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Budget Division

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POLICY DIRECTIVE #D-2012-07

April 30, 2012

TO: All Agencies, Boards, and Commissions within the Executive Branch

FROM: Jeff Mohlenkamp, Director
Department of Administration

SUBJECT: Preparation of Bills for the 2013 Legislative Session

By law, the Legislative Counsel is required to advise and assist state agencies and departments with preparing bill draft requests (BDR) to be submitted to the Legislature through the Governor or a designated member of his staff. Unless part of the Executive Budget, the Governor is required to transmit the proposed legislation to the Legislative Counsel on or before September 1, preceding the convening of the regular session of the Legislature.

To provide a systematic review and correlation of BDRs within the framework of the strategic planning and budget process, all BDRs must be submitted using the BDR tab in the Nevada Executive Budget System (NEBS). The software will be available to the agencies by May 1, 2012. Specific instructions on using the software will be provided in a BDR Manual to be posted to the Budget Division's website (<http://budget.nv.gov/>) this week. To assist agencies with developing their BDRs, important supplemental information is provided at the end of this directive. To allow adequate time for action, the Governor directed Executive Branch agencies to submit **all non-budgetary BDRs to the Department of Administration's Budget Division in NEBS by June 1, 2012.** All budgetary BDRs must be submitted to the Department of Administration's Budget Division in NEBS by August 31, 2012 with the agency request budget.



Jeff Mohlenkamp, Director

NOTE: This Budget Division Policy Directive and all Budget Division Policy Directives issued by the Director of the Department of Administration is posted on the Budget Division's website at <http://budget.nv.gov/> under the Budget Division Policy Directives (All Agency Memos) link.

SUPPLEMENTAL INFORMATION FOR EXECUTIVE BRANCH AGENCIES
SUBMITTING BILL DRAFT REQUESTS (BDRs)

I. General BDR guidance:

a. Single Subject: Agencies must submit a separate request for each bill proposed. Please note, each BDR must be limited to one subject, but may contain proposed revisions to more than one NRS section that relates to the single subject of the proposed bill.

b. Housekeeping versus Substantive: Non-budgetary BDRs should be separated between Policy-Housekeeping (clarification or minor changes to existing statutes) and Policy-Substantive (all other requests). This will help to expedite the review process and facilitate the bill drafting. If the agency is unsure whether the BDR is Policy-Housekeeping or Policy-Substantive, include it with the Policy-Substantive BDRs.

c. Acquisition or Disposition of State Lands: All legislative measures involving the acquisition or disposition of state land and containing a legal description thereof must be accompanied by the certificate required by NRS 218D.310.

II. BDRs must be submitted in NEBS:

All BDRs must be submitted to the Department of Administration's Budget Division using the BDR tab in NEBS by June 1, 2012. Each BDR from a division or other agency within a department must first be approved by the director of that department in NEBS.

Individuals must initially complete the NEBS BDR Access form, acquire the appointing authority's signature, and submit to the Budget Division for processing to gain access to the BDR tab in NEBS. The form is available on the Budget Division's website (<http://budget.nv.gov/>).

III. Instructions clarifying specific data requirements for BDRs in NEBS:

a. Description tab:

1. Please enter the primary agency requesting the bill.
2. Please describe the problem to be solved or the goal(s) of the proposed measure, or both. Please ensure that the description includes the intent and purpose of the proposed bill.

Intent of proposed bill. Be concise. Indicate what effect the bill will have if enacted. State what the agency wants the bill to achieve.

Justification or purpose. This provides the bill drafter with additional information on which to base his choice of language. If he understands the reasons behind your request, he can ensure the drafted bill will meet the agency's requirements. The more information provided the better.

3. Please enter the effective date. Unless a different date is specified in the bill, it becomes effective on October 1 of the year in which it was enacted. Please consider the relationship of the bill to the fiscal year. If a bill has several date requirements, the effective date entered by the agency should satisfy the first date required to successfully implement the bill.

b. Accounts tab: Please add budget account(s) that have an interest in the bill.

