

Regional Behavioral Health Policy Board
Bill Draft Request

Excerpts from Assembly Bill 366 (Chapter 479, *Statutes of Nevada 2017*) related to the bill draft request (BDR):

Sec. 8.3. Chapter 218D of NRS is hereby amended by adding thereto a new section to read as follows:

1. For a regular session, each regional behavioral health policy board created by section 6 of this act may request the drafting of not more than 1 legislative measure which relates to matters within the scope of the policy board. The request must be submitted to the Legislative Counsel on or before September 1 preceding the regular session.
2. A request made pursuant to this section must be on a form prescribed by the Legislative Counsel. A legislative measure requested pursuant to this section must be prefiled on or before the third Wednesday in November preceding the regular session. A legislative measure that is not prefiled on or before that day shall be deemed withdrawn.
3. The Legislative Counsel shall not assign a number to a request for the drafting of a legislative measure submitted pursuant to this section to establish the priority of the request until sufficient detail has been received to allow complete drafting of the legislative measure.

Sec. 8.7. NRS 218D.100 is hereby amended to read as follows:

1. The provisions of NRS 218D.100 to 218D.220, inclusive, and section 8.3 of this act apply to requests for the drafting of legislative measures for a regular session.
2. Except as otherwise provided by a specific statute, joint rule or concurrent resolution, the Legislative Counsel shall not honor a request for the drafting of a legislative measure if the request:
 - (a) Exceeds the number of requests authorized by NRS 218D.100 to 218D.220, inclusive, and section 8.3 of this act for the requester; or
 - (b) Is submitted by an authorized nonlegislative requester pursuant to NRS 218D.175 to 218D.220, inclusive, and section 8.3 of this act but is not in a subject related to the function of the requester.
3. The Legislative Counsel shall not:
 - (a) Assign a number to a request for the drafting of a legislative measure to establish the priority of the request until sufficient detail has been received to allow complete drafting of the legislative measure.
 - (b) Honor a request to change the subject matter of a request for the drafting of a legislative measure after it has been submitted for drafting.
 - (c) Honor a request for the drafting of a legislative measure which has been combined in violation of Section 17 of Article 4 of the Nevada Constitution.

Bill Draft Request

Ideas for potential BDRs come from various sources including, policy board members, mental health advocates, health care professionals, law enforcement, local officials, business community partners, and many others. To keep track of recommendations you may want to:

- Require all recommendations to be submitted in writing. The document/e-mail should include the name and affiliation of the proponent, date of submission, and contact information;
- Keep a running list of recommendations presented during hearings or submitted at another time;
- Sort recommendations by comparable topic; and
- Develop details and work out issues related to viable recommendations throughout the interim—do not wait until the work session or deadline.

Scope of a BDR

The scope of your BDR is limited by the statutes that created the regional behavioral health policy board. The BDR submitted must address “matters within the scope of the policy board.”

The BDR may address any such topic that is appropriate for a state law. However, it is important to note the BDR must: (1) comply with the “single-subject rule”; (2) propose specific legislative actions with enough detail that the BDR could be drafted if it were adopted by the policy board; (3) avoid repeating any existing statutes; and (4) avoid any conflicts with federal law, the *United States Constitution*, and the *Nevada Constitution*.

Compliance with the “Single-Subject Rule”

The single-subject rule is based on the *Nevada Constitution*. Section 17 of Article 4 of the *Constitution* limits the drafting of legislation to one subject and requires the title of the bill to state that subject. For example, the title of a bill must not state “AN ACT relating to apples and oranges,” but rather the title of the bill must state “AN ACT relating to fruit.” Some examples of single subjects that have been used for legislation include, without limitation: (1) education; (2) health care; (3) crimes; (4) transportation; (5) water; (6) protection of children; and (7) business.

