaker of the Assembly is elected from among the membership of the Assembly. The Assembly Standing Rules provide that the Speaker shall, among other things: (1) preserve order and decorum and have general direction of the chamber; (2) decide all questions of order, subject to each member's right to appeal; (3) have the right to assign the duties of the Chair to any member for up to one *legislative day*; (4) have the power to accredit the persons who act as representatives of the news media and assign their seats; (5) sign all bills and resolutions passed by the Legislature and all subpoenas issued by the Assembly or any committee thereof; and (6) vote on final passage of a bill or resolution. The Speaker is not required to vote in ordinary legislative proceedings except when such a vote would be decisive. In all aye and nay votes, the Speaker's name is required to be called last.²⁰ The Speaker is third in the line of succession to the governorship, behind the Lieutenant Governor and President pro Tempore of the Senate.²¹ The tenures of the President pro Tempore and the Speaker continue beyond the end of the session and until their successors are designated after the general election.²²

It has been customary for the Assembly to elect a *Speaker pro Tempore* to preside in the temporary absence of the Speaker. This officer's duties are comparable to those of the President pro Tempore of the Senate, exclusive of the right of succession to the governorship. Assembly Standing Rule 1 requires that if a permanent vacancy occurs in the office of Speaker, the Assembly shall select a new Speaker.²³ The Assembly

¹⁹NRS 218.130 and 218.160.

²⁰Assembly Standing Rule 1, *Statutes of Nevada 1997*, 3538.

²¹NRS 223.080.

²²Joint Rule 15, *Statutes of Nevada 1987*, 2335.

²³Assembly Standing Rule 1, *Statutes of Nevada 1997*, 3538.

also elects a Chief Clerk, who functions in the same fashion as the Secretary of the Senate.²⁴

The law permits the Senate and Assembly to invite ministers of the different religious denominations to officiate alternately as chaplains of the respective houses.²⁵ By custom, the chaplains are usually selected from the local clergy association. Occasionally, however, ministers from other locations or legislators themselves serve as chaplains.

FLOOR LEADERS

In addition to the formal leadership in the two houses of the Legislature, the partisan nature of the chambers makes it necessary to use party leadership positions to manage the legislative workload. In both houses, Majority and *Minority Floor Leaders* of their respective parties are selected during party caucuses, and their election is announced from the floor of the houses. The Senate and Assembly also have, by custom, established the positions of Assistant Majority Floor Leader, Assistant Minority Floor Leader, Majority Whip, and Minority Whip. The Senate established an Assistant Majority Whip to its leadership prior to the 1997 Legislative Session. Floor leaders are not legal officers of the houses, since their offices do not exist under provisions of law.²⁶ In Nevada, the Senate Majority Leader is the actual leader of the Senate, with powers similar to those of the Speaker of the Assembly.

Usually, the Majority Floor Leader in each house refers to committee those bills that are received from the other house and works closely with the presiding officer on parliamentary operations involving legislation being considered on the floor. Thus, a thorough knowledge of parliamentary procedure is an important attribute of a competent Majority Floor Leader.

Floor leaders are party officials in the Legislature and are responsible for maintaining party discipline in their respective houses. Straight party voting is relatively uncommon in the Nevada Legislature, as members customarily exercise wide latitude in voting. But in certain critical areas (as in the organization of the Assembly), the Majority and Minority Floor Leaders are expected to call a caucus to determine their party's stance on an issue. Once a position is agreed upon, the floor leaders act as whips to solidify partisan support for the caucus decision. The tenure

²⁴NRS 218.170.

²⁵NRS 218.200.

²⁶The Majority Floor Leader and Minority Floor Leader of each house are, however, cited in NRS 218.221 for the purpose of receiving specified communications expenses.

of the floor leaders extends during the interim between regular sessions of the Legislature and until the election of their successors after the general election.²⁷

Procedure and Order of Business in the Senate and Assembly

The Senate and the Assembly function in accordance with constitutional and statutory provisions as well as standing rules.

The Senate and Assembly rules stipulate that *Mason's Manual of Legislative Procedure* shall govern in all cases in which it is not inconsistent with the Standing Rules and orders and the Joint Rules of the two houses.²⁸ Under the Standing Rules of the Assembly, precedence of parliamentary authority is as follows:

1. The *Nevada Constitution*.
2. The *Statutes of Nevada*.
3. The Standing Rules of the Assembly and the Joint Standing Rules of the Senate and Assembly.
4. *Mason's Manual of Legislative Procedure*.²⁹

The same precedence, while not explicitly stated in its Standing Rules, is followed in the Senate.

The Secretary of the Senate and the Chief Clerk of the Assembly serve as parliamentarians for their respective houses.

Under the rules of the Senate, the President calls the chamber to order at 11 a.m., each day of sitting, unless the Senate has adjourned to some other day and hour.³⁰ The Assembly also meets daily at 11 a.m., unless it has previously adjourned to some other hour.³¹

²⁷Joint Rule 15, *Statutes of Nevada 1987*, 2335.

²⁸Senate Standing Rule 90, *Statutes of Nevada 1973*, 1872; Assembly Standing Rule 90, *Statutes of Nevada 1973*, 1890.

²⁹Assembly Standing Rule 100, *Statutes of Nevada 1973*, 1891.

³⁰Senate Standing Rule 10, *Statutes of Nevada 1983*, 2104.

³¹Assembly Standing Rule 10, *Statutes of Nevada 1975*, 1857.

Quorum

The *Nevada Constitution* states that a majority of all members elected to each house constitutes a *quorum* to transact business. However, a number smaller than this quorum may adjourn from day-to-day and may compel the attendance of absent members.³²

Order of Business

Each house has an official order of business incorporated into its Standing Rules. In the Senate, the order of business is as follows:

1. Roll Call.
2. Prayer by the Chaplain.
3. Pledge of Allegiance to the Flag.
4. Reading and Approval of the Journal.
5. Reports of Standing Committees.
6. Messages from the Governor.
7. Messages from the Assembly.
8. Communications from State Officers.
9. Motions, Resolutions, and Notices.
10. Introduction, First Reading, and Reference.
11. Consent Calendar.
12. Second Reading and Amendment.
13. Business on General File and Third Reading.
14. Unfinished Business.
15. Special Orders of the Day.
16. Remarks from the Floor; Introduction of Guests.³³

On the Assembly side, the order of business varies slightly:

1. Roll Call.
2. Reading and Approval of Journal.
3. Presentation of Petitions.
4. Reports of Standing Committees.
5. Reports of Select Committees.