- c. **Dec Units tab:** Please identify if the request is a Budget Bill, Policy-Substantive bill, or a Policy-Housekeeping bill. If it is a Budget bill, identify the decision unit(s) in the Executive Budget associated with the fiscal impact of the bill for state agencies. When preparing the decision unit(s) in NEBS, the Decision Unit(s) should reference this BDR number.
- d. **Contacts tab:** Please provide the appropriate contact for the various phases of the request.
- e. **Fiscal Notes tab:** The Dec Unit tab captures the fiscal impact to state agencies that will be included in the Executive Budget. The Fiscal Notes tab looks at the fiscal impact as defined in NRS 218D.430 to 218D.445, inclusive. Using this definition, a fiscal note is required for every bill or joint resolution not included in the Executive Budget which:
 - 1. Creates or increases any fiscal liability or decreases any revenue which appears to be in excess of \$2,000.
 - 2. Increases or newly provides for a term of imprisonment in the state prison, county or city jail or detention facility, or makes release on parole or probation less likely.
- f. **Supplemental Notes tab:** Please enter additional information for each category where it may help with the analysis and ultimately the drafting of the bill. The bill drafter may be assisted with specific information regarding your BDR such as particular words or phrases to be included/excluded; NRS or other sites relating to the request; federal law, court cases, or Attorney General Opinions; similar requests from the current or past sessions; similar statutes held by other states; or other documentation relating to your bill.

If there are particular words or phrases desirable because they have been judicially construed or are commonly understood in connection with the particular subject matter, or for some reason are to be avoided, please provide these words or phrases and an explanation of why you want to use or avoid them. This is for specific words or phrases only. The agency may provide the full proposed language of the BDR in the attachment discussed below.

- g. **Attachments tab:**
 - 1. If the agency can provide the proposed language of the bill, it must be completed in a Microsoft Word document (.doc or .docx) and attached in NEBS. If an existing NRS should be amended, please provide the number. If new sections are to be added, please suggest where they are to be placed. The text should be formatted with the standard insertion and strikeout formatting adopted by the legislature (Ref NRS 218D.560). This attachment will print in every printed version of the BDR.
 - 2. If the agency has relevant and beneficial media information, it must be provided in an allowable file format (.doc, .docx, .xls, .xlsx, .rtf, .txt, .pdf, .mht) and attached in NEBS. The agency must indicate if this should be included in the documentation to be printed for the Governor's review and if it should be included in the documentation to be printed for the Legislative Counsel's review.

3. If the agency has any other beneficial information, it must be provided in an allowable file format (.doc, .docx, .xls, .xlsx, .rtf, .txt, .pdf, .mht) and attached in NEBS. The agency must indicate if this should be included in the documentation to be printed for the Governor's review and if it should be included in the documentation to be printed for the Legislative Counsel's review.
 - h. Printing: Agencies are given several printing options. The agency can print all of the information for the BDR, or only the information that will be presented to the Governor or the Legislative Counsel to review the content and ensure it is consistent with the agency's intent. The printing options will be added to the system in mid-May.
- IV. **Changes to BDRs:** Notify the agency's assigned Budget Division Budget Analyst immediately of any desired changes to a draft of a bill received from the Legislative Counsel. If the proposed change is approved, the Budget Division will notify the Legislative Counsel as soon as possible. If the agency does not contact their assigned Budget Division Budget Analyst immediately, the bill may be introduced before the change is implemented and can only be modified through an amendment during the legislative session.
- V. **Fiscal Notes:** Agencies must claim no fiscal impact in fiscal notes if the cost is included in the Executive Budget or is less than \$2,000; the Governor is expecting you to pay for such costs by proposing savings in existing programs or to justify why those costs should be included in the state's priorities. If an agency receives a request for a fiscal note to a bill, the agency must determine if the bill is part of the Executive Budget. If so, the agency should respond, "Included in the Executive Budget, no fiscal impact."

If you have any questions regarding the BDR process or data requirements, please contact your assigned Budget Division Budget Analyst.