

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

**Seventy-fourth Session  
March 8, 2007**

The Senate Committee on Legislative Operations and Elections was called to order by Chair Barbara K. Cegavske at 1:34 p.m. on Thursday, March 8, 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  
Senator Steven A. Horsford

**STAFF MEMBERS PRESENT:**

Brenda J. Erdoes, Legislative Counsel  
Carol M. Stonefield, Principal Research Analyst  
Michelle L. Van Geel, Committee Policy Analyst  
Josh Martinmaas, Committee Secretary

**OTHERS PRESENT:**

John L. Wagner, The Burke Consortium  
Lynn Chapman, Nevada Families  
Janine Hansen, Nevada Eagle Forum  
James Richardson, Nevada Faculty Alliance  
Ron Knecht, Carson City, Board of Regents, Nevada System of Higher Education  
Larry Lomax, Registrar of Voters, Elections, Clark County  
Ted J. Olivas, City of Las Vegas  
Monica M. Simmons, City Clerk, City of Henderson  
Chris Knight, Director, Administrative Services, City of Las Vegas

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Beverly K. Bridges, Acting City Clerk, City of Las Vegas  
Carla Balsano, Las Vegas Municipal Court

CHAIR CEGAUSKE:

We are going to hear Senate Joint Resolution (S.J.R.) 4.

**SENATE JOINT RESOLUTION 4**: Proposes to amend the Nevada Constitution to require the Legislature to provide for the organization and duties of the Board of Regents and the appointment of its members by the Governor. (BDR C-1087)

This resolution would set forth the number on members of the Board, the qualification terms of the office, a statute for the Governor to appoint the members of the Board and the duties of the Board and its members.

SENATOR WILLIAM J. RAGGIO (Washoe County Senatorial District No. 3):

I am here to speak on S.J.R. 4. This is not a new concept; it is one I have long supported, and one we need to visit again. It is not meant to be pejorative in any way of current members of the Board of Regents. In 1864, the *Constitution of the State of Nevada* provided for a Board of Regents and even though we have a great Constitution, it is not perfect. Times and situations change, and reasons for doing things change.

The resolution before you is simple and straightforward. It amends the Nevada Constitution to eliminate the election of the members of the Board of Regents and provides for their appointment by the Governor. It then authorizes the Legislature—and I have provided testimony ([Exhibit C](#)) and other materials—to provide by law for the organization of the Board. This resolution allows the Legislature to determine from time to time the number of members, their term of office and qualifications. People who support this bill have suggestions. They would say, "Well, the Board instead of being 13 should be 9, 11 or 7. There should be certain qualifications, and the term of office should be this long." The reason for the size of something may change from time to time and I do not disagree with that, but those kinds of details need to be put into the constitutional amendment. It should be in the purview of the Legislature once the Constitution is amended. The Legislature has changed the size of the Board in order to ensure the entire state is represented.

This resolution also provides for the Legislature to terminate the terms of office of members serving as Regents after the election in 2010. Once it becomes an appointed position, it may be necessary to terminate those elected. Nothing would prevent their reappointment, but the Governor at that time would give serious consideration. If the voters approve the ballot question, the Legislature has the discretion to decide if terminating their terms of office is in the interests of the people of Nevada. The basic question is not whether we are invading somebody's turf or personal situation, but what is in the best interest of the people of Nevada? We lose sight of that too often.

Higher education is important. Under the current constitutional structure, Regents are not required to coordinate their efforts with those of the Governor or Legislature. Only through the budget process is there any formal communication between the Governor and Regents. That is because Article 11, section 6 of our Constitution requires budgets to be presented according to law. Legislative oversight is otherwise very limited. The Nevada Supreme Court has interpreted the Nevada Constitution as vesting the Board of Regents with exclusive executive and administrative control of the university in *King v. Board of Regents of the University of Nevada*, 65 Nev. 533, 200 p.2d 221 (1948). My opinion, shared by others, is this level of independence, if fully imposed, is counterproductive to coordinated efforts necessary to move this State forward, particularly if we deal with the continuing and growing importance of higher education.

