

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

**Seventy-Fifth Session
May 5, 2009**

The Committee on Elections, Procedures, Ethics, and Constitutional Amendments was called to order by Chair Ellen Koivisto at 3:51 p.m. on Tuesday, May 5, 2009, 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/75th2009/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 Ty Cobb
Assemblyman Marcus Conklin
Assemblyman John Hambrick
Assemblyman William C. Horne
Assemblyman Ruben J. Kihuen
Assemblyman Harvey J. Munford
Assemblyman James Ohrenschall
Assemblyman Tick Segerblom
Assemblyman James A. Settelmeyer

COMMITTEE MEMBERS ABSENT:

Assemblyman Harry Mortenson, Vice Chair (excused)
Assemblywoman Heidi S. Gansert (excused)
Assemblywoman Debbie Smith (excused)

GUEST LEGISLATORS PRESENT:

Assemblywoman Kathy McClain, Clark County Assembly District No. 15
Assemblywoman Marilyn Kirkpatrick, Clark County Assembly District No. 1
Assemblywoman Bonnie Parnell, Assembly District No. 40

STAFF MEMBERS PRESENT:

Patrick Guinan, Committee Policy Analyst
Terry Horgan, Committee Secretary
Cheryl McClellan, Committee Assistant

OTHERS PRESENT:

Barry Gold, Director, Government Relations, AARP Nevada, Las Vegas, Nevada
Bruce Arkell, Reno, Nevada, representing the Nevada Senior Corps Association, Carson City, Nevada
Tim Tetz, Executive Director, Office of Veterans' Services, State of Nevada
Ernie Nielsen, Senior Law Project, Washoe County Senior Services, Reno, Nevada
Carl Martinez, Private Citizen, North Las Vegas, Nevada
Keith Munro, First Assistant Attorney General, Office of the Attorney General
Michael Haley, Sheriff, Washoe County, Reno, Nevada
Bill Ames, Sergeant, Washoe County Sheriff, Reno, Nevada; representing the Washoe County Sheriff's Supervisory Deputies Association, and the Washoe County Sheriff's Deputies Association
John Slaughter, Director, Management Services, Washoe County, Reno, Nevada
Dennis Carry, Vice President, Washoe County Sheriff's Deputies Association, Reno, Nevada
Alexis Miller, Legislative Relations Program Manager, Office of the City Manager, City of Reno, Nevada
Ron Dreher, Government Affairs Director, Peace Officers Research Association of Nevada, Reno, Nevada
Jan Biggerstaff, Las Vegas, Nevada; Member, State Board of Education
Anthony Ruggiero, Las Vegas, Nevada; President, State Board of Education
Cliff Ferry, Elko, Nevada; Vice President, State Board of Education

Julie Whitacre, Las Vegas, Nevada; Director, Government Relations,
Nevada State Education Association

Keith Rheault, Ph.D., Superintendent of Public Instruction, Department of
Education

Randy Robison, Las Vegas, Nevada; representing the Nevada Association
of School Superintendents, Reno, Nevada

Joyce Haldeman, Associate Superintendent, Clark County School District,
Las Vegas, Nevada

Julianna Ormsby, Carson City, Nevada; representing the League of
Women Voters of Nevada

Wes Henderson, Carson City, Nevada; Government Affairs Coordinator,
Nevada Association of Counties

Chair Koivisto:

[Roll was taken. Committee rules and protocol were explained.] We are going to start the hearing today on Assembly Bill 9.

Assembly Bill 9: Creates the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs. (BDR 17-97)

Assemblywoman Kathy McClain, Clark County Assembly District No. 15:

Assembly Bill 9 was a prefiled bill that came out of the interim study we had concerning senior citizens' and veterans' issues. As we discussed issues relating to senior citizens and veterans, the number one thing decided upon by the committee and the various organizations that testified was that we really needed to have a standing interim committee on these issues. There are so many different issues, and they overlap each other. They include health care, disabilities, veterans and seniors, and disabled seniors. If there were a committee that met every month or so during the interim, it could be the focal point for many of these issues. The committee would have more, widespread interaction from the public, and be able to vet the issues more thoroughly so conclusions could be drawn before the next legislative session began. Over the last six sessions, seniors' and veterans' issues crop up, but with the 120-day limit on our session, there is never enough time to give a thorough hearing to all these issues. Those kinds of issues could be taken care of by a standing interim committee before a legislative session started.

There is an interim standing committee on disabled persons that I believe sunsets this year. We could phase that one out and put this one in. Then we would be adding these special adult populations to the mix, and a broader range of issues could be discussed. I do not think it would be a waste of time, and it would do a lot of good for everyone. Issues this committee could look at

include elder abuse, guardianship, long-term care issues with out-of-state placements, dementia and Alzheimer's, in-home services, personal care for seniors, disabled veterans, and health care issues specific to veterans and senior citizens.