In developing your BDR, you should ensure that the topics addressed in the BDR can be encompassed by a single subject, such as the single subjects listed above. For other examples of appropriate single subjects, you may review some of the bills that were proposed during the last legislative session. You will find those bills on the Legislature’s website at: <https://www.leg.state.nv.us/Session/79th2017/BDRList/>

Proposal of Specific Legislative Action with Sufficient Details for Drafting

Please remember that your BDR must propose specific legislative actions. For example, a BDR that seeks to “revise the definition of the term ‘mental illness’” is insufficient. A BDR must address the question of how these ideas will be accomplished. Thus, a bill that would “revise the definition of the term ‘mental illness’ by: (1) eliminating references to certain diagnostic manuals; and (2) excluding certain other mental disorders that result in diminished capacity” would be a sufficient BDR. Further, a BDR that seeks to “address care for persons with certain mental conditions” is insufficient. However, a bill, such as Senate Bill 7 (Chapter 496, *Statutes of Nevada*) of the 2015 Legislative Session, which revised provisions governing the admission of persons with certain mental conditions to and the release of such persons from certain facilities and programs would be sufficient. That bill expanded the list of persons authorized to file an application for the emergency admission of a person alleged to be a person with mental illness and a petition for the involuntary court-ordered admission of such a person to certain facilities or programs. In addition to other related matters, the measure also expanded the list of persons authorized to complete certain certificates concerning the mental condition of another.

Avoiding Repetition of Any Existing Statutes

Generally speaking, each bill seeks to enact new laws, make changes to existing laws, repeal existing laws, or accomplish some combination of all three of these purposes. If your BDR seeks to enact any new laws, it is important that your BDR not repeat any existing statutes. The reason is simple—there is no purpose in enacting a law that already exists.

To avoid repeating existing statutes, you should search the *Nevada Revised Statutes* (NRS), which are available online at the following link: <http://www.leg.state.nv.us/law1.cfm>.

If your BDR is submitted for drafting, the Legal Division of the Legislative Counsel Bureau (LCB) will also review the proposed concepts in your BDR to ensure they do not repeat any existing statutes.

Avoiding Conflicts with Federal Law, the *U.S. Constitution*, and the *Nevada Constitution*

It is important that each bill presented to the Legislature not include any provisions that would conflict with federal law, the *U.S. Constitution*, or the *Nevada Constitution*. If your BDR is submitted for drafting, the Legal Division of LCB will review the proposed concepts in your BDR to ensure they are constitutional and do not conflict with federal law.

Submitting the Bill Draft Request

When your BDR is submitted to the LCB for drafting:

1. Provide a detailed description of the recommendation and copies of any background information that will assist staff in understanding the purpose of the recommendation. Include a strong statement of intent, outlining the problem to be solved, intended effect, and/or the goal(s) of the proposed bill or resolution.

2. If the recommendation revises one or more current NRS, provide the reference to the NRS citation(s) affected by the recommendation.
3. Include the proposed effective date for the provisions of the measure. The default effective date for new legislation, if one is not provided, is October 1.
4. Provide a description of any known cost to the state or local government that would result from carrying out the changes in the bill if enacted.
5. Clearly delineate and provide the name and contact information for the person who has authority to speak on behalf of the policy board to clarify questions and provide additional information related to the recommendation, if necessary.

Required Prefiling

A bill draft requested by any entity other than a legislator or a legislative committee is required to be prefiled on or before the third Wednesday in November preceding the regular session. By statute, a measure that is not prefiled on or before that date is deemed to be withdrawn. There is no authority to waive this requirement.

Please submit the completed BDR form by mail to:

Brenda J. Erdoes, Legislative Counsel
Legislative Building
401 South Carson Street
Carson City, Nevada 89701-4747

Or by e-mail at erdoes@lcb.state.nv.us

Or by fax at (775) 684-6761.

Bill draft request forms are available on the Nevada Legislature website. Currently, the forms from the 2017 Session are listed at: <https://www.leg.state.nv.us/Session/79th2017/BDRForms/>.