The Nevada System of Higher Education (NSHE) receives something like 20 percent of our state General Fund. We are now talking about over \$7 billion in our budget over a biennium. The Legislature provides this as a block grant. We have not wanted to micromanage, and I am not suggesting that, but once we appropriate those funds, neither the Governor nor the Legislature has any voice in how those funds are allocated. We have budget oversight but no means to ensure those funds are spent as intended other than having them before the Interim Finance Committee to report. We have no means to ensure we can convince the Regents that programs, necessary for our educational and economic future, are created and sustained. We have not had opposition or noncompliance, but the potential is there. That is what this proposed constitutional amendment addresses.

I have provided a history of the composition of the Board of Regents since statehood ([Exhibit D](#)). When the Constitution was adopted, the first Regents

were the Governor, the Secretary of State and the Superintendent of Public Instruction. Eventually, the Legislature created the election of Regents. Although the Regents provided oversight, the President of the University ensured management of the institution. Even when we only had one higher education institution in Reno, the University of Nevada, the governance of the University was not without controversy. In 1957, in what was considered an emergency, the Legislature commissioned a study to investigate the University's administration and academic operations. That consultant, 50 years ago, recommended appointment of Regents.

I have also distributed a list of joint resolutions ([Exhibit E](#)) considered by the Legislature since that consultant's report. A number of proposals have been introduced, but only one, A.J.R. No. 11 of the 72nd Session, has ever been submitted to the voters; Question No. 9 failed on the ballot in 2006. The proposal would have provided for a nine-member Board of Regents. To deal with some of the concerns, it was a hybrid situation where one member was elected from each Congressional district and remaining members were appointed by the Governor.

The resolution was a complicated concept. Even so, there was less than 1.5-percent difference between the votes for and against. There were 547,521 votes cast with 49.28 percent for and 50.72 percent against, [Exhibit C](#). Some would interpret the result to mean the people of Nevada do not want an appointed board. I interpret that result another way. Given the right proposal, and this is a good proposal since it does not have the hybrid language of electing some and appointing others, the people ought to be given the chance to consider this again. All we are asking here is that the Legislature pass [S.J.R. 4](#) this session and again next session, and let the voters decide.

Through this amendment, the Legislature can set qualifications. We can create a connection among the Executive and Legislative Branches with our system of higher education and increase the likelihood of an effective and responsive Board. We can establish a P-16 Council without concern that a future Board of Regents might refuse to participate, saying they have that authority. We need to reduce that potential and still give the Board of Regents the authority it needs to otherwise govern, appropriate and allocate funding for the higher education system. If you sense my frustration with this, just look again at the list of joint resolutions on the purple sheet, [Exhibit E](#). We have been looking at this a long time.

We are out of step with the rest of the nation insofar as governance. Once higher education was the luxury of a few; now, post-secondary education is a vital component to any state economic development plan. Nevada needs policy leadership for a much broader public agenda. My initial question again, "What is in the best interest of the people of Nevada?" An appointed Board of Regents that is receptive to the policy concerns of both the Executive and Legislative Branches of government and works in a coordinated manner to achieve state policy goals answers that question.

[Exhibit D](#) is a history of the composition of the Board of Regents. The Board was initially a few elected officers. It is something that can be changed, has been changed and should be changed. This next sheet is extremely interesting and informative ([Exhibit F](#)). The State of Nevada is the only state in this country where we elect the governance body of higher education. Look through this sheet and you will see almost all others are appointed. Go down this list state by state, you will find only Michigan listed as elected, and even that is a big difference.

CAROL M. STONEFIELD (Principal Research Analyst):

The chart you have before you, [Exhibit F](#), needs some explanation. In Michigan, the State Board of Education is elected; however, it is a very limited body. You need to understand the two kinds of statewide oversight for higher education. One is a statewide governing board which we have here in Nevada. That one governing board oversees all public higher education institutions—community colleges, state universities, graduate school, everything. The other is called a coordinating board. When a state has a coordinating board, there are individual governing boards for each of the institutions or systems of higher education. In Michigan, there is the University of Michigan system, and it is a three-campus system. It has its own elected Board of Regents. There is a system of community colleges which have their own governing boards while Michigan State University has its own board. While the State Board of Education in Michigan is elected, it is of the nature of a coordinating board that has limited authority over the institutions in the state.

