

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON ELECTIONS, PROCEDURES, ETHICS, AND
CONSTITUTIONAL AMENDMENTS**

**Seventy-Third Session
June 2, 2005**

The Committee on Elections, Procedures, Ethics, and Constitutional Amendments was called to order at 1:30 p.m., on Thursday, June 2, 2005. Co-Chairwoman Ellen Koivisto presided in Room 3142 of the Legislative Building, Carson City, Nevada. [Exhibit A](#) is the Agenda. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Mrs. Ellen Koivisto, Co-Chairwoman
Mr. Harry Mortenson, Co-Chairman
Mr. Marcus Conklin, Co-Vice Chairman
Mr. Bob McCleary, Co-Vice Chairman
Mrs. Sharron Angle
Mr. Mo Denis
Mrs. Heidi S. Gansert
Ms. Chris Giunchigliani
Mr. Brooks Holcomb
Ms. Kathy McClain
Mr. Harvey J. Munford
Mr. Bob Seale

COMMITTEE MEMBERS ABSENT:

Mr. Scott Sibley (excused)

GUEST LEGISLATORS PRESENT:

None

STAFF MEMBERS PRESENT:

Donald Williams, Director, Research Division
Michelle Van Geel, Committee Policy Analyst

Celeste Gunther, Committee Attaché

OTHERS PRESENT:

Paula Berkley, Legislative Advocate, representing Service Employees International Union Local 1107 and Nevada Network Against Domestic Violence

Co-Chairwoman Koivisto:

[Called meeting to order.] We are meeting here today to decide on our interim studies. We have three interim studies. You should have a handout in your folder ([Exhibit B](#)). There are amendments to three of the bills. We need to discuss those and come to some conclusion [Opened hearing on A.C.R. 11.]

Assembly Concurrent Resolution 11: Directs Legislative Commission to conduct interim study on availability and inventory of affordable housing in Nevada. (BDR R-848)

Michelle Van Geel, Committee Policy Analyst:

The three resolutions we are considering today are for interim studies. On the first page of your work session document ([Exhibit B](#)) is a description for A.C.R. 11.

That resolution was presented to the Committee by Assemblyman Anderson on May 17. The resolution directs the Legislative Commission to conduct an interim study on the availability and inventory of affordable housing in Nevada. There was much discussion on this resolution. The proposed amendment would be to add language to clarify that transitional housing should be a part of the study with respect to homeless people, recovering drug abusers, et cetera, transitioning into affordable housing. The rest of the recommendation would be to add language to require participation in the study by local governments—for example, including reports from local governments to the interim committee, detailing the types of projects the local jurisdictions have in place to assist people in locating affordable housing. It is open for discussion, if there is concern for any other types of amendments or items to include in the study.

Assemblywoman Gansert:

Assemblywoman Leslie was not sure if that fit appropriately with this. Was this okay with her as far as the addition? I think she viewed it as being separate, but

I know we have a limited number of studies. Is this the way that we can work it in? I know that it is important.

Co-Chairwoman Koivisto:

Yes, it is a way that we can do the affordable housing and look at transitional housing as well. They are both dealing with a similar population group. We might need to indicate in the bill that we would like to have the committee come back with some recommendations as well, instead of just a report.

Paula Berkley, Legislative Advocate, representing Service Employees International Union (SEIU) Local 1107 and Nevada Network Against Domestic Violence:

SEIU feels like this is one of those very large topics that really has not been adequately studied and given enough attention to. They have directed me to promise that they would sit in on this particular interim study and volunteer resources to make sure that we come up with something with some meat.

My other client, the Nevada Network Against Domestic Violence, is also interested in this area because women who are victims of domestic violence often have a very difficult time finding either safe housing or any housing at all in an emergency area. They have already started looking into this. We have given the money committee a request for funds to look at this issue. Whatever the outcome, the Network will still be looking into that topic. We would like to be able to report that information back to this Committee, because we feel like it would add to the base of knowledge.

