

ASSEMBLY BILL NO. 2—COMMITTEE OF THE WHOLE

PREFILED JULY 30, 2020

Referred to Committee of the Whole

SUMMARY—Revises and clarifies provisions relating to the Legislative Department of the State Government. (BDR 17-17)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.  
Effect on the State: No.

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

AN ACT relating to the Legislative Department of the State Government; enacting provisions governing the use by certain committees of remote-technology systems for conducting committee meetings during the public-health crisis caused by the COVID-19 pandemic; providing for the publication of certain joint resolutions proposing amendments to the Nevada Constitution under certain circumstances; revising and clarifying provisions governing the organization, operation and personnel of the Legislative Counsel Bureau; providing penalties; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Under existing law, the Legislative Commission, the Interim Finance Committee and various other legislative committees conduct studies and investigations and perform other legislative business during the interim between legislative sessions. (Chapter 218E of NRS) Additionally, the staff of the Legislative Counsel Bureau serves as the primary administrative or professional staff for various advisory committees whose membership consists of Legislators, other public officials and interested citizens, including the Advisory Commission on the Administration of Justice and the Commission on Special License Plates. (NRS 176.0123, 482.367004)

**Sections 2-9** of this bill enact provisions which apply during the public-health crisis caused by the COVID-19 pandemic and which govern the use by such interim, advisory and similar committees of remote-technology systems for committee meetings that enable persons from remote locations to attend,



\* A B 2 R 1 \*

participate, vote or take any other action in the committee meetings even though the persons are not physically present at the committee meetings. However, **sections 2-9** do not apply to the Legislature or session committees during a regular or special session because the use of remote-technology systems by the Legislature and session committees is governed by the rules adopted by the Houses pursuant to their constitutional authority to determine the rules of their proceedings. (Nev. Const. Art. 4, § 6)

**Section 8** of this bill provides that each committee subject to **sections 2-9** may conduct committee meetings through the use of authorized remote-technology systems, regardless of whether any physical location is made available for the committee meetings, and the members of the committee may attend, participate, vote or take any other action through the use of authorized remote-technology systems, regardless of whether the members are physically present at the committee meetings. **Section 8** further provides that: (1) the committees must conform, to the extent practicable, with any other requirements for conducting the committee meetings which do not conflict with **sections 2-9**; and (2) the staff of the Legislative Counsel Bureau must make reasonable efforts to ensure that the public can hear or observe the committee meetings and participate in public comment during the committee meetings, except to the extent that such activity is otherwise subject to any lawful requirements or restrictions governing the committee meetings. **Section 8** also provides that the members who use authorized remote-technology systems shall be deemed to be present and in attendance at the committee meetings for all purposes. Finally, **section 8** authorizes committee chairs to take, direct or require any necessary and reasonable actions to carry out the committee meetings conducted through the use of authorized remote-technology systems.

Under existing law, a person commits the offense of unlawful interference with the legislative process if the person, without legal authority, willfully engages in conduct that: (1) prevents or attempts to prevent the Legislature or committees from conducting meetings; or (2) disturbs, disrupts or interferes with, or attempts to disturb, disrupt or interfere with, the meetings of the Legislature or committees. (NRS 218A.900, 218A.905) A person who commits such an offense is guilty of a gross misdemeanor and is also subject to injunctive relief, contempt citations and other remedies for the offense. (NRS 218A.900-218A.940)

Because the Legislature and session committees may use remote-technology systems when authorized pursuant to the rules adopted by the Houses, this bill amends the offense of unlawful interference with the legislative process to include prohibited acts that interfere with the use of remote-technology systems by the Legislature and session committees and any interim, advisory and similar committees subject to **sections 2-9**. Specifically, **sections 9, 15 and 16** of this bill provide that a person commits the offense of unlawful interference with the legislative process if the person, without legal authority, willfully engages in conduct that: (1) prevents or attempts to prevent the use of remote-technology systems for any sessions or meetings of the Legislature or such committees; or (2) disturbs, disrupts, obstructs, tampers or interferes with, or attempts to disturb, disrupt, obstruct, tamper or interfere with, the use of remote-technology systems for any sessions or meetings of the Legislature or such committees. **Sections 9, 15 and 16** further provide that a person who commits such an offense is guilty of a gross misdemeanor and is also subject to injunctive relief, contempt citations and other remedies for the offense.