³²*Nevada Constitution*, Art. 4, Sec. 13.

³³Senate Standing Rule 120, *Statutes of Nevada 1989, 2208 and 2209*.

6. Communications.
7. Messages from the Senate.
8. Motions, Resolutions, and Notices.
9. Introduction, First Reading, and Reference.
10. Consent Calendar.
11. Second Reading and Amendment.
12. General File and Third Reading.
13. Unfinished Business of Preceding Day.
14. Special Orders of the Day.
15. Remarks from the Floor, limited to 10 minutes.³⁴

Each item in the official order of business is considered as the house progresses through the day's program of business. From time to time, however, members may request that the presiding officer turn to items of business that are out of the usual order.

THE LEGISLATURE IN ACTION: A BILL BECOMES A LAW

The steps through which a bill progresses toward enactment are outlined in a chart entitled "Nevada's Legislative Process," which is located in Appendix B at the end of this manual. The following discussion provides a more detailed description of the process. During the 1997 Legislative Session, a total of 1,369 bills and resolutions were introduced, and 849 were enacted through this process. The Governor *vetoed* three bills that had been approved by the 1997 Legislature.³⁵

Organizing the Legislature

When the Legislature convenes in February of odd-numbered years, there are no operative rules and, in the Assembly, no presiding officer. The Secretary of State calls the Assembly to order at the beginning of a session and appoints a Temporary Chief Clerk. After *roll call*, the Secretary of State appoints a Temporary Committee on Elections and Procedures, which examines the election certificate of each member of the Assembly and recommends the seating of legislators whose certificates are in order. Once the members of the Assembly have been sworn in by the Chief Justice of

³⁴Assembly Standing Rule 120, *Statutes of Nevada 1989*, 2206.

³⁵"Legislative Box Score, 1997 Session of Nevada Legislature," *Senate History and Assembly History, Final Volumes*, Nevada Legislature at Carson City, Sixty-Ninth Session, 1997.

the Supreme Court, the Secretary of State customarily asks for nominations for Speaker. Since the speakership is usually predetermined in caucus, by tradition, the procedure is to nominate only one candidate, who is elected unanimously. The Secretary of State then turns the chair over to the new Speaker, who proceeds to conduct elections for Speaker pro Tempore and Chief Clerk of the Assembly.³⁶ After the Assembly is organized and standing rules are adopted, committees are appointed to inform the Senate and Governor that the Assembly is ready for business.

On the Senate side, the Lieutenant Governor presides over the chamber as President, in accordance with the provisions of the *Nevada Constitution*. With the exception of the election of a presiding officer (which is dispensed with in the Senate), the procedures parallel those of the Assembly. The major difference is that the Senate is not an entirely new body. As near as is possible to one-half of the Senators are elected at each general election, the remainder serving in a holdover capacity.

Shortly after both houses have organized, they meet in joint session in the Assembly Chambers to hear the Address by the Governor.³⁷ In this message to the Legislature, the Governor outlines the major problems confronting the state and proposes legislative solutions for the consideration of the houses. Under usual circumstances, the speech highlights the most important elements of the Governor's party's legislative program. It constitutes the Action agenda of the session, for even if the legislative majority party is not of the same political persuasion, the Governor's message will delineate the significant sphere of issues to be resolved.

Long before the Legislature convenes in February, the legislative process is set in motion in subtle and frequently intangible ways. Social problems enter the forum of public debate and, through the exchange of ideas among the citizenry, certain opinions and issues are given the impetus needed to find expression in the legislative arena. Contending positions on public questions are identified, and proposed solutions to problems and conflicts are advocated in the press, among the people, in the academic community, within various interest groups, and among concerned governmental agencies and officials. But whatever the source of an idea for resolving a civic issue, that idea must be translated into a concrete legislative proposal for action, a bill or resolution, before it can formally enter the legislative forum for consideration.

In Nevada, only members of the Legislature or standing committees from either house can introduce legislation. Advocates of proposed legislation must secure a legislator-sponsor in order to see their ideas enacted into law. Once a sponsor is obtained, a proposal may then be drafted in the form of a bill or a resolution,

³⁶NRS 218.100.

³⁷*Nevada Constitution*, Art. 5, Sec. 10.

whichever is appropriate to the matter under consideration. Much of the proposed legislation is initiated by the legislators themselves.

Bill Drafting

Before starting its journey through the Legislature, each piece of proposed legislation must be drafted in suitable form and terminology. Under law, this function for the Nevada Legislature is performed by bill drafters employed by the Legislative Counsel.³⁸ The Legislative Counsel and bill drafting staff provide legal services on a 12-month basis at no charge for all legislators, regardless of political party. The service is confidential, and contents of proposed legislation will not be divulged to anyone without the express consent of the sponsor or sponsors.

After obtaining the facts and objectives from a sponsor, the bill drafter must translate the information into proper legal terminology, form, and style. The bill must be coherent, concise, understandable, and free of ambiguity; it must be checked for conformance with the *U.S. Constitution* and the *Nevada Constitution*; court decisions relevant to the legislation must be checked; and the Nevada statutes must be studied to ascertain whether there are conflicts. However, before making anything other than procedural changes in proposed legislation, the Legislative Counsel must obtain the consent of the sponsor of the bill.³⁹ In addition, the bill drafter must check the measure for compliance with the provision in the *Nevada Constitution* that requires that each law enacted by the Legislature must be limited to one subject area.⁴⁰

The Legislative Counsel, insofar as it is possible, processes legislators' bill drafting requests in the order in which they are received. However, legislators may designate different drafting priorities for their own bills and resolutions. Bill drafting requests from the chairs of committees cannot take precedence over the Legislative Counsel's processing order except where urgency is recognized.⁴¹

In addition to drafting bills for legislators, the Legislative Counsel also prepares bills for the executive branch when authorized by the Governor or a designated staff member. At the written suggestion of any Justice of the Supreme Court or judge of a district court, the Legislative Counsel prepares legislative measures that are transmitted to the Chairman of the Committee on Judiciary of each house at the next

³⁸NRS 218.240.

