

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

**Seventy-Fourth Session
May 29, 2007**

The Committee on Elections, Procedures, Ethics, and Constitutional Amendments was called to order by Chair Ellen Koivisto at 3:52 p.m., on Tuesday, May 29, 2007, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/74th/committees/. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblywoman Ellen Koivisto, Chair
Assemblyman Harry Mortenson, Vice Chair
Assemblyman Chad Christensen
Assemblyman Ty Cobb
Assemblyman Marcus Conklin
Assemblywoman Heidi S. Gansert
Assemblyman Ed Goedhart
Assemblyman Ruben Kihuen
Assemblywoman Marilyn Kirkpatrick
Assemblyman Harvey J. Munford
Assemblyman James Ohrenschall
Assemblyman Tick Segerblom

COMMITTEE MEMBERS ABSENT:

Assemblyman James Settlemeyer (excused)



GUEST LEGISLATORS PRESENT:

Assemblywoman Debbie Smith, Assembly District No. 30

STAFF MEMBERS PRESENT:

Don Williams, Research Director
Pepper Sturm, Chief Deputy Research Director
Patrick Guinan, Committee Policy Analyst
Sheila Sease, Committee Manager
Terry Horgan, Committee Secretary
Trisha Moore, Committee Assistant

Chair Koivisto:

[Roll taken] We will start out with Assembly Concurrent Resolution 33.

Assembly Concurrent Resolution 33: Directs the Legislative Commission to conduct an interim study concerning funding for public education in Nevada. (BDR R-1508)

Assemblywoman Debbie Smith, Assembly District No. 30:

I am here to discuss A.C.R. 33 with you. In the last interim, we conducted an adequacy study that was the result of an Assembly Concurrent Resolution from that session. We hired a consultant and worked with that consultant during the interim. The adequacy study looked at whether, by various standards, the State was adequately funding education. Assembly Concurrent Resolution 33 directs that an interim study take the information gathered from the adequacy study, review that information, and act on it.

The results of the adequacy study were presented to us last August and the adequacy study committee recommended that the legislature be presented with the report in February, which did occur. In this environment, it is almost impossible to do an in-depth analysis of anything and be able to achieve results. It really takes more time and the ability to focus on one issue. What we would like to do is take the results of the adequacy study and continue looking at the information. We propose reviewing a number of issues which you will see listed on page 2 of the bill.

When you look at how much money the State is spending on education, you also need to look at how we spend the money. There are many recommendations in the report, such as weighted enrollment for certain types of students, and a different method of distributing our educational dollars. So, there are many issues within the report that require further study.

This study would also require a review of the spending priorities relating to student achievement. The adequacy study did not do that. It just looked at how we spend our money and what it would cost to adequately educate a student in the State. This proposed study would look at cost efficiencies, possible methods for consolidation of services, and how we might spend our money more wisely. It would also review expenditures within the State and how those expenditures help us meet or exceed the standards that are established in the State.

Number 4 on page 2 of the bill is a really critical piece of this legislation. It would be a study of the teacher shortage and how we can recruit and retain teachers in this State. I am sure you have heard the statistics concerning our teacher shortage a number of times during this Legislative Session. At any given moment, Clark County is around 500 teachers short, so it is really a crisis and we would like to spend some serious time looking at ways we might be able to affect that shortage.

Item number 5 on page 2 of the bill concerns a study of revenue sources as well as the effect of tax abatements on our K-12 funding system. You also have become familiar with other legislation my colleague from District 1 and I have been working on that created huge tax abatements that had a significant impact on our K-12 funding. As we pass legislation, we need to be more and more cognizant of the types of abatements we are giving and how they impact our funding system. We would like that to be part of the study of revenue sources.

That is the plan for this study. It would not require a consultant as the last study did. It would take information we have already gleaned from that consultant, add it to the expertise of our staff and other educational personnel around the State, and help us have in-depth discussions on this topic.