This interim committee would also coordinate findings that come out of several other subcommissions such as the Nevada Commission on Aging, the Veterans Services Commission, the Silver Haired Legislative Forum, and other groups such as the grant management unit that looks at independent living grants. So if we had a standing interim committee with the bill draft request (BDR) authority that goes with a standing committee, these other commissions and boards would have the opportunity to come to that committee and talk about their issues. All that information could get "fleshed out" by the standing interim committee before the issues ever come to the Legislature.

The bill says that the standing interim committee would be established and would be made up of legislators. The committee would select its chairman, and each member would serve for two years. Of course, it would be supported by the Legislative Counsel Bureau (LCB), which is why there is a fiscal note—but it is not that much. There are a number of things listed that the committee could review, study, and comment on such as elder abuse, public outreach advocacy, programs for seniors, and issues related to veterans, but the list is without limitation. The beauty of something like this is that, if an issue suddenly became timely during the interim and needed to be looked into further, the standing committee could have already dealt with it by the time the legislative session started. Much like the Hepatitis C crisis in southern Nevada, the standing interim health committee had it all figured out when the Legislature convened this year.

Chair Koivisto:

You said the interim committee on disabled persons sunsets this year?

Assemblywoman McClain:

That was my understanding.

Chair Koivisto:

Quite a few people have signed up in support of this bill.

Barry Gold, Director, Government Relations, AARP Nevada, Las Vegas, Nevada:

[Mr. Gold read his testimony from prepared text ([Exhibit C](#)).]

Assemblyman Cobb:

Does the Nevada Commission on Aging already do this?

Barry Gold:

The Aging Commission has a little bit different function in terms of what they look at and what they are able to complete.

Assemblywoman McClain:

The Nevada Commission on Aging is appointed by the Governor. Their function is to advise the Division on Aging Services. They cannot request BDRs, nor can the Veterans Commission. The Nevada Silver Haired Legislative Forum is an ad hoc group comprised of approximately 21 members who are senior citizens appointed by legislators—one member for each Senate district. The Forum discusses senior issues but cannot request bill drafts. If legislation needs to be changed it could go through this committee, which would be able to request bill drafts that could be submitted to the Legislature.

Assemblyman Cobb:

What these various existing commissions and boards are missing is the ability to introduce bill draft requests on their own, as opposed to BDRs being requested through committees or the Governor's Office?

Assemblywoman McClain:

Pretty much.

Chair Koivisto:

Are there any other questions from the Committee? [There was no response.]
The interim committee on disabled persons expired before this legislative session.

**Bruce Arkell, Reno, Nevada, representing the Nevada Senior Corps Association,
Carson City, Nevada:**

I am representing a new group that pulled together a lot of the independent living grantees in the state as well as those that are serving the senior population. We found that these issues cross so many lines, and ultimately, they need to come here for resolution or action. To have a committee like this will be very beneficial to the senior population as well as to the handicapped and to the veterans. Those issues are the big ones that I think are going to hit you really hard in about five years, and now is the time to get in front of them.

Tim Tetz, Executive Director, Office of Veterans' Services, State of Nevada:

We come before you today in support of Assembly Bill 9 for a variety of reasons. I have been involved in this process at the Legislature for the last five sessions, and never have we had as many issues relating to veterans still under consideration this late in the session. The individuals who sat on the interim commission became more aware of the pressing issues relating to veterans, and carried our bills for us. If we have an opportunity for bill draft requests, we allow the public to better understand the issues relating to veterans and senior citizens. By the time this session is closed, we will have taken some tremendous steps forward in caring for veterans, especially, and senior citizens. I urge you to support A.B. 9 and create this commission for another session.

Assemblyman Settlemeyer:

I served on the interim study committee and agree that during the interim it is wise to have a group like that set things up and establish the bills. I would like to see that interim committee established forever, so it hears these issues every interim; but during the session, I wonder if we really need it because there are so many other things going on.

Assemblywoman McClain:

This would be a standing interim committee, not an interim study, so it would have ongoing meetings through the interim. Most committees like that do not meet while the Legislature is in session.

Assemblyman Settlemeyer:

Why is there a fiscal note during the legislative session? Is that establishing a permanent interim committee?

Assemblywoman McClain:

It would be a standing interim committee.

Assemblyman Settlemeyer:

As I read the bill, it says that it will meet three times in a session year.

Assemblywoman McClain:

I am not sure I understand either, but I will find out.

Tim Tetz:

I agree and appreciate your support. I do not see the section you are referencing, but keep in mind that there are a number of ongoing meetings once the 120-day session ends. My workload does not stop while you are in session,

so the moment you *sine die*, we immediately start working on the issues for the next session, so there would be a need for an interim committee to have some meetings during a session year, but not, perhaps, the number that would be held during an off-session year.

Veterans' issues and senior citizens' issues are always changing. Being able to resume our work the day after a session *sine dies* would be important to keeping up with the pace and the workload we have.