³⁹NRS 218.250.

⁴⁰*Nevada Constitution*, Art. 4, Sec. 17.

⁴¹NRS 218.242.

regular session. The Legislative Counsel maintains a record of bill drafting done for the executive and judicial branches of state government and, at a rate set by the Legislative Commission, charges those agencies for this service. After November 1 of the year preceding the next regular session, full priority is given to legislative members' requests for bill drafting, and the Legislative Counsel is not permitted to prepare any proposed legislation during any regular session of the Legislature except upon the written request of either a member of the Legislature or the Governor. On July 1 of the year preceding the next regular session (and each week thereafter until adjournment of the Legislature), the Legislative Counsel prepares a list of all requests received for the preparation of measures to be submitted to the Legislature.⁴²

Prefiling of Bills

Some 45 states, including Nevada, authorize the prefiling of bills. Prefiling allows drafted bills and resolutions, upon the approval of the primary sponsor, to be numbered, printed, made available for public review, and scheduled for hearing before the start of session. On the first day of session, these measures are formally introduced and referred to committee. Pre-noticed bills and resolutions could be heard in committee as early as the second or third day of session. The process of prefiling is designed to help expedite the review of a significant number of bills early in the session.

Nevada Revised Statutes (NRS) 218.277 through 218.279 provide for prefiling. These provisions were added to state law in 1973, but apparently were not used because Nevada did not have full-time staff for the Senate and Assembly until after the 1983 Session. After establishing a subcommittee to study the procedures required to prefile bills, the Legislative Commission, in 1994, authorized that prefiling be initiated for the first time in Nevada.

Under the rules for the 120-day session, as proposed by the Committee to Consult with the Director, each Senator must designate four bills for prefiling and each Assemblyman must designate two bills for prefiling. In addition, all measures requested during the interim by the chairmen of *standing committees*, interim subcommittees, and statutory committees must be prefiled.⁴³

⁴²NRS 218.245, 218.247, 218.2475, and 218.248.

⁴³Minutes for the Legislative Commission's Committee to Consult with the Director, November 18, 1998. The Committee approved recommendations governing the procedural operation of the 120-day session which must be approved by the Legislature after it convenes on February 1, 1999.

Fiscal Notes

A *fiscal note* is a document that details the fiscal effect of certain bills, resolutions, and ballot questions and is attached to or becomes a part of the bill, resolution, or ballot question. An example of a fiscal note may be found in Appendix C. The statutory provisions regarding fiscal notes are found in NRS 218.272 through 218.2758, inclusive. A bill or joint resolution is required to have a fiscal note if it meets any of the following criteria: has an adverse fiscal effect of more than \$2,000 on any state agency; has adverse fiscal effect on any local government; affects premiums for industrial insurance or the state insurance fund; or increases or provides for a new term of imprisonment or makes release on parole or probation less likely. Information regarding the necessity of a fiscal note for a bill or resolution can be found in the *summary*.⁴⁴ All ballot questions have fiscal notes.⁴⁵

When a bill or resolution is drafted, the Legislative Counsel consults with the Fiscal Analysis Division of the Legislative Counsel Bureau to determine if a fiscal note is required. The Fiscal Analysis Division, when appropriate, then informs the party requesting the bill draft that a fiscal note is required and requests written permission to begin preparing the fiscal note. If the requesting party does not give permission, the preparation of the fiscal note is started automatically upon *introduction* of the bill. Although a bill can be introduced without a fiscal note, the legislative committees may neither hear nor act on a measure that requires a fiscal note until the fiscal note is attached.⁴⁶

During the preparation of the fiscal note, the Fiscal Analysis Division releases the contents of a bill on a need-to-know basis only and does not release the name of the party requesting the bill. State agencies have five working days from the date of request to prepare the fiscal information, send it to the Department of Administration for review and comments, and return it to the Fiscal Analysis Division. The Fiscal Analysis Division may grant up to a ten-day extension if the subject requires extensive research.⁴⁷ Fiscal information prepared by the State Industrial Insurance System (also known as Employers Insurance Company of Nevada), the judicial branch, or the Legislature is returned directly to the Fiscal Analysis Division and is not subject to administration review. Local government fiscal notes are prepared by

⁴⁴NRS 218.272, 218.2723, and 218.2725.

⁴⁵NRS 218.443 and 293.250.

⁴⁶NRS 218.272, 218.2723, 218.2725, 218.2754, and 218.2755.

⁴⁷NRS 218.2752.

the Fiscal Analysis Division after consulting with appropriate local government agencies.⁴⁸

Any legislator may request that a fiscal note be done on any bill while it is before the house of the Legislature to which the legislator belongs. Upon receiving the request, the presiding officer of the full house or the committee may direct the Fiscal Analysis Division to prepare a fiscal note. This document is required only on the original bill or joint resolution unless an amendment by either house invalidates the original fiscal note and the presiding officer directs the Fiscal Analysis Division to obtain a new one showing the effect of the amended bill or joint resolution.⁴⁹

Introduction and First Reading

After a bill has been drafted, it is ready for introduction in the Legislature. Under the *Nevada Constitution*, any bill may originate in either house, and all bills passed by one may be amended in the other.⁵⁰ This is a significant departure from the practice in the United States Congress, where bills raising revenue must originate in the House of Representatives. But in Nevada, as in Congress, bills originating in one house must be sponsored by a member of that house. A Senator cannot introduce a bill in the Assembly, nor can a member of the Assembly introduce a bill in the Senate. Joint sponsorship of bills by Senators and Assemblymen and by *standing committees* in both houses is proposed for the 1999 Session.⁵¹ Only legislators and standing committees are authorized to introduce a bill.

In the Senate, at least one day's notice must be given prior to the introduction of a bill, unless two-thirds of the membership consent to immediate introduction or the bill is introduced by a committee in the discharge of its duty.⁵²

The Senate and the Assembly have a joint rule that places a time and number limit on legislators' requests for the drafting of bills and resolutions.⁵³ Under the rules

⁴⁸NRS 218.2723 and 218.2725.

⁴⁹NRS 218.273 and 218.2758.