Under the Nevada Constitution, in order for the Legislature to submit proposed state constitutional amendments to the voters for approval and ratification: (1) the Legislature must approve the proposed amendments for a first time during a regular or special session; and (2) the next Legislature, which is chosen at the general election following first passage of the proposed amendments, must approve them



for a second time during a regular or special session. (Nev. Const. Art. 16, § 1) The Nevada Constitution also requires that, after first approval of the proposed amendments, they must be published for at least 3 months before the date of the general election at which the next Legislature is chosen. (Nev. Const. Art. 16, § 1; *State ex rel. Torreyson v. Grey*, 21 Nev. 378 (1893))

**Section 17** of this bill provides that if the Legislature first approves any state constitutional amendments during a special session held in an even-numbered year, the Director of the Legislative Counsel Bureau shall immediately publish a separate printed volume of advance sheets of statutes which includes the full text of the proposed amendments as approved by the Legislature. **Section 17** also states that such publication is deemed to be the publication of the proposed amendments for the purposes of the Nevada Constitution without any additional publication being necessary for that specific purpose.

Under existing law, the Director of the Legislative Counsel Bureau serves as the executive head of the five divisions of the Legislative Counsel Bureau, which are the Administrative Division, Audit Division, Fiscal Analysis Division, Legal Division and Research Division, and existing law contains provisions governing the chiefs of those divisions. (Chapters 218F and 218G of NRS)

**Sections 13 and 19** of this bill clarify, but do not change, existing law by designating in clearer language that the Senate Fiscal Analyst and the Assembly Fiscal Analyst are the chiefs of the Fiscal Analysis Division. (NRS 218A.030, 218F.100) Similarly, **sections 10 and 19** of this bill clarify, but do not change, existing law by defining the term "Chief of the Administrative Division" and adding that term to the provisions of existing law governing the appointment of the chiefs of the divisions of the Legislative Counsel Bureau. (NRS 218F.100)

Existing law establishes and codifies the position of the Legislative Counsel as a public office, provides that the Legislative Counsel is the chief of the Legal Division and establishes and defines various legal functions assigned to the Legal Division. (NRS 218A.057, 218F.100, 218F.700-218F.730) Additionally, existing law empowers and directs the Legislative Commission to: (1) supervise the functions assigned to the divisions of the Legislative Counsel Bureau; (2) oversee the organization and operation of those divisions; and (3) approve changes regarding the structure and personnel within those divisions as necessary to manage the workload of the Legislative Counsel Bureau and ensure the completion of the work required for the next regular session. (NRS 218E.180, 218E.225) In carrying out these powers and duties, the Legislative Commission, at its meeting on June 5, 2020, approved a revised organizational structure of the Legal Division in which the position of the Chief Litigation Counsel was replaced with the position of the General Counsel in order to better manage the workload of the Legal Division and thereby achieve a more efficient and effective separation of legal functions between the General Counsel and the Legislative Counsel to ensure the completion of the work required for the next regular session.

**Sections 11, 14 and 18-25** of this bill facilitate and carry out the revised organizational structure of the Legal Division approved by the Legislative Commission by: (1) establishing and codifying the position of the General Counsel as a public office; (2) providing that the Legislative Counsel and the General Counsel are the chiefs of the Legal Division; (3) setting forth the qualifications, powers and duties of the Legislative Counsel and the General Counsel; and (4) stating that if any particular matter requires an appropriate separation of legal functions within the Legal Division, the Legislative Counsel and the General Counsel shall take necessary and proper actions to ensure that the appropriate separation of legal functions is established and maintained within the Legal Division.



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

1     **Section 1.** Chapter 218A of NRS is hereby amended by  
2 adding thereto the provisions set forth as sections 2 to 11, inclusive,  
3 of this act.