Ernie Nielsen, Senior Law Project, Washoe County Senior Services, Reno, Nevada:

We provide free legal services to seniors. Because of that, we see many of the issues described in this bill and that have been described to you by others.

I know you are aware that the U.S. Supreme Court issued an order in *Olmstead* (*Olmstead v. L.C.* 527 U.S. 581 1999). That order is a huge issue for the state, both in terms of saving the state money by getting people out of institutions, and developing infrastructures in the communities necessary to support people.

Another huge issue concerning the growing senior population is guardianships. Over the last two or three sessions, I have noticed that the work on guardianships is somewhat fragmented, although we are making progress. It is fragmented partly because there are differences between the northern and southern parts of the state as well as between the rural and urban areas. With a legislatively-led forum like this, we should be able to hammer out a number of those issues which would enable the state to progress in a comprehensive and good fashion. I certainly endorse this interim committee. I think it is necessary for the Legislature to take a leadership role on issues of seniors and veterans.

Carl Martinez, Private Citizen, North Las Vegas, Nevada:

I am a member of the Nevada Commission on Aging and am happy to be here in support of A.B. 9. Many of us in the senior community view this interim committee as evolving into a very important conduit of information between our seniors, their representative organizations, and the state Assembly and Senate. A lot of us feel the seniors in this state have a good handle on what their needs are and have a good idea of the services that are available. We view the establishment of this standing committee as being another conduit of information and communication with the legislative process. A good number of the senior citizens in Clark County, including me, are very happy to support the bill.

Chair Koivisto:

Are there any questions from the Committee? Seeing none, I have been told there is currently no funding in the budget for this so if we pass it today, we have to rerefer it to Ways and Means.

ASSEMBLYMAN SEGERBLOM MOVED TO DO PASS
ASSEMBLY BILL 9 AND REREFER IT TO THE ASSEMBLY
COMMITTEE ON WAYS AND MEANS.

ASSEMBLYMAN OHRENSCHALL SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN GANSERT,
MORTENSON, AND SMITH WERE ABSENT FOR THE VOTE.)

We will close the hearing on A.B. 9 and open the hearing on Assembly Bill 294.

Assembly Bill 294: Directs the Legislative Commission to conduct an interim study concerning group homes. (BDR S-570)

Assemblywoman Marilyn Kirkpatrick, Clark County Assembly District No. 1:

I am here today to talk to you about group homes. Last session, we passed a bill trying to regulate group homes so we could assure the safety of the people living in those group homes. For instance, one portion of the bill required that notification be made if oxygen tanks were in use in the home. If the home was on a cul-de-sac, that made a difference. If there were ten oxygen tanks in the home, that made a difference to our first responders.

We went to court over that bill and lost miserably. The Ninth Circuit Court overturned it. As a response to losing and not knowing what we could legislate and what we could not, we are bringing you a bill that would set up a study of group homes. It would enable us to see what the real issues are and what we can do without violating the federal Fair Housing Amendments Act (FHAA), to make certain our constituents who live in these homes are protected.

There are over 40 group homes in my district. In cases in which federal and state dollars are used, we want to be certain those dollars are being spent wisely. There are over 2,000 group homes within Clark County. Six hundred of the group homes belong to the same administrators. We have since found out that some administrators live in places such as the Philippines and have no idea how the group home is running. One of the 40 group homes in my district had 54 violations, but there was no penalty.

Another issue with group homes is that once the licensing occurs and the zoning is in place, it never goes away. You could have a group home today, cease running that business, yet ten years from now you would be within your rights to relicense that group home.

It has been very frustrating for me. There was a group home in my district and residents from that home were running through the streets during the middle of the night. These people were mental health patients, but I was told that there are no supervision requirements, so it is a real problem because who is protecting the safety of these kids? At one point, a sex offender lived in a group home, yet that was not against the law. That issue was addressed last session. The same group home had a Peeping Tom going over to the neighbors' houses. These things upset entire neighborhoods, but to my dismay, we cannot do anything because these are not violations. Eventually, we were able to close down this group home because of the excessive number of calls. We closed down a group home because it caused a public nuisance. The group home opened a week later as a boarding house, which we have no regulations for.

I believe if we do a study on group homes, which would include boarding houses and group homes for the children in our foster care system, as well as our elderly folks, we can define what the issues are and figure out how to set regulations in place that comply with the Fair Housing Amendments Act. It is very important that we have some regulations. I asked a representative from the Attorney General's Office to speak today because they reviewed the ruling from the Ninth Circuit Court and may be able to shed some light on the issue.