SENATOR RAGGIO:

We are the only state that has an elected board with the importance it has. We have some excellent Regents, both present and past. This is not an attempt to censure or judge in any way. This is an attempt to change what was put in place in 1864 to something more realistic and able to deal with the complex

problems now facing higher education in all aspects. I recommend favorable consideration of S.J.R. 4 and that we put the process in motion.

CHAIR CEGAUSKE:

One question from constituents had to do with whether or not you would look at dividing the community college system and the university system. I see on [Exhibit F](#) some of them are split. Could you comment? Some are in the statute and some are in the Constitution. What is the difference between our state and other states?

MS. STONEFIELD:

Systems of higher education and their governance structures reflect the interest of the individual states. For that reason, some of them deal with constitutional boards. Others are created entirely by the legislature and are statutory. Some states have their university systems and community college systems established by their legislature. Some also provide individual boards for each institution. When that happens, typically, this coordinating board has general oversight for all the institutions. A coordinating board probably prepares the budget for all institutions. The institutions submit their budget to the coordinating board and then one document is provided to the governor's staff. They are often the financial aid administration and in some states, depending on the authority given, they might have authority to approve new programs. For example, if we had that system in Nevada and if the University of Nevada, Reno, wished to have a law school, it would have to submit that proposal to a coordinating board which would do a needs assessment to determine if Nevada needed a second law school. Many times, these kinds of boards have some authority in the area of program expansion; it becomes very significant when a program might be something like a medical school or an engineering program that is equipment intensive and expensive to operate. It is really whatever system has evolved in a state over the years.

SENATOR RAGGIO:

The term "university" is used in the Nevada Constitution, Article 11, section 7. At that time, there was only one contemplated university. I have been told we could probably set up a board of governors or trustees for a community college system without changing the Constitution. I would not want to add that to this resolution. Instead of having "university," we probably need to talk about a system of higher education or at least the university level of higher education. I want this to be applicable to whatever comes within the purview of higher

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education unless there is desire to create a separate board. I do not want to complicate this resolution.

CHAIR CEGAVSKE:

You wanted to go back to the Constitution with nonspecifics; you think general is better.

SENATOR RAGGIO:

Unless our Legislative Counsel disagrees, the present and future Legislature would have the authority to create a separate board of trustees for the community college level or anything similar.

SENATOR WIENER:

Looking at the comparisons in [Exhibit F](#) about appointments, there is use of "ex officio," whether it be by the Senate or statute. I also see "elected by legislature," and I do not know what that means.

SENATOR RAGGIO:

Some legislatures elect the members to the governing body. You then get into a lot of partisan politics and things like that. For most of our boards and commissions over the years, governors have done a good job in making appointments. It is like our jury system; it is not perfect, but it is probably the best system we have. Any governor would be mindful of the whole jurisdiction of the higher education system and the need to recognize that the state is represented fully in all aspects of higher education and the constituencies which those institutions serve.

SENATOR MATHEWS:

What happens to the Chancellor's office? Would it still be in that structure or do we not need to address it in this?

SENATOR RAGGIO:

That would not be affected at all by this resolution.

SENATOR HORSFORD:

I was wondering about the language on page 2, section 7, subsection 2 in the bill about the Legislature's role. You say the Legislature shall set the organization of the board including the number of the members, qualifications and terms of office, and then in paragraph (c): "The duties of the Boards of

Regents and its members." In that process, would there be any confirmation of the Governor's recommended appointments by the Legislature based on the language in paragraph (a) about the qualifications of the individuals he recommends?

SENATOR RAGGIO:

We do not have any confirmation process for any appointments made by the Governor. This would not provide or accommodate any confirmation process. We have had bills before the Senate on many sessions to have the Senate confirm appointments as in the United States Congress and many states. It has generally been supported by the Senate, but the Assembly has taken umbrage. We are a part-time Legislature so a confirmation process readily adaptable to a full-time legislature probably has some shortcomings.

SENATOR HORSFORD:

How would we ensure representation of the diversity of the groups and residents of Nevada?