4     **Sec. 2.** *For the purposes of sections 2 to 9, inclusive, of this*  
5 *act, the Legislature finds and declares that when committees use*  
6 *authorized remote-technology systems for committee meetings*  
7 *during the public-health crisis caused by the COVID-19*  
8 *pandemic, such use:*

9     1. *Promotes and facilitates the efficient and effective*  
10 *operation of the committees and encourages and fosters*  
11 *participation in the committee meetings by enabling persons from*  
12 *remote locations to attend, participate, vote or take any other*  
13 *action in the committee meetings even though the persons are not*  
14 *physically present at the committee meetings;*

15     2. *Enables Legislators and other public officials to represent*  
16 *their constituents and carry out their official powers, functions,*  
17 *duties and responsibilities at the committee meetings; and*

18     3. *During such periods of emergency, crisis or disaster,*  
19 *safeguards the workings of the committees and ensures the*  
20 *continuity and efficacy of their operations at the committee*  
21 *meetings and protects the health, safety and welfare of persons*  
22 *who participate in the committee meetings by serving as a*  
23 *necessary protective or safety measure to keep the committee*  
24 *meetings as safe and free as reasonably possible from danger, risk,*  
25 *harm, injury and peril.*

26     **Sec. 3.** *As used in sections 2 to 9, inclusive, of this act, unless*  
27 *the context otherwise requires, the words and terms defined in*  
28 *sections 4 to 7, inclusive, of this act have the meanings ascribed to*  
29 *them in those sections.*

30     **Sec. 4.** *“Authorized remote-technology system” means any*  
31 *system or other means of communication which is approved by the*  
32 *Director and which uses any electronic, digital or other similar*  
33 *technology to enable a person from a remote location to attend,*  
34 *participate, vote or take any other action in any committee meeting*  
35 *even though the person is not physically present at the committee*  
36 *meeting.*

37     **Sec. 5.** *“Chair” means the chair of a committee or any other*  
38 *member of the committee who is serving as the presiding officer of*  
39 *the committee.*

40     **Sec. 6.** 1. *“Committee” means:*

41     (a) *The Legislative Commission and any other legislative*  
42 *committee or subcommittee created by a specific statute,*



1 concurrent resolution or order of the Legislative Commission to  
2 conduct studies or investigations or perform any other legislative  
3 business during the legislative interim; and

4 (b) Any other commission, committee, subcommittee or similar  
5 body for which legislative staff serves as the primary  
6 administrative or professional staff.

7 2. The term does not include any legislative committee or  
8 subcommittee appointed by the Legislature or either House to  
9 conduct or perform legislative business during a regular or special  
10 session, including, without limitation, any joint, standing,  
11 temporary, special or select committee or committee of the whole.

12 **Sec. 7. “Legislative staff” means the staff of the Legislative**  
13 **Counsel Bureau.**

14 **Sec. 8. 1. Notwithstanding any other provisions of law, the**  
15 **provisions of sections 2 to 9, inclusive, of this act apply to a**  
16 **committee that conducts a committee meeting through the use of**  
17 **any authorized remote-technology systems during the public-**  
18 **health crisis caused by the COVID-19 pandemic. In conducting**  
19 **such a committee meeting, the committee shall conform, to the**  
20 **extent practicable, with any other requirements for conducting the**  
21 **committee meeting, unless those other requirements conflict with**  
22 **the provisions of sections 2 to 9, inclusive, of this act.**

23 2. A committee may conduct a committee meeting through  
24 the use of any authorized remote-technology systems, regardless of  
25 whether any physical location is made available for the committee  
26 meeting, and the members of the committee may attend,  
27 participate, vote or take any other action through the use of any  
28 authorized remote-technology systems during the committee  
29 meeting, regardless of whether the members of the committee are  
30 physically present at the committee meeting.

31 3. If a committee conducts a committee meeting through the  
32 use of any authorized remote-technology systems, legislative staff  
33 must make reasonable efforts to ensure that members of the public  
34 can hear or observe the committee meeting and participate in any  
35 periods devoted to public comment during the committee meeting,  
36 except to the extent that such activity is otherwise regulated or  
37 limited by any lawful requirements or restrictions governing the  
38 committee meeting.

