

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

**Seventy-fourth Session
March 6, 2007**

The Senate Committee on Legislative Operations and Elections was called to order by Chair Barbara K. Cegavske at 1:35 p.m. on Tuesday, March 6, 2007, in Room 2144 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412E, 555 East Washington Avenue, Las Vegas, 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

COMMITTEE MEMBERS ABSENT:

Senator Steven A. Horsford (Excused)

GUEST LEGISLATORS PRESENT:

Senator Maurice E. Washington, Washoe County Senatorial District No. 2

STAFF MEMBERS PRESENT:

Brenda J. Erdoes, Legislative Counsel
Michelle L. Van Geel, Committee Policy Analyst
Brian Campolieti, Committee Secretary

OTHERS PRESENT:

Greg Smith, Administrator, Purchasing Division, Department of Administration
Kimberlee Tarter, Deputy Administrator, Purchasing Division, Department of Administration

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Dan Musgrove, University Medical Center of Southern Nevada
Danny Coyle, State of Nevada Employees Association, American Federation of
State, County and Municipal Employees Local 4041
Marshellah D. Lyons, Principal Research Analyst, Research Division, Legislative
Counsel Bureau
Donald O. Williams, Research Director, Research Division, Legislative Counsel
Bureau
Connie M. McMullen, Senior Services Strategic Plan Accountability Committee
Gary Peck, American Civil Liberties Union of Nevada

CHAIR CEGAVSKE:
I open this meeting with Senate Bill (S.B.) 210.

SENATE BILL 210: Revises provisions relating to reimbursement of subsistence
and travel expenses relating to the conduct of public business.
(BDR 23-569)

GREG SMITH (Administrator, Purchasing Division, Department of Administration):
I am here to address any questions from the Committee.

KIMBERLEE TARTER (Deputy Administrator, Purchasing Division, Department of
Administration):

The Purchasing Division has been working with many agencies regarding the
State of Nevada's travel policies for several years. One consistent concern from
state employees is the United States General Services Administration's (GSA)
per diem rates. They are not sufficient for appropriate accommodations. We
informed agencies per diem rates were not something we controlled. The rates
are determined in the *Nevada Revised Statutes* (NRS), and that is why rates
have not changed. As a result, we went to the Department of Administration
with our concern with the rates to acquire their support for S.B. 210. We are
asking the State Board of Examiners to establish per diem rates. Employees
receive \$84 for travel; room and board is \$58, and meals are limited to \$26.
Senate Bill 210 will allow the Board of Examiners to set a reasonable rate.

SENATOR BEERS:
Does the Legislature follow the NRS or are we exempt?

MS. TARTER:
Yes, the Legislature is exempt.

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SENATOR BEERS:

There is a taxability issue to the extent they exceed the Internal Revenue Service (IRS) Code. Per diem rates are taxable income unless you can produce receipts showing funds provided have been spent. Is that how it works?

MS. TARTER:

Yes, that is correct. That is common with the mileage reimbursement rate.

SENATOR BEERS:

Is there a table of room and board rates set by metropolitan areas?

MS. TARTER:

Yes, the GSA meets on an annual basis and looks, geographically and seasonally, at different areas to establish rates. We provided a reference ([Exhibit C](#)), which gives information regarding the GSA procedures.

SENATOR BEERS:

How do reimbursement rates in the NRS compare with the IRS rates?

MR. SMITH:

Page 3 of [Exhibit C](#) provides lodging trends in Nevada. Page 4 of [Exhibit C](#) provides average rates over \$100, compared with Nevada's per diem rates of \$58. With the Board of Examiners setting per diem rates, the Purchasing Division hopes to negotiate contracts with some properties at reduced rates. Right now, no one will speak with us at the \$58 rate.

SENATOR BEERS:

The Carson City Plaza Hotel accepts the current \$58 rate.

MR. SMITH:

Yes, they do. Understandably, \$58 is not a problem in Ely, Elko or some places in Reno. The problem is in Las Vegas.

SENATOR BEERS:

Why not defer this issue to the GSA?

MS. TARTER:

That is the second step. The first step is to remove the dollar amount from the NRS and have the Board of Examiners establish policy. That policy would be consistent with several other states. We would use the GSA as a guiding principle.