Assemblywoman Angle:

I am thinking about mental health issues as well, because we have limited group homes. I am wondering if we are going to move into that direction with this study as well. Sometimes transitional housing doesn't mean you live by yourself. I am thinking in those terms. When we are dealing with the homeless population, we need to keep in mind that these are people that have other issues and don't live well alone.

Paula Berkley:

I agree with you. This issue has many layers. Just depending on how much time and effort we can give it, we can get into all of those issues because they are all related.

Assemblywoman McClain:

I am hoping this will be broad-based and pull together all of the areas that need worked on.

Co-Chairwoman Koivisto:

I think if you look at the proposed conceptual amendments, those things would probably fall under "et cetera."

Assemblyman Denis:

I think these are all wonderful things. I worry that if we make it too broad, they won't be able to finish it.

Co-Chairwoman Koivisto:

That is always one of the real concerns with interim committees. If we give them too much to do, they may not be able to do it all. I think we have to be very specific. We can say homeless people, recovering drug users, and mental health. I think Alzheimer's and dementia will be dealt with in an aging study more so than this.

Assemblyman Denis:

That is my concern. These are all wonderful things that we really need to do. I just want to make sure that we can get to them. Do we have to pick one of these? Can we do all of them, or is there a limit to how many we can do?

Co-Chairwoman Koivisto:

We are doing three studies. So, what we are looking at today are the amendments, to make sure that we have in the studies what we feel are the most important things.

Assemblywoman McClain:

Obviously Alzheimer's, dementia, and social security will probably fit under the senior services study, but that is an all-encompassing one too. I think somewhere this study needs to report to that study in that area of housing, just so they are both on the same page and not duplicating efforts. We need to make that the intent, not write it in there.

Co-Chairwoman Koivisto:

We can do that.

Assemblyman Holcomb:

Isn't "et cetera" a little bit broad?

Co-Chairwoman Koivisto:

I think the "et cetera" is in there for us to fill in. Is there anything that anyone feels we have left out? We have talked about homeless people, recovering drug users, and mental health patients transitioning.

Assemblyman Denis:

Another one that has transitional housing is the abused women.

Assemblywoman McClain:

We can leave senior housing out and just coordinate with the other group who is studying senior issues in general.

Co-Chairwoman Koivisto:

Senior housing has to fit in with the affordable housing.

Assemblyman Holcomb:

Personally, I would like to see seniors. They have made their contribution to society and they should be included.

Co-Chairwoman Koivisto:

If you look at A.C.R. 20, you will see that affordable housing for seniors is part of that study.

Assemblyman Denis:

The other one that we have would be veterans. Some of those would fall under several of these other categories.

Co-Chairwoman Koivisto:

I think you're right. We have to list veterans as part of this population that we are going to deal with, because we do have a lot of homeless veterans.

Assemblyman Holcomb:

What about single parents with children?

Co-Chairwoman Koivisto:

I think that part will fall into the affordable housing. I don't think we have to specifically list all of those subgroups, because I think we pretty much know that those folks are the ones that are going to need the affordable housing. What we need to do with these, since they are resolutions, is move to adopt.

ASSEMBLYWOMAN McCLAIN MOVED TO AMEND AND ADOPT
ASSEMBLY CONCURRENT RESOLUTION 11.

ASSEMBLYMAN DENIS SECONDED THE MOTION.

THE MOTION CARRIED. (Assemblywoman Giunchigliani, Assemblyman Sibley, and Assemblyman Seale were not present for the vote.)

Co-Chairwoman Koivisto:

Let's move on to A.C.R. 17.

Assembly Concurrent Resolution 17): Directs Legislative Commission to conduct an interim study of pardons, parole and probation services in this state. (BDR R-954)

Michelle Van Geel, Committee Policy Analyst:

Assembly Concurrent Resolution 17 was presented to the Committee by Assemblyman Parks on May 17. The resolution directs the Legislative Commission to conduct an interim study of pardons, parole, and probation in this state. Most of the proposed language under the amendment portion here is taken out of A.B. 54, which would have created a statutory Legislative Committee on Juvenile Justice. It was suggested that we take portions of A.B. 54 and incorporate them into the study in A.C.R. 17.