Chair Koivisto:

Would you look at the Nevada Plan as part of your study?

Assemblywoman Smith:

We would. That review was also part of last interim's adequacy study. If you did anything to change the distribution, such as the weighted enrollment I mentioned, then of course, that would impact the Nevada Plan. In connection with education funding, the Nevada Plan is something we can be very proud of. We are generally ranked number two in the country relating to the equitable way we distribute money. One of the reasons we are number two is because we have so few districts. Hawaii only has one district and they are always number one because it is pretty easy to distribute your money when you only have one district. We truly do have a very solid plan and it is something to be very proud of, so we are very cautious about tinkering with the Nevada Plan. It is always part of that discussion.

Chair Koivisto:

Are there any questions from the Committee?

Assemblyman Segerblom:

Would this study be looking at why Washoe County does not have the problem with teacher retention that Clark County has?

Assemblywoman Smith:

Absolutely; when we look at why we have a teacher shortage, we would want to look at all the reasons that might be contributing to that shortage, how some districts are able to recruit more teachers and how those districts retain them.

Assemblyman Segerblom:

Would part of this study be a comparison of the cost of living in Las Vegas to the cost of living in the rest of the State? Maybe our system of equitable funding around the State is really not equitable, since it costs more to live in Clark County.

Assemblywoman Smith:

In fact, the adequacy study does a very thorough job of discussing that information and that is part of the distribution formula I am speaking of. Because of the variations in the cost of living in different parts of the State, one of the recommendations from the study is that you look at that distribution piece and equate it to cost of living issues.

Assemblyman Segerblom:

This year, the Education Committee heard testimony about the audit that was done in Clark County, but we never really followed up on that. Is there any way this could follow up on the recommendations of that audit to see if they were implemented or if legislation to implement them could be passed?

Assemblywoman Smith:

It would certainly be a good discussion piece for this study. As you know, we can discuss other items. Assembly Concurrent Resolution 33 specifies what we would be required to discuss, but that could certainly be part of a meeting agenda.

Assemblyman Christensen:

Because I was a little late arriving in Committee this afternoon, I may have missed some of your testimony but, in regards to paying for studies to look at education, I remember in 2003 our colleague Mr. Conklin had a study approved that was conducted during that next interim for the 2005 Session. There was also an education study from the last session. To do yet another education study ...?

Assemblywoman Smith:

I did address that right before you arrived in Committee this afternoon. There are no consultant fees involved in this study. This would be a normal, legislative-type study with the involvement of legislators. While we did the adequacy study after it was approved last session, once that information was received, there was no opportunity to break it down or do anything with it. We certainly did not have time during the legislative session to try to delve into the results of that study or do something with it. I do not want that study to become another box of information that stays on a shelf and nothing happens because of it. We paid good money to have the study conducted; there was a lot of statewide involvement; there was a lot of expertise and input. I would really like to be able to take that information, as well as the information developed by looking into all the other items on this list, and decide how best to make forward-looking changes.

The most important thing here is that our education funding needs are not going to go away. Our challenges are going to continue to grow as our State grows and as our population changes. It is really important for us to try to focus on what we can do for the long haul, and that is the point of an adequacy study. Adequacy studies look out ten or more years to determine what changes should be made to the system being studied so it can function in a better way.

Assemblyman Christensen:

If I remember correctly, the study that was part of Mr. Conklin's bill in the 2003 Session cost about \$500,000 to \$750,000. That study resulted in a lot of eye-opening information, contained within a thick volume of recommendations that could and should have been used. In the business world, companies that gather information and have studies, research, or customer surveys done, will disappear for a company retreat for a few days to get out of their normal environment and really analyze the study in depth. They look at the study results, where the company is then and where it wants to be in the future, and really digest the information. Does this study follow that kind of practice?

