

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

**Seventy-fourth Session
February 20, 2007**

The Senate Committee on Legislative Operations and Elections was called to order by Chair Barbara K. Cegavske at 1:34 p.m. on Tuesday, February 20, 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
Michelle L. Van Geel, Committee Policy Analyst
Brian Campolieti, Committee Secretary

OTHERS PRESENT:

Jay David Fraser, Executive Director, Nevada League of Cities and Municipalities
Shaun E. Jillions, City of Henderson

CHAIR CEGAVSKE:

I open this meeting with the introduction of Bill Draft Request (BDR) 23-613.

BILL DRAFT REQUEST 23-613: Revises provisions governing state personnel and independent contractors. (Later introduced as [Senate Bill 124](#).)

SENATOR HARDY MOVED TO INTRODUCE BDR 23-613.

SENATOR BEERS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR CEGAVSKE:

The Committee has a request to create a BDR regarding establishment of an accountability standards commission study. The BDR would help agencies understand how performance indicators are defined and measured. The BDR would establish seven Senators and seven Assemblymen to comprise the study committee.

SENATOR RAGGIO MOVED TO CREATE A BILL DRAFT REQUEST FOR THE ESTABLISHMENT OF AN ACCOUNTABILITY STANDARDS STUDY.

SENATOR BEERS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR CEGAVSKE:

I will open the hearing on Senate Bill (S.B.) 104.

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

JAY DAVID FRASER (Executive Director, Nevada League of Cities and Municipalities):

Senate Bill 104 contains language that any bill passed by the Legislature requiring local government to pass an ordinance to comply and take effect on the default date of October 1 unless an emergency exists. If a bill is effective immediately, we cannot pass a municipal ordinance overnight. We must have public notice as well as multiple readings. Senate Bill 104 gives local governments time to comply with statutes as they come out of the Legislature.

SHAUN E. JILLIONS (City of Henderson):

When bills become effective on July 1, it is best for those at local government to convey legislative intent to our city attorneys and departments. Our time line for enacting ordinances makes it difficult to meet the burden put upon us by the Legislature.

SENATOR HORSFORD:

What is the impact of an emergency? Who makes the determination there is an emergency?

MR. FRASER:

The Legislature makes that decision. We are not concerned with the emergency; some times an ordinance needs to take effect sooner than October 1. We trust the Legislature to make those determinations.

SENATOR RAGGIO:

I do not understand the significance of S.B. 104. It seems to be a minor situation. Senate Bill 104 pertains to any bill passed by the Legislature requiring implementation of some ordinance for adoption by local government. Suppose an ordinance is not passed until November, does that mean their ordinance will not be effective until the following October?

BRENDA J. ERDOES (Legislative Counsel):

Senate Bill 104 does not apply to that, it states the Legislature will not make legislation effective before October 1 unless an emergency is declared.

SENATOR HARDY:

I was entirely confused by S.B. 104. Existing law states every law passed by the Legislature shall be effective October 1 unless the Legislature assigns a specific date. It seems section 1, subsection 1 of S.B. 104 covers this law already.

MS. ERDOES:

The point is the Legislature cannot assign dates before October 1 unless an emergency is declared.

SENATOR HARDY:

There must be an emergency for the Legislature to assign effective dates before October 1?

MS. ERDOES:

Yes. If a law is passed requiring an ordinance that has an earlier effective date, an emergency must be declared by the Legislature.

SENATOR HARDY:

We do not need a long explanation to declare an emergency. That does not concern me then. I thought we would have a long discussion.

SENATOR BEERS:

We would have to declare an emergency for a situation needing immediate preservation of the public peace, help or safety in order to establish an effective date before October 1.

SENATOR HARDY:

What I understand is by the Legislature declaring an earlier date, it must be declared an emergency.

MS. ERDOES:

That is correct because under case law, the Legislature would have assumed to have made that finding. If the Legislature asks for a bill requiring an ordinance, the Legal Division would ask whether an emergency needed to be declared.

SENATOR HORSFORD:

My concern is the word "emergency." It is like tying the hands of the Legislature. The protections you seek are already in existing law. Why is S.B. 104 necessary?

MR. FRASER:

It is not our intention to tie the Legislature's hands. The reason for that language is to allow the Legislature to declare an emergency. We wanted recognition of the inability by local government to respond overnight.

CHAIR CEGAVSKE:

Could we ask local governments if we could put a required date on the enactment of a law?

MS. ERDOES:

If the Legislature does not put a specific date on a law for enactment, local governments have until October 1 to create an ordinance. Any dates before October 1 require an emergency be declared; that is what S.B. 104 states.

SENATOR HARDY:

As Chair of the Committee on Government Affairs, I would be cautious when local governments request more time to adopt laws and make ordinances. I would rather approve delayed enactment by local government on an ad hoc basis than create something potentially confusing.

CHAIR CEGAVSKE:

That is what the Committee is saying.

SENATOR HARDY:

We are looking at this backwardly.

SENATOR WIENER:

The default date is not only a tool, but also for those appealing a different date. Senate Bill 104 is redundant and confusing. I see it as unnecessary.

CHAIR CEGAVSKE:

I close the hearing on S.B. 104 and accept a motion for S.B. 73.

SENATE BILL 73: Provides for allowances for certain travel expenses incurred by Legislators during the legislative interim. (BDR 17-265)

SENATOR BEERS MOVED TO DO PASS S.B. 73.

SENATOR MATHEWS SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR RAGGIO WAS ABSENT FOR THE VOTE.)

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CHAIR CEGAVSKE:

I adjourn this meeting of the Senate Committee on Legislative Operations and Elections at 1:56 p.m.

RESPECTFULLY SUBMITTED:

Brian Campolieti,
Committee Secretary

APPROVED BY:

Senator Barbara K. Cegavske, Chair

DATE: _____