All of those bullet points, 1 through 5, were taken out of A.B. 54. It would cover:

- Programs for aftercare and reintegration, in which youth will continue to receive treatment after their active rehabilitation in a facility, to prevent the relapse or regression of progress achieved during the recovery process.
- Overrepresentation and disparate treatment of minority youth in the juvenile justice system, including a review of the various places where bias may influence decisions concerning minority youth.
- Gender-specific services, including programs which consider female development in their design and implementation and which address the needs of girls, including issues relating to victimization and abuse, substance abuse, mental health and education, and vocational and skills training.
- The quality of care provided in state institutions and facilities. You'll see the note here ([Exhibit B](#)) where it says, "Expand beyond the juvenile facilities." The recommendation is to expand those to cover the whole study, rather than just the juvenile issues:

- The qualifications and training of staff
 - The documentation of the performance of State institutions and facilities
 - The coordination and collaboration of agencies
 - The availability of services relating to mental health, substance abuse, education, vocational training, and treatment of sexual offenders and violent offenders
 - The feasibility and necessity for independent monitoring of State institutions and facilities
- Programs developed in other states that provide a system of community-based programs, which place young offenders in more specialized programs according to their needs. The recommendation is to expand this beyond juvenile offenders.

[Michelle Van Geel, continued.] The proposed conceptual amendment would be to add language to the resolution requiring information and participation from the Division of Parole and Probation. They had testified during the hearing that they had received a national grant and had some money to be able to assist on a technical basis.

Assemblywoman Giunchigliani:

If we were to process this, I think we would need to change the title to "Study of corrections, including pardons and parole," or something along those lines.

Assemblywoman Angle:

This concerns me with our discussion of the last study. We talked about making things too broad and not being able to complete the study. I am wondering if we are doing something here with this study that is too huge to take care of in the next interim. The first part of it—pardons, parole, and probation—is a big area. When you add juvenile studies to it, you are really expanding it. It is my concern that we are giving them more than they will be able to handle.

Co-Chairwoman Koivisto:

It might be that it has to be longer than one interim in order to complete the work of this kind of subcommittee.

Assemblywoman Giunchigliani:

That is an interesting point. We did that for A.C.R. 10 of the 72nd Legislative Session. We said that it would be over the biennium, because of the volume of health care issues that we were trying to take a look at. So, that could be a possibility. The Legislative Commission on Juvenile Justice was studying part of

it last session, and this is what they were not able to complete. Were they going to go away, or were they a four-year? Maybe we should check that to make sure that they didn't have four years.

Co-Chairwoman Koivisto:

My recollection is that Ms. Leslie was coming back to have a new committee. She wanted a statutory committee.

Assemblywoman Giunchigliani:

That might deal with Mrs. Angle's concern and end it at the four-year period. That might give you a little more time. It's a lot of work.

Assemblyman Seale:

This is clearly a worthy area to be studying. In number 3, under the gender-specific services, I am assuming that in no way this applies or suggests that we are not going to be looking at the male population for this issue. I am assuming that is where the greatest problem is. Girls are always much nicer than boys.

Co-Chairwoman Koivisto:

It does. Certainly, one of the things I think that we need to look at is sentencing equity, especially gender and ethnic equity in sentencing. I think that has to be part of the study.

Assemblywoman Gansert:

If we go to four years, do we try to prioritize, or does the committee do that themselves once they begin?

Co-Chairwoman Koivisto:

I think the committee needs to set their priorities.

Assemblywoman Gansert:

I just remembered when we were in the Ways and Means joint committee on corrections there was a consultant who came in that talked about our parole and probation numbers. We were really off the mark as far as the averages nationwide. That was something that would help us in the long run with our facilities. It might save us some dollars if those people moved through the system a bit differently.

Assemblywoman Giunchigliani:

I think we should double-check whether it is allowable. Normally, it is a two-year study. Are we no longer naming the numbers that we want to see of

people that serve on the committees? We used to do that. We usually try to keep it seven to nine members.

Co-Chairwoman Koivisto:

It is in the resolution. It is not in the handout.