⁵⁰*Nevada Constitution*, Art. 4, Sec. 16.

⁵¹Minutes for the Legislative Commission's Committee to Consult with the Director, November 18, 1998. The Committee approved recommendations governing the procedural operation of the 120-day session which must be approved by the Legislature after it convenes on February 1, 1999.

⁵²Senate Standing Rule 109, *Statutes of Nevada* 1973, 1874.

⁵³Joint Rule 14, *Statutes of Nevada* 1997, 3563.

proposed by the Committee to Consult with the Director regarding the 120-day session, after a regular legislative session has convened, each member of the Assembly is entitled to two and each Senator is entitled to four requests for the drafting of a bill or resolution. These requests must be submitted by the eighth calendar day of session. The number of requests for bills by standing committees is also limited, and these requests must be submitted by the 22nd calendar day of session. Emergency bills may be authorized by the Speaker of the Assembly and the Majority Floor Leader of the Senate. All bill draft requests must be introduced no later than ten calendar days after initial delivery.⁵⁴

All bills in Nevada, except for those placed on a *consent calendar*, are required by the constitution to be read by sections in each house on three separate days. In an emergency, two-thirds of the house where a bill is pending may order this rule dispensed with on the *first* and *second readings*, but a bill must be read by sections on its final passage.⁵⁵ To comply with the constitutional requirements, the houses have first, second, and *third readings* on every bill and joint resolution. However, because of the volume of bills processed through the chambers, time considerations have necessitated a liberal interpretation of the meaning of the phrase *to read by sections*.[@] At the time the constitution was framed, printed bills were not available to each legislator for analysis, so three full readings permitted a greater study and understanding of a bill's contents and any amendments added to it prior to the vote on final passage. Today, of course, bills are readily available with the latest amendments incorporated into their texts.

The first reading in both houses is for information only.⁵⁶ When the bills are introduced and first read, they are delivered by a legislator or legislative page to the desk of the Chief Clerk or Secretary, as the case may be, who assigns numbers to the bills and gives them first reading by *title*. In the Assembly, a motion is usually made for referral to committees by the introducer. In the Senate, bills and resolutions are usually referred to committees with jurisdiction over measures affecting specific titles and chapters of NRS as prescribed in its Senate Standing Rule 40 of the 69th Session. Although the introducer normally makes a motion to *refer* a bill to a particular committee, on occasion, different committees may be proposed from the floor. In such

⁵⁴Minutes for the Legislative Commission's Committee to Consult with the Director, November 18, 1998. The Committee approved recommendations governing the procedural operation of the 120-day session which must be approved by the Legislature after it convenes on February 1, 1999.

⁵⁵*Nevada Constitution*, Art. 4, Sec. 18.

⁵⁶Senate Standing Rule 109, *Statutes of Nevada 1973, 1874*; Assembly Standing Rule 109, *Statutes of Nevada 1995*, 2858.

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instances, the whole house votes on the question. The Senate rules stipulate that the question shall be taken first to the Committee of the Whole, then a standing committee.⁵⁷ The Assembly rules are silent on this point, but the practice is generally the same. (When a bill, introduced and passed in the first house, is presented to the other house, it is the Majority Floor Leader who refers it to committee.) Shortly thereafter, a duplicate copy must be referred to the Legislative Counsel for photocomposition and filing.⁵⁸ By the following day, printed copies of the bills or resolutions are inserted in the bill books of all members of the Legislature, and the official copies are delivered to the Chief Clerk or Secretary. Immediately thereafter, the official copies are delivered by receipt to the chairs of the committees to which the bills or resolutions were referred.

Committees

STANDING COMMITTEES

Each house of the Nevada Legislature has its own *standing committees*, the members of which are appointed by the presiding officer in accordance with current standing rules.⁵⁹ The number of members is determined by these rules, and many times there are changes made, especially in the Assembly, at the beginning of each session. In the Senate, the composition and leadership of the committees is usually determined in party caucuses. In the Assembly, the Speaker, who is usually a member of the majority party, makes the committee appointments and uses such appointments as part of the campaign to be Speaker. The Speaker also designates the Chairman and Vice Chairman of each committee.⁶⁰ Usually, minority party memberships in Assembly committees are determined in caucuses of the minority party, and the Speaker appoints the members as agreed to in such caucuses. With some exceptions, the general practice is for the majority party to have a bare majority of the members in each committee (or most committees) when total membership of a house is closely divided between both political parties. When there is a substantial margin of majority party members, however, this practice has been modified to allow a predominance of

⁵⁷Senate Standing Rule 49, *Statutes of Nevada 1983*, 2105.

⁵⁸NRS 218.280.

⁵⁹Senate Standing Rule 40, *Statutes of Nevada 1993*, 2933; Assembly Standing Rule 40, *Statutes of Nevada 1997*, 3543, 3682, and 3712.

⁶⁰Assembly Standing Rule 41, *Statutes of Nevada 1997*, 3543.

majority party members on each standing committee. Basic rules for the functioning of committees are contained in the standing rules of the houses and *Mason's Manual of Legislative Procedure*, which has been adopted by both houses as the basis of parliamentary practice in all cases in which it is applicable and in which it is not inconsistent with the standing rules of the houses.⁶¹

The names and memberships of Senate and Assembly standing committees for the 1999 Session are listed in Chapter I of this manual.

Committees are the workshops of the Legislature. Visitors to the two chambers are often amazed at the rapidity with which business is dispatched, little realizing that long hours in committee sessions have transpired prior to any floor action on a bill. It is in committee that hearings are held, testimony from interested parties is taken, and bills are analyzed line by line for their legal and social merits.

Committees make several types of recommendations on legislative measures that come before them for consideration. Using a standard form containing several preprinted recommendations, a committee of either house may report a bill back to the whole house with a: ADo pass@, AAmend, and do pass, as amended@, or a ADo pass, as amended@ recommendation. Such recommendations mean that a committee considers a bill to have sufficient merit to justify its enactment, either as introduced or with appropriate amendments. Other recommendations concerning a bill include: (1) a report that the bill be passed and re-referred, or amended and re-referred, to a specified committee; (2) ADo not pass@ (in which case the committee is recommending its rejection by the whole house); and (3) ADo pass, and place on consent calendar.@ This last procedure is discussed later under the heading AConsent Calendar.@

A standing committee of either house may report a one-house or concurrent resolution back to the floor with a ABe adopted@ recommendation. A ADo not adopt@ recommendation means the committee could not reach a conclusion and reported it out for consideration by the whole body.

