

CHAPTER IV
THE LEGISLATURE IN ACTION

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INTRODUCTION

This chapter summarizes how the Legislature uses its power to make laws and change public policy. The chapter includes important details about legislative sessions, legislative measures, and the legislative process.

UNDERSTANDING LEGISLATIVE PROCEDURE: SOURCES OF AUTHORITY AND TERMINOLOGY

The Senate and the Assembly function in accordance with parliamentary authority from a variety of sources, including the Nevada Constitution, any rules adopted jointly and independently by the houses, the relevant provisions of the Nevada Revised Statutes, any custom, usage, and precedence of the houses, relevant parliamentary treatises, and judicial decisions interpreting such sources of authority. Each house independently determines the precedence of each source. (Senate Standing Rules 53 and 90, and Assembly Standing Rule 100, *Standing Rules of the Senate and Assembly*, Nev. Leg., 82nd Sess. (2023))

It is important to note that the sources of parliamentary authority governing legislative procedure cannot be understood without a firm grasp of its legislative terminology. Over the years, parliamentary law has developed a vocabulary of its own that is used during various stages of the legislative process. In some circumstances, this legislative terminology has acquired specialized or technical meanings that vary from the ordinary meaning of the same terms in common conversation. Given the evolution of the vocabulary and its deviation from common parlance, the understanding of legislative terminology may also vary from one state legislature to another. For the purpose of facilitating a standard understanding of legislative terminology used in the Nevada Legislature, Appendix F provides a list of frequently used legislative terms and their definitions.

LEGISLATIVE SESSIONS

The Legislature holds regular sessions biennially for not more than 120 days beginning on the first Monday of February in each odd number year. (Nev. Const. Art. 4, Sec. 2) These regular sessions serve as the main lawmaking period for legislators. During the regular sessions, legislators enact laws on a wide range of topics, appropriate money, and exercise other legislative powers. (Nev. Const. Art. 4, Secs. 1, 2, and 19)

Historically, regular sessions of the Legislature have varied in length and frequency. The first biennial session of the Legislature took place in 1867, and each

regular session has been held in an odd-numbered year, except for the one annual session held in 1960. (*Political History of Nevada*, at 289 (Carson City, Nev., Sec’y of State, 12th ed., 2016)) In 1958, the Nevada Constitution was amended to provide for annual sessions. However, two years later that provision was removed, and biennial sessions were reimplemented at the Legislature. The current 120-day maximum was established by a constitutional amendment approved in 1998. (*Id.*)

On extraordinary occasions, the Legislature also convenes into special sessions. A special session is called by a proclamation issued by the Governor or by a petition signed by two thirds of the members in each house of the Legislature. (Nev. Const. Art. 4, Sec. 2A; Art. 5, Sec. 9) To date, there have been 35 special sessions, all of which were called by the Governor. (Legislative Counsel Bureau Research Division, *Special Sessions of the Nevada Legislature*, June 2023, <https://www.leg.state.nv.us/Division/Research/Documents/NevadaSpecialSessions.pdf>)

Special sessions address issues that arise during the legislative interim and typically focus on a few select agenda items. (Nev. Const. Art. 4, Sec. 2A; Art. 5, Sec. 9) The entity that calls the special session determines the purpose or purposes of the special session. (*Id.*) For example, if the Governor convenes the special session, the Governor’s proclamation must state the purpose or purposes of the special session. (Nev. Const. Art. 5, Sec. 9) Alternatively, if the Legislature convenes itself in special session, the purpose or purposes of the special session must be included in the Legislature’s petition. (Nev. Const. Art. 4, Sec. 2A) To this point, the Legislature may not enact any bills pertaining to subjects other than those for which it was convened for the special session or those which are necessary to cover the cost of the special session. (Nev. Const. Art. 4, Sec. 2A; Art. 5, Sec. 9)

As of 2012, a special session may not last more than 20 days, unless the special session contemplates the impeachment or removal from office of certain public officials. (*Id.*) The 20th Special Session in 2003 was the longest on record, lasting 27 days. (Legislative Counsel Bureau Research Division, *Special Sessions of the Nevada Legislature*, June 2023, <https://www.leg.state.nv.us/Division/Research/Documents/NevadaSpecialSessions.pdf>) The shortest special session on record was the 34th Special Session in 2023, which lasted just under 2 hours. (Journal of the Senate, 34th Special Session, The First Day, www.leg.state.nv.us/Session/34th2023Special/Journal/Senate/Final/sj001.pdf; and Journal of the Assembly, 34th Special Session, The First Day, <https://www.leg.state.nv.us/Session/34th2023Special/Journal/Assembly/Final/aj001.pdf>)

In terms of location, the Nevada Constitution requires that regular and special sessions take place in Carson City. (Nev. Const. Art. 4, Sec. 1; Art. 15, Sec. 1) A regular and special session is also generally required to be open to the public. (Nev. Const. Art. 4, Sec. 15) At the Legislative Building in Carson City, for example, the public can speak with legislators, watch legislative sessions, and provide public comment on bills at committee meetings. The public is also able to participate in the legislative process

at the Legislature's campus in Las Vegas, which provides simultaneous videoconferencing for various meetings of the Legislature in Carson City. More information on the Legislature's facilities in Carson City and Las Vegas can be found in Chapter V of this Manual.

The Legislature customarily does not meet every calendar day during a regular or special session and will adjourn to take small breaks throughout the legislative session. For example, the Legislature typically does not meet on the weekends during a regular or special session. However, the Nevada Constitution stipulates that the Senate or Assembly may not, without the consent of the other house, adjourn for more than three days. (*Id.*) The *Joint Standing Rules of the Senate and Assembly* further specify that, with the consent of both the Senate and the Assembly, or by concurrent resolution, 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. (Joint Standing Rule 9, *Standing Rules of the Senate and Assembly*, Nev. Leg., 82nd Sess. (2023)) Under these rules, the total time taken for all the adjournments cannot exceed 20 days during any regular session. (*Id.*)

The Legislature ends a regular or special session by adjourning sine die. (Nev. Const. Art. 4, Secs. 2 and 2A; Art. 5, Sec. 9) If the Senate and Assembly disagree with respect to the time of the Legislature's final adjournment, the Governor is constitutionally empowered to adjourn the Legislature at a proper time, but not beyond the time fixed for the meeting of the next Legislature. (Nev. Const. Art. 5, Sec. 11)

FUNCTIONS AND RESPONSIBILITIES OF MEMBERS

Legislative Sessions

During sessions, legislators engage in various official functions and responsibilities. For example, legislators shepherd the bills or resolutions that they introduce, sponsor, or support through the legislative process by providing testimony at committee hearings, work with others to improve the measures, and encourage their colleagues to vote in favor of the measures. Legislators also serve on the committees that review bills or resolutions and other matters referred to and placed on the agendas for the committees. Each legislator is typically assigned to two or more standing committees and may be assigned to temporary, special, or select committees. As committee members, legislators listen to and question witnesses who appear before the committee, participate in subcommittees created to focus on specific measures or issues, and vote on whether a bill or resolution should be transmitted to the full house of the Legislature, with or without a recommendation as to the action that the full house should take on the measure. (Senate Standing Rules 43 and 53, and Assembly Standing Rules 42, 53, and 54, *Standing Rules of the Senate and Assembly*, Nev. Leg., 82nd Sess. (2023)) More information on committees can be found in the section of this chapter labeled "How a Bill Becomes a Law."

Legislators also serve on conference committees consisting of members from both houses that are formed to resolve the differences between amendments passed by each house of the Legislature to the same bill. (Joint Standing Rule 1, *Standing Rules of the Senate and Assembly*, Nev. Leg., 82nd Sess. (2023)) More information on conference committees can be found in the section of this chapter labeled “How a Bill Becomes a Law.”

At times, legislators may be required to participate in a committee of the whole, where all members of the house sit together as a single committee to address specific measures or issues. (Senate Standing Rule 46, and Assembly Standing Rule 45, *Standing Rules of the Senate and Assembly*, Nev. Leg., 82nd Sess. (2023); *Mason’s Manual of Legislative Procedure*, Secs. 683-691 (Denver, Colo., Nat’l Conf. of State Legs., 2020)) Typically, a committee of the whole is formed only occasionally during regular sessions but may be used more often during special sessions to facilitate those legislative proceedings.

