

**MINUTES OF THE
SENATE COMMITTEE ON LEGISLATIVE OPERATIONS AND ELECTIONS**

**Seventy-fourth Session
May 31, 2007**

The Senate Committee on Legislative Operations and Elections was called to order by Chair Barbara K. Cegavske at 3:38 p.m. on Thursday, May 31, 2007, in Room 2144 of the Legislative Building, Carson City, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Barbara K. Cegavske, Chair
Senator William J. Raggio, Vice Chair
Senator Warren B. Hardy II
Senator Bob Beers
Senator Bernice Mathews
Senator Valerie Wiener
Senator Steven A. Horsford

STAFF MEMBERS PRESENT:

Brenda J. Erdoes, Legislative Counsel
Lorne J. Malkiewicz, Director, Legislative Counsel Bureau
Michelle L. Van Geel, Committee Policy Analyst
Donald O. Williams, Research Director, Research Division
Josh Martinmaas, Committee Secretary

CHAIR CEGAVSKE:

We had unanimously supported Senate Bill (S.B.) 104 with information received from staff. They provided us wonderful suggestions, but they recommend we reconsider our motion. It is a timing issue since we are at the end of session.

SENATE BILL 104: Revises provisions relating to the effective date of certain legislation. (BDR 17-481)

LORNE J. MALKIEWICH (Director, Legislative Counsel Bureau):

When S.B. 104 received an amend and do pass, I was working a similar project for Senator Randolph J. Townsend. When we started working on the bill draft,

there were some concerns about doing a bill like this, especially this late in the session.

The first concern is the budget closure. That is an easy obstacle to overcome; we could just put a provision in the bill saying the Legislative Commission will reallocate the money.

There is also the issue of what to do with the existing committees. We would run into sacred cows. You already saw a bit of it with people saying, "Well, we would not get rid of that committee, we would make it a subcommittee." You would end up with things like the Committee on High-Level Radioactive Waste, Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System, Legislative Committee on Public Lands and others still existing as subcommittees. You would probably not want to change your existing Legislative Committee on Education which is intertwined with our education system. You would probably want to make minimal changes to the Legislative Committee on Health Care except to add new duties for the human services portions. Then we would be adding a statutory committee on government affairs, judiciary, taxation and commerce and labor. With all that, I get back to concerns about the budget.

A number of decisions need to be made in a bill like this. What are you going to do with each of these individual committees? Are you going to have the new transportation committee take over the Commission on Special License Plates and get rid of Special License Plates? Are you going to keep it as a subcommittee? Same thing with the Interim Retirement and Benefits Committee. There are a number of committees to look at that have statutory duties.

Senator Townsend, the Chair of the Legislative Commission, is interested in looking at this issue this interim and coming up with a proposal. He was looking more at the idea of having the standing committees meet jointly in the interim. This is something we can look at either through the Legislative Commission or the Committee to Consult with the Director. Assemblyman Marcus Conklin is also interested in looking at the statutory committee structure, getting rid of the statutory committees we have and creating statutory committees more in line with the Legislature's jurisdiction during session. Major committees like Judiciary, Commerce and Labor and Government Affairs that currently have nothing in the interim would have an interim body. We can draft whatever you want but with 105 hours left this session, trying to make decisions on all these

committees when so many Legislators are already invested in them would be very difficult. For that reason, I brought this to your attention and asked for either direction or consideration to push this to an interim project. If we can get some agreement through the Committee to Consult, we can build the new structure into our budget for next session and revise the manner in which we create statutory and interim committee studies.

SENATOR HARDY:

We want to create an interim study to look at eliminating interim studies?

CHAIR CEGAVSKE:

Organizing interim studies.

MR. MALKIEWICH:

We actually have that one in Assembly Concurrent Resolution 32 which we are not going to pass. We talked about doing it through an existing committee instead of creating new committees with the attendances, staffing and meetings. We are not creating a new committee; either the existing Legislative Commission or the Committee to Consult with the Director will look at this. The direction we want is to have the current committees conduct these studies rather than create—in addition to three interim studies per House—five subcommittees for each statutory committee. We are not urging a particular way of doing this; our interest is making sure we can provide the staff services you expect in these. When we get 20 different committees meeting in the interim, we just cannot do that.

SENATOR HARDY:

We liked the notion of streamlining and making these committees more germane so the members serving recognize them and have the benefit of the debate during the interim. It sounds like we got ahead of ourselves, but it was just our enthusiasm for the concept.

CHAIR CEGAVSKE:

We looked at this chart titled "Measures Affecting or Creating Interim Committees – 2007" ([Exhibit C](#)) and realized we already have three out, plus six with "minor staffing impact." When you add up six or more "minor staffing" impacts, it becomes substantial. Additionally, we do not know what else is going out in the other bills because it came from other committees, not ours. That was an issue.

We were all enthusiastic and the presentation from Donald O. Williams, Research Director, Research Division, and H. Pepper Sturm, Chief Deputy Research Director, was excellent and appreciated. With that, this Committee will decide what it wants to do, and then I will explain the studies.

SENATOR RAGGIO MOVED TO RESCIND THE PREVIOUS ACTION TAKEN ON S.B. 104.