A committee may also report a bill AWithout recommendation,@ or AAmend, but without recommendation,@ which means that the committee was unable to reach a conclusion on what it believes should be the action to be taken by the whole house. On occasion, a committee will report a bill to the floor with both a majority and minority recommendation.

Three Assembly Rules (46, 47, and 48) require that records be kept of committee votes on bills or resolutions and of committee proceedings. Furthermore, these records, minutes, and documents are required to be filed in the offices of the Legislative Counsel Bureau upon adjournment *sine die*. Senate Rule 53 requires that minutes and complete records of all bills be maintained.

⁶¹Senate Standing Rule 90, *Statutes of Nevada 1973, 1872*; Assembly Standing Rule 90, *Statutes of Nevada 1973, 1890*.

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Standing committees may perform other functions besides considering legislation. For example, Senate Rule 54 encourages each standing committee of the Senate to plan and conduct a general review of selected programs of state agencies or other areas of public interest within the committee's jurisdiction.

COMMITTEE OF THE WHOLE

In addition to standing committees, which continue in existence throughout a session, there are two other types of committees used by the Legislature in Nevada: Committees of the Whole and select committees. A Committee of the Whole is a committee composed of the entire membership of one of the houses. It is usually convened so that the house can consider proposed legislation informally, without being bound by the requirements on formal consideration set out in the *Nevada Constitution*, statutes, and legislative rules. Such restrictions include limitations on debate and the necessity for maintaining a quorum. It is a procedural device for expediting house action. When the Senate forms itself into a Committee of the Whole, the Majority Leader names a Chairman to preside over the committee. In the Assembly, the Speaker names a Chairman to preside. A Committee of the Whole is a temporary or *ad hoc* committee. At the conclusion of its deliberations, the Committee of the Whole (through its Chairman) normally reports its recommendations back to the house for formal action, in the same manner as standing or select committees.⁶²

SELECT COMMITTEES AND CONFERENCE COMMITTEES

Select committees are also temporary committees, appointed for a special purpose, which may be the consideration of a particular bill or the performance of a ceremonial function (e.g., a Committee on Escort for a visiting dignitary). In Nevada, bills of application or primary concern to particular localities are sometimes referred to select committees composed of the legislative delegation from the area affected.

A particularly important type of select committee is the Conference Committee. Whenever a bill is passed by both houses in differing forms because of amendments added by one of the houses, and the two houses cannot agree on identical language for the bill in question, each house appoints a number of conferees to meet with conferees of the other house to seek a resolution of the differences existing in the two versions of the bill. In a Conference Committee, the conferees of one house may agree to amendments adopted in the other house or *recede* from the amendments adopted by

⁶²Senate Standing Rule 46, *Statutes of Nevada 1977*, 1651; Senate Standing Rules 47 and 48, *Statutes of Nevada 1973*, 1869; Assembly Standing Rule 1, *Statutes of Nevada 1997*, 3538.

their chamber. Conferees may also decide that new amendments or even new bills are necessary to reach accord. A Conference Committee may consider the whole subject matter of a bill without restriction to the points in dispute and may make any changes it deems appropriate. Once the conferees reach an agreement, they report back to their respective houses with their recommendations. The report of a conference committee may be adopted by acclamation, and such action is considered equivalent to the adoption of any amendments or changes recommended in the report, but conference reports themselves are not subject to amendment.

The Joint Rules of the Senate and Assembly require that there be no more than two Conference Committees on any bill or resolution. The rules also require that a majority of the members from each house on a committee be members who voted for the passage of the measure. No member who served on the first conference committee for a measure may be appointed to the second.⁶³ If agreement cannot be reached by the second conference committee, the bill or resolution is dead.

Committee Hearing

The rules of the Senate require committees to consider all measures referred to them and report thereon.⁶⁴ Committees may also initiate legislation within their sphere of competence. In the Senate, any bill or other matter referred to a committee may be withdrawn from it by a two-thirds vote of the Senate. The Senate rules require that at least one day's notice of a withdrawal motion be given to a committee and specify that no motion for withdrawal is in order on the last two days of the session.⁶⁵

At a committee hearing, the proponents and opponents of a measure are given an opportunity to present their cases. Testimony may be taken from lobbyists, academicians, public officials, special interest groups, and private citizens. To avoid additional expense and duplication of effort for both witnesses and committee members, joint hearings by committees in both houses may be held.

In the Assembly, when a measure is referred concurrently to two committees, the rules specify that it goes to the first committee named. If the first committee votes to *amend* the bill or resolution, the rules specify that the measure be reprinted with amendments and then returned to the first committee or sent to the second committee. If no amendment is proposed by the first committee, or if the first committee acts

⁶³Joint Rule 1, *Statutes of Nevada* 1979, 1964.

⁶⁴Senate Standing Rule 43, *Statutes of Nevada* 1973, 1868.

⁶⁵Senate Standing Rule 50, *Statutes of Nevada* 1973, 1869.

upon the bill or resolution after amendment, the measure must be sent with the committee recommendation immediately to the second committee.⁶⁶

Witnesses summoned to appear before the Senate or Assembly or any of their committees are compensated at the same rate as witnesses required to attend a court of law in Nevada.⁶⁷ However, witnesses appearing of their own volition do so at their own expense.

As discussed under the heading **Standing Committees**, committees may or may not report bills out to the floor of the houses for further action, and they may report them out with a variety of recommendations. Minority reports may be submitted where there is disagreement within a committee regarding a proposed course of action. When a committee reports a bill and recommends a certain disposition of it, the bill is then placed on the second reading file for the next legislative day.