Legislators also may be assigned to joint committees of the two houses of the Legislature. (Joint Standing Rule 7, *Standing Rules of the Senate and Assembly*, Nev. Leg., 82nd Sess. (2023)) Joint committees allow both houses to conduct a single review or inquiry regarding specific measures or issues, and joint committees may prepare a joint report for consideration by both houses. (*Mason’s Manual of Legislative Procedure*, Secs. 653-659 (Denver, Colo., Nat’l Conf. of State Legs., 2020); *Cushing’s Legislative Assemblies*, Secs. 2043-2045)

During legislative sessions, legislators are required to attend the meetings of their respective houses, which are commonly referred to as “floor sessions.” (Senate Standing Rules 10, 11, and 12, and Assembly Standing Rule 10, *Standing Rules of the Senate and Assembly*, Nev. Leg., 82nd Sess. (2023)) Each house has the power to compel the attendance of absent members in a manner and under penalties prescribed by each house. (Nev. Const. Art. 4, Sec. 13) This power includes ordering the arrest of absent members. (*Id.*; *Mason’s Manual of Legislative Procedure*, Secs. 190, 191, and 561 (Denver, Colo., Nat’l Conf. of State Legs., 2020)) Each house may exercise this power even if less than a quorum is present to transact business. (*Id.*)

When not on the floor, in committees, or in other meetings during sessions, legislators communicate with constituents who call or visit, legislators meet and confer with lobbyists who represent various organizations or advocate for various policies and viewpoints, and legislators work with staff members who provide assistance and requested information. Legislators are also asked to speak to groups, attend numerous community functions, and participate in important state and local events as representatives of the Legislative Department of State Government.

Legislative Interims

The legislative interim is the period between legislative sessions, and during this time, legislators continue to make speeches, assist constituents, meet with lobbyists and other interested parties, and compile information in preparation for the next legislative session. Often, legislators serve as facilitators among various groups. For example, a legislator might contact a governmental agency on behalf of a constituent or bring opposing factions together to solve a problem. In addition, legislators monitor the implementation of certain bills passed during preceding sessions. In this capacity, a legislator might attend a hearing conducted by a state agency formulating pertinent regulations.

As part of their official functions and responsibilities during the legislative interim, most legislators serve on one or more committees, subcommittees, or special committees, which are commonly referred to as “interim committees.” (Chapter 218E of NRS) The Legislature’s interim committees study specific subjects, provide oversight regarding particular issues, or are part of national organizations that bring together legislators from the various states to discuss similar problems. The interim committees generally hold their meetings throughout the legislative interim, but some are authorized to meet during sessions as well, including the Legislative Commission and Interim Finance Committee. (*Id.*)

Some interim committees are established as statutory committees that are assigned ongoing legislative functions and responsibilities, such as the Legislative Commission, the Interim Finance Committee, the Joint Interim Standing Committees, the Interim Retirement and Benefits Committee, the Subcommittee on Public Lands, the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System, and the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs. (*Id.*)

As relates to the Joint Interim Standing Committees, there are nine such committees: (1) Commerce and Labor; (2) Education; (3) Government Affairs; (4) Growth and Infrastructure; (5) Health and Human Services; (6) Judiciary; (7) Legislative Operations and Elections; (8) Natural Resources; and (9) Revenue. (NRS 218E.320) These Joint Interim Standing Committees parallel the standing committees established by the Legislature during its biennial sessions. (NRS 218E.320; Senate Standing Rule 40, and Assembly Standing Rule 40, *Standing Rules of the Senate and Assembly*, Nev. Leg., 82nd Sess. (2023)) In many ways, this parallel committee structure allows legislators to continue to review, evaluate, and study topics of legislative importance throughout the interim between legislative sessions.

More information on the Legislative Commission and the Interim Finance Committee can be found in Chapter V of this Manual.

Other Duties and Responsibilities

The foregoing description of the official functions and responsibilities of legislators is not comprehensive. Legislators often are required to undertake other functions and responsibilities in their official capacities. For example, legislators who chair committees or serve in leadership roles have numerous other functions and responsibilities that they must perform to assist the Legislative Department in maintaining its status as a coequal and coordinate department of state government both during and between sessions. Legislators also are expected by their political parties and communities to perform certain functions and responsibilities, such as attending political party caucuses and participating in important state and local events. In addition, most legislators hold full-time jobs or operate businesses and have various other civic, social, and family commitments, and they must fulfill their responsibilities to employers, business organizations, family members, and many others while also serving as citizen-legislators. Even though Nevada prides itself on having such a citizen-Legislature with members representing a broad spectrum of occupations, professions, businesses, and life experiences, successful participation in the legislative process demands a significant commitment of time and effort from each of its citizen-legislators to carry out the people's legislative business effectively.

LEGISLATIVE OFFICERS AND OTHER LEADERS

To perform their proper roles efficiently, the two houses of the Legislature are authorized by the Nevada Constitution to choose their own officers, except for the President of the Senate, who is the Lieutenant Governor. (Nev. Const. Art. 4, Sec. 6) 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.

Presiding Officers

The Nevada Constitution provides that the Lieutenant Governor is the Senate's presiding officer, sitting as the President of the Senate. (Nev. Const. Art. 5, Sec. 17) 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. (Nev. Const. Art. 5, Secs. 17 and 18) Although the Lieutenant Governor presides over the Senate, the Lieutenant Governor is not a member of the Senate. (Nev. Const. Art. 5, Sec. 17) However, when acting as the presiding officer of the Senate, the Lieutenant Governor may exercise a tie-breaking or "casting vote." (*Id.*; *Mason's Manual of Legislative Procedure*, Secs. 513 and 514 (Denver, Colo., Nat'l Conf. of State Legs., 2020))

In terms of duties, 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. (Senate Standing Rule 1, *Standing Rules of the Senate and Assembly*, Nev. Leg., 82nd Sess. (2023)) In addition, the President recognizes senators during debate, rules on questions of parliamentary procedure, subject to appeal, and signs all acts, addresses, joint resolutions, writs, warrants, and subpoenas. (Nev. Const. Art 4, Sec. 18; Senate Standing Rule 1, *Standing Rules of the Senate and Assembly*, Nev. Leg., 82nd Sess. (2023))

The President Pro Tempore presides over the Senate in the absence of the President. (NRS 218A.500; Senate Standing Rule 2, *Standing Rules of the Senate and Assembly*, Nev. Leg., 82nd Sess. (2023)) Unlike the President, the President Pro Tempore is a member of the Senate and is elected by it. (Nev. Const. Art. 4, Sec. 6; Senate Standing Rule 2, *Standing Rules of the Senate and Assembly*, Nev. Leg., 82nd Sess. (2023)) As a Senator, the President Pro Tempore may vote on all issues and exercises all of the powers and responsibilities of the President. (Senate Standing Rule 2, *Standing Rules of the Senate and Assembly*, Nev. Leg., 82nd Sess. (2023)) Under the Nevada Constitution, the President Pro Tempore is the second in line of succession to the governorship, immediately after the Lieutenant Governor. (Nev. Const. Art. 5, Sec. 17) The tenure of the President Pro Tempore extends beyond the session through the interim until a successor is appointed after the general election. (Senate Standing Rule 6, *Standing Rules of the Senate and Assembly*, Nev. Leg., 82nd Sess. (2023))

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 chair of the Standing Committee on Legislative Operations and Elections or, if that officer is absent, the Committee's vice chair should preside over the Senate. (Senate Standing Rule 2, *Standing Rules of the Senate and Assembly*, Nev. Leg., 82nd Sess. (2023)) In the event that none of the designated officers are able to preside over the Senate, it must elect one of its members as the presiding officer for that occasion. (*Id.*)

In the Assembly, the presiding officer is the Speaker. (Nev. Const. Art. 4, Sec. 6; Assembly Standing Rule 1, *Standing Rules of the Senate and Assembly*, Nev. Leg., 82nd Sess. (2023)) Unlike the President of the Senate, the Speaker of the Assembly is elected from among the membership of the Assembly. (Nev. Const. Art. 4, Sec. 6) 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 or adopted 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. (Nev. Const. Art. 4, Sec. 18; Assembly Standing Rule 1, *Standing Rules of the Senate and Assembly*, Nev. Leg., 82nd Sess. (2023)) The Speaker is not required to vote in ordinary legislative proceedings except when the vote would be decisive. (Assembly Standing Rule 1, *Standing Rules of the Senate and Assembly*,