Keith Munro, First Assistant Attorney General, Office of the Attorney General:

The federal Fair Housing Amendments Act of 1988 is intended to equalize housing opportunities for protected groups. The definition of "handicapped" mirrors the Americans with Disabilities Act. Drug and alcohol addicts can fall within the definition of "disabled" or "handicapped." The FHAA specifically preempts state laws that allow for violations of the federal Act. There are many issues involved with crafting legislation involving this: you cannot have disparate treatment of the handicapped—no disparate impact—and you must "reasonably accommodate." These are important, but they are often difficult issues; therefore, we need to be careful when crafting such legislation. I want to commend Assemblywoman Kirkpatrick for wanting a thoughtful and thorough study of this matter so the next legislative session will be informed and ready to address these important issues.

I have a copy of the United States District Court's order finding that the legislation passed last session was in violation of federal law, and I would like to submit that as part of the record ([Exhibit D](#)).

Chair Koivisto:

Are there questions from the Committee?

Assemblyman Segerblom:

So, right now, are all the laws regulating group homes thrown out?

Keith Munro:

Yes, they have been enjoined.

Chair Koivisto:

How many group homes did you say there were?

Assemblywoman Kirkpatrick:

We do not register them and there is no database, but we were able to identify over 2,000. On the record, I am doing this for the safety of the people—young, old, disabled, with or without substance abuse problems—as well as the safety of the people living in the areas near these group homes. There needs to be some type of security for everyone involved. How could we have such a big clientele within our state but not have any regulation?

Keith Munro:

I would like to clarify my answer to Assemblyman Segerblom's question. I assumed it was directed at all the laws within last session's bill. They have all been thrown out. All existing laws regarding group homes that had been on the books for years were not affected.

Chair Koivisto:

Are there other questions from the Committee? [There was no response.] We are going to hear all our study bills, and then have a work session and decide which studies we want to proceed with. I will close the hearing on A.B. 294 and open the hearing on Assembly Bill 494.

Assembly Bill 494: Requires the Legislative Commission to provide for a study conducted by the staff of the Legislative Counsel Bureau of the major expenditures of local governments in this State. (BDR S-1162)

Assemblywoman Marilyn Kirkpatrick, Clark County Assembly District No. 1:

This is a committee bill. I met with all the local governments at the beginning of this session and told them that, in light of our economic times, we really need to think about consolidating some of our services. It makes no sense to our constituents when they do not know if they are calling the right dog catcher. I happen to live on the border of three entities within Clark County. Anytime there is an accident, we spend a lot of time trying to figure out who to call, and as silly as that sounds, it is true in many parts of our state. One thing I asked local governments to do was to go back and look at some of the services that they provide. As local governments come before the Government Affairs Committee, we see a lot of repeat services.

We talked about regionalizing some of the services, and one bill we worked on during the last six months concerned the Housing Authority within Clark County. There were seven different housing authorities and a few of them had issues. A bill we passed out of the Assembly would consolidate the Housing Authority, and that accomplishes a couple of things: It makes for better planning because everyone has a seat at the table, and they must determine where the housing needs are so the dollars are spent more efficiently. There is a lot more accountability when that is done. It also requires local government to work with local government. I know that sounds crazy, but at times that becomes an issue.

The bill before you says that local governments must look at their top three expenditures. We have seen a pattern concerning those expenditures across the state. I figured this would get local governments talking to one another as they try to decide what services to consolidate and which governmental entity could provide what.

I know today there may be a lot of controversy concerning this issue. Some local governments want to look at it, but some do not. It can become a turf issue with some organizations within local government, but at the end of the day, the state is broke. Local governments are going to be broke, too, because it is going to catch up to them soon. We are all required to provide services to our constituents. I think we can do it better by regionalizing some of these services, but local government knows best what services they do well.

I think this is a discussion we need to have. It was not my intent that the Legislature pay for it. I intended for local government to meet with local government to figure out what they can do best. Another bill this session that has passed out of the Assembly allows local governments to work with each other to exchange services. What better time than now to encourage them to

work together? By the way, the bill was not intended to include the convention and visitors authorities, so if it does, I need to address that.

Chair Koivisto:

Are there questions from the Committee? I do not see any. A number of people have signed up on this bill. We will have the people who are in support come forward first.

Michael Haley, Sheriff, Washoe County, Reno, Nevada:

I am here today to provide comment in support of A.B. 494. [Mr. Haley spoke from prepared text ([Exhibit E](#)).]

Chair Koivisto:

I want to point out to the people in this hearing that this is a bill requesting a study to look into the feasibility of consolidation of some services. We are not hearing the rights or wrongs of consolidation. Please limit your remarks to your views concerning whether this issue should be studied. That will help the Committee decide if this is something we want to study.

Bill Ames, Sergeant, Washoe County Sheriff, Reno, Nevada; representing the Washoe County Sheriff's Supervisory Deputies Association, and the Washoe County Sheriff's Deputies Association:

I sent each of you an email today asking for your support of this bill because this bill allows for an unbiased study of functions and services that governments provide to their citizens. Some of these functions and services are duplicated, and this bill will allow for a study of those services to see whether there might be cost savings by not duplicating those services.