Notice of Bills, Topics, and Public Hearings

Both Senate and Assembly rules require that notice be provided on bills, resolutions, and public hearings.⁶⁸ The Senate rules require **adequate notice**. The Assembly rules previously required a five-day notice for committee hearings on bills, resolutions or topics of high public importance. Under the rules proposed by the Committee to Consult with the Director regarding the 120-day session, this notice may be modified or reduced.⁶⁹ All other Assembly committee meetings have a 24-hour notice requirement. The standing rules of both the Senate and the Assembly require that notices must include the date, time, place, and agenda to be covered and must be: (1) posted conspicuously in the Legislative Building; (2) published in the daily history; and (3) made available to the press. Both houses permit suspension of this requirement for an emergency by two-thirds affirmative vote of the committee members appointed.

⁶⁶Assembly Standing Rule 52, *Statutes of Nevada 1989*, 2205.

⁶⁷Senate Standing Rule 140, *Statutes of Nevada 1973*, 1877; Assembly Standing Rule 140, *Statutes of Nevada 1973*, 1897.

⁶⁸Senate Standing Rule 92, *Statutes of Nevada 1977*, 1677; Assembly Standing Rule 92, *Statutes of Nevada 1997*, 3549.

⁶⁹Minutes for the Legislative Commission's Committee to Consult with the Director, November 18, 1998. The Committee approved recommendations governing the procedural operation of the 120-day session which must be approved by the Legislature after it convenes on February 1, 1999.

Consent Calendar

To process bills of a noncontroversial nature in a more efficient and less time-consuming manner, the rules of the Senate and Assembly, as well as the *Nevada Constitution*, provide for the use of consent calendars by both houses of the Nevada Legislature. Bills on a consent calendar are considered for final passage and do not require second or third readings.

The Assembly Standing Rules specify that a standing committee, on or before the 80th calendar day of a regular session, may report a bill out with the recommendation that it be placed on a consent calendar. Such rules require that a bill may be placed on the consent calendar if it has: (1) been recommended for passage; (2) no amendments recommended for it; and (3) received a unanimous vote by the standing committee to be placed on the consent calendar. The Chief Clerk of the Assembly is required to maintain a list of bills recommended for the consent calendar. This list, including a summary of each bill and various other information pertaining to the bills on the consent calendar, is required to be printed in the daily history.

The standing rules of both the Senate and the Assembly require that a bill on a consent calendar must be transferred to the second reading file if any member objects to the bill's inclusion on the consent calendar or requests such bill's removal from the consent calendar.⁷⁰

Second Reading

Committees cannot amend bills; they can only suggest amendments for adoption by their respective houses. In fact, the rules of both chambers specify that a bill cannot be amended until read twice. Assembly rules require that bills be read the second time on the first legislative day after reported from committee, unless a different day is designated by motion. If the committee recommends amendment, or individual legislators propose amendments, copies of the amendments must be made available to all members prior to actual adoption or rejection of the amendments proposed.⁷¹ Although the Senate rules are silent on this point, the practice is generally the same.

On second reading, the Chief Clerk or Secretary usually reads the history of the bill, its title, the various sections by number only and the amendments by number only. Assembly rules require, however, that amendments be read in full if a member

⁷⁰*Nevada Constitution*, Art. 4, Sec. 18; Senate Standing Rule 110, *Statutes of Nevada 1997*, 3531; Assembly Standing Rule 111, *Statutes of Nevada 1997*, 3552.

⁷¹Senate Standing Rule 109, *Statutes of Nevada 1973*, 1874; Assembly Standing Rule 109, *Statutes of Nevada 1995*, 2858; Assembly Standing Rule 110, *Statutes of Nevada 1997*, 3552.

so moves.⁷² Committee amendments or amendments from individual legislators are then adopted or rejected by simple majority vote of the members present and voting. Voting on amendments is normally by voice vote, although other methods, including roll calls, may be employed on demand of three members present or in order to determine the prevailing side.⁷³ If a bill is amended on second reading, the presiding officer orders the bill reprinted, engrossed, and placed on the *general file* for third reading and final action.

General File and Third Reading

At the end of each day's session, the bills or joint resolutions placed on the general file for third reading and final passage are posted on the boards in the houses and, along with the second reading file and committee notices, the general file is printed in the daily history. When the order of business *Ageneral file and third reading@* is reached on the following day, the bills are considered in their proper order, unless a motion is made and approved to move certain bills to a different position on the general file. The Chief Clerk or Secretary reads the bill by title, enacting clause, and each section.⁷⁴ If new amendments are proposed and adopted, the process stops immediately, and the bill is sent back for reprinting and goes through the reprinting and engrossment process once more. If there are no amendments, the merits of the bill are discussed and then the roll is called.⁷⁵

In debate, a legislator rises and addresses the chair (*AMr. or Madam Speaker,@ AMr. or Madam President@*). The legislator is expected to observe decorum at all times, speak only on the subject under consideration, and avoid all references to personalities.⁷⁶ To be entitled to the floor, a speaker must be recognized by the presiding officer, and, when two or more legislators rise at the same time, it is the prerogative of the presiding officer to name the one to speak first. In doing so, it is

⁷²Assembly Standing Rule 110, *Statutes of Nevada 1997*, 3552.

⁷³Senate Standing Rule 32, *Statutes of Nevada 1979*, 1926; Assembly Standing Rule 30, *Statutes of Nevada 1997*, 3542.

⁷⁴*Nevada Constitution*, Art. 4, Sec. 18.

⁷⁵Senate Standing Rule 113, *Statutes of Nevada 1997*, 3532; Assembly Standing Rule 110, *Statutes of Nevada 1997*, 3552.

⁷⁶Senate Standing Rule 80, *Statutes of Nevada 1973*, 1871; *Mason's Manual of Legislative Procedure*, Secs. 120 through 126.

customary to give preference to the mover or introducer of the subject under consideration.⁷⁷

In debate, a legislator may not speak more than twice (except for explanation) during the consideration of any one question on the same day, nor a second time without leave of the body when others who have not spoken desire the floor. Incidental or subsidiary questions are not considered the same question.⁷⁸ In closing debate, the author of the bill, resolution, or main question customarily has the privilege of speaking last, unless the previous question has been sustained.

In order for a bill or joint resolution to pass, the *Nevada Constitution*⁷⁹ requires that a majority of the members elected vote for the measure. Bills or joint resolutions which create, generate, or increase public revenue through taxes, fees, or similar mechanisms require approval by two-thirds of the members unless the measure is referred to the voters by a majority vote. All votes on final passage are by roll call and are recorded in the journal of the chamber taking the action. If the bill passes, it is transmitted to the other house after adjournment for the day. It cannot be transmitted immediately because the standing rules provide that notice of reconsideration may be given on the day in which the bill is passed.