Assemblywoman Giunchigliani:

Can someone remind me if A.C.R. 10, which was the adequacy study, counted as one of ours? I think so. I will look it up.

Co-Chairwoman Koivisto:

The language in A.C.R. 10 required a report to the 73rd Session and to the 74th Session. That may be how that was handled. Can Mr. Williams shed some light on this for us?

Donald O. Williams, Director, Research Division, Legislative Counsel Bureau:

I understood that there were two questions about A.C.R. 10. I think one of the questions was about A.C.R. 10 of the 72nd Legislative Session, and one was about A.C.R. 10 from this session. I would have to go back and look at the language from last session. It is ongoing. It is unusual for a resolution to be ongoing for more than one interim. That was an unusual circumstance. You would be doing something unusual if you were to continue this for four years.

However, I do agree with the statements that were made. If this is broadened to a corrections study to include all of these elements, it is a lot to study in one interim. It would make sense to extend it beyond that, or to extend the work program for the interim to be more than a normal interim study work program. Those are the types of things that are decided after session, when the staff has a chance to look at all the interim studies that are approved and develop work programs to go to the Legislative Commission for their approval. One of the things that could be considered would be an expanded work program, but within this interim and not necessarily extend beyond this interim.

The other question was about the Speaker's A.C.R. 10 of this session, which is the adequacy study of education. That could possibly be counted by the Senate as an Assembly study. I know it wasn't processed by this Committee, but it technically could be considered by the Senate as a fourth study. It would depend on the negotiations between the leadership of both houses.

Assemblywoman Giunchigliani:

That is how I read it. I think we may have one already. As much as I know how important the juvenile justice system is, maybe we don't need to expand that at

this time. You could look at the gender and ethnic parity of sentencing. You could even have the committee review the programs developed in other states that provide a system of community-based programs, but not get into the other areas. Otherwise, you are going to continue to impact what happens next session. It is going to affect the budget, and we didn't add anything additional.

Assemblywoman McClain:

We would take provisions from here and put them in the committee that is already meeting?

Assemblywoman Giunchigliani:

No, I can't; the health care committee is very defined. I am suggesting not adding as much juvenile into this one, leaving this one as you had it. Maybe pick up number five on our paper, because that doesn't seem like it would be that difficult. It ties into corrections.

Co-Chairwoman Koivisto:

You are suggesting we take out 1, 2, 3, and 4? [Assemblywoman Giunchigliani answered in the affirmative.] Okay, then we would leave out the part that says, "...add the following provisions from A.B. 54," which would have created a statutory Legislative Committee on Juvenile Justice. Yes, that will have to come out.

Assemblywoman Giunchigliani:

Then, add your language about having Parole and Probation work directly with the interim committee.

Co-Chairwoman Koivisto:

Do we want to leave in the part about training, education, rehabilitation, and services that are available?

Assemblywoman Giunchigliani:

That connects. I am just trying to find the things that are a little disparate, that don't have a nexus to it. I would say 1, 2, and 3 could go. Mr. Denis would like to talk to Section 4, which may be appropriate.

Assemblyman Denis:

The first thing that stuck out to me when I looked at the whole thing was that number 4 could be a study all by itself, talking about the quality of care provided in the State institutions, which includes the juvenile institutions.

Co-Chairwoman Koivisto:

Those are the specifics of the corrections part of the study.

Assemblyman Denis:

That could be a study in and of itself. If you are going to go to every facility and institution, that would probably take the whole two years just to complete number 4. That could be another option if we didn't want to do the other one.

Assemblywoman Giunchigliani:

We just passed a bill to hire a contractor to go out and investigate the juvenile facilities. I forgot about that, so that may not be needed. I would suggest going back to 5 and your suggestion for Parole and Probation to be included.

Assemblywoman McClain:

I am not going to vote to pass this. If we are only going to get two of these, the senior service one is more important.

Co-Chairwoman Koivisto:

Let's hear the senior service one. We won't take a vote on this one. Just in case A.C.R. 10 doesn't pass, I think we might want to pass three so we don't end up with just two. We can decide here which ones are our highest priorities. Let's go to A.C.R. 20.