Most everyone in the room today is from law enforcement; however, this study encompasses parks, public works, roads, business licenses, and other services that cities and counties may duplicate. Again, this study could identify some cost savings in merging duplicative government functions, so I am asking for your support of this bill.

Assemblyman Hambrick:

Before you sat in the witness chair, you had a concept of what you would like to see in this study—the end result. What would you like to see as an end result as it affects you?

Michael Haley:

I have no illusions, preset conditions, or end result in mind. I truly believe that the service law enforcement provides is a very expensive service, and that we

should seek any and all opportunities, whether they would be in my best interests or not. I do not matter; the public matters in this particular regard. I am here only for a short period of time. There will be other law enforcement leaders in the region, and I hope we can devise a way to make their jobs as effective as possible.

Assemblyman Hambrick:

That was not exactly the question. I want to know what you envision the law enforcement community would look like five to seven years from now. What are your hopes and aspirations? I do not want a political answer; I want your answer.

Michael Haley:

In the time frame you have indicated, it would be reasonable to think we could take some of our support functions, some of the things we all collectively do in support of our law enforcement function, and merge those into shared services. These would be things like risk management, human resources, dispatch services, and technology units. They could operate under a multi-government committee enabling our region to have a voice with respect to how they are operated. Those are the things I think are most easily addressed and achievable; not the core functions of law enforcement, because I think those are very arduous and difficult to do in a short period of time.

John Slaughter, Director, Management Services, Washoe County, Reno, Nevada:

I am representing Washoe County and am here to say that Washoe County does support A.B. 494. This is consistent with the ongoing policy of our board to continually look at any kind of efficiencies we can, including consolidations. As I was looking at this bill, I was reminded of comments from Speaker Buckley on the opening day of this session, when she mentioned that looking at local government consolidation would be something that would happen this session. She spoke about how, when she travels the state, she is constantly told by people that they do not know where their tax money goes; they just want government to work. Speaker Buckley said that was one of the charges of this legislative session, and I think that is one of the charges coming from this piece of legislation. This bill just wants to look at consolidation to see whether it might be something worthwhile to pursue.

Dennis Carry, Vice President, Washoe County Sheriff's Deputies Association, Reno, Nevada:

I have been with the Sheriff's Office for over 13 years. Without repeating what has already been presented to you, I want to remind the Committee that we are

also looking at a study that would help determine what efficiencies exist that would help prevent job losses. When the Governor is considering asking state workers to take 10 percent pay cuts, and every city and county in the north is asking workers to take pay cuts, it is important to keep people on the job. We should not turn down any study looking at efficiencies and ways of preventing job losses and harm to families. At the same time, these are studies that will ultimately benefit the communities and issues that should be looked at.

Alexis Miller, Legislative Relations Program Manager, Office of the City Manager, City of Reno, Nevada:

We, too, support the concept of A.B. 494. We would also like to see some of the easier and smaller issues be studied. Some, such as parks and roads, have already been mentioned. We do not believe the study should be limited to just the three largest expenditures, when there are other areas where we could consolidate. We have already made efforts to that end here in the north.

Chair Koivisto:

Now, we will go to those who are opposed to the bill. [There was no response.] Is there anyone else who wishes to speak on this bill?

Assemblyman Horne:

The time frame in the bill states that each local government should report to the Legislative Commission on or before January 1, 2010. I am not sure how studying the three largest expenditures would work in that time frame. The bill also states that "each local government" shall do this, so all the local governments in the state would be reporting. It might be easier to do for smaller counties and cities than the larger ones. Has anyone envisioned how this type of information will be gathered? Is there enough time to get that information to the Legislative Commission by January 1?

Chair Koivisto:

I would think that those entities have to prepare annual budgets much as we do, so they should have those numbers. Also, I do not believe that the Commission would only be looking at the numbers. They would also look at some of the efficiencies that could be found. I could ask Patrick Guinan to give us some clarity on exactly what a "staff study" would entail.

Assemblyman Horne:

I was curious and concerned whether the local governments were just going to gather their numbers, indicate how much money had been spent on what, and give that information to the Commission. The Commission would be burdened

with the task of deciding where the consolidations should or should not take place.

Patrick Guinan, Committee Policy Analyst:

It is difficult to say exactly how a staff study would shake out. There is a great deal of discretion left to the Commission to direct staff in how to undertake the kinds of questions you were asking. Given that there is a six-month period between submission of the information and publication of the staff's report, you are looking at the Commission directing staff to pick a set of criteria involving all the things you have been discussing today—efficiencies and consolidation possibilities—and then staff is going to do what you just outlined. They are going to gather all the numbers submitted to them, look for areas of duplication and areas of efficiency, and then provide a report enumerating the possible choices. It is really pretty wide open, and it would be largely up to the Commission's discretion to decide what areas they would want to focus on.

Chair Koivisto:

Are there other questions from the Committee? [There was no response.] We have some people who are neutral, only one of whom has indicated he wants to speak.