Notice of reconsideration must be made by a legislator voting on the prevailing side on the same day on which the final vote was taken. Reconsideration itself may not take place on the day on which the final vote was taken, except by unanimous consent, since normally one day's notice of a member's desire to reconsider a bill must be given. A motion to ~~Indefinitely Postpone~~ may not be reconsidered. Motions to reconsider a vote upon amendments may be made immediately after the vote.⁸⁰ Finally, motions to reconsider have precedence over every other motion, except a motion to adjourn.⁸¹

After a bill has passed on third reading and been transmitted to the other house, the house of origin has relinquished control over the measure. To take further action on it,

⁷⁷Senate Standing Rule 124, *Statutes of Nevada 1973, 1877*; *Mason's Manual of Legislative Procedure*, Sec. 91.

⁷⁸Senate Standing Rule 80, *Statutes of Nevada 1973, 1871*; Assembly Standing Rule 80, *Statutes of Nevada 1973, 1890*.

⁷⁹*Nevada Constitution*, Art. 4, Sec. 18.

⁸⁰Senate Standing Rule 115, *Statutes of Nevada 1973, 1876*; Assembly Standing Rule 115, *Statutes of Nevada 1973, 1895*.

⁸¹Senate Standing Rule 68, *Statutes of Nevada 1973, 1871*; Assembly Standing Rule 68, *Statutes of Nevada 1973, 1890*.

the house of origin must either petition the other chamber, through a concurrent resolution, to return the bill or wait until it has finally passed in the other house and is returned for final disposition.⁸²

In the Other House and Conference Committees

Each bill must go through the entire process all over again when it is transmitted to the other house. If a bill is passed by the other house without amendment, it is sent back to the originating house for final *enrollment* (preparation for final printing by the Legislative Counsel) and delivery to the Governor. If the other house amends the bill, then it is necessary for the originating house to concur or not to concur with the amendments. If the originating house concurs in the amendments, the bill is ready for enrollment. If it does not concur and the other house does not recede, the bill must go to a conference committee, composed of an equal number of members from the Senate and the Assembly, for settlement of its final form.

Deadlines for Legislation

Prior to the 1999 Session, the Committee to Consult with the Director proposed deadlines for requesting, introducing, and passing legislation:

- \$ 1st day of Session (February 1, 1999) - Legislature convenes.
- \$ 8th day of Session (February 8, 1999) - Legislators' bill draft requests submitted.
- \$ 22nd day of Session (February 22, 1999) - Standing committees' bill draft requests submitted.
- \$ 36th day of Session (March 8, 1999) - Completion of drafting of bills requested by legislators.
- \$ 43rd day of Session (March 15, 1999) - Bills and resolutions requested by an individual legislator introduced. Completion of drafting of bills requested by standing committees.
- \$ 50th day of Session (March 22, 1999) - Bills and resolutions requested by a standing committee introduced.
- \$ 68th day of Session (April 9, 1999) - Bills and resolutions passed out of the last committee to which it was referred in the house of origin.
- \$ 78th day of Session (April 19, 1999) - Bills and resolutions passed out of the house of origin.

⁸²Joint Rule 7, *Statutes of Nevada* 1993, 2903.

- \$ 103rd day of Session (May 14, 1999) - Bills and resolutions passed out of the last committee to which they were referred in the second house.
- \$ 110th day of Session (May 21, 1999) - Bills and resolutions passed by the second house.
- \$ 118th day of Session (May 29, 1999) - Reports of conference committees submitted for drafting.
- \$ 120th day of Session (May 31, 1999) - Legislature adjourns.⁸³

Measures within the jurisdiction of the Senate Committee on Finance or the Assembly Committee on Ways and Means are exempted from these limitations. In addition, resolutions that memorialize or commend a person or group of people, and resolutions relating to legislative business can be requested, introduced, and passed at any time by an appropriate standing committee.⁸⁴

Enrollment

After the bill has passed both houses in identical form, it is transmitted by the Secretary of the Senate or the Chief Clerk of the Assembly (depending upon the house in which the bill originated) to the Legislative Counsel to be enrolled.⁸⁵ The Legislative Counsel then prepares the passed bill for the final printing. The Superintendent of the State Printing Division is required to print one enrolled copy of the bill on bond paper. It is inserted in a white cover, which contains blanks for the signatures of the Speaker and Chief Clerk of the Assembly, the President and Secretary of the Senate, the Governor, and the Secretary of State. After final printing, the bill is returned to the Legislative Counsel, who compares the enrolled copy with the engrossed copy. If the enrolled bill is found to be correct, the Legislative Counsel presents the measure to the proper legislative officials for their signatures.⁸⁶ The bill is then delivered by the Legislative Counsel, or that person's designee, to the Governor

⁸³Minutes for the Legislative Commission's Committee to Consult with the Director, November 18, 1998. The Committee approved recommendations governing the procedural operation of the 120-day session which must be approved by the Legislature after it convenes on February 1, 1999.

⁸⁴*Ibid.*

⁸⁵NRS 218.340.

⁸⁶NRS 218.350; Joint Rule 4, *Statutes of Nevada 1977*, 1656.

for consideration.⁸⁷ At the same time, the official copy of the bill is delivered to the Secretary of State for permanent filing.⁸⁸

Gubernatorial Action

The Governor has the choice of signing bills, vetoing bills, or allowing them to become law without his signature. If the bill is delivered while the Legislature is in session, the Governor has five days (Sundays excepted) to make a decision. If it is delivered after the Legislature has adjourned sine die, the Governor has ten days to make this decision. If the Governor vetoes a bill during the session, the measure is returned to the house of origin for further action and the veto may be either sustained or overridden by a two-thirds vote of the elected members of each house. If the Governor vetoes a bill within ten days after adjournment (Sundays excepted), the bill must be filed, together with the specific objections to it, in the Office of the Secretary of State. When the next session of the Legislature convenes, the Secretary of State must present the vetoed bill to the house of origin for final disposition. If a two-thirds majority of the elected members of each house of the Legislature vote to override any gubernatorial veto on a recorded roll call vote, the measure becomes law despite the veto. If the Governor does not sign or veto a bill in the allotted time, it becomes law without that officer's signature.⁸⁹

Effective Date of the Bill

If no specific date is included in a bill to indicate when it will become effective (e.g., "This act shall become effective upon passage and approval" or "This act shall become effective May 1, 1999"), it automatically becomes effective on October 1 of the year in which the bill is passed (October 1, 1999, for this session of the Legislature).⁹⁰

⁸⁷NRS 218.380.