Nev. Leg., 82nd Sess. (2023)) In all yea and nay votes, the Speaker's name is required to be called last. (*Id.*) The Speaker is third in the line of succession to the governorship, behind the Lieutenant Governor and President Pro Tempore of the Senate. (NRS 223.080) The tenure of the Speaker continues beyond the end of the regular session through the interim until the next regular session. (Assembly Standing Rules 1 and 2, *Standing Rules of the Senate and Assembly*, Nev. Leg., 82nd Sess. (2023))

Like the Senate, the Assembly also elects a Speaker Pro Tempore from among its members, who presides in the temporary absence of the Speaker. (Nev. Const. Art. 4, Sec. 6; Assembly Standing Rule 1, *Standing Rules of the Senate and Assembly*, Nev. Leg., 82nd Sess. (2023)) However, if a permanent vacancy occurs in the office of the Speaker, the members of the Assembly will select a new Speaker. (Assembly Standing Rule 1, *Standing Rules of the Senate and Assembly*, Nev. Leg., 82nd Sess. (2023)) The Speaker Pro Tempore's duties are comparable to those of the President Pro Tempore of the Senate, exclusive of the right of succession to the governorship. (Nev. Const. Art. 4, Sec. 6; Art. 5, Sec. 17; Assembly Standing Rule 2, *Standing Rules of the Senate and Assembly*, Nev. Leg., 82nd Sess. (2023))

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 establish other leadership positions for members to manage the legislative workload.

In the Senate, the Majority and Minority Leaders of their respective parties are selected during party caucus. (Nev. Const. Art. 4, Sec. 6; Senate Standing Rule 6, *Standing Rules of the Senate and Assembly*, Nev. Leg., 82nd Sess. (2023)) In the Assembly, the Majority and Minority Floor Leader is selected during each party's caucus. (Nev. Const. Art. 4, Sec. 6; Assembly Standing Rule 2, *Standing Rules of the Senate and Assembly*, Nev. Leg., 82nd Sess. (2023)) The tenure of these leaders extends during the interim between regular sessions of the Legislature and until the organization of the next succeeding regular session. (Senate Standing Rule 6 and Assembly Standing Rule 2, *Standing Rules of the Senate and Assembly*, Nev. Leg., 82nd Sess. (2023))

In Nevada, the Senate Majority Leader is the actual leader of the Senate, with powers that are similar to the Speaker of the Assembly. (Nev. Const. Art. 4, Sec. 6; Senate Standing Rule 6, *Standing Rules of the Senate and Assembly*, Nev. Leg., 82nd Sess. (2023)) For example, the Senate Majority Leader: (1) determines the start time the of the Senate's organizational session; (2) refers prefiled bills and resolutions to committee; and (3) appoints members to committees. (Senate Standing Rules 6 and 40, *Standing Rules of the Senate and Assembly*, Nev. Leg., 82nd Sess. (2023))

The Senate and Assembly also have, by custom, established the positions of Assistant Majority Floor Leader, Assistant Minority Floor Leader, Majority Whip,

Minority Whip, Assistant Majority Whip, and Assistant Minority Whip. (Nev. Const. Art. 4, Sec. 6) House leaders are not legal officers of the houses since their offices do not exist under provisions of law.

Generally, the Majority Floor Leaders of the Senate and Assembly, respectively, or the Assistant Majority Floor Leaders of the Senate and Assembly, respectively, manage the referral to committee of bills that are received from the other house and work closely with the presiding officer and chief parliamentarian involving legislation being considered on the floor.

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 because members customarily exercise wide latitude in voting. However, in certain critical areas, the Majority and Minority Floor Leaders are expected to call a caucus to determine their party's stances on issues. Once a position is agreed on, the floor leaders work with the party "whips" to solidify partisan support for the caucus decision.

Chief Parliamentarians

The Secretary of the Senate and the Chief Clerk of the Assembly are legislative officers who are elected by the members of their respective houses. (NRS 218A.520 and 218A.550; Senate Standing Rule 3, and Assembly Standing Rule 3, *Standing Rules of the Senate and Assembly*, Nev. Leg., 82nd Sess. (2023)) While neither is a member of either house, each serves as the chief administrative officer and parliamentarian of the respective house and each is responsible for administering and managing the operations of the house, supervising and assigning the duties of its employees, and performing various other duties. (NRS 218A.520 and 218A.550; Senate Standing Rule 3, and Assembly Standing Rule 3, *Standing Rules of the Senate and Assembly*, Nev. Leg., 82nd Sess. (2023); *Mason's Manual of Legislative Procedure*, Sec. 584 (Denver, Colo., Nat'l Conf. of State Legs., 2020))

For example, during the floor sessions of their respective houses, the Secretary of the Senate and the Chief Clerk of the Assembly are present to administer and manage the daily business and proceedings under the direction of the presiding officer and majority leadership. (*Id.*) They also perform the duty to read each bill and joint resolution in the manner required by the Nevada Constitution and the rules of each house. (Nev. Const. Art. 4, Sec. 18; Senate Standing Rules 109, 110, 113, 116, and 118, and Assembly Standing Rules 109, 110, 111, 113, 116, and 118, *Standing Rules of the Senate and Assembly*, Nev. Leg., 82nd Sess. (2023)) After each bill and joint resolution is passed by both houses, it must be signed after enrollment by the presiding officer of each house and by the Secretary of the Senate and Chief Clerk of the Assembly, or an authorized assistant. (Nev. Const. Art. 4, Sec. 18; NRS 218D.640) The Secretary of the Senate and Chief Clerk of the Assembly also maintain all records of the Senate and Assembly, respectively, supervise compilation of the daily journals

and the histories of their respective houses, and advise the presiding officer and members of each house on matters of parliamentary procedure and the house and joint rules. (NRS 218D.930, 218D.935, and 218D.940; Senate Standing Rule 3, and Assembly Standing Rule 3, *Standing Rules of the Senate and Assembly*, Nev. Leg., 82nd Sess. (2023))

When the Legislature is not in session, the Secretary of the Senate and Chief Clerk of the Assembly and their staff assist legislative leaders with administrative matters that arise during the legislative interim, oversee the publication of the final certified journals and the histories, speak with school and civic groups about the legislative process, represent the state at national conferences of legislative officers, and prepare for the next legislative session. (*Id.*)

Sergeant at Arms

The Sergeant at Arms of the Senate and the Sergeant at Arms of the Assembly are responsible for keeping order in and around the chamber of their respective houses, ensuring that only authorized persons are permitted on the floor of their respective houses, and handling other duties as directed by the Secretary of the Senate or the Speaker or Chief Clerk, as applicable. (NRS 218A.910 and 218F.520; Senate Standing Rule 4, and Assembly Standing Rule 94, *Standing Rules of the Senate and Assembly*, Nev. Leg., 82nd Sess. (2023)) Additionally, the Sergeant at Arms of the Senate is also responsible for maintaining the Senate's chamber, private lounge, and meeting rooms for committees. (Senate Standing Rule 4, *Standing Rules of the Senate and Assembly*, Nev. Leg., 82nd Sess. (2023))

OVERVIEW OF LEGISLATIVE MEASURES AND BALLOT QUESTIONS

Bills

A bill is the most common legislative measure seen in the legislative process, and it is used as the vessel to create, amend, or repeal provisions in the Nevada Revised Statutes. A bill can encompass almost any topic, so long as it complies with the United States Constitution and Nevada Constitution. The following discussion in the section labeled “How a Bill Becomes a Law” provides an overview of the legislative process for bills.