39 4. If a member of a committee uses any authorized remote-  
40 technology systems to attend, participate, vote or take any other  
41 action during a committee meeting, the member shall be deemed  
42 to be present and in attendance at the committee meeting for all  
43 purposes.

44 5. For a committee meeting, the chair may take, direct or  
45 require any necessary and reasonable actions to carry out the



provisions of sections 2 to 9, inclusive, of this act, including, without limitation:

(a) Requiring that one or more authorized remote-technology systems must be used by the members of the committee to conduct the committee meeting pursuant to the provisions of sections 2 to 9, inclusive, of this act.

(b) Directing that a physical location must not be made available for the committee meeting if the chair requires that one or more authorized remote-technology systems must be used by the members of the committee to conduct the committee meeting pursuant to the provisions of sections 2 to 9, inclusive, of this act.

**Sec. 9. 1.** A person who, without legal authority, willfully does any of the following acts, alone or in concert with another, interferes with the legislative process:

(a) Prevents or attempts to prevent the use of any authorized remote-technology systems for a committee meeting.

(b) Disturbs, disrupts, obstructs, tampers or interferes with, or attempts to disturb, disrupt, obstruct, tamper or interfere with, the use of any authorized remote-technology systems for a committee meeting.

2. A person who interferes with the legislative process in violation of any provision of this section is subject to the remedies and penalties for interference with the legislative process provided by NRS 218A.900 to 218A.940, inclusive.

**Sec. 10.** “Chief of the Administrative Division” means the person appointed or serving as the Chief of the Administrative Division pursuant to NRS 218F.100.

**Sec. 11.** “General Counsel” means the person appointed or serving as the General Counsel and a chief of the Legal Division pursuant to NRS 218F.100.

**Sec. 12.** NRS 218A.003 is hereby amended to read as follows:

218A.003 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 218A.006 to 218A.090, inclusive, *and sections 10 and 11 of this act* have the meanings ascribed to them in those sections.

**Sec. 13.** NRS 218A.030 is hereby amended to read as follows:

218A.030 “Fiscal Analyst” means a person appointed or serving as the Senate Fiscal Analyst or Assembly Fiscal Analyst *and a chief of the Fiscal Analysis Division* pursuant to NRS 218F.100.

**Sec. 14.** NRS 218A.057 is hereby amended to read as follows:

218A.057 “Legislative Counsel” means the person appointed or serving as the Legislative Counsel and *a* chief of the Legal Division pursuant to NRS 218F.100.



**Sec. 15.** NRS 218A.900 is hereby amended to read as follows:  
218A.900 1. ~~[The]~~ *For the purposes of NRS 218A.900 to 218A.940, inclusive, the* Legislature finds ~~[as a fact that the]~~ *and declares that:*

(a) *The complexities of contemporary civilization and government require the Legislature, in the discharge of its constitutional function, to delegate separately to ~~[committees and to]~~ the Legislative Commission and other committees during regular and special sessions and the legislative interim the finding of essential facts and the preliminary consideration of legislation, and that these subordinate bodies are, therefore, an integral part of the Legislature.*

(b) *When the Legislature authorizes the use of remote-technology systems for sessions and meetings, such use:*

(1) *Promotes and facilitates the efficient and effective operation of the sessions and meetings and encourages and fosters participation in the sessions and meetings by enabling persons from remote locations to attend, participate, vote or take any other action in the sessions and meetings even though the persons are not physically present at the sessions and meetings;*

(2) *Enables Legislators and other public officials to represent their constituents and carry out their official powers, functions, duties and responsibilities at the sessions and meetings; and*

(3) *During periods of emergency, crisis or disaster, safeguards the workings of the Legislative Department and ensures the continuity and efficacy of its operations at the sessions and meetings and protects the health, safety and welfare of persons who participate in the sessions and meetings by serving as a necessary protective or safety measure to keep the sessions and meetings as safe and free as reasonably possible from danger, risk, harm, injury and peril.*

2. As used in NRS 218A.900 to 218A.940, inclusive, unless the context otherwise requires ~~[ ]~~:

(a) "Legislature" means:

~~[(a)]~~ (1) The Legislature or either House;

~~[(b)]~~ (2) Any committee of either House;

~~[(c)]~~ (3) Any joint committee of both Houses; or

~~[(d)]~~ (4) Any other committee or commission created or authorized by the Legislature to *conduct or* perform legislative ~~[functions]~~ *business* at the direction of *or on behalf of* the Legislature.