SENATOR WIENER SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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SENATOR RAGGIO:

My understanding of the recommendation is that a proposal of this nature will be looked at during the interim under the auspices of either the Legislative Commission or the Committee to Consult with the Director—which is probably a better place to do it—and that committee is already in place. Do we need a motion?

MR. MALKIEWICH:

You could pass a resolution or something like that. In this case, the best action may be a recommendation from the Committee by drafting a letter to the Legislative Commission urging a study by them or through the Committee to Consult with the Director.

SENATOR RAGGIO:

That would be appropriate. I recommend this Committee through the Chair and a letter of intent to the Legislative Commission explain the advisability and necessity of this kind of a study and authorize the Committee to Consult with the Director to do such a study. Funding will be provided for all existing committees to function so there is no fiscal impact.

SENATOR RAGGIO MOVED TO DRAFT A LETTER OF INTENT TO THE LEGISLATIVE COMMISSION REQUESTING THEM TO STUDY THE ORGANIZATION OF STATUTORY COMMITTEES.

SENATOR WIENER SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR CEGAVSKE:

It is this Chair's and Committee's recommendation that we will not have any of the 13 interim studies we requested from this House. We have asked the other House to do the same, and they are discussing that now. Mr. Williams and Mr. Sturm have offered if there is a study you requested, they can tell you if their staff can do it. Some studies could be put into the existing interim studies. Since we did not anticipate passing all studies—we thought we would have three—this will help staff not only to prepare what we are to do from now on and how we are to look at studies; it will help them staff what we are doing this session. The one that got through was Senator Horsford's study for foster kids that has already been signed by the Governor, along with a few the Assembly had as well. We hope both Houses come together; I was hoping this Committee would also embrace that idea just for this session so we could allow staff to get a handle on this. They have presented us a fabulous idea. I agree with Mr. Malkiewicz, we need more time and a mechanism to look at everything instead of trying to push it through.

SENATOR WIENER:

As we look at page 2, what about the status of the studies?

CHAIR CEGAVSKE:

They are changing every minute. If a bill passes, we do not have it on the [Exhibit C](#) chart.

SENATOR WIENER:

Senator Hardy's Study of the Kindergarten through Grade 12 governance system can go to the Legislative Committee on Education. But let us say one does not fit, should we notify the Legislators who proposed the study? Some conversations were about other avenues if it does not easily fit; you can have a white paper.

CHAIR CEGAVSKE:

I have tried to talk to everyone who has come to me: Senator Terry Care, Senator Michael A. Schneider, Senator Dennis Nolan and Senator Joseph J. Heck. I went to them and said,

We are looking at all studies. Yours, from what staff tells me, fits under a category where staff can do that for you. They can research and get that information to you. We do not need an interim study.

All of them were fine with that.

SENATOR WIENER:

But some do not fit that well; maybe it would be appropriate to send out a general letter to everyone for those studies that do not fit into something so they know there is another avenue—meaning what Mr. Williams explained the other day about a white paper.

CHAIR CEGAVSKE:

It would be great if staff could write a letter to all 63 Legislators once both Houses agree upon the direction we are going. If that would be all right with Mr. Williams and Mr. Sturm, we will let everybody know because right now, it is just each of the committees that are aware.

DONALD O. WILLIAMS (Research Director, Research Division):

I would be glad to send out a memo to all Legislators giving them that option. One possible option is to have the Legislative Commission direct a staff study. It would make it more high profile. However, if the Commission decides to not do a staff study, direct Research or another division to do a staff study, then I would be glad to work with the individual Legislator just as a Research Division study for that person. I want to emphasize that, even if a study is under one Legislator, we would still do an objective, nonpartisan study.

SENATOR WIENER:

When I was pursuing that avenue, it was explained we are allowed to take a little more ownership if we have certain people we want contacted and such. This is different than in the past where I would ask that everything they could find be done and get a great memo later. It would help if you let us know we can participate at various levels and get input from different parties we want.

CHAIR CEGAVSKE:

I do not want this to get out of hand. Maybe we need to go through the Committee to Consult with the Director or the Legislative Commission so we do not end up with 63 or more requests.

MR. MALKIEWICH:

What you are talking about is a question of degree. The Research Division turns out research products all year through the Constituent Services Unit and researchers; we are not limiting that. A Legislator can always go and get that. If you want a staff study, it should go to the Legislative Commission.

SENATOR BEERS:

Do you have any feel for the percentage of interim studies that ended and resulted in legislative action?

MR. WILLIAMS:

Ms. Van Geel recently did a review of the bill draft requests submitted by interim studies for the last ten years. She came up with percentages, but I do not have them in front of me.

SENATOR RAGGIO:

The letter of intent could incorporate this additional suggestion we are talking about for staff studies.

CHAIR CEGAVSKE:

I want to make sure all members are okay that we are not going forward with anymore studies. We had talked all session about three of them. I want to go back to the Assembly and tell them it was a unanimous decision from this Committee.

SENATOR BEERS:

You are making that contingent upon the Assembly not doing any as well?

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CHAIR CEGAVSKE:

Yes. This meeting is adjourned at 3:58 p.m.

RESPECTFULLY SUBMITTED:

Josh Martinmaas,
Committee Secretary

APPROVED BY:

Senator Barbara K. Cegavske, Chair

DATE: _____