

SENATE BILL NO. 99—SENATORS SEEVERS GANSERT,
GOICOECHEA, BUCK; HARDY AND PICKARD

FEBRUARY 4, 2021

Referred to Committee on Legislative Operations and Elections

SUMMARY—Makes changes to provisions relating to fiscal notes.
(BDR 17-700)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§ 4)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to governmental administration; requiring each bill or joint resolution introduced in the Legislature to include a statement concerning whether the bill or resolution creates, generates or increases public revenue of the State or a local government; requiring the Fiscal Analysis Division of the Legislative Counsel Bureau to obtain or prepare a fiscal note for a bill or joint resolution that creates, generates or increases public revenue of the State or a local government; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the summary of each bill or joint resolution introduced in the Legislature to include a statement with certain information concerning the fiscal effect of this bill or joint resolution on the State and local governments. (NRS 218D.415) **Section 1** of this bill requires each bill or joint resolution introduced in the Legislature to also include a statement concerning whether the bill or resolution creates, generates or increases any public revenue of the State or a local government.

Existing law requires the Fiscal Analysis Division of the Legislative Counsel Bureau to obtain or prepare a fiscal note for certain bills and joint resolutions affecting the State or a local government. (NRS 218D.430, 218D.435) **Sections 2 and 3** of this bill require the Fiscal Analysis Division to also obtain or prepare a fiscal note for a bill or joint resolution that creates, generates or increases any public revenue of the State or a local government.



14 **Sections 4 and 5** of this bill make conforming changes related to the
15 preparation of fiscal notes when a bill or joint resolution creates, generates or
16 increases any public revenue of the State or a local government.

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

1 **Section 1.** NRS 218D.415 is hereby amended to read as
2 follows:

3 218D.415 1. The summary of each bill or joint resolution
4 introduced in the Legislature must include the statement:

5 (a) "Fiscal Note: Effect on Local Government: May have Fiscal
6 Impact,"

7 " Fiscal Note: Effect on Local Government: No," or

8 " Fiscal Note: Effect on Local Government: Increases or
9 Newly Provides for Term of Imprisonment in County or City Jail or
10 Detention Facility,"

11 ↳ whichever is appropriate; ~~and~~

12 (b) "Effect on the State: Yes,"

13 " Effect on the State: No,"

14 " Effect on the State: Contains Appropriation included in
15 Executive Budget,"

16 " Effect on the State: Executive Budget," or

17 " Effect on the State: Contains Appropriation not included in
18 Executive Budget,"

19 ↳ whichever is appropriate ~~and~~; and

20 (c) *"Creates, generates, or increases any public revenue of the*
21 *State or a local government in any form:"*

22 " *Effect on the State: Yes," or*

23 " *Effect on the State: No,"*

24 ↳ *whichever is appropriate; and*

25 " *Effect on Local Government: Yes," or*

26 " *Effect on Local Government: No,"*

27 ↳ *whichever is appropriate.*

28 2. The Legislative Counsel shall consult the Fiscal Analysis
29 Division to secure the appropriate information for summaries of
30 bills and joint resolutions.

31 3. If an amendment adds an appropriation to a bill that
32 previously did not include an appropriation or removes all
33 appropriations from a bill that previously included one or more
34 appropriations, the Legislative Counsel shall change the summary of
35 the bill to reflect the inclusion or removal.

36 4. *If an amendment adds a provision that creates, generates*
37 *or increases any public revenue in any form to a bill that*
38 *previously did not include such a provision, or removes all*



1 *provisions that create, generate or increase any public revenue in*
2 *any form from a bill that previously included one or more*
3 *provisions, the Legislative Counsel shall change the summary of*
4 *the bill to reflect the inclusion or removal.*

5 **Sec. 2.** NRS 218D.430 is hereby amended to read as follows:

6 218D.430 1. Except as otherwise provided in subsection 4,
7 the Fiscal Analysis Division shall obtain a fiscal note on:

8 (a) Any bill or joint resolution which creates or increases any
9 fiscal liability or decreases any revenue which appears to be in
10 excess of \$2,000; ~~and~~

11 (b) Any bill or joint resolution which increases or newly
12 provides for a term of imprisonment in the state prison or makes
13 release on parole or probation from the state prison less likely ~~;~~
14 *and*

15 (c) *Any bill or joint resolution which creates, generates or*
16 *increases any public revenue of the State in any form,*

17 ~~↪~~ before a vote is taken on such a bill or joint resolution by a
18 committee of the Assembly or the Senate.

19 2. The fiscal note must contain a reliable estimate of the
20 anticipated change in appropriation authority, fiscal liability or state
21 revenue under the bill or joint resolution, including, to the extent
22 possible, a projection of such changes in future biennia.