➤ The term includes, without limitation, ~~[a]~~ *any interim, advisory or other committee or* subcommittee.



(b) *“Remote-technology system” means any system or other means of communication which is authorized pursuant to any statute, joint rule or rule of either House and which uses any electronic, digital or other similar technology to enable a person from a remote location to attend, participate, vote or take any other action in any session or meeting of the Legislature even though the person is not physically present at the session or meeting. The term includes, without limitation, a remote-technology system authorized pursuant to sections 2 to 9, inclusive, of this act.*

**Sec. 16.** NRS 218A.905 is hereby amended to read as follows:

218A.905 A person who, without legal authority, willfully does any of the following acts, alone or in concert with another, interferes with the legislative process:

1. Prevents or attempts to prevent the Legislature from conducting meetings ~~§~~, *including, without limitation, preventing or attempting to prevent the use of any remote-technology systems.*

2. Disturbs, disrupts, *obstructs, tampers* or interferes with, or attempts to disturb, disrupt, *obstruct, tamper* or interfere with, a meeting of the Legislature ~~§~~, *including, without limitation, the use of any remote-technology systems.*

3. Withholds, defaces, alters or destroys any official document or record of the Legislature, which conduct interferes with the functioning of the Legislature.

4. Withholds, defaces, alters or destroys any property owned or used by the Legislature.

5. Remains in the legislative chamber, Legislative Building, or any part thereof, or any other place where the Legislature is conducting its business, after being advised that the law or rule of the Legislature requires persons to leave after being asked to do so, and being asked to leave.

6. Prevents or attempts to prevent any Legislator or officer or employee of the Legislative Department from performing that person’s official duties.

7. Coerces or attempts to coerce any Legislator or officer or employee of the Legislative Department to perform any act under color of office, by any unlawful means, threats of violence, fraud or intimidation.

8. Possesses any firearm, explosive, dangerous device or deadly weapon in the Legislative Building or any other place where the Legislature is conducting its business.

*9. Commits any act in violation of section 9 of this act.*





1     **Sec. 17.** Chapter 218D of NRS is hereby amended by adding  
2     thereto a new section to read as follows:

3     *Notwithstanding any other provisions of law, for the purposes*  
4     *of carrying out the publication of any proposed amendment or*  
5     *amendments to the Constitution of the State of Nevada pursuant to*  
6     *Section 1 of Article 16 of the Nevada Constitution:*

7     1. *If the Legislature first approves a joint resolution*  
8     *proposing any such amendment or amendments during a special*  
9     *session held in an even-numbered year, the Director shall*  
10    *immediately publish a separate printed volume of advance sheets*  
11    *of statutes which includes the full text of the proposed amendment*  
12    *or amendments as approved by the Legislature.*

13    2. *Upon publication of the proposed amendment or*  
14    *amendments pursuant to this section, such publication shall be*  
15    *deemed to be the publication of the proposed amendment or*  
16    *amendments for the purposes of Section 1 of Article 16 of the*  
17    *Nevada Constitution without any additional publication being*  
18    *necessary for those purposes.*

19    **Sec. 18.** NRS 218D.155 is hereby amended to read as follows:

20    218D.155 1. In addition to the number of requests authorized  
21    pursuant to NRS 218D.150:

22    (a) The Speaker of the Assembly and the Majority Leader of the  
23    Senate may each request before the date of the general election  
24    preceding a regular session, without limitation, the drafting of not  
25    more than 15 legislative measures for that regular session.

26    (b) The Minority Leader of the Assembly and the Minority  
27    Leader of the Senate may each request before the date of the general  
28    election preceding a regular session, without limitation, the drafting  
29    of not more than 10 legislative measures for that regular session.