SENATOR RAGGIO:

I do not know how to ensure that. The same question could be asked of any of the boards or commissions for which the Governor makes appointments. I have served with six governors since I have been in the Legislature, and all of them have been mindful of the need for diversity and representation. This ensures and accommodates it more than the election process we do today. The Governor is going to try to be inclusive in making these appointments, and I can not imagine why a governor would not. You might be talking about minorities. Our population is growing to a point of no minorities. Any governor in the future would recognize that.

CHAIR CEGAVSKE:

In reference to the effective date, could you explain how that would work? If somebody is up for election to the Board in 2010, the resolution passes and they are still running—could you explain that to the Committee.

BRENDA J. ERDOES (Legislative Counsel):

The reason we drafted it in this manner is because there is no guarantee in the provision itself when the Legislature will execute this amendment. Should it pass a vote of the people in 2010, there is no deadline as to when the Legislature would act. This attempts to account for the situation where the

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Legislature has not adopted any legislation to provide for the appointment. The assumption here is that the elected members, and there could be some elected in 2010, would continue to serve until the Legislature has enacted legislation. If you look at the past and how this kind of provision has been dealt with by the Legislature, it sometimes takes more than one session. This provision does not state anything about the time line other than the Legislature having this power. Our attempt to put it here provides notice to those who want to run for the Board of Regents in the 2010 election that their terms might get cut short because if this passes at that same election, the Legislature could take action as early as 2011.

CHAIR CEGAVSKE:

We also got a memorandum from Board of Regents Chair Bret O. Whipple ([Exhibit G](#)). Part of it reads:

I have requested that the Chancellor and NSHE staff please refrain from commenting further on the bill until such time as the Board has an opportunity to discuss this matter at next week's meeting. For your information, I am also attaching a copy of the Board's policies on Board and Chancellor roles.

SENATOR RAGGIO:

I purposely did not indicate any people in those positions for or against this measure. There have been some public comments. Apparently, it is a directive to not say anything so I am not going to comment further.

CHAIR CEGAVSKE:

Another thing talked about with this bill was if it passed, and the Board is governed under the Legislature, would this then prohibit anyone from higher education to spend money or otherwise participate in lobbying?

SENATOR RAGGIO:

I do not see that aspect.

CHAIR CEGAVSKE:

Right now, they are using public funds.

SENATOR RAGGIO:

That is a completely separate issue not involved in this discussion.

MS. ERDOES:

I agree with Senator Raggio. I do not see anything in this that affects that issue.

CHAIR CEGAVSKE:

If the Legislature sets forth duties of the Board and its members, it could be addressed at that time?

SENATOR RAGGIO:

I suppose the Legislature could always direct what role lobbyists play.

CHAIR CEGAVSKE:

Other comments I have gotten were that the Board preferably be at seven members, no more than a nine-member board.

SENATOR RAGGIO:

Again, those are things the Legislature can change. At some point, you may want nine; you would have the opportunity. We have always reacted to that, and it could still be done by the Legislature.

JOHN L. WAGNER (The Burke Consortium):

We already voted on this; at that time, I was for the measure. Reducing the number and having some oversight was good because people do not really know what the Regents do. I am reluctant now because the voters said they were not interested. That is why I am against it. California has three systems. We are not as big as California so we may want one category for community colleges. I also like the idea of some ratification by the Senate; if the Assembly gets offended, make it a joint committee. When you have interim committees throughout the year anyway, maybe an interim education committee or something like that could possibly ratify.

LYNN CHAPMAN (Nevada Families):

How would these people be chosen? Would it disqualify people who were not involved in the education system? Would we be left out? Would there be an expansion of bureaucracy and different boards underneath the Regents so our government would be further and further away from the people?

JANINE HANSEN (Nevada Eagle Forum):

Things could be done better than now. We have great potential for increased dialogue and discussion. It could be done without a constitutional amendment and taking away the right of the people to vote. Senator Raggio mentioned one of the most important things, and that is the power of the purse. This important issue should be explored further. If there are problems, there should be more coordination. Separation of powers in government is a good concept because we tend to become a single old boys club.