Assemblywoman Smith:

Absolutely; that is exactly the point. We received the adequacy study in August. It was a huge volume of work so the committee referred it to the Legislature with no action. That is the point; now is the time we should look at that information, as well as all of these other issues I would like to see addressed. The study did not talk about teacher shortage, salaries, retention, or benefits. It did not talk about how to spend our money in the most cost-effective way. The study would take all that information, as well as the other items listed on page 2 of the bill, and begin to delve deeper into how we might change and do a better job.

Assemblyman Christensen:

That helps. Thank you.

Chair Koivisto:

Are there any other questions from the Committee? [No response] What is the Committee's pleasure?

ASSEMBLYWOMAN KIRKPATRICK MOVED TO ADOPT
ASSEMBLY CONCURRENT RESOLUTION 33.

ASSEMBLYMAN OHRENSCHALL SECONDED THE MOTION.

Is there any discussion?

Assemblyman Segerblom:

How many interim studies do we have left?

Chair Koivisto:

We will have one left after this.

Assemblyman Segerblom:

What other studies are we considering for that one last position?

Chair Koivisto:

We have the study of the studies and we also have the study of elections.

Assemblyman Ohrenschall:

Will the interim committee set up in A.C.R. 33 be able to request bill drafts for the next session?

Chair Koivisto:

The interim committees generally get ten bill drafts.

Assemblywoman Smith:

We do get bill drafts.

Chair Koivisto:

Is there further discussion? We will take a vote.

THE MOTION PASSED. (ASSEMBLYMAN COBB VOTED NO.
ASSEMBLYMEN CONKLIN, GANSERT AND SETTELMAYER WERE
ABSENT FOR THE VOTE.)

There were a number of people who wanted to testify in support of A.C.R. 33 such as Joyce Haldeman from the Clark County School District, Lonnie Shields from the Nevada Association of School Administrators, Julie Whitacre from the Nevada State Education Association, and Randy Robison from the Nevada Association of School Superintendents. All the people I just mentioned think it is a good study.

Assemblyman Mortenson:

Mary Pierczynski, Superintendent of the Carson City School District, is also here in support.

Chair Koivisto:

The Senate is currently working on something very similar to Assembly Concurrent Resolution 32, the study of the studies, so I think we will just hold this bill. Mr. Don Williams just arrived and can tell us what is happening to the study on the studies.

Assembly Concurrent Resolution 32: Directs the Legislative Commission to conduct an interim study of the duties and activities of statutory legislative committees. (BDR R-1519)

Don Williams, Research Director:

On March 6, the Senate Committee on Legislative Operations and Elections requested that I prepare options that would allow for establishing additional ongoing statutory committees that would have the least impact on legislators and Legislative Counsel Bureau (LCB) personnel. I presented that action report ([Exhibit C](#)) today to the Senate Committee which accepted the report and was working on an amendment that would implement this action plan.

There are currently 15 existing statutory committees in addition to the Legislative Commission and the Interim Finance Committee. The Senate asked me to develop options ([Exhibit D](#)) and one option would be to allow the sunseting of the Committee on Persons with Disabilities and its advisory committee, which does not require any action by the Legislature. Another option is to amend the statutes to repeal the provisions relating to the Task Force for the Fund for a Healthy Nevada and transfer its duties and responsibilities to the Grants Management Advisory Committee of the Department of Health and Human Services. This is already in an Assembly bill making its way through the Houses this session. There is a proposed amendment in the Senate that would have the Legislative Committee on Health Care continue some of the responsibilities of the Task Force for the Fund for a Healthy Nevada, so that would have somewhat of an impact on staff if the Senate amendment is concurred in by the Assembly. These are all options and not recommendations.

Another option would be to amend the statutes to transfer the duties and responsibilities of the Committee on High-Level Radioactive Waste to the Legislative Committee on Public Lands. I discussed this with staff for both committees. The Public Lands Committee now covers a lot of the same topic areas as the High-Level Radioactive Waste Committee. The High-Level Radioactive Waste Committee has not been very active during the last two interims. When the Public Lands Committee goes to Washington, D.C., the Congressional delegation often thinks they are the High-Level Radioactive Waste Committee. Sometimes, the Congressional delegation brings up issues to the Public Lands Committee that are actually under the jurisdiction of the High-Level Radioactive Waste Committee.