Joint Resolutions

A joint resolution is used for three distinct purposes: (1) to request that the President of the United States, Congress, or a federal agency perform some act believed to be in the best interests of the state or nation; (2) to amend the Nevada Constitution; or (3) to ratify an amendment to the United States Constitution. (Joint

Standing Rule 7, *Standing Rules of the Senate and Assembly*, Nev. Leg., 82nd Sess. (2023))

The procedure for passing joint resolutions is similar to that of a bill, except that joint resolutions are delivered directly to the Secretary of State, unlike bills which are delivered to the Governor. (Nev. Const. Art. 4, Sec. 18; Art. 16, Sec. 1; NRS 218D.800 to 218D.810, inclusive; Assembly Standing Rule 118, *Standing Rules of the Senate and Assembly*, Nev. Leg., 82nd Sess. (2023)) Another key distinction between the procedures for bills and joint resolutions is that a joint resolution that amends the Nevada Constitution is held by the Secretary of State and returned to the next chosen Legislature for reconsideration. (Nev. Const. Art. 16, Sec. 1; NRS 218D.800) If the next Legislature approves the proposed constitutional amendment, the joint resolution is then submitted to the people “in such manner and at such time as the Legislature shall prescribe” for a vote. (Nev. Const. Art. 16, Sec. 1) The law currently requires that this opportunity to vote be at the next general election or at a special election authorized by the Legislature for the purpose of addressing the joint resolution. (NRS 218D.800)

Concurrent Resolutions

A concurrent resolution is used for a variety of purposes, such as to amend the Joint Standing Rules, to express facts, principles, opinions, and purposes of the Senate and Assembly, to establish joint committees of the two houses, to direct the Legislative Commission to conduct interim studies, to resolve that the return of a bill from the other house is necessary and appropriate, to request the return from the Governor or the Secretary of State of an enrolled bill or resolution, as applicable, or to memorialize a former member of the Legislature or other distinguished person upon death. (Joint Standing Rule 7, *Standing Rules of the Senate and Assembly*, Nev. Leg., 82nd Sess. (2023))

A concurrent resolution must be adopted by both houses by a simple majority vote. It should be noted that concurrent resolutions are not signed by the Governor and are delivered to the Secretary of State for filing.

One-House Resolutions

A one-house resolution may be adopted by either house to establish its rules, appoint attachés or session staff, provide postage and stationery money for the members, express an opinion, express regret on the death of a former member of the Legislature or other person, request the return of an enrolled resolution from the Secretary of State, and for additional purposes determined to be appropriate by the Majority Leader of the Senate or the Speaker of the Assembly for their respective houses. (Joint Standing Rule 7, and Assembly Standing Rules 44 and 119, *Standing Rules of the Senate and Assembly*, Nev. Leg., 82nd Sess. (2023)) Senate or Assembly

one-house resolutions are adopted by a simple majority vote and are enrolled and delivered to the Secretary of State.

Initiative Petitions

The initiative petition process provides an avenue by which the public themselves can amend the Nevada Constitution or enact a new or otherwise amend a state or local law. (Nev. Const. Art. 19, Sec. 2) It is important to note that initiative petitions, unlike bills and joint resolutions, are not drafted by the Legal Division of the Legislative Counsel Bureau, but instead are drafted by outside interest groups. (*Id.*) Once the text of the initiative petition has been drafted, a copy of the proposed initiative petition must be filed with the Secretary of State before its circulation for signing by the requisite number of registered voters. (Nev. Const. Art. 19, Secs. 2 and 3) After the required number of signatures are gathered for an initiative petition, the initiative petition is transmitted to the Secretary of State for signature verification. (*Id.*)

Once the signatures are verified on an initiative petition to change the Nevada Constitution, the Secretary of State will cause the initiative petition to be placed on the ballot at the next general election. (*Id.*) If the initiative petition to change the Nevada Constitution is approved by the voters, the initiative petition must be returned to the next general election for a second approval of the voters before the Nevada Constitution is officially amended. (Nev. Const. Art. 19, Sec. 2)

Contrastingly, after the signatures are verified on an initiative petition to enact or change a state or local law, the initiative petition is transmitted by the Secretary of State to the Legislature as soon as it convenes in regular session. (Nev. Const. Art. 19, Secs. 2 and 3) The petition must be enacted without change or rejected by the Legislature within 40 days. (Nev. Const. Art. 19, Sec. 2) If the proposed statute or amendment to a statute is enacted by the Legislature and approved by the Governor, it becomes law. If it is rejected or is not acted upon by the Legislature within 40 days, the Secretary of State must submit the initiative petition to the voters for approval or disapproval at the next general election. Such an initiative petition to enact or change a state or local law that is approved by the voters cannot be amended, annulled, repealed, set aside, or suspended by the Legislature for three years from the date it takes effect. (*Id.*)

HOW A BILL BECOMES A LAW

Because a bill is the main vessel used to change the laws in Nevada, this section discusses the steps through which a bill progresses toward enactment into law. Additionally, these steps are outlined in a chart located in Appendix C at the end of this Manual.

By way of background, the 82nd Regular Session in 2023 considered 1,040 bills—529 bills from the Assembly and 511 bills from the Senate. (“Legislative Box Score,

Eighty-Second Session, 2023,” Senate History, Final Volume, Nev. Leg., 82nd Sess. (2023)) The Senate and Assembly also considered a combined total of 52 resolutions during the 82nd Regular Session. Of the bills that were considered during the 82nd Regular Session: (1) 535 were enacted into law; (2) 75 were vetoed during the session and the Legislature did not override the veto; and (3) 32 were vetoed after the Session ended and will be returned to the houses in which they originated for possible reconsideration when the 83rd Regular Session convenes in 2025. (*Id.*)

Submitting a Bill Draft Request (BDR)

Long before the Legislature convenes for its regular sessions, 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 before it can formally enter the legislative arena for consideration.

In order to transfer the idea onto paper, the idea must be submitted to the Legal Division of the Legislative Counsel Bureau. (NRS 218D.050) This submission is known as a bill draft request (BDR). Simply put, the BDR provides the Legal Division with the policy details that are necessary for the drafting of the bill. A robust BDR will: (1) outline the problem giving rise to the BDR; (2) supply any background information related to the problem underlying the BDR; and (3) concretely identify the ways in which the requester wants to change the law or describe the ultimate policy objectives of the requester. Moreover, the policy underlying the BDR should be completely developed because once the BDR is submitted to the Legal Division, the requester cannot change the subject matter of the BDR. (NRS 218D.100)

Nevada law determines who can submit BDRs, how many BDRs can be submitted, and the timing under which each BDR must be submitted. (Chapter 218D of NRS) The latter two points depend on the identity of the requester. (NRS 218D.150 to 218D.220, inclusive) However, the question of who can submit a BDR can be broken down into four main categories: (1) requesters from the Legislative Department; (2) requesters from the Executive Department; (3) requesters from the Judicial Department; and (4) local governmental entities. (*Id.*) Appendices A and B provide a general overview of the statutory limitations and deadlines for BDRs.

From the Legislative Department, legislators are the main people who submit BDRs. The number of BDRs allotted to a legislator and the deadline for BDR submission depends on whether the legislator is an incumbent, whether the legislator is a member of the Senate or Assembly, and whether the legislator holds a leadership

position. (NRS 218D.150 and 218D.160) For example, incumbents typically get more BDRs than their newly elected peers, Senators get more BDRs than Assembly members, and legislators in leadership positions get more BDRs than other legislators. (*Id.*) There is also a process for delineating BDRs in the event a legislative office becomes vacant. (NRS 218D.152)

Additionally, there are various other persons and committees from the Legislative Department that are allotted BDRs. From the Legislative Counsel Bureau, the Legislative Counsel and the General Counsel are afforded an unlimited number of BDRs. (NRS 218.155) The Secretary of the Senate and the Chief Clerk of the Assembly are also allotted an unlimited number of BDRs. (*Id.*) Various other statutory, interim, and other committees are also supplied with a certain number of BDRs. (NRS 218D.160)

Certain Executive Department officials can also submit BDRs. For example, the Governor or the Governor's designee are afforded a certain number of BDRs, which can be submitted on behalf of other Executive Department entities and officers. (NRS 218D.175) The Director of the Office of Finance, the Lieutenant Governor, the Secretary of State, the State Treasurer, the State Controller, and the Attorney General are also given a certain number of BDRs. (*Id.*)

As relates to the Judicial Department, only the Nevada Supreme Court is also authorized to submit BDRs. (NRS 218D.190) However, the Nevada Supreme Court can submit its BDRs on behalf of any court in Nevada. (*Id.*)

Finally, local governmental entities and other commissions, boards, and forums are also given BDRs. On the local government side, counties, school districts, and cities may submit BDRs, however, the number allotted to each entity is dependent on its population. (NRS 218D.205) An association of counties or cities may also submit a certain number of BDRs. (NRS 218D.210) The following other entities are also afforded BDRs: (1) certain regional transportation commissions; (2) certain regional behavioral health policy boards; (3) the Patient Protection Commission; (4) the Nevada Commission on Minority Affairs; (5) the Advisory Committee on Housing; and (6) the Nevada Silver Haired Legislative Forum. (NRS 218D.211 to 218D.220, inclusive)

On July 1 of the year preceding the next regular session, and each week thereafter until the final adjournment of the Legislature, the Legislative Counsel prepares a list reflecting the BDRs received by the Legislative Counsel. (NRS 218D.130) The BDR list is available on the Legislature's Internet website.