Ron Dreher, Government Affairs Director, Peace Officers Research Association of Nevada, Reno, Nevada:

[Mr. Dreher read his testimony from a position paper ([Exhibit F](#)).] This issue has been discussed over and over again. In 1987, the Washoe County Sheriff's Office and the Reno Police Department built a jail. It worked out fairly well. The study being requested here will deal with economic issues. For a number of reasons, it is not a bad idea to conduct the study, but the law enforcement community has been studied before. If you do the study, you will see a number of things, including what happened in Carson City. It used to be known as Ormsby County. Ormsby County did a total consolidation, which has worked out very well for this community, so that is something you could look at.

The concern law enforcement has over issues of consolidation, or any study dealing with local government, is that the people who will be affected by the study should be part of the study. The bill says that staff will conduct the study. The Spending and Government Efficiency Commission (SAGE) is a group of people, not public employees, and they are not part of what their recommendations will have an impact on. They are great leaders, but there is no one on that committee affected by what they do.

If you do a study, we request you place members of the organizations that will be affected by the outcome of the study on the committee. I heard Sheriff Haley talk about consolidation of law enforcement—that is fine, but we would ask that the committee, when these determinations are made, put people from law enforcement associations, the people affected by the decisions being made, on that committee.

We predict the top three economic factors will be police, fire, and public works. Therefore, you should have police officers who are association members, et cetera on the study committee. That is a suggestion to this Committee and why we are neutral on this issue. There are pros and cons to this, and people will be affected by it. For the past 36 years, since I have been involved in this, I have asked our associations to communicate and be a part of any committee that studies this issue. That is the most important thing; so, on behalf of our organization, if you do this study please include members of associations containing the people who will be affected by it.

Assemblyman Settlemeyer:

The bill talks about the major expenditures of local government. How large would this group have to be? You could be talking about hundreds of people in a meeting if you study every county, their concepts for merging, and everyone who might be affected.

Ron Dreher:

In 1996 when the consolidation of law enforcement was studied, the study group consisted of a huge number of people, so it could happen. I would like to see representatives from each group—one from law enforcement, one from fire, et cetera—and that would accomplish the goal for those entities to be represented. As we participated in that study, people in the audience provided information to the people on the committee, so our voices were heard. You have to put people on these committees who will be affected by the outcome, and that is why I said there were pros and cons. There are people in this room who are in support of this study and others who are in opposition because of the unknowns. Yes, it could be a large group. This bill mentions the 17 counties, so each county will have a lot of representatives, but I think if you are going to have a valid study by 2010, you are going to need input from these organizations.

Assemblyman Settlemeyer:

I find it hard to get 42 of us to agree.

Chair Koivisto:

This would be a staff study. There would be no public hearings. The staff would seek out and compile the information and report back to the Legislative Commission. The report would then go to the Legislature in the next legislative session.

Ron Dreher:

I do not know how the staff could prepare a study without having input from those affected.

Chair Koivisto:

Unless we indicated to the Legislative Commission that they should seek information from specific groups of people, the Legislative Commission would decide how the study would be structured.

Assemblyman Hambrick:

If the people doing the study followed your recommendations to the letter, do you believe there might be political ramifications? Would it perhaps be better to modify your idea? There is a statewide Sheriffs' and Chiefs' Association. Would it be better to have the sheriffs and chiefs work things out during separate meetings and then make a recommendation? Would that help? Then, you might be able to come up with a consolidation idea for the 17 counties with input from those affected by it.

Ron Dreher:

Yes, that is true. We would also ask that a couple of other associations affected be a part of that, and labor as well. Issues affecting labor are going to surface in a study such as this.

Assemblyman Hambrick:

I just named one, but obviously, we would want input from statewide associations.

Assemblywoman Kirkpatrick:

We worked for many months on consolidation of the Clark County Housing Authority, and then we discovered they did not have the ability to consolidate. The whole point of this process is to figure out what is in place. I cannot imagine North Las Vegas asking to join the Metropolitan Police Department in Las Vegas, but we need to figure out who can provide the best services. Within the police departments there may be six units doing the same thing—for instance the crime units and forensics. Maybe as opposed to having

six separate forensics units, staff would say that consolidation could be looked at with regard to forensics.

This bill will start the discussion. I was on this Committee last session. We took away the ability for local government to have 900 bills because we wanted local governments to consolidate their bill draft requests. We have gotten much better policy this way because they have had to work together. I picked the top three expenditures because when they come before my Committee on Government Affairs, the first thing they say is that everything has become too expensive. I thought we should start by looking at those. If, as Ms. Miller said, other items should be considered, do it. We, as a Legislature, need to know what help local governments need to make some of these transactions happen. Unless staff is able to look at the situation, we cannot make a determination. I cannot imagine that we want Esmeralda and White Pine Counties to share the same park service. That would be silly, but we would not know that unless we had additional information.