Another option is to amend the statutes to remove the five legislative members who sit on the Commission on Special License Plates and to remove the provision that requires LCB to provide administrative support. It is possible the Commission could continue to exist by amending the statutes to make the three existing non-voting members, the Directors of the Departments of Motor Vehicles, Public Safety, and Cultural Affairs, or their designees, the voting members rather than the legislators. I know the Commission does not meet very often, but there is an impact on staff. It would not be a significant impact to make this change, but it would reduce the overall LCB workload.

The fifth option is to restructure the existing ongoing statutory committees and interim studies to establish a new structure for statutory committees based on subjects that parallel the jurisdiction of most of the standing committees during session. What we have given you today ([Exhibit C](#)) is a draft *Legislative Interim Committee Action Plan* that would implement that option.

I will review other options to reduce staffing requirements, and these options would be applicable whether or not there were any changes to the current structure. One is continuing the practice of requiring the work programs of all the statutory committees to be approved by the Legislative Commission at the beginning of the interim. That has been the practice over the last several years but it would be helpful to be certain that is the practice.

This session, Mr. Malkiewicz, the LCB Director, included the budgets of the statutory committees in the LCB budget. In the past, only a few of those committees were actually included in the LCB budget and the rest of the committee budgets were approved by the Legislative Commission at its first meeting after session. Assuming the budgets are approved, the budgets will already be in place. I would like to mention that we really need the Commission to continue to approve the work programs, even if the committee budgets were approved, especially if entities are created at the end of session, such as subcommittees of statutory committees. It would help to manage the workload in the interim if the Commission actually reviews and approves the work programs of those committees.

Another option would be to limit the number of subcommittees of statutory committees and include subcommittee meetings in the total number of meetings budgeted for each statutory committee. Another thing to think of is an alternative to creating subcommittees. You might consider directing LCB staff to work with interested legislators on staff studies concerning topics needing more in-depth research in the interim. Staff studies could be either directed by the Legislative Commission who could direct the staff to work with individual

legislators on certain topics that arose during the session; or the legislators could simply contact me, if it is a research topic and not strictly a fiscal or legal topic, and ask that I assign an analyst to work with them. It would not be much different than what we do now. The analyst would be prepared to spend more time with the individual legislator and possibly work throughout the entire interim with that legislator on that topic. They would produce a report or something similar that could be submitted to the legislature.

As far as staffing goes, not creating technical advisory committees, or similar advisory committees, is something that would also assist. Rather than creating technical advisory committees, each committee chair could appoint informal working groups of stakeholders. That would allow a lot more flexibility and for other people to be included. Sometimes, advisory committees are created with certain specific members and later on in the interim the chair or members of the Body that created the committee realize they would like to have included other members, and this would allow that.

Another thing that would help is if the statutory committees, except for the Legislative Commission and the Interim Finance Committee (IFC) and their related subcommittees, did not hold meetings between January 1 and September 15 in odd-numbered years, session years, to allow LCB staff to prepare for and staff the session. It also would help if no meetings were held after September 30 before each session. A meeting calendar could be set for statutory committees beginning with the September after session and continue on through the following September. The meeting calendar for interim subcommittees is September through the following June. This change of meeting calendar would be of great assistance to our staff, because many of the statutory committees are now meeting closer and closer to session; some are meeting right up to session. That means that the analysts and secretaries who are assigned to standing committees during session are often conflicted because they also have to continue working with the ongoing statutory committee they were assigned to in the interim. We are having more situations like that; people working right up until session, so it would help if there was a calendar that would limit the meetings.