All the lists I have seen over the past several sessions of potential appointments are people in the education establishment. We also need people outside the establishment who are involved in controversial issues in the community. I cannot imagine someone like me being appointed to anything. I suspect we might have a lack of innovation and controversy that might be good for the system. The Board of Regents campaigning reaches out to the people. With appointment, they will not be reaching out to the people, talking to people, answering questionnaires and being accountable to the people. That is a great loss. Since we elect our Regents, we are finally on the top of a list. We opposed Question No. 9 on the ballot last time. The more people we appoint, the people go further away from government involvement. The closer, the more they are going to become involved. Since we elect our Regents, the people are closer to the university system.

JAMES RICHARDSON (Nevada Faculty Alliance):

This bill has come forward quickly, and the Nevada Faculty Alliance does not have a position. The problem some people will have with the amendment is that it does not spell out very much. Senator Raggio and I have had a conversation about this; how much do you put into the Constitution—how much do you leave out. The organization of the proposed bill is minimal and leaves a lot of authority in the hands of the Legislature. Some may think we need more spelled out. An option is spelling things out in a trailer bill. Even if it was only a draft, it lets people know what you have in mind. If this is done, we need something like the Commission on Judicial Selection to accept nominations and establish minimal criteria for appointment. The criteria would not include involvement in the education community, it would include all groups.

For the record, on the white chart, [Exhibit F](#), there are faculty representations on boards in a number of states including the University of California system which has two faculty members. If this passes, I would like you to consider

faculty representation on the board or at least on some kind of commission for selection of Regents.

The issue of a separate Board of Regents for the community colleges surfaced. The decision might need to be made on page 2, line 2 where it says "affairs of the University." Two boards is a more efficient system; we would not fight as much as we do now in front of you if we were in separate boards. If you intend to keep the system together, it probably should say the "Nevada System of Higher Education" which is the current title instead of the University because that leaves the question open of whether we are going to have a separate board for the community colleges, state colleges or whatever. We should be in discussions down the road about how this might be implemented.

RON KNECHT (Carson City, Board of Regents, Nevada System of Higher Education):

I am here to take no position on the matter but to give you information. I recently talked extensively with Chair Whipple and James Dean Leavitt of the Board of Regents and they asked me to convey that they endorse the points I make. First, the Board takes up this matter next week at its regularly scheduled meeting. The matter has been noticed and agendaized. The Board and the System have no position on S.J.R. 4. Individual Regents are always free to take their own position. We hope you will not interpret the nonattendance today by any staff or Regents as disinterest, nonresponsiveness or disrespect. It would be premature to have staff here taking a position when the matter has already been noticed for consideration next week. My fellow Regents and I want to be responsive to the majority leader and the Legislature on any informational matter. If you have questions, we will get you a complete and timely answer.

CHAIR CEGAVSKE:

We will close the hearing on S.J.R. 4 and open the hearing on Senate Bill 149.

**SENATE BILL 149**: Makes various changes to provisions governing elections.  
(BDR 24-4)

This bill was introduced last session. Larry Lomax can give the explanation why this would be a good piece of legislation. This requires a general law in a city and a county whose population is 400,000 or more to adopt an ordinance setting city elections in even-numbered years. It amends the city charter of each city located in a county whose population is 400,000 or more to reflect the

change in election dates. Cities affected by these provisions are Mesquite, Boulder City, Henderson, Las Vegas and North Las Vegas.

The entities opposed to this talked to me a few minutes before we came into Committee. The thing they brought up was a sheet about the election cycle. Last time, one amendment let each judge or elected official serve out their term. That is an easy solution to those opposed to the bill.

Mr. Lomax would you please give a description of the importance of this bill and the reason we bring it forward?

LARRY LOMAX (Registrar of Voters, Elections, Clark County):

Clearly, the advantage of this bill is cost, it saves money. Combining municipal and federal elections eliminates just about all the costs of the municipal elections. The only carryover is a little bit of additional printing involved with the extra candidates' names and any questions on those ballots. We estimate the cost of the municipal elections, which start next week—the early voting, is about \$700,000 for the primary and somewhere around \$700,000 for the general election. In Clark County, you would save about \$1.5 million. It is hard to estimate municipal elections because their rules are such that if a candidate gets more than 50 percent of the vote in the primary election, they are elected. Very often, they do not go forward and have a general election.