30    (c) A person designated after the general election as the Speaker  
31    of the Assembly, the Majority Leader of the Senate, the Minority  
32    Leader of the Assembly or the Minority Leader of the Senate for the  
33    next regular session may request before the first day of that regular  
34    session the drafting of the remaining number of the legislative  
35    measures allowed for the respective officer that were not requested  
36    by the previous officer.

37    2. The Legislative Counsel, *the General Counsel*, the  
38    Secretary of the Senate and the Chief Clerk of the Assembly may  
39    request before or during a regular session, without limitation, the  
40    drafting of as many legislative measures as are necessary or  
41    convenient for the proper exercise of their duties.

42    **Sec. 19.** NRS 218F.100 is hereby amended to read as follows:

43    218F.100 1. There is hereby created the Legislative Counsel  
44    Bureau, which consists of a Legislative Commission, an Interim  
45    Finance Committee, a Director, an Audit Division, a Fiscal Analysis



1 Division, a Legal Division, a Research Division and an  
2 Administrative Division.

3 2. The Legislative Auditor is *the* chief of the Audit Division.

4 3. The Legislative Counsel ~~{is chief}~~ *and the General Counsel*  
5 *are the chiefs* of the Legal Division. *The Director shall designate*  
6 *from time to time the Legislative Counsel or the General Counsel*  
7 *or an employee of the Legal Division to be responsible for the*  
8 *administration of the Legal Division.*

9 4. The Research Director is *the* chief of the Research Division.

10 5. *The Senate Fiscal Analyst and the Assembly Fiscal Analyst*  
11 *are the chiefs of the Fiscal Analysis Division.* The Director shall  
12 designate from time to time one of the Fiscal Analysts or ~~{another}~~  
13 *an* employee of the Fiscal Analysis Division to be responsible for  
14 the administration of the Fiscal Analysis Division.

15 ~~{3-}~~ 6. The Legislative Commission shall appoint the Director.  
16 The Director shall appoint the ~~{Fiscal Analysts}~~ *Chief of the*  
17 *Administrative Division* and the chiefs of the *other* divisions with  
18 the approval of the Legislative Commission, and may serve as the  
19 chief of any division.

20 ~~{4-}~~ 7. The Director may, with the consent of the Legislative  
21 Commission, designate one of the ~~{other division}~~ chiefs *of the*  
22 *divisions* or an employee of the Legislative Counsel Bureau as *the*  
23 Deputy Director.

24 **Sec. 20.** NRS 218F.150 is hereby amended to read as follows:

25 218F.150 1. The Director and other officers and employees  
26 of the Legislative Counsel Bureau shall not:

27 (a) Oppose or urge legislation, except as the duties of the  
28 Director, the Legislative Auditor, the Legislative Counsel, *the*  
29 *General Counsel*, the Research Director and the Fiscal Analysts  
30 require them to make recommendations to the Legislature.

31 (b) Except as otherwise provided in this section, NRS 218D.130,  
32 218D.135, 218D.250 and 353.211, disclose to any person outside  
33 the Legislative Counsel Bureau the nature or content of any matter  
34 entrusted to the Legislative Counsel Bureau, and such matter is  
35 confidential and privileged and is not subject to discovery or  
36 subpoena, unless the person entrusting the matter to the Legislative  
37 Counsel Bureau requests or consents to the disclosure.

38 2. The nature or content of any work produced by the officers  
39 and employees of the Research Division may be disclosed if or to  
40 the extent that the disclosure does not reveal the identity of the  
41 person who requested it or include any matter submitted by the  
42 requester which has not been published or publicly disclosed.

43 3. The nature and content of any work produced by the officers  
44 and employees of the Legal Division and the Fiscal Analysis  
45 Division and any matter entrusted to those officers and employees to



1 produce such work are confidential and privileged and are not  
2 subject to discovery or subpoena.

3 4. The provisions of subsections 1, 2 and 3 apply to any matter  
4 or work in any form, including, without limitation, in any oral,  
5 written, audio, visual, digital or electronic form, and such matter or  
6 work includes, without limitation, any communications,  
7 information, answers, advice, opinions, recommendations, drafts,  
8 documents, records, questions, inquiries or requests in any such  
9 form.