Finally, reducing the number of meetings held outside the legislative facilities, the Legislative Building and the Grant Sawyer Building would help. More and more meetings are being held outside those facilities and they do have an impact on the staff, not only primary staff to those committees, but also administrative staff, legislative police, broadcast and production services, et cetera. The legislature needs to have meetings outside those two facilities; there is no doubt about that. There are many issues relevant to the rural areas

and there are many committees, for example Public Lands, that do need to meet in those areas, but when we have meetings outside the legislative facilities, it does have an impact on the staff.

Those were some of the key points the Senate committee asked me to present to them, which I did today. Mr. Sturm can go over the action plan we developed if you would like.

Pepper Sturm, Chief Deputy Research Director:

The first few pages of this document ([Exhibit C](#)) set forth the need and the background of why these proposals were made. For a couple of years, leadership has been asking us to come up with a model, and this is one proposed model. On page 6 of the document is a visual of that model. It involves creating a series of statutory committees that would exist during the interim period. All interim studies would be assigned to these permanent, statutory committees. An example would be the Legislative Committee on Health Care. It has a very broad charge in statute right now and a lot of bills this session are being directed to that Committee for their attention. It would be a model very much like that. Instead of creating a separate interim study using either an Assembly Concurrent Resolution or a Senate Concurrent Resolution (S.C.R.) that would create a stand-alone committee, study suggestions would go to these permanent, statutory committees.

Another difference is that the Legislative Commission would direct the priorities for studies. Obviously, topics on health care would go to the committee we have termed "Health and Human Resources." Also, the Legislative Commission would prioritize the studies based on the chairman's priorities within each of those statutory committees.

As is currently done, work programs would go to the Legislative Commission for approval.

Pages 7 and 8 describe how this new process would actually work. The bill drafting process which is item number 2 on page 7, explains that all measures calling for a study would contain language saying "... the Legislative Commission shall consider a study of"

There are various recommended strategies that do not require statutory changes such as revising our interim study handbook. Don Williams mentioned the use of stakeholder groups, which is item number 5 on page 8.

I will direct your attention to the last sentence of the last item on page 8, number 9, regarding budgetary flexibility. We looked at how other states handle interim studies, and this model was based on what we learned, so the last sentence reads, "Use language in each interim study measure ... similar to that used in Kentucky—such a provision would authorize the Legislative Commission to redirect the study, reassign it to another committee, or direct a staff study if necessary to save money." Don Williams pointed out that the statutory committees currently are part of the Legislative Counsel Bureau's budget which has already passed, so the Commission would be able to make adjustments on its own based on the budget realities of staffing and conducting these studies.

Assemblyman Mortenson:

Your discussion about scheduling committees and having them meet at certain times is not going to work for all committees. The High-Level Radioactive Waste Committee interacts with two National Conference of State Legislatures (NCSL) committees. The NCSL has a high-level radioactive waste committee and an environmental and energy committee. The High-Level Radioactive Waste Committee attends those meetings which are scheduled by NCSL. If we limit our attendance to the time frames you have recommended, we will miss those meetings. I think it is extremely important now that we attend those meetings. We have been fighting an uphill battle all along against high-level radioactive waste, and now would be the wrong time for us to eliminate that committee because, for once, we are having some success.

The two NCSL committees consider all questions about radioactive waste and make recommendations to Congress. Nevada is a moderating voice in those committees. In general, there is a bias for putting the radioactive waste in our State and we, as a committee, are a small, moderating influence and we should continue to do that.

Chair Koivisto:

Do recommendations for legislation come from the meetings that the committee holds with NCSL?

Assemblyman Mortenson:

The committees, such as the radioactive waste NCSL committee and the energy and environment committee, do hold meetings during a biennium. Eventually, they do make a recommendation to NCSL, which makes a recommendation to Congress.

Chair Koivisto:

The time frame we are talking about here is for legislation to be requested for Nevada, not Congress.