The one issue you would want to take into account—I do not know if it needs to be addressed—when you combine the municipal elections with the federal elections is extra names on the ballot. A more significant issue, from our perspective of managing the election, involves the questions. The cities tend to have quite a few questions. In the 2004 federal election, without the municipals involved, people in Clark County were voting on 60-some candidates and issues. If you combine these elections, you could get into 70 or more choices. You might also want to look at the laws governing questions. Right now, you can only put a question on a general primary ballot. If you eliminate one of those years, you limit yourself. You can only put a question to the voters once every two years. The statutes have statements about only putting tax and bond questions on if there is a fiscal emergency or something of that nature. You might want to look at those statutes. If we begin having elections every other year, you may want to have some consideration of putting questions on the ballot should the need arise.

CHAIR CEGAVSKE:

Talking about combining, if you live in the county, you will not get any city questions, you would only get the county questions; those in the city would only get the city questions.

MR. LOMAX:

You are right. We will have more ballot styles.

CHAIR CEGAVSKE:

Are you doing it only one time instead of the two separate times?

MR. LOMAX:

Absolutely, there is no question of a significant cost savings.

CHAIR CEGAVSKE:

How much would we save?

MR. LOMAX:

About \$1.5 million if you did not conduct the municipal elections.

CHAIR CEGAVSKE:

The last time we asked the cities if they wanted to do their own elections and pay their own costs or pay you to do them, it was not well received.

MR. LOMAX:

Cities contract and pay us to conduct their elections.

CHAIR CEGAVSKE:

Do they currently pay you?

MR. LOMAX:

Yes, they reimburse us. That is why it is a savings to the taxpayer. We would have to reallocate how the cities paid if we combined everything.

CHAIR CEGAVSKE:

They pay for their own, and they contract out with you.

SENATOR RAGGIO:

I can not understand why anybody would not support this. We had this situation in the City of Reno for many years, and it makes sense. In Reno, if there are questions for the City, they go to those who reside within the city limits. If you are in an unincorporated area, you do not get those questions. It is a savings, and the public is not subjected to another campaign season. It is hard to testify for having this archaic situation where cities have a municipal election in an off year.

CHAIR CEGAUSKE:

When I met with the city clerks and county manager two years ago and was told how much we could save, it did not make sense to me why we would not do it either.

TED J. OLIVAS (City of Las Vegas):

The handout we provided to the committee ([Exhibit H](#)) shows the 13 elected positions within the City of Las Vegas including our Mayor, Council members and a number of judges. It shows how the bill, as currently written, would affect those elections.

CHAIR CEGAUSKE:

With the amendment that they could finish their term, would you be opposed to this bill?

MR. OLIVAS:

I do not believe so.

MONICA M. SIMMONS (City Clerk, City of Henderson):

Senate Bill 149 impacts the Cities of Henderson, Las Vegas, North Las Vegas, Mesquite and Boulder City. Each is currently in a municipal election cycle. We are nine days away from early voting and approximately three and a half weeks away from the primary election. This proposed transition to S.B. 149 needs to be well-plotted out to ensure each of our elected officials, or those elected in the 2007 elections, are treated equally. We have some concerns for your attention. In Henderson, for example, two candidates have already been declared elected. One was unopposed and declared elected after the end of candidate filling on February 3. We have a municipal court judge who was declared elected after his opponent withdrew. That particular municipal court judge will be seated April 17. The proposed language in section 16,

subsection 3 states the subsequent general election for this judge's department would be conducted during the statewide general election in November 2012. In this instance, you shorten this judge's term by seven months.

CHAIR CEGAVSKE:

The amendment for anybody who is in office ensures they serve out their term.

Ms. SIMMONS:

In section 16, subsection 2, specifically lines 27 through 32, I would like to confirm this does not change anything concerning the current election cycle. In the City of Henderson's situation, we may not have a general election in June. I imagine this was put in place to set the basis for the terms going forward. I need assurance we would not be required to have a general election.

CHAIR CEGAVSKE:

I defer to Ms. Erdoes, but that is not an issue.