SENATOR BEERS:

Why is there no fiscal note on S.B. 210?

MS. TARTER:

Agencies will not ask for more travel budget money. They will manage their travel effectively and make decisions when travel is necessary. In addition, Nevada provides teleconferencing and videoconferencing to eliminate some travel. The Department of Personnel has requested, within their budget, additional funding to establish a link for all state agencies to access teleconferencing and videoconferencing equipment.

DAN MUSGROVE (University Medical Center of Southern Nevada):

The University Medical Center of Southern Nevada is in support of S.B. 210. Page 13, section 13, line 13 of S.B. 210 uses the words "living expenses." This means we need to provide receipts for everything in terms of travel. Counties are the only entity required to do this; all other state agencies and cities do this on a per diem basis. Our amendment ([Exhibit D](#)) allows boards of county commissions an alternative to paying actual expenses in connection with travel. For example, I stay in Carson City for 5 days a week, every week during the 120-day Session. They could set a per diem rate for time spent here. This would be easier for those traveling and for those who process receipts.

CHAIR CEGAUSKE:

[Exhibit D](#) seems broad in scope. That has me concerned. I would like to ask our legal staff to interpret this for me.

BRENDA J. ERDOES (Legislative Counsel):

What I see is a general authorization for a per diem expense law. [Exhibit D](#) is broad and does not limit what could be put there. If you want to have an expectation of approval, you would need to modify that to add the limitation.

MR. MUSGROVE:

It would not be our intent to do anything frivolous with taxpayer dollars. We would be willing to match it to the federal per diem rate. This becomes a logistical nightmare in time and expense to ask traveling employees to go through receipts and verify everything. It is good to ensure taxpayer dollars are not used in a frivolous manner, but counties are the only entity in Nevada that must do it in this manner. All other agencies receive a per diem allowance on a state and federal level, and we ask for the same consideration.

SENATOR HARDY:

I have no problem with [Exhibit D](#) and agree with the Chair's position. We should look at the requirements for other local governments.

MR. MUSGROVE:

Each entity sets its own per diem rate; we do not have that ability.

SENATOR HARDY:

I do not mean it needs to be the same policy, but whatever limitations or allowances we give in statute to other local governments should be what we give to the counties.

DANNY COYLE (State of Nevada Employees Association, American Federation of State, County and Municipal Employees Local 4041):

We support S.B. 210. The flexibility of allowing the Board of Examiners to adopt regulations and policies to meet issues as they arise is a good one. This precludes waiting every two years for the Legislature to adjust rates.

SENATOR MATHEWS:

Mr. Musgrove, you keep your receipts, and they pay whatever it costs at the hotel; you may not want this on S.B. 210. Sometimes, you must stay in fleabags if you take per diem.

MR. MUSGROVE:

The key is setting a per diem rate comparable to the city where you lodge. Some The federal government looks at some flexibility in rates and rooms. The per diem rate in Washington, D.C., is different than Carson City.

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SENATOR MATHEWS:

I always take receipts to the City of Reno if I am traveling per diem, even if I am receiving per diem. When you give the receipt, all they give you is what the law allows for that per diem; it does not matter how much you pay for the room.

MR. MUSGROVE:

While working for the University of Nevada, Las Vegas, I was concerned about whether I would survive on the state rate in Carson City.

CHAIR CEGAVSKE:

I close the hearing on S.B. 210 and introduce Bill Draft Request (BDR) 24-180.

BILL DRAFT REQUEST 24-180: Requires person signing petition for initiative or referendum to print given name followed by surname on petition. (Later introduced as [Senate Bill 230](#).)

SENATOR HARDY MOVED TO INTRODUCE BDR 24-180.

SENATOR BEERS SECONDED THE MOTION.

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

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CHAIR CEGAVSKE:

I open the hearing on S.B. 170.