Don Williams:

It would be for the bill draft requests (BDRs) for session. These were options, not necessarily recommendations. I was asked to develop some options and that was one option. The individual members of any these committees, who are members of any of the NCSL committees, could attend any of those meetings that would be outside the State of Nevada. What we are talking about are meetings of the full committee that would involve a secretary, the committee analyst, and any other LCB staff. Any NCSL or other national meeting that someone is a member of, would fall outside the full committee meeting. The way it has been structured in the past, a lot of the members have gone as a body or as the full committee to a lot of those meetings. If it was going to be a full, official, committee meeting, yes it would fall within this; but, it would not preclude a committee member going to any other national committee meetings and participating.

Patrick Guinan:

As the staff analyst for the High-Level Radioactive Waste Committee, this package of options Mr. Williams and Mr. Sturm have presented today would not preclude anyone who currently is a member of the High-Level Radioactive Waste Committee, even if that committee were rolled into the Public Lands Committee, from continuing any of the activities they do now on the High-Level Radioactive Waste Committee. Those kinds of decisions would be up to the Legislative Commission and the members of the committee as it goes forward.

It is true, as Mr. Mortenson said, that the High-Level Radioactive Waste Committee for the Nevada Legislature is typically invited as a whole to all those functions that are put on by NCSL because Nevada is the host state for the proposed high-level waste repository. Nevada typically has all its High-Level Radioactive Waste Committee members invited to those meetings and they often do participate as a group. However, those meetings are not official meetings of our High-Level Radioactive Waste Committee; those meetings are conducted by NCSL and we are invited as participants. We do not necessarily conduct formal meetings in addition to those conducted by NCSL, so they are separate events and I do not know if there would be a conflict.

Don Williams:

Your original question was what the Senate Committee might have done and I will be glad to answer that.

Chair Koivisto:

Yes, please. One of the A.C.R.s on our agenda today is an interim study of the studies. Because of all the work you have done and because the Senate has asked for an amendment to a bill, this may not be an A.C.R. we need to go forward with; it might be a duplication at this point.

Don Williams:

I do not want to recommend that you act or not act on A.C.R. 32, because it does relate to what we are presenting. It is true that we have already looked at a lot of this and someone could argue that it would be a duplication of our effort; however, it was done at a staff level. Your A.C.R. 32 does set up a legislative committee that would look into the interim studies. It is true that the Senate Committee did act to adopt what we presented today, so, yes, a person could argue that it would be a duplication if you process A.C.R. 32 and the Senate action goes forward.

We do have, for your information, a list of the current measures that are pending and some that have already been approved and signed by the Governor relating to changing interim committees, establishing new committees, and establishing interim studies ([Exhibit E](#)). As you can see, it is quite an extensive list of proposals.

Pepper Sturm:

The first page ([Exhibit E](#)) lists all the bills that affect the existing statutory committees. The second page lists new statutory committees and all the A.C.R.s and S.C.R.s that you are probably already tracking in this Committee.

Assemblyman Segerblom:

Do we need to pass this A.C.R. if the Senate is going to do this study? Also, is there a way to keep it alive and see what the Senate does?

Chair Koivisto:

We can just hold the bill. Study bills are exempt, so I think that is what we will do. You have certainly given us a lot to think about and thank you for coming here today. We needed to hear this information.

Assembly Committee on Elections, Procedures, Ethics, and Constitutional Amendments
May 29, 2007
Page 15

Is there anything else to come before the Committee? [No response] In that case, we are adjourned [at 4:39 p.m.].

RESPECTFULLY SUBMITTED:

Terry Horgan
Committee Secretary

APPROVED BY:

Assemblywoman Ellen Koivisto, Chair

DATE: _____

EXHIBITS

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

Date: May 29, 2007

Time of Meeting: 3:45 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance roster
A.C.R. 32	C	Don Williams, Legislative Counsel Bureau	<i>Legislative Interim Committee Action Plan</i> (draft)
A.C.R. 32	D	Don Williams	List of ongoing Statutory Committees and various options for changes
A.C.R. 32	E	Don Williams	Document titled "Measures Affecting or Creating Interim Committees—2007"