Bill Drafting

Nevada law requires the Legal Division of the Legislative Counsel Bureau to provide bill drafting services for the Legislature. (NRS 218D.050) The Legal

Division's staff consists of bill drafters and other support staff who aid in the editing, printing, and indexing of the drafted bills. It is important to note that the Legal Division provides confidential and nonpartisan legal services at no charge for all legislators. (NRS 218F.150) Additional information related to the Legal Division is contained in Chapter V of this Manual.

As described previously, all BDRs are submitted to the Legal Division for drafting, and upon their receipt, the BDRs are internally assigned to a bill drafter for drafting. The bill drafter will then review the BDR and translate the information into a bill that uses uniform legal terminology, form, and style. The goal of the bill drafting process is to produce bills that are coherent, concise, understandable, free of ambiguity, and legally viable.

As part of the bill drafting process, the Legal Division will check the bill for conformance with a variety of legal sources, including the United States Constitution, the Nevada Constitution, and relevant court decisions. For example, the Legal Division will check to ensure that the BDR is limited to one subject, as prescribed by the Nevada Constitution. (Nev. Const. Art. 4, Sec. 17) The bill drafting process also requires the Legal Division to study the Nevada Revised Statutes to ascertain whether the proposed change conflicts with existing sections of law. In the event of a conflict, the conflicting sections of law will be inserted into the BDR and revised in a manner that conforms with the requester's ultimate policy goals.

The Legislative Counsel, insofar as it is possible, processes BDRs submitted by legislators in the order in which they are received by the Legal Division. (NRS 218D.110) However, legislators may designate different drafting priorities for their own BDRs. (*Id.*) For BDRs submitted by non-legislative requesters, there is a similar order of priority, except that as soon as 10 or more measures are received from an Executive Department entity, the Legislative Counsel may request that the entity designate the priority for each succeeding BDR. (NRS 218D.115) However, full priority is given to legislators' BDRs for bill drafting, and the Legislative Counsel is not permitted to prepare any proposed legislation during any regular session except as authorized by statute or joint rule of the Legislature. (NRS 218D.050 and 218D.110)

Once a legislator's bill is drafted, the Legal Division will deliver the bill to the legislative sponsor. The sponsor will then review the bill and obtain cosponsors or joint sponsors, if desired. Once the legislator has reviewed the bill and obtained sponsors as applicable, the legislator will deliver the bill to the Front Desk of the Senate or Assembly, as applicable, for introduction. More information on sponsorship can be found in the section of this chapter called "How to Read a Bill."

Introduction, First Reading, and Referral of Bills in the House of Origin

Beginning on the first day of the legislative session, a bill may be introduced in the Legislature. In the house of origin, the bill's introduction is the first time the bill is

given a bill number and is typically the first time the bill is made available to the public. (*Mason's Manual of Legislative Procedure*, Sec. 733 (Denver, Colo., Nat'l Conf. of State Legs., 2020)) The timing of when a bill can be introduced generally depends on who requested the BDR. Appendix A provides an overview of the deadlines for introduction and passage of legislation.

In some instances, however, the person or entity that requested the bill will participate in the prefiling process, which allows a bill to be numbered, printed, and made available for public review before the first day of the regular session. (NRS 218D.575 and 218D.580) On the first day of session, the bill is then formally introduced and referred to committee. (NRS 218D.585) The prefiling process is designed to help expedite the review of a significant number of bills early in the session, and because of the expedited timeline, the prefiled bills can be heard in a committee as early as the second or third day of session.

It should be noted, however, that only certain people or entities can request the prefiling of a bill. (NRS 218D.575) For example, a legislative requester can only request the prefiling of a bill that was originally requested by the legislator. Additionally, a legislator designated as the chair of a standing committee for the upcoming legislative session may request the prefiling of a bill on behalf of the standing committee. (*Id.*) Contrastingly, a non-legislative requestor, such as those from the Executive and Judicial Departments and local governmental entities, must request the prefiling of the bill, and if the prefiling is not so requested by the third Wednesday of November preceding a legislative session, the bill is deemed withdrawn. (NRS 218D.175 to 218D.220, inclusive) For the bills that are requested to be prefiled by non-legislative entities, the bills will be randomly divided between the houses of the Legislature and prefiled on behalf of the relevant standing committee. (NRS 218D.575)

Unless certain limited exceptions apply, all bills sponsored by legislators must be introduced not later than ten calendar days after initial delivery or the deadline for introduction, whichever is earlier. (Joint Rule 14.2, *Standing Rules of the Senate and Assembly*, Nev. Leg., 82nd Sess. (2023))

Under the Nevada Constitution, it does not matter whether a bill is first introduced in the Senate or the Assembly. (Nev. Const., Art. 4, Sec. 16) However, bills originating in one house of the Legislature must be introduced by a member or standing committee of that house.

All bills in Nevada, except for those placed on a consent calendar, are required by the Nevada Constitution to be read by sections in each house on three separate days. (Nev. Const. Art. 4, Sec. 18) 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. (*Id.*) To comply with the constitutional requirements, the houses have first, second, and third readings on every bill. (Senate

Standing Rule 120, and Assembly Standing Rule 120, *Standing Rules of the Senate and Assembly*, Nev. Leg., 82nd Sess. (2023)) 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 that the Nevada 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 in print form and electronically, with the latest amendments incorporated into their texts.

The first reading in both houses is for information only, and the bill may not be amended until its second reading. (Senate Standing Rule 109 and Assembly Standing Rule 109, *Standing Rules of the Senate and Assembly*, Nev. Leg., 82nd Sess., (2023)) Once the bill has been read for the first time, it will usually be referred to a standing committee, with the whole house voting on the question. (Senate Standing Rules 40 and 109 and Assembly Standing Rules 2 and 109, *Standing Rules of the Senate and Assembly*, Nev. Leg., 82nd Sess., (2023))

In the Senate, bills are usually referred to standing committees with jurisdiction over legislative measures that affect specific titles and chapters of the Nevada Revised Statutes. (Senate Standing Rule 40, *Standing Rules of the Senate and Assembly*, Nev. Leg., 82nd Sess. (2023)) The Senate Standing Rules establish the standing committees and their respective jurisdiction, and establish the procedures by which members will be appointed to serve on the standing committee. For example, during the 82nd Regular Session in 2023, the Senate Committee on Education had seven members with jurisdiction over measures that primarily affected chapters 353B, 378 to 380A, inclusive, 385 to 386, inclusive, and 388 to 399, inclusive, of NRS. (*Id.*) Although a bill may initially be referred to a particular committee in the Senate, on occasion, different committees may be proposed from the floor. (Senate Standing Rule 50, *Standing Rules of the Senate and Assembly*, Nev. Leg., 82nd Sess. (2023))

In the Assembly, a motion is usually made for the referral of bills to standing committees. Similarly to the Senate, the Assembly Standing Rules establish the Assembly standing committees and the method by which members are appointed to serve on the standing committees. (Assembly Standing Rules 40 and 41, *Standing Rules of the Senate and Assembly*, Nev. Leg., 82nd Sess. (2023)) Unlike the Senate, however, the Assembly Standing Rules do not set forth the specific titles and chapters of the NRS for which each standing committee has jurisdiction. (Assembly Standing Rule 40, *Standing Rules of the Senate and Assembly*, Nev. Leg., 82nd Sess. (2023))

Once a bill has been introduced, read for the first time, and referred to a standing committee, the chair of the standing committee may schedule the bill for a committee hearing. (Senate Standing Rule 53, and Assembly Standing Rule 47, *Standing Rules of the Senate and Assembly*, Nev. Leg., 82nd Sess. (2023))

Committee Consideration and Action in the House of Origin

Once a bill is referred to a standing committee, it is available to be contemplated at a public hearing by the members of the standing committee. The membership of Senate and Assembly standing committees for the 83rd Session in 2025 is set forth in Chapter I of this Manual.