⁸⁸NRS 218.370.

⁸⁹*Nevada Constitution*, Art. 4, Sec. 35; and NRS 218.420.

⁹⁰NRS 218.530.

Adoption or Passage of Resolutions

The *Nevada Constitution* requires that bills and joint resolutions be processed and passed in an identical manner,⁹¹ except that joint resolutions amending the constitution are not delivered to the Governor for signature, but are delivered to the Secretary of State for safekeeping and then returned to the next chosen Legislature for reconsideration.⁹² If the next Legislature approves the proposed constitutional amendment, it then must be submitted to the people, in such manner and at such time as the legislature shall prescribe, for a vote.⁹³ The law currently requires that this opportunity to vote be at the next general election.⁹⁴ An initiative petition to amend the *Nevada Constitution*, after the required number of signatures are gathered, is submitted directly to the voters at the next general election. If approved, it must be returned to the next general election for a second approval of the voters before the constitution is officially amended.⁹⁵

Concurrent resolutions must be adopted by both houses; they may be adopted by a voice vote, and only a majority of the members present are necessary for the adoption. Concurrent resolutions are not signed by the Governor and are delivered to the Secretary of State for filing.

Senate or Assembly one-house resolutions are adopted by a voice vote, by a simple majority of the members present, and are enrolled and delivered to the Secretary of State. A count of the ayes and nays is required to be taken for both concurrent and one-house resolutions if such is requested by three members present.⁹⁶

Petitions and Memorials

From time to time, the Legislature is presented with petitions from various groups and individuals, as well as memorials from other legislatures. Although the essence of these documents may vary from requests to take certain action or expressions of

⁹¹*Nevada Constitution*, Art. 4, Sec. 18.

⁹²NRS 218.390.

⁹³*Nevada Constitution*, Art. 16, Sec. 1.

⁹⁴NRS 218.390.

⁹⁵*Nevada Constitution*, Art. 19, Sec. 2.

⁹⁶Senate Standing Rule 30, *Statutes of Nevada 1979, 1925*; Assembly Standing Rule 30, *Statutes of Nevada 1997, 3542*; and NRS 218.440.

gratitude for courtesies extended, their contents are always made known to the chambers through a statement by the presiding officer or the legislator presenting the material. The petitions or memorials then lie on the table or are referred to committee as deemed appropriate by the chair or the chamber.⁹⁷

The right to petition for redress of grievances is a time-honored tradition of our system of government. It is one means by which citizens can voice their opinions on the course of public affairs and, on occasion, have a direct impact on the legislative process.

DISTINCTION AMONG TYPES OF LEGISLATION

Several types of bills and resolutions may be acted upon by the Nevada Legislature. Examples of these types of measures are presented in Appendix C of this manual.

Bill

A bill is a draft of a proposed statute, which, to become law, must be passed by both houses of the Legislature on roll call vote and be approved by the Governor.

Skeleton Bill

The introduction of a skeleton bill is permitted by Senate and Assembly rules after the beginning of a session when, in the opinion of the sponsor and the Legislative Counsel, the full drafting of the bill would entail extensive research or be of considerable length. Such a bill is a presentation of ideas or statements of purpose, sufficient in style and expression to enable the Legislature and the committee to which the bill may be referred to consider the substantive merits of the legislation proposed. The committee, if it treats the skeleton bill favorably, must then request the drafting of a completed bill in such detail as would afford the committee the opportunity of considering the legislative ideas proposed in context with all their ramifications.⁹⁸

⁹⁷Senate Standing Rule 97, *Statutes of Nevada 1973, 1873*; Assembly Standing Rule 97, *Statutes of Nevada 1997, 3550*.

⁹⁸Senate Standing Rule 106, *Statutes of Nevada 1973, 1874*; Assembly Standing Rule 106, *Statutes of Nevada 1973, 1893*.

Joint Resolution

A joint resolution is passed by both houses in the same manner as a bill. It, too, must be signed by the Governor, unless it is a measure amending the *Nevada Constitution*. Joint resolutions are used for the purpose of requesting Congress, the President, a federal agency, or members of Nevada's Congressional Delegation to perform some act believed to be in the best interests of the state or nation. The joint resolution is employed as indicated earlier to amend the *Nevada Constitution* and also to ratify an amendment to the *United States Constitution*.⁹⁹

Concurrent Resolution

A concurrent resolution must be adopted by both houses to amend the Joint Rules; express facts, principles, opinions, and purposes of the Senate and Assembly; establish joint committees of the two houses; direct the Legislative Commission to conduct interim studies; request the return of a bill from the other house; and request the return from the Governor of an enrolled bill. It may also be used to memorialize a former member of the Legislature or other distinguished person upon death or to congratulate or commend any person or organization for a significant and meritorious accomplishment. However, any request for drafting a resolution congratulating or commending a person or organization must be approved by the Senate Committee on Legislative Affairs and Operations or the Assembly Committee on Elections and Procedures before submission to the Legislative Counsel.¹⁰⁰ A concurrent resolution is acted upon by voice vote unless three members request a roll call vote.

One-House Resolution

Traditionally, a one-house (simple) resolution may be adopted by either house to express an opinion, appoint a committee, express regret on the death of a former member of the Legislature or other person, recognize a meritorious service, commemorate a special day or occasion, appoint attachés, or to provide postage and stationery money for the members. Except when three members request a roll call vote, a one-house resolution is acted upon by voice vote.

⁹⁹*Nevada Constitution*, Art. 4, Sec. 18; Joint Rule 7, *Statutes of Nevada 1993, 2903*; NRS 218.380 and 218.390.

¹⁰⁰Joint Rule 7, *Statutes of Nevada 1993, 2903*.