10 5. When a statute has been enacted or a resolution adopted, the  
11 Legislative Counsel shall upon request disclose to any person the  
12 state or other jurisdiction from whose law it appears to have been  
13 adopted.

14 6. The records of the travel expenses of Legislators and officers  
15 and employees of the Legislature and the Legislative Counsel  
16 Bureau are available for public inspection at such reasonable hours  
17 and under such other conditions as the Legislative Commission  
18 prescribes.

19 **Sec. 21.** NRS 218F.700 is hereby amended to read as follows:

20 218F.700 *1. The Legal Division consists of the Legislative*  
21 *Counsel and the General Counsel and such additional staff as the*  
22 *exercise and performance of their powers and duties may require.*

23 2. The Legislative Counsel must be:

24 ~~[(a)]~~ (a) An attorney admitted to practice law in one of the  
25 United States; and

26 ~~[(b)]~~ (b) Knowledgeable ~~[(b)]~~ and experienced in governmental  
27 law and operations, including, without limitation, some or all of  
28 the following:

29 ~~[(a)]~~ (1) Political science;

30 ~~[(b)]~~ (2) Parliamentary practice;

31 ~~[(c)]~~ (3) Legislative procedure; and

32 ~~[(d)]~~ (4) The methods of research, statutory revision and bill  
33 drafting.

34 3. *The General Counsel must be:*

35 (a) *An attorney admitted to practice law in one of the United*  
36 *States; and*

37 (b) *Knowledgeable and experienced in governmental law and*  
38 *operations, including, without limitation, some or all of the*  
39 *following:*

40 (1) *Governmental litigation before federal and state courts*  
41 *and agencies;*

42 (2) *Governmental ethics, meetings, records, privileges and*  
43 *immunities;*

44 (3) *Governmental officers and employees and employment*  
45 *law; and*



(4) *Governmental contracts, intellectual property and transactional law.*

4. *The provisions of this section establish the qualifications of the Legislative Counsel and the General Counsel but do not define or limit the respective powers and duties of the Legislative Counsel and the General Counsel.*

**Sec. 22.** NRS 218F.710 is hereby amended to read as follows:

218F.710 1. The Legislative Counsel ~~[has:]~~ *and the General Counsel each have:*

(a) The powers and duties assigned by this title and any law or resolution; and

(b) Such other powers and duties as may be assigned by the Director, the Legislature and the Legislative Commission.

2. Upon the request of *the Director or* any member or committee of the Legislature or the Legislative Commission, the Legislative Counsel ~~[shall]~~ *or the General Counsel may* give ~~[an]~~ *a legal* opinion *orally or* in writing upon any question of law, including *, without limitation*, existing law and suggested, proposed and pending legislation . ~~[which has become a matter of public record.]~~

3. *Except as otherwise provided in subsection 4, if the Legislative Counsel or the General Counsel, as applicable, is unavailable or otherwise unable to carry out his or her powers and duties regarding a particular matter for any reason, the Legislative Counsel or the General Counsel, as applicable, may carry out those powers and duties on behalf of the other legal counsel regarding that particular matter.*

4. *If any particular matter requires an appropriate separation of legal functions within the Legal Division, the Legislative Counsel and the General Counsel shall take necessary and proper actions to ensure that the appropriate separation of legal functions is established and maintained within the Legal Division.*

**Sec. 23.** NRS 218F.720 is hereby amended to read as follows:

218F.720 1. When deemed necessary or advisable to protect the official interests of the Legislature in any action or proceeding, the Legislative Commission, or the Chair of the Legislative Commission in cases where action is required before a meeting of the Legislative Commission is scheduled to be held, may direct the Legislative Counsel *or the General Counsel* and the Legal Division to appear in, commence, prosecute, defend or intervene in any action or proceeding before any court, agency or officer of the United States, this State or any other jurisdiction, or any political subdivision thereof. In any such action or proceeding, the Legislature may not be assessed or held liable for:



- 1 (a) Any filing or other court or agency fees; or  
2 (b) The attorney's fees or any other fees, costs or expenses of  
3 any other parties.