In the Senate, the party composition of the standing committees is determined by the Majority Leader. (Senate Standing Rule 40, *Standing Rules of the Senate and Assembly*, Nev. Leg., 82nd Sess. (2023)) The Majority Leader then makes majority party assignments and designates a chair and vice chair from the majority party. The Minority Leader makes minority party assignments to the Senate standing committees. (*Id.*)

In the Assembly, the Speaker of the Assembly designates the chair, vice chair, and members of each committee. (Assembly Standing Rule 41, *Standing Rules of the Senate and Assembly*, Nev. Leg., 82nd Sess. (2023)) In practice, the Speaker of the Assembly usually consults with the Minority Floor Leader on the committee appointments of minority party members. With some exceptions, the general custom is for the party membership on standing committees to reflect the composition of the entire Assembly.

The standing committees of the Senate and Assembly serve as the workshops of the Legislature. Visitors are often amazed at the rapidity with which business is dispatched in the standing committees, few realizing that long hours in standing committee sessions have transpired prior to any floor action on a bill. It is in these standing committees that bill hearings are held, testimony from interested parties is taken, and bills are analyzed for their legal and social merits.

Standing committees also perform other functions aside from considering legislation. For example, the Senate Standing Rules 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. (Senate Standing Rule 54, *Standing Rules of the Senate and Assembly*, Nev. Leg., 82nd Sess. (2023))

However, the main duty of the standing committees is to review and take testimony on legislation that is referred to the committee. The chair of each standing committee determines the agenda of the standing committee and holds the power to determine which bills are heard in the standing committee and which bills are not. (Senate Standing Rule 53, and Assembly Standing Rule 47, *Standing Rules of the Senate and Assembly*, Nev. Leg., 82nd Sess. (2023)) In rare instances, standing committees in each house of the Legislature will hold joint hearings to discuss one or more bills at the same time. (Assembly Standing Rule 50, *Standing Rules of the Senate and Assembly*, Nev. Leg., 82nd Sess. (2023))

It is important to note that the work of standing committees is subject to various deadlines established by the Joint Standing Rules. Specifically, there are various deadlines for when committees in the house of origin and second house, respectively, must act on a bill. (Joint Standing Rule 14.3, *Standing Rules of the Senate and Assembly*, Nev. Leg., 82nd Sess. (2023)) Appendix A provides an overview of the deadlines for introduction and passage of legislation.

Before standing committee meetings, a notice regarding the committee's agenda for the meeting will be posted conspicuously in the Legislative Building and made available on the Legislature's Internet website. (Senate Standing Rule 92, and Assembly Standing Rule 52.5, *Standing Rules of the Senate and Assembly*, Nev. Leg., 82nd Sess. (2023)) The agenda must include the date, time, place, and topics or legislation to be covered at the meeting. (*Id.*) This notice is meant to put the public and other relevant actors on notice of the committee's proposed actions in case they wish to attend the meeting or provide testimony on a piece of legislation.

At each standing committee hearing, the proponents and opponents of a bill are given an opportunity to present their cases. The testimony may be taken from lobbyists, academicians, public officials, special interest groups, private citizens, and other interested persons. Witnesses summoned to appear before a standing committee are compensated at the same rate as witnesses required to attend a court of law in Nevada, however, witnesses appearing of their own volition do so at their own expense. (Senate Standing Rule 140, and Assembly Standing Rule 140, *Standing Rules of the Senate and Assembly*, Nev. Leg., 82nd Sess. (2023))

Typically, bills are heard twice in a standing committee. The first time the bill is heard by the committee, the primary sponsor of the bill will present the bill and provide any background information that would help the committee in its review of the proposal. At this first hearing, the sponsor may also choose to have a subject matter expert appear to provide additional testimony regarding the proposed legislative measure and its importance. The second committee hearing on a bill is usually a work session. At these work sessions, the standing committee reviews proposed amendments to the bill, if any, and determines what action, or recommendation, should be taken on the measure. It is important to note that committees cannot actually amend a bill, however, they can make the specific recommendations set forth below. (*Mason's Manual of Legislative Procedure*, Sec. 616 (Denver, Colo., Nat'l Conf. of State Legs., 2020))

By custom, standing committees make several types of recommendations on bills that come before them for consideration. A standing committee may report a bill back to the whole house with a recommendation of: (1) "Do pass"; (2) "Amend, and do pass, as amended"; or (3) "Do pass, as amended". The third option only occurs in the instance where the legislative measure was re-referred to the standing committee and the bill was previously amended in the same house. These 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) that the bill be passed and re-referred or amended and re-referred to a specified committee; (2) “Indefinitely Postpone”; and (3) “Do pass, and place on consent calendar.” The second option, in the Senate, is not a recommendation to the body, but is a committee action that kills the bill for the current legislative session. A committee may also report a bill “Without recommendation,” or “Amend, but without recommendation,” which means that the committee was unable to reach a conclusion on what it believes should be the action taken by the whole house.

In the Assembly, when a bill is referred concurrently to two committees, the rules specify that it is initially transmitted to the first committee named. (Assembly Standing Rule 43, *Standing Rules of the Senate and Assembly*, Nev. Leg., 82nd Sess. (2023)) If the first committee votes to amend the bill, the measure is sent to the floor for a vote on the amendment, reprinted with amendments if the amendment is adopted, and then sent to the second committee. If no amendment is proposed by the first committee, the measure must be sent to the floor with a committee recommendation and is then transmitted to the second committee. (*Id.*)

Senate Standing Rule 53 requires committees to maintain minutes and complete records of all bills referred, received, set for a hearing, heard, voted upon, and reported from the committee. Assembly Standing Rule 51 requires that records be kept of committee votes on bills and of committee proceedings. (Senate Standing Rule 52 and Assembly Standing Rule 51, *Standing Rules of the Senate and Assembly*, Nev. Leg., 82nd Sess. (2023)) Furthermore, these records, minutes, and documents are required to be delivered to and archived in the Research Library of the Legislative Counsel Bureau. (Senate Standing Rule 53, and Assembly Standing Rule 52, *Standing Rules of the Senate and Assembly*, Nev. Leg., 82nd Leg. (2023))

Second Reading in the House of Origin

As stated previously, the Nevada Constitution typically requires each bill to be read in each house on three separate days. (Nev. Const. Art. 4, Sec. 18) The second reading of a bill typically occurs after the bill is returned from being considered by a standing committee. (*Mason’s Manual of Legislative Procedure*, Sec. 734 (Denver, Colo., Nat’l Conf. of State Legs., 2020)) Because a committee cannot actually amend a bill, the second reading is usually the first time in which the chamber determines whether to adopt any amendments recommended by the committee or take certain other actions on the bill. (*Id.*)

If the committee recommends the amendment of a bill, or an individual legislator proposes an amendment to the bill on the floor, or both, the amendments must be made available to all members before the actual adoption or rejection of the proposed amendments. (Senate Standing Rule 113, and Assembly Standing Rule 110, *Standing Rules of the Senate and Assembly*, Nev. Leg., 82nd Sess. (2023)) Committee amendments or amendments from individual legislators are then adopted or rejected

by simple majority vote of the members present and voting. 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. (*Id.*)

General File and Third Reading in the House of Origin

The third reading of a bill will usually occur one or more days after the second reading of the bill. (Nev. Const. Art. 4, Sec. 18) The third reading is the time in which the bill is considered for passage. (*Mason's Manual of Legislative Procedure*, Sec. 736 (Denver, Colo., Nat'l Conf. of State Legs., 2020)) If new amendments are proposed and adopted at this time, the bill is sent back for reprinting and goes through the reprinting and engrossment process once more. (Senate Standing Rule 113, and Assembly Standing Rule 110, *Standing Rules of the Senate and Assembly*, Nev. Leg., 82nd Sess. (2023)) To expedite bill processing, the Senate and Assembly may, upon motion, dispense with the reprinting and engrossment of amended bills and resolutions. If there are no amendments, the merits of the bill are discussed and then the voting roll is opened to determine the fate of the bill.

Generally speaking, for a bill to pass, the Nevada Constitution requires that a majority of the members elected to each house vote in favor of the bill. (Nev. Const. Art. 4, Sec. 18) However, bills that create, generate, or increase public revenue through taxes, fees, or similar mechanisms require approval by a two-thirds majority of the members elected in each house unless the measure is referred to the voters by a majority vote of the members. (*Id.*)

If the bill passes, it is transmitted to the other house and the house of origin relinquishes control over the measure. To take further action on it, 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. (Joint Standing Rule 7, *Standing Rules of the Senate and Assembly*, Nev. Leg., 82nd Sess. (2023))

The Joint Standing Rules establish a deadline by which the bill must be passed out of the first house. (Joint Standing Rule 14.3, *Standing Rules of the Senate and Assembly*, Nev. Leg., 82nd Sess. (2023)) If the bill fails to meet this deadline, it is considered dead, and no further action can be taken on it. (*Id.*) Appendix A provides an overview of the deadlines for introduction and passage of legislation.