This can be as simple or complex as you would like. I do not have a dog in this fight, but I think we need to have this discussion. We have a job as a state and as local entities, to provide services as best we can in these tough times.

Chair Koivisto:

You make some very good points. Once the study is done by the staff and turned in to the Legislative Commission, then the Legislative Commission would have time before the session to have open hearings if they wanted to. Are there any questions or comments from the Committee?

ASSEMBLYMAN SEGERBLOM MOVED TO DO PASS
ASSEMBLY BILL 494.

ASSEMBLYMAN HORNE SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN GANSERT,
MORTENSON, AND SMITH WERE ABSENT FOR THE VOTE.)

Now, we will go to Assembly Concurrent Resolution 2. While we are waiting for Assemblywoman Parnell to get ready to testify, I want to point out that in your folders you will find a couple of newspaper articles ([Exhibit G](#)). When the session first started, we talked about the Association of Community Organizations for Reform Now (ACORN) and voter registration. The newspaper articles give some information about what is happening now with ACORN.

Assembly Concurrent Resolution 2: Directs the Legislative Commission to conduct an interim study concerning the governance and oversight of the system of public education. (BDR R-301)

Assemblywoman Bonnie Parnell, Assembly District No. 40:

I am here to present A.C.R. 2 to the Committee. During the 2007-2008 interim, I had the honor to chair the interim Legislative Committee on Education. That Committee is the requester of A.C.R. 2. The resolution requests that the Legislative Commission appoint a committee to study the current structure of governance and oversight for public elementary and secondary education in Nevada, and to make recommendations to the 76th Session of the Legislature.

This is not a new issue. As most of you know, proposals were made in the 2007 Session to make changes to the Department of Education and to the State Board of Education. In fact, the 2007 Legislature enacted a bill which directed the Legislative Committee on Education to consider studying the governance structure during the interim. Although the Committee held no hearing specifically on governance, it did agree to recommend the formation of a special committee to study K-12 governance in the next interim.

As Chair of the Legislative Committee on Education, I felt that the topic was too large. It is too complex in my opinion, and it needs thoughtful study. To emphasize this point, you have two organizational charts ([Exhibit H](#)) that display how complicated statewide educational governance has become in the last 20 years. I would direct your attention first to the organizational chart labeled "Pre 1989." Prior to 1989, there were a total of ten subgroups having responsibility for different parts of public education. Compare that to the organizational chart that you see labeled "2009." These charts were created by the Department of Education and distributed during the 2005 and 2007 Sessions by Dr. John Gwaltney, a former President of the State Board of Education.

On a personal note; I taught education in this state for 23 years. I have served on the Education Committee in the Legislature for 10 years. I have been Chair of that Committee for two sessions. I have chaired numerous subcommittees on education in the interim. If you were to ask me specifically what any one of these councils, commissions, or boards do, and more importantly, the communication links and relevance they have to each other, I could not even begin to answer or to be very comfortable explaining that relationship.

Between 1987 and 2007 the Legislature created the following:

- The Commission on Professional Standards.
- The Commission on Educational Technology.
- The Council to Establish Academic Standards.
- The Legislative Committee on Education.
- Legislation to authorize the formation of charter schools.
- The Regional Professional Development Program.
- The Commission on Educational Excellence.
- The University School for Profoundly Gifted Pupils.
- The P-16 Advisory Council.
- The Parent Advisory Council.

We, the Legislature, created all of these councils and commissions. I will not go into the reasons for establishing them. I think the intent depends on who you talk to and whose point of view you accept. There are bills before this session that propose to completely restructure K-12 governance. A number of things have been suggested including doing away with the State Board and changing how the Superintendent of Public Instruction is selected.

I respect other people's opinions, but when dealing with a complex subject, I think it is incredibly important that before acting, before even knowing whether or not change is the best solution, you study the subject and obtain a depth of understanding that none of us have. We need to understand the complex relationships between the boards, commissions, councils, the State Department of Education, and the State Board of Education before we attempt to propose how best to govern elementary and secondary education in the state. That is why I bring A.C.R 2 to you. This is not something that can be done as an afterthought by a regular interim committee.

We all recognize that K-12 in the state can be better, and that everything can run more efficiently. But I do not believe we know exactly how to make that happen. For our children's sake, for the fiscal long-term stability of the Department of Education, and for education as a whole, I think we need to study this.

Assemblyman Settlemeyer:

Will we be studying this in a vacuum—just within the State of Nevada—or are we going to look outside our borders at other states that have better systems and that may spend less money? Or how about looking at other nations that are doing so much better than we are?

Assemblywoman Parnell:

Absolutely; and some of that information is already available. What has happened is that people with individual education agendas thought their ideas would solve all the problems. Sitting down and having thoughtful discussions with all options before us is long overdue. A group needs to determine what is best for the State of Nevada.