4 2. If a party to any action or proceeding before any court,  
5 agency or officer:

6 (a) Alleges that the Legislature, by its actions or failure to act,  
7 has violated the Constitution, treaties or laws of the United States or  
8 the Constitution or laws of this State; or

9 (b) Challenges, contests or raises as an issue, either in law or in  
10 equity, in whole or in part, or facially or as applied, the meaning,  
11 intent, purpose, scope, applicability, validity, enforceability or  
12 constitutionality of any law, resolution, initiative, referendum or  
13 other legislative or constitutional measure, including, without  
14 limitation, on grounds that it is ambiguous, unclear, uncertain,  
15 imprecise, indefinite or vague, is preempted by federal law or is  
16 otherwise inapplicable, invalid, unenforceable or unconstitutional,  
17 ➤ the Legislature may elect to intervene in the action or proceeding  
18 by filing a motion or request to intervene in the form required by the  
19 rules, laws or regulations applicable to the action or proceeding. The  
20 motion or request to intervene must be accompanied by an  
21 appropriate pleading, brief or dispositive motion setting forth the  
22 Legislature's arguments, claims, objections or defenses, in law or  
23 fact, or by a motion or request to file such a pleading, brief or  
24 dispositive motion at a later time.

25 3. Notwithstanding any other law to the contrary, upon the  
26 filing of a motion or request to intervene pursuant to subsection 2,  
27 the Legislature has an unconditional right and standing to intervene  
28 in the action or proceeding and to present its arguments, claims,  
29 objections or defenses, in law or fact, whether or not the  
30 Legislature's interests are adequately represented by existing parties  
31 and whether or not the State or any agency, officer or employee of  
32 the State is an existing party. If the Legislature intervenes in the  
33 action or proceeding, the Legislature has all the rights of a party.

34 4. The provisions of this section do not make the Legislature a  
35 necessary or indispensable party to any action or proceeding unless  
36 the Legislature intervenes in the action or proceeding, and no party  
37 to any action or proceeding may name the Legislature as a party or  
38 move to join the Legislature as a party based on the provisions of  
39 this section.

40 5. The Legislative Commission may authorize payment of the  
41 expenses and costs incurred pursuant to this section from the  
42 Legislative Fund.

43 6. As used in this section:

44 (a) "Action or proceeding" means any action, suit, matter, cause,  
45 hearing, appeal or proceeding.



(b) “Agency” means any agency, office, department, division, bureau, unit, board, commission, authority, institution, committee, subcommittee or other similar body or entity, including, without limitation, any body or entity created by an interstate, cooperative, joint or interlocal agreement or compact.

(c) “Legislature” means:

(1) The Legislature or either House; or

(2) Any current or former agency, member, officer or employee of the Legislature, the Legislative Counsel Bureau or the Legislative Department.

**Sec. 24.** NRS 218F.730 is hereby amended to read as follows:

218F.730 1. The Legislative Counsel *or the General Counsel* is authorized to secure copyright under the laws of the United States in all publications issued by the Legislative Counsel Bureau.

2. Each copyright must be secured in the name of the State of Nevada.

**Sec. 25.** 1. Except as otherwise provided in this section, the provisions of this act do not alter the appointment or employment of any officers or employees of the Legislature or the Legislative Counsel Bureau who are serving in their positions on the effective date of this act.

2. Notwithstanding any other provisions of law, if, on the effective date of this act, any employee of the Legislative Counsel Bureau is serving in the position designated as the General Counsel of the Legal Division of the Legislative Counsel Bureau, which position was approved by the Legislative Commission at its meeting on June 5, 2020, the employee shall be deemed, on the effective date of this act, to be appointed and approved pursuant to subsection 6 of NRS 218F.100, as amended by section 19 of this act, to serve in that position as a public office designated as the General Counsel of the Legal Division of the Legislative Counsel Bureau, which public office is hereby established and codified in the Nevada Revised Statutes, as amended by the provisions of this act.

**Sec. 26.** This act becomes effective upon passage and approval.