Action in the Second House

Each bill goes through the entire process all over again when it is transmitted to the other house. Typically, this means that the bill is introduced in the second house, read for the first time, referred to a committee for a hearing and possible action, read for a second and third time, and then voted on by the second house. (Nev. Const. Art. 4, Sec. 18; Senate Standing Rules 109, 110, and 113, and Assembly Standing Rules

109 and 110, *Standing Rules of the Senate and Assembly*, Nev. Leg., 82nd Sess. (2023)) If a bill is passed by the second house without amendment, the bill is sent back to the house of origin for final enrollment, which is the preparation for final printing by the Legislative Counsel, and delivery to the Governor. (NRS 218D.630 and 218D.660; *Mason's Manual of Legislative Procedure*, Secs. 737 and 738 (Denver, Colo., Nat'l Conf. of State Legs., 2020))

If the second house amends a bill, then it is necessary for the house of origin to concur or not to concur with the amendments. (*Mason's Manual of Legislative Procedure*, Sec. 766 (Denver, Colo., Nat'l Conf. of State Legs., 2020)) If the house of origin concurs in the amendments, the bill is ready for enrollment. (*Id.*) If, however, 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, a temporary committee, known as a conference committee, will be formed to remedy the conflict. (Joint Standing Rule 1, *Standing Rules of the Senate and Assembly*, Nev. Leg., 82nd Sess. (2023); *Mason's Manual of Legislative Procedure*, Secs. 769 and 770 (Denver, Colo., Nat'l Conf. of State Legs., 2020))

Like in the first house, the Joint Standing Rules establish a deadline by which the bill must be passed out of the second house. (Joint Standing Rule 14.3, *Standing Rules of the Senate and Assembly*, Nev. Leg., 82nd Sess. (2023)) Appendix A provides an overview of the deadlines for introduction and passage of legislation.

Resolution of House Differences

A conference committee is a temporary committee formed under the circumstances where each house passes the same bill in different forms. (Joint Standing Rule 1, *Standing Rules of the Senate and Assembly*, Nev. Leg., 82nd Sess. (2023); *Mason's Manual of Legislative Procedure*, Secs. 769 and 770 (Denver, Colo., Nat'l Conf. of State Legs., 2020)) To create a conference committee, each house appoints members who will serve as conferees. The conference committee will then hold a meeting to resolve the differences existing in the two versions of the bill. (*Id.*)

At the meeting of the conference committee, the conferees of one house may agree to amendments adopted in the other house or recede from the amendments adopted by their chamber. The 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. (*Id.*)

Once the conferees reach an agreement, they report back to their respective houses with their recommendations. (Joint Standing Rule 1, *Standing Rules of the Senate and Assembly*, Nev. Leg., 82nd Sess. (2023); *Mason's Manual of Legislative Procedure*, Sec. 771 (Denver, Colo., Nat'l Conf. of State Legs., 2020)) The report of a conference committee may be adopted by acclamation, an action that is considered equivalent to

the final passage voting requirement of the bill as recommended in the report. However, a conference report is not subject to amendment. Additionally, there cannot be more than one conference committee on any bill. If agreement cannot be reached by the conference committee, the bill dies. (*Id.*)

Enrollment

After a 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 on the house that the bill originated, to the Legislative Counsel to be enrolled. (NRS 218D.630) The Legislative Counsel then prepares the passed bill for the final printing. (NRS 218D.635) During the printing process, the bill is inserted in a white cover, which contains blanks for the signatures of the President and Secretary of the Senate, the Speaker and Chief Clerk of the Assembly, the Governor, and the Secretary of State. (NRS 218D.640) After final printing, the bill is returned to the Legislative Counsel, who compares the enrolled copy with the engrossed copy. (NRS 218D.635) If the enrolled bill is found to be correct, the Legislative Counsel presents the measure to the proper legislative officials for their signatures. (NRS 218D.635; Joint Standing Rule 4, *Standing Rules of the Senate and Assembly*, Nev. Leg., 82nd Sess. (2023)) The bill is then delivered by the Legislative Counsel, or that person's designee, to the Governor for consideration. (NRS 218D.660) Once the Governor receives the bill, the Governor, or a designee of the Governor, must: (1) stamp on the back of the bill the date and hour of receipt and the number of pages of the bill; and (2) compute and note the time limit for action by the Governor. (NRS 218D.675) The time limits related to taking action on a bill are discussed more in the section labeled "Gubernatorial Action."

Gubernatorial Action

Once a bill is delivered to the Governor, the Governor has the choice of: (1) signing the bill; (2) vetoing the bill; or (3) allowing the bill to become law without a signature. (Nev. Const. Art. 4, Sec. 35) If the bill is delivered to the Governor with more than five days remaining in the session, the Governor has five days to make a decision on the bill. If the bill is delivered to the Governor with less than five days remaining in the session or after the Legislature has adjourned *sine die*, the Governor has ten days after *sine die* to make this decision. The day of delivery and Sundays are not counted for purposes of calculating these five- and ten-day periods. (*Id.*)

Under the first option, the Governor will sign the bill following the signatures of the legislative officials. (*Id.*; NRS 218D.675) Once the bill is signed by the Governor, it must be delivered to the Secretary of State, who must endorse the back of the bill. (NRS 218D.675)

Under the second option, the Governor vetoes the bill. 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. (Nev. Const. Art. 4, Sec. 35) If the Governor vetoes a bill within ten days after adjournment, the bill must be filed, together with the specific objections to it, with the Secretary of State. When the next regular 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. (*Id.*; NRS 218D.680)

Finally, under the third option, the Governor does not sign or veto a bill in the constitutionally allotted time. (Nev. Const. Art. 4, Sec. 35) Under this circumstance, the bill becomes law without the Governor's signature and the Governor or the Governor's staff must deliver the bill to the Secretary of State. (*Id.*; NRS 218D.680)

HOW TO READ A BILL

Each bill is composed of various parts. A firm understanding of each of these parts is necessary to fully understand the bill and its policy implications. The following is a brief description of the various parts of a bill.

Bill Number

At the very top of the bill is its bill number. Depending on whether the bill is introduced in the Senate or Assembly, the bill will read: "Senate/Assembly Bill No. X." Bills are numbered in each house in succeeding order. For example, the first bill introduced in the Assembly will be Assembly Bill No. 1, the second bill introduced in the Assembly will be Assembly Bill No. 2, etc.

Sponsors

Immediately to the right of the bill number is the sponsor of the bill. If a bill is introduced by a legislator, that legislator is the primary sponsor of the bill and the legislator's name is listed first, to the right of the bill number. The legislator can also seek to add additional legislators in the same house as primary sponsors or cosponsors to the legislative measure. (*See Senate Standing Rule 112, Standing Rules of the Senate and Assembly*, Nev. Leg., 82nd Sess. (2023)) Additionally, the legislator that introduces the bill can seek to add legislators from the other house as joint sponsors to the legislation. (Joint Rule 5, *Standing Rules of the Senate and Assembly*, Nev. Leg., 82nd Sess. (2023)) The joint sponsors will be listed below the date of introduction.

If the legislation is introduced by a standing committee, then that standing committee is the sponsor of the bill, and the committee's name will be listed to the right of the bill number. (NRS 218D.250; Joint Rule 5, *Standing Rules of the Senate and Assembly*, Nev. Leg., 82nd Sess. (2023)) The standing committee can also seek to add the equivalent standing committee in the other house as a joint sponsor to the

legislation. (NRS 218D.250; Joint Rule 5, *Standing Rules of the Senate and Assembly*, Nev. Leg., 82nd Sess. (2023))

Introduction and Referral Information

The date on which the bill was introduced in the house of origin is listed on the first page of the bill. The date is placed below the bill number and sponsorship information from the house of origin and before the joint sponsorship information, if any. Additionally, the committee to which the bill is referred in the house of origin is printed below the introduction date and joint sponsorship information, if any.