Assemblyman Hambrick:

With your experience, do you believe that the members of this study group would be able to come up with work plans or guides? I was in the federal system for a long time, and I never met a bureaucrat who did not think his division was more important than any other one. This area is truly bureaucratic, and I am concerned about breaking that cycle. How should we proceed? What experts could be used to do an objective review?

Assemblywoman Parnell:

I think you get the best results if you have a really diverse group. We need someone from the Department of Education as well as people who are intimately involved with all these groups, because we need to understand what they are doing. Maybe they serve a very important purpose; maybe they keep teacher licensure rolling, but we just do not know.

You could hear what they all have to say and possibly ask them to prove what they claim to be accomplishing. That is something you are looking for. You would want accountability. But I do not think it can be studied in a vacuum. I think you need to have a very diverse group—those who might be critical of the system as well as the bureaucrats who live it every day and know what goes on—and then have a group come up with recommendations.

Chair Koivisto:

Are there other questions from the Committee? [There was no response.] All right, additional people have signed in to testify in support of the bill.

Jan Biggerstaff, Las Vegas, Nevada; Member, State Board of Education:

I have been involved in this question for years. Assemblywoman Parnell said it very eloquently: We need an in-depth study on the best, most efficient way of delivering education in the State of Nevada. I fully support this and hope you do, too.

Anthony Ruggiero, Las Vegas, Nevada; President, State Board of Education:

I am the President of the State Board of Education. In March, the State Board of Education met and made decisions with respect to the governance structure of education in Nevada. We came away from that meeting with four key points that are the position of the State Board of Education. We support A.C.R. 2; which was among the recommendations made by the Legislative Committee on Education. That was a joint Assembly and Senate committee.

This matter is an enormous undertaking. I believe the citizens and students of the State of Nevada would be best served by this study taking place. I agree with Assemblyman Settlemeyer about the need to look at other states, and maybe other nations, to determine best practices. We need to determine whether to consolidate all these councils, boards, committees, and commissions. When you look at that spider-web flowchart, you see a litany of committees, boards, and commissions, and you wonder how anything ever gets done in this state with respect to education.

I have always been told that decisions based upon information, fact, and data cannot be faulted because they are sound, logical decisions. I do not know what other legislation was put forth to address this issue. I do know that the State Board of Education was never part of those discussions. The Department of Education may be brought in to provide some statistics or factual analysis, but they were never really a part of those discussions either.

We need to have all affected, interested parties brought to the table and involved. I understand Assemblyman Settlemeyer's concern about bringing too many people to a meeting and having too many voices heard, because then you might not get anything accomplished. But in this situation and the way this is structured, if this study is approved by this Committee, I think we would have a really good starting point for addressing governance concerns with respect to education.

Obviously, I also appreciate Assemblyman Hambrick's concerns. We do want to have an objective review. We do want to have the recommendations coming from this study to be substantive and have some impact on what is going on. We want to remain an elected board. The State Board of Education is of the people, by the people, and for the people, but we would not be averse to having additional members on our board. In addition to that, we want to retain the authority to appoint the Superintendent of Public Instruction. However, we would not be averse to having recommendations from the Assembly, the Governor's Office, or the Senate. Those are the types of things we would like to openly discuss. We think this study will try to address those concerns.

As Assemblywoman Parnell said earlier, for whatever reason, these boards, committees, and commissions were created. We are not here to debate that. We are here to determine how the governing structure is working and whether it is working effectively. We support A.C.R. 2. We think this is the right way to address this problem, and we would like this Committee to approve this interim study.

Cliff Ferry, Elko, Nevada; Vice President, State Board of Education:

I am here in strong support of this study. I would like to share my experience on the State Board. I am a retired educator. I spent my career in high school, the job corps, and community college. This is my seventh year on the State Board of Education. I thought I knew a lot about education, but I found out that I did not. In fact, it took me a little while to find out that the Board really did not have much authority because of all the other boards, councils, commissions, and committees you have.

A few years ago we had a meeting and were asked to approve revised standards for science. At that time, the legislation said we had to approve those standards. In that situation, we were just a rubber stamp; although now, if we do not like something, we can send it back to the Commission on Standards. At that same meeting, Governor Guinn announced the formation of another commission. The reason for the commission was wonderful because that was a very successful use of the state's money from the standpoint of the school districts, but it was another commission.

At that point in time I was president of the Board, and I spent a good deal of my time thinking about this. After several meetings and quite a bit of discussion over the course of two or three years, we decided that we needed a study. There has to be a better way to do it than the way we are doing it now.

It is very difficult to serve the citizens and the children of the State of Nevada when you feel that you do not really have much to say and you really do not know what is going on in the other commissions, committees, et cetera. For that reason, I ask that you support this study. I think there is a lot of knowledge in this state and a lot of information in other states. I gave you a copy of "Charter Schools & the Nevada State Board of Education 2003-2008" ([Exhibit I](#)). It deals with my experience and the Board's experience over the last six years dealing with charter schools