SENATE BILL 170: Creates the Legislative Committee on Child Welfare and Juvenile Justice and the Legislative Committee on Senior Citizens and Veterans. (BDR 17-310)

SENATOR MAURICE E. WASHINGTON (Washoe County Senatorial District No. 2):

I had the opportunity to chair the Legislative Committee on Health Care during the interim. We worked to create an effective plan dealing with access and quality of health care for Nevada citizens. A number of issues confronted our committee; one concerned children, families and juveniles. We were unable to deal with those issues due to their enormity and complexity. We decided the best approach would be to recommend a draft bill and bring it before the Senate

Committee on Legislative Operations and Elections. The second portion of S.B. 170 deals with senior citizens and veterans affairs. This was a request by Assemblywoman Kathy McClain, Assembly District No. 15. We decided to forward S.B. 170 to this Committee to create a statutory committee that will not sunset in order to deal with the issues in urban and rural areas of Nevada.

CHAIR CEGAVSKE:

We already have our statutory committees in place. If we accepted the new committee proposed, we would have to repeal one because of restraints on the Legislative Counsel Bureau's (LCB) staff. There are three bills which address senior citizen and veteran issues this Session.

SENATOR WASHINGTON:

Child welfare, juvenile justice and family issues need their own statutory committee because the state population continues to grow. This is prevalent in family courts and the methamphetamine problem in Nevada. The media has put the spotlight on the Child Haven Unit within the Clark County Department of Family Services and the issues they face. We can no longer ignore these issues; it is time we address them.

MARSHEILAH D. LYONS (Principal Research Analyst, Research Division, Legislative Counsel Bureau):

As a nonpartisan staff member of the LCB, I may not oppose or advocate for legislation coming before this or any other legislative committee. However, at the request of Senator Washington, I have been asked to provide a handout ([Exhibit E](#)), which is a summary and background of S.B. 170.

SENATOR HARDY:

What national organizations are available that could make recommendations for best practices in some of these areas? Nevada has commissions and councils duplicating efforts on the national level. Has the committee discussed that?

SENATOR WASHINGTON:

The Chair considered best practices done nationally and by other states. We had staff investigate various policies to see if they were successful and how much they cost to implement. We tried to incorporate some of those ideas and pass them on to regulatory bodies dealing with this issue. There will be a tremendous impact at the local level as well as the court system and state level dealing with the Division of Child and Family Services and the Department of Corrections.

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SENATOR HARDY:

I promised myself to ask questions this session any time we had a discussion about whether we are duplicating efforts of national organizations.

CHAIR CEGAVSKE:

I asked staff to pull up the list of statutory committees in Nevada and found the Legislative Committee on Persons with Disabilities is due to expire this year. Would these issues fall under the Committee on Health Care which you chaired?

SENATOR WASHINGTON:

The juvenile justice and child welfare issues are enormous. They are outside the scope of health care. We dealt with issues concerning autism, foster parents, young adults, disabled children and overcrowding of our juvenile justice system.

CHAIR CEGAVSKE:

One of your issues dealt with treatment and prevention of substance abuse. You made the case for child welfare and juvenile justice. Our task will be to determine which ones we will approve because we must delete a committee in order to add one. I will ask staff to see how senior citizen and veteran affairs could be dealt with under current statutory committees.

SENATOR WASHINGTON:

Staff has indicated senior citizen and veteran affairs could be addressed under the Health Care Committee.

SENATOR WIENER:

If we created a subcommittee, would it be statutory having the benefit of no sunset?

CHAIR CEGAVSKE:

Whenever a committee sunsets, its subcommittee does the same.

SENATOR WIENER:

Could we create a statutory subcommittee under a statutory committee?

Ms. ERDOES:

We could draft it any way you would like.

SENATOR RAGGIO:

We need to ensure not to overextend the LCB staff. I do not recommend a permanent subcommittee. That should be within the purview of the chair of that committee.

CHAIR CEGAVSKE:

That is what staff told me. We need to be careful creating a permanent committee.

SENATOR WASHINGTON:

I trust you will survey and review all committees in existence. I never made a charge to endorse a committee but I am endorsing this one because it is necessary and needed. We have the duty as Legislators to ensure we implement the best policies and practices available and assure the safety and security of Nevada families. Maybe some existing subcommittees could be combined. I would not encourage creation of a subcommittee based on the recommendations of Senator Raggio.

CHAIR CEGAVSKE:

Are you talking about the portion of S.B. 170 addressing child welfare and juvenile justice?

SENATOR WASHINGTON:

Yes.

CHAIR CEGAVSKE:

We also have the Nevada Silver Haired Legislative Forum; would the senior citizen and veteran issues be combined with that committee? This is something we can explore.