23 3. Except as otherwise provided in NRS 218D.400 to
24 218D.495, inclusive, or a joint rule, the estimates must be made by
25 the affected agency or agencies.

26 4. The fiscal note is not required on any bill or joint resolution
27 relating exclusively to the proposed executive budget.

28 **Sec. 3.** NRS 218D.435 is hereby amended to read as follows:

29 218D.435 1. Before a vote is taken by a committee of the
30 Assembly or the Senate on any bill or joint resolution which the
31 Legislative Counsel, in consultation with the Fiscal Analysis
32 Division, determines ~~may~~ :

33 (a) *May* reduce the revenues or increase the expenditures of a
34 local government ~~;~~ *or*

35 (b) *Creates, generates or increases any public revenue of a*
36 *local government in any form,*

37 ~~↪~~ the Fiscal Analysis Division shall prepare a fiscal note pursuant
38 to NRS 218D.400 to 218D.495, inclusive.

39 2. Before preparing a fiscal note pursuant to this section, the
40 Fiscal Analysis Division shall:

41 (a) Provide to the appropriate local governments a copy of the
42 bill or joint resolution for which the fiscal note is required; and

43 (b) Request that the local governments review the bill or joint
44 resolution and, if required, prepare a fiscal note pursuant to the
45 provisions of subsection 2 of NRS 218D.475.



3. Except as otherwise provided in this subsection, a fiscal note is not required if the only impact on a local government is that a bill or joint resolution 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. The Fiscal Analysis Division shall prepare a fiscal note for a bill or joint resolution for which a fiscal note is not otherwise required pursuant to this subsection if, within 8 working days after the bill or joint resolution is introduced:

(a) A local government prepares a fiscal note for the bill or joint resolution and submits it to the Fiscal Analysis Division; and

(b) The fiscal note complies with requirements set forth in NRS 218D.470.

Sec. 4. NRS 218D.475 is hereby amended to read as follows:

218D.475 1. Whenever a bill or joint resolution is submitted to an agency for a fiscal note, the agency shall prepare the fiscal note and return it to the Fiscal Analysis Division within 5 working days. The Fiscal Analysis Division may extend the period for not more than 10 additional working days if the matter requires extended research.

2. Whenever a bill or joint resolution is submitted to a local government for a fiscal note, the local government shall:

(a) Review the provisions of the bill or joint resolution to determine whether the bill or joint resolution ~~reduces~~ :

(1) *Reduces* the revenues or increases the expenditures of the local government; ~~and~~ or

(2) *Creates, generates or increases any public revenue of the local government in any form; and*

(b) If the local government determines that the bill or joint resolution ~~reduces~~ :

(1) *Reduces* the revenues or increases the expenditures of the local government ~~;~~ or

(2) *Creates, generates or increases any public revenue of the local government in any form,*

↳ prepare a fiscal note for that bill or joint resolution and return it to the Fiscal Analysis Division within 8 working days.

Sec. 5. NRS 218D.480 is hereby amended to read as follows:

218D.480 1. As soon as practicable after a fiscal note is received from an agency, the Fiscal Analysis Division shall send a copy of the fiscal note to the chair of the standing committee or committees to which the bill or joint resolution has been referred. The Fiscal Analysis Division shall retain the original fiscal note.

2. Upon expiration of the period prescribed in paragraph (b) of subsection 2 of NRS 218D.475, the Fiscal Analysis Division shall prepare a single consolidated fiscal note into which any information



1 submitted by a local government regarding a bill or joint resolution
2 must be incorporated. If, upon the expiration of that period, the
3 Fiscal Analysis Division determines that no local governments have
4 submitted information regarding the fiscal impact of a bill or joint
5 resolution, the Fiscal Analysis Division shall prepare a fiscal note
6 indicating that local governments have reported no *increases or*
7 decreases in revenues or increases in expenditures resulting from the
8 bill or joint resolution. The Fiscal Analysis Division shall send to
9 the chair of the standing committee or committees to which the bill
10 or joint resolution has been referred a copy of a fiscal note prepared
11 pursuant to this subsection. The Fiscal Analysis Division shall retain
12 the original fiscal note and any fiscal notes submitted by local
13 governments for the bill or joint resolution.

14 3. If a local government wishes to submit a fiscal note for a bill
15 or joint resolution after the expiration of the period prescribed in
16 paragraph (b) of subsection 2 of NRS 218D.475, the local
17 government must submit the fiscal note to the chair of the
18 committee or committees to which the bill or joint resolution has
19 been referred, and a copy of the fiscal note to the Fiscal Analysis
20 Division. The Fiscal Analysis Division shall retain the copy of the
21 fiscal note provided by the local government.

22 **Sec. 6.** The provisions of NRS 354.599 do not apply to any
23 additional expenses of a local government that are related to the
24 provisions of this act.