Ms. ERDOES:

I agree, the effective date provision reads it would be after the election in which you are already in the cycle.

Ms. SIMMONS:

Henderson submitted a neutral position on this bill, but there are considerations we need to present. Municipal elections will no longer be the primary focus as in the current municipal election system. Combining the elections will limit the times, as Mr. Lomax stated, when we have the opportunity to place a question on the ballot. Originally, when the charter was set up by the Legislature in the 1970s for the City of Henderson, they distinguished between the two elections so we could focus on the nonpartisan local races.

As Mr. Lomax indicated, the municipal election races will be at the end of the ballot just before the ballot questions. A ballot question specific to a municipal entity on a long, combined county and statewide ballot could get lost and potentially not receive the representative return for the specific population it impacts. This is a concern the municipal election officials wanted to bring forward. There has been historical data that some folks will experience voter fatigue and discontinue voting when you have a 20- to 30-page ballot. If additional language would alleviate that situation, we would like to offer it or work with Mr. Lomax in that effort.

SENATOR HARDY:

We have discussed a couple issues in the Senate Committee on Government Affairs relating to elections. The issue of not being on the ballot and the issue of never facing the voters came up. We will be doing some work in Government Affairs in that area. The Government Affairs Committee thinks people should be notified, such as a notification on the ballot, that this individual is unopposed and deemed elected. What is going on might conflict with some city charters.

Ms. SIMMONS:

We have our sample ballot prepared, and Henderson did provide that notice specific to the two candidates mentioned.

SENATOR HORSFORD:

I appreciate the concerns about voter fatigue considering how long the ballot could be on an even-numbered year. I heard from constituents about voter fatigue from always being in an election cycle. The voter turnouts for most municipal elections are very low. Moving to an even-numbered process, especially in a presidential year, benefits the municipal offices. Could you comment on those two areas for me?

Ms. SIMMONS:

The statewide races have a greater turnout, but these candidates and questions are on the tail end of the ballot. The issues specific to that population will not get the attention they normally get on a municipal ballot when there are just a few races. You have more opportunity to focus on questions pertaining specifically to that population.

SENATOR MATHEWS:

In the north, we run with everybody else on the ballot. A concern I have is third-party candidates or candidates without a lot of money including those who cannot raise a lot of money. Those people always have a tough time on a long ballot because people get tired by the time they get to those candidates. Has anybody thought about how to handle third parties? Has anybody thought about what would happen to them? We do not want the same thing just rolling over and over, regardless of the party.

Ms. SIMMONS:

I have no comment on that, but there is the potential.

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CHRIS KNIGHT (Director, Administrative Services, City of Las Vegas):

We understand the potential for an amendment and appreciate your comments. We echo the concerns expressed by Ms. Simmons. Ms. Bridges and Ms. Balsano are here to relate concerns specific to the City of Las Vegas. We look forward to continuing to work on this bill.

BEVERLY K. BRIDGES (Acting City Clerk, City of Las Vegas):

I will share some analysis I did on the terms under the current bill. Page 17, section 19, lines 28 and 29 have judges for Departments 1, 5 and 6 elected in the 2007 election cycle. Departments 1 and 5 are currently not on the 2007 ballot. Department 6 is on the ballot but for a two-year unexpired term. The table in [Exhibit H](#) shows the impacts to our judges and their terms. With the six-year terms for judges, the impact of this bill results in three-, five-, two- or one-year terms at different times. In 2011, Department 5 would run for a one-year term. It also affects our mayor and city council members. At one point, it results in three-year terms at different times for all the members. I concur with statements from Ms. Simmons as well as Senator Mathews about the campaign finances.

CARLA BALSANO (Las Vegas Municipal Court):

I reiterate the comments of Ms. Bridges and Ms. Simmons. Municipal court judges, as Ms. Bridges pointed out, would serve in uneven terms and not fully serve their terms as elected. With the amendment, perhaps this portion could go away, and then we would appreciate reconsideration.

CHAIR CEGAUSKE:

We close the hearing on [S.B. 149](#) and go to [S.B. 87](#) in your work session binder.