Assembly Concurrent Resolution 20: Directs Legislative Commission to appoint committee to conduct interim study on assisted living facilities and long-term care financing. (BDR R-491)

Michelle Van Geel, Committee Policy Analyst:

Assembly Concurrent Resolution 20 was presented to the Committee by Assemblywoman Leslie on May 17. The resolution directs the Legislative Commission to conduct an interim study on assisted living facilities and long-term care financing. The proposed amendment in your work session document ([Exhibit B](#)) would remove all of the language in A.C.R. 20 and replace it with the language on the page. This is proposed by Assemblywoman McClain and would create an interim study on senior citizen issues.

Her first suggestion would be to include some of the whereas clauses from the proclamation on Older Americans Month to convey the need of the study. The study should address:

- Services provided
- Gaps in services
- Policy recommendations to address the gaps from:
 - Commission on Aging
 - Silver Haired Legislative Forum
 - Task Force for the Fund for a Healthy Nevada
 - State Accountability Committee for Division on Aging
 - Housing authorities
 - Transportation commissions
 - AARP [American Association of Retired Persons] and other advocacy groups
 - Other direct service organizations

[Michelle Van Geel, continued.] Her intent is for the committee to act as a conduit for legislation, to advance the policy recommendations from the groups listed above, and to pursue legislative measures to address the identified gaps in services. The committee would be allotted ten bill draft requests each session. The committee would consider issues related to senior services and pursue legislative measures that address issues such as, but not limited to:

- Health services
- Affordable housing
- Facilities for Alzheimer's and dementia
- Transportation issues
- Advocacy and a 211 system
- Independent living and personal assistance
- Any other issues pertinent and timely that address the needs of the growing senior population.

The proposed membership of the committee would be three Assembly members and three Senators. I believe the language in italics has been removed as a proposal from Ms. McClain.

Assemblywoman McClain:

I feel really strongly about this because there are all these different commissions, task forces, and committees. None of them have a real good way to get to the Legislature to get anything passed. They can come up with recommendations, but unless they can get an individual legislator to carry a specific issue, they need a sounding board for the issues. They all know what is needed out there, but we need to have some sort of a conduit for sorting it out.

I think this is really needed as an interim. I would like to see it as a full-grown ongoing committee every interim. I would really like to see this pass.

Co-Chairwoman Koivisto:

I might point out to the Committee that seniors are our fastest growing population segment in Nevada.

Assemblywoman Giunchigliani:

I thought we just studied some of this about four years ago. It seemed to me that there was a discussion about that.

Co-Chairwoman Koivisto:

We had a long-term care study committee during the 2000 interim. I believe Senator McGinness chaired it. I don't know that any recommendations even came out of it. All they studied was long-term care.

Assemblywoman Giunchigliani:

It was my bill. I actually had written it for AARP at that time. That is what they wanted to focus on. We did have recommendations, but a lot of them cost money. Unfortunately, we didn't succeed in moving that along. We absolutely have a need and an issue out there. We try to stay away from looking at the same studies every year and instead try to look at something brand new that we hadn't considered in a while. I wish we were doing four studies, but we don't have that shot right now.

Co-Chairwoman Koivisto:

That is why Ms. McClain wanted to change this from a study on assisted living and long-term care financing to a study of services and gaps in services for seniors. I think it is a big issue statewide.

Assemblywoman McClain:

I was actually on that committee for the long-term care study. The only thing that came out of there was a big push for long-term care insurance. That was the end of the story. That was the only recommendation that came out of there. The State should buy long-term care insurance for their employees. It was a lame interim study, I am afraid.

Co-Chairwoman Koivisto:

We have to decide soon, because we have to be on the Floor in five minutes.

ASSEMBLYWOMAN ANGLE MOVED TO AMEND AND ADOPT
ASSEMBLY CONCURRENT RESOLUTION 20.

ASSEMBLYWOMAN McCLAIN SECONDED THE MOTION.

Assemblywoman McClain:

We probably need to fix the title.

Co-Chairwoman Koivisto:

Yes, the title would have to be changed.