Summary

A summary is a single sentence that gives the reader a general overview of the subject of the bill. The summary is included in the bill for informational purposes, and it is not constitutionally or statutorily required.

Fiscal Considerations

Each bill contains various pieces of information related to its fiscal effect on state and local governments. While each bill is required to include a statement of fiscal effect, under certain circumstances, bills must also contain specific markings related to unfunded mandates and extraordinary vote requirements. Moreover, fiscal notes will also be prepared under certain circumstances to detail the fiscal cost of the bill on state and local governmental entities.

STATEMENT OF FISCAL EFFECT

Immediately below the summary is information related to the fiscal effect of the bill on state and local governmental entities. This statement of fiscal effect is initially determined by the Legal Division of the Legislative Counsel Bureau during the bill drafting process. (NRS 218D.415) The Legal Division will analyze the bill and determine what statutorily prescribed language should be marked on the bill depending on its projected fiscal effect. (*Id.*)

For example, NRS 218D.415 provides that each bill must have one of the following statements related to the fiscal effect on local governments:

- Effect on Local Government: May have Fiscal Impact.
- Effect on Local Government: No.
- Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.

Additionally, NRS 218D.415 provides that each bill must contain one of the following statements related to the fiscal effect on the state:

- Effect on the State: Yes.
- Effect on the State: No.
- Effect on the State: Contains Appropriation included in Executive Budget.
- Effect on the State: Executive Budget.
- Effect on the State: Contains Appropriation not included in Executive Budget.

It should be noted that a bill being designated with “Effect on Local Government: May have Fiscal Impact” or “Effect on the State: Yes” by the Legal Division should not be used as the definitive statement on whether the bill has a financial impact on state or local government. A fiscal note submitted by an affected state or local governmental entity will actually detail the estimated cost of the bill on the state or local governmental entity.

FISCAL NOTES

The Fiscal Analysis Division of the Legislative Counsel Bureau will obtain a fiscal note for a bill if it determines that the bill: (1) creates or increases a fiscal liability or decreases revenue for the state government by more than \$2,000; (2) increases or provides for a new term of imprisonment in the state prison or makes release on parole or probation from the state prison less likely; or (3) creates or increases a fiscal liability or decreases revenue for any local government or school district. (NRS 218D.430) A fiscal note is a supporting document to a bill. It estimates the underlying cost of a bill’s policy on a state or local governmental entity. (NRS 218D.430 and 218D.470)

Contrastingly, the Fiscal Analysis Division is not required to request a fiscal note on a bill with a fiscal effect that would cost less than \$2,000 to implement, or that relates exclusively to the executive budget. (NRS 218D.430)

Similarly, the Fiscal Analysis Division is not required to obtain a fiscal note if the only impact on a local government is that a bill increases or newly provides for a term of imprisonment in a county or city jail or detention facility or makes release on probation therefrom less likely. (NRS 218D.435) However, a state or local governmental entity may submit unsolicited fiscal notes indicating a potential fiscal impact. (*Id.*)

Once the Fiscal Analysis Division determines a fiscal note is required to be prepared for the bill, the Fiscal Analysis Division informs the requester of the BDR

that a fiscal note is required and requests permission to obtain fiscal notes from the affected state or local governmental entities. (NRS 218D.460) It should be noted that if the requester is a legislator, the legislator may choose not to give this permission to the Fiscal Analysis Division, in which case, the Fiscal Analysis Division must wait to request the fiscal note until the introduction of the bill. (*Id.*)

When the Fiscal Analysis Division requests a fiscal note, it will submit the bill to the state or local governmental entity that may be fiscally affected by the bill. (NRS 218D.460) A bill that is sent to a state or local governmental entity for a fiscal note may be used by that entity for official purposes only and may not be copied or otherwise disseminated by that entity until the bill has been made public, or with the permission of the party who has requested the bill. (NRS 218D.495)

A state governmental entity has five working days from the date of request to provide the fiscal note to the Fiscal Analysis Division. (NRS 218D.475) If the fiscal note relates to an agency of the Executive Department, it must send the fiscal note to the Governor's Office of Finance for review and comments before returning it to the Fiscal Analysis Division. (NRS 218D.465) Contrastingly, fiscal notes completed by the Judicial Department, the Legislature, or other non-Executive Department agencies are returned directly to the Fiscal Analysis Division and are not subject to review by the Governor's Office of Finance. (*Id.*) The Fiscal Analysis Division may grant up to a ten-day extension on the return of a fiscal note if the subject requires extensive research. (NRS 218D.475)

Local governments are allowed eight working days to provide a response to a request for a fiscal note and may not be given an extension beyond that period. (NRS 218D.475) The completed fiscal notes of local governments are consolidated by the Fiscal Analysis Division into a single fiscal note. (NRS 218D.480)

The fiscal notes can be viewed electronically on the Nevada Electronic Legislative Information System (NELIS).

UNFUNDED MANDATES

If a bill will require a local governmental entity to establish, provide, or increase a program or service that is estimated to cost more than \$5,000 per local governmental entity and a source of revenue to pay the expense is not identified in the bill, the bill must indicate that it contains an unfunded mandate, and further indicate whether the unfunded mandate was requested by the affected local governmental entities. (NRS 218D.270) If the bill is required to have these markings, the markings will be located below the statement of fiscal effect.

2/3 MAJORITY VOTE REQUIREMENT

The Nevada Constitution requires a two-thirds majority vote in each house to pass a bill that creates, generates, or increases any public revenue. (Nev. Const. Art. 4, Sec. 18) For example, a bill that newly requires a tax, fee, or assessment would be subject to this voting requirement. (*Id.*) If a two-thirds majority vote is required, it will be marked at the top of the first page of the bill, along with an indication of what section triggers the requirement.

Title

The title of the bill appears after the statement of fiscal effect. The title is a compilation of clauses that describe the substantive provisions of bill, typically in the order in which they appear. By way of background, the Nevada Constitution requires each bill to contain a title, which briefly describes the single subject of the bill. (Nev. Const. Art. 4, Sec. 17) To this point, the first clause of the title indicates the single subject of the bill. For example, a title whose first clause states, “An act relating to elections” will indicate that the entire contents of the bill relate to elections. The clauses following the first clause will then provide more detail relating to the substantive provisions of the bill.

Legislative Counsel’s Digest

To the extent practicable, each bill introduced in the Legislature will also include a digest, which must be printed on the bill immediately following the title of the bill. (NRS 218D.290) A digest is a short summary of the bill that is written by the Legal Division of the Legislative Counsel Bureau in language used in common parlance. Specifically, the digest summarizes the existing status of the law, if any, and how the contents of the bill add, change, or repeal existing law. (*Id.*)

Enacting Clause

The Nevada Constitution provides that each bill must contain the phrase “The people of the State of Nevada represented in the Senate and Assembly, do enact as follows.” (Nev. Const. Art. 4, Sec. 23) This phrase is found following the Legislative Counsel’s Digest.

Substantive Changes

The substantive provisions of the bill will appear after the enacting clause. Typically, a bill is broken down into sections. Each section contains a proposed new section of law, or an existing section of law that is proposed to be amended by the bill.

Existing law will appear as black text, with proposed new language appearing in bold blue italics, and language proposed to be removed appearing between brackets as

stricken red language. A short explanation of these styles is shown directly above the title of the bill.

In amendments: (1) the new language will appear as green bold underline; (2) language proposed to be deleted by the amendment will show in purple double strikethrough; and (3) orange double underlining shows deleted language in the original bill proposed to be retained in the amendment. An explanation of the amendment's styles is shown on the cover page of the amendment.

Transitory Provisions

The bill's transitory provisions will appear in sections follow the substantive sections of the bill. A transitory provision is a non-substantive provision that gives some further direction for how the bill should be interpreted. A transitory provision appears in black text only and it will not be given its own NRS number. However, the transitory provision may sometimes be codified as "Reviser's Note" following the NRS section to which it applies.

Perhaps the most common transitory provision is the effective date of the bill. An example of a specific effective date in a bill would be "This act becomes effective upon passage and approval" or "This act becomes effective on May 1, 2025." It should be noted, however, that bills do not need to contain a specific effective date. If this is the case, the bill automatically becomes effective on October 1 of the year in which the bill is passed, which, for this legislative session would be October 1, 2025. (NRS 218D.330) Other types of transitory provisions include appropriations, grandfather clauses, and repealers.