SENATOR MATHEWS:

The Silver Haired Legislative Forum is a citizen committee; I would not want to give them charges beyond what they have now.

SENATOR WASHINGTON:

Senior citizen and veteran issues should be addressed on a health care subcommittee.

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DONALD O. WILLIAMS (Research Director, Research Division, Legislative Counsel Bureau):

I am here to address questions concerning the impact on staff in creating a committee. We will provide the staff services necessary.

CHAIR CEGAVSKE:

The fiscal note on S.B. 170 is \$606,456.

SENATOR BEERS:

Does the fiscal note go away if we do not add to the number of interim committees?

MICHELLE L. VAN GEEL (Committee Policy Analyst):

If two statutory committees are removed to make room for the proposed committees in S.B. 170, the fiscal note would be removed.

SENATOR WASHINGTON:

Senate Bill 170 proposes two committees; if you decide to only approve one, then the fiscal note would be reduced to half.

CHAIR CEGAVSKE:

The first fiscal year amount is \$426,000 and the second is \$208,000. The committee you request takes the most manpower because of different levels needing coverage. As a result, the cost may be more than half.

MR. WILLIAMS:

The cost would be close to half because we are basing it on a minimum amount of staff coverage. Much of the cost depends on the number of meetings. Most of the cost comes from preparing for the meetings.

CHAIR CEGAVSKE:

Many statutory committees have a subcommittee. If those subcommittees are no longer in existence, are they still counted as statutory committees?

MR. WILLIAMS:

It depends on how many meetings are involved. The number of meetings drives most of our work.

CHAIR CEGAVSKE:

I am looking at the Legislative Committee on Persons with Disabilities which expires this year. Underneath that, we had an advisory committee which was time-consuming. Would taking away subcommittees have an affect?

SENATOR RAGGIO:

One recommendation of the Legislative Committee on Education was to create a new subcommittee based on empowerment schools.

SENATOR WASHINGTON:

We created a subcommittee on substance abuse and mental health. We gave many of our meetings to that subcommittee so we would not extend our budget. The Legislative Committee on Child Welfare and Juvenile Justice in S.B. 170 has six members and meets eight times during the interim. The Legislative Committee on Senior Citizens and Veterans has ten members and meets once a month during the interim, so there is a difference in cost.

CHAIR CEGAVSKE:

We will work with the Research Division and evaluate all this information.

CONNIE M. McMULLEN (Senior Services Strategic Plan Accountability Committee):
I have concern with S.B. 170 in the impetus behind the concept of the senior standing committee came from. We are having trouble forwarding the Strategic Health Care Plan for Senior Services, which was commissioned in 2001 by former Governor Kenny C. Guinn in 2002. We cannot get our goals and concerns addressed. Senator Washington did not include Senior Services Strategic Plan Accountability Committee members in his health care hearings. Seniors are as important as everyone else in Nevada.

CHAIR CEGAVSKE:

Are you in favor of seniors and veterans having statutory committees as proposed in S.B. 170?

MS. McMULLEN:

I am in favor of a seniors committee, but I am unsure about the veterans because it concerns all age groups. I would like the seniors committee to be driven by the Strategic Health Care Plan for Senior Services.

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CHAIR CEGAVSKE:
What are you opposed to?

Ms. McMULLEN:
I am opposed to creation of a committee which includes veterans of all ages.

CHAIR CEGAVSKE:
You support seniors having a committee of their own and only accept veterans if they are seniors themselves?

Ms. McMULLEN:
Yes, you are correct. I have provided a handout ([Exhibit F](#)) to clarify my position on S.B. 170.

GARY PECK (American Civil Liberties Union of Nevada):
The American Civil Liberties Union (ACLU) supports S.B. 170. The juvenile justice system is in disarray and violates of the constitutional rights of children within the system. In addition, the ACLU views the child welfare system in the same way. It is important a committee on child welfare and juvenile justice be established to do the work Senator Washington referenced.

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CHAIR CEGAVSKE:

I adjourn this meeting of the Senate Committee on Legislative Operations and Elections at 2:36 p.m.

RESPECTFULLY SUBMITTED:

Brian Campolieti,
Committee Secretary

APPROVED BY:

Senator Barbara K. Cegavske, Chair

DATE: _____