Assemblyman Seale:

This is obviously a worthy study. I think they are all worthy studies. I am disappointed that we are not going to be looking at parole and probation, because that is obviously an urgent need. I understand that we have to prioritize all of this.

Co-Chairwoman Koivisto:

I agree with you. I think we need to take a motion on A.C.R. 17 as well. Then we need to prioritize.

Assemblyman Conklin:

Was it our intent to accept the entire proposed conceptual amendment? Is this a four-year study? There is no way that we are going to be able to cover all of this stuff.

Assemblywoman Giunchigliani:

I am just trying to understand why the Commission on Aging and the Silver Haired Forum are there for.

Assemblywoman McClain:

Those are different commissions and organizations that would provide testimony.

Assemblywoman Giunchigliani:

Okay, they are not intended to be drafted into the resolution. Secondly, we just passed a bill to establish the 211 system.

Assemblywoman McClain:

Yes, there is also another 211 system out there being discussed. We need to bring it all together.

Assemblywoman Giunchigliani:

What about advocacy? We don't study advocacy issues. We need to know for drafting purposes.

Assemblywoman McClain:

I don't know if we need to list all of these.

Assemblywoman Giunchigliani:

You could say the committee may consider issues related to, such as health services and housing.

Co-Chairwoman Koivisto:

I think all of these groups that are listed do not have to be listed. It could just be senior groups or groups involved.

Assemblywoman Giunchigliani:

Solicitation from various senior groups being... If you name one, you have to name them all.

Assemblywoman McClain:

That's true. Okay.

Assemblyman Denis:

You also have on that list other things, such as housing authorities and transportation commissions.

Co-Chairwoman Koivisto:

Right. We would get information from those groups anyway. They would be called to testify.

Assemblyman Denis:

We were also going to strike the three to five appointments?
[Assemblywoman McClain answered in the affirmative.]

THE MOTION CARRIED. (Assemblyman Sibley was not present for the vote.)

Co-Chairwoman Koivisto:

Now, I will accept a motion on A.C.R. 17.

ASSEMBLYWOMAN GIUNCHIGLIANI MOVED TO AMEND AND ADOPT ASSEMBLY CONCURRENT RESOLUTION 17 BY ADDING FROM PAGE 2, SUBSECTION 5 AND THE LANGUAGE REQUIRING THE INFORMATION AND PARTICIPATION RECOMMENDED BY ASSEMBLYWOMAN KOIVISTO.

ASSEMBLYMAN SEALE SECONDED THE MOTION.

Assemblyman Denis:

The study is going to be about programs developed in other states that provide assistance with community-based programs.

Assemblywoman Giunchigliani:

Yes. That is what number 5 says.

Co-Chairwoman Koivisto:

That will be part of the study. That won't be the whole study.

THE MOTION CARRIED. (Assemblyman Sibley was not present for the vote.)

Co-Chairwoman Koivisto:

Do we need to prioritize these now?

Assemblywoman Giunchigliani:

The Senate still may not do anything, or they may do something that lends itself to one of ours and fold a portion of ours in. I would say let's wait and see what the Senate is looking at before selecting.

Assemblywoman Angle:

We heard A.B. 268, an exempt bill. I would like to move do pass on this bill. It has to do with the audit.

Co-Chairwoman Koivisto:

I am not taking that motion.

Assemblywoman Angle:

I was thinking that since we would be dealing with the Legislative Commission tomorrow and supervising these audits, it would be nice to have Mr. [Paul] Townsend's ability to push forward if there is non-compliance on these things.

Co-Chairwoman Koivisto:

I am not accepting that motion. We are adjourned [at 2:01 p.m.].

RESPECTFULLY SUBMITTED:

James S. Cassimus
Transcribing Attaché

APPROVED BY:

Assemblywoman Ellen Koivisto, Co-Chairwoman

DATE: _____

EXHIBITS

Committee Name: Committee on Elections, Procedures, Ethics, and Constitutional Amendments

Date: June 2, 2005

Time of Meeting: 1:30 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B	Michelle Van Geel, Committee Policy Analyst	Work Session Document