**[SENATE BILL 87](#)**: Provides for audits by Legislative Auditor of entities which are not state agencies but which receive appropriations of public money.  
(BDR 17-91)

We looked at an amendment that Carole A. Vilardo provided and also heard concerns other people had with the bill. Their fears have been resolved. We looked at Ms. Vilardo's amendment and did not think it was necessary. We talked to her about it and she said she just wanted to bring it to our attention. Am I remembering that correctly?

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Ms. ERDOES:

Yes, you voted to pass this without any amendments; I interrupted you and asked if you would wait because there was one issue with the Legislative Auditor. In agency, that has since been resolved. No amendment is needed.

SENATOR RAGGIO MOVED TO DO PASS S.B. 87.

SENATOR BEERS SECONDED THE MOTION.

SENATOR HORSFORD:

I wanted a clarification. It says "public money," so if it came from any source, such as a local agency, it could still be audited by the Legislative Auditor.

THE MOTION CARRIED UNANIMOUSLY

\* \* \* \* \*

CHAIR CEGAVSKE:

Let's go to 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)

We have an amendment submitted by Dan Musgrove, University Medical Center of Southern Nevada. They want to be included in the bill.

Ms. ERDOES:

The amendment changes the way counties reimburse their employees for travel expenses. It is going from a receipt basis, paying the actual costs of the living expenses as the statute sets it, to the same system the cities have wherein the officers and employees receive the same allowance and travel expenses generally provided for state officers and employees. That is the issue in this bill, how to set that rate. This aligns the counties with as the cities and state.

CHAIR CEGAVSKE:

Senator Hardy wanted this; he was supportive of this issue so it would be even for everybody.

SENATOR HARDY:

Exactly, I thought the standards should be relatively uniform across the board so it was easy for the public to understand.

SENATOR BEERS:

Does this amendment propose to be "shall" or "may"? For long-term duty, it may be more cost effective for the local government to take an option on the actual expense reimbursement method. Per diem is based upon a short-term lodging rate and for long-term duty, you can frequently do better than that. I am wondering if it would be beneficial to leave it up to the local government if they want to choose per diem or actual expenses.

Ms. ERDOES:

If that is what you want to do, this amendment will not do that, but we could draft that if you like.

SENATOR HARDY:

My understanding and intention was that local government should make that decision themselves. It would be "may." That is what Mr. Musgrove testified; they would like the ability to do it, but we are not necessarily mandating them.

SENATOR BEERS:

As drafted, it sounds like we are.

Ms. ERDOES:

You need to tell me how you want that relationship handled. If you simply put in the two choices, leave the old language that is stricken now and have the new language—make it an either or choice. Then you let the county reimburse either way, short term or long term. If you want to provide just long term, we could do that too.

CHAIR CEGAVSKE:

We will hold off and have it redrafted with Senator Beers' recommendation.

SENATOR BEERS MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 149 THAT ALLOWS ANY ELECTED OFFICIAL TO COMPLETE THEIR  
TERM.

SENATOR RAGGIO SECONDED THE MOTION.\*

SENATOR HARDY:

I agree with Senator Raggio's comments during testimony, I do not see why any local government would not want this. However, it has been my policy on the Senate Government Affairs Committee on charter changes to ask the opinion of the local governments. I will vote on this, but I want to make you aware that my vote is subject to change if I hear this is not something the governing bodies want. There is probably not be a problem, but I would like them to have an opportunity to come back.

SENATOR MATHEWS:

I have the same concern. I may vote on it today, but I reserve the right to not vote for it on the Senate Floor, and I will tell you why. In the Government Affairs Committee, we had the same kind of thing come up on two of my bills. I had not talked to the local government, and it was not fair to blindside them. Even though you may vote it out, I do not want to blindside any of them.

CHAIR CEGAVSKE:

The same response is noted for Senator Wiener as well.

THE MOTION CARRIED UNANIMOUSLY.

\* \* \* \* \*

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CHAIR CEGAVSKE:  
This meeting is adjourned at 3:03 p.m.

RESPECTFULLY SUBMITTED:

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Josh Martinmaas,  
Committee Secretary

APPROVED BY:

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Senator Barbara K. Cegavske, Chair

DATE: \_\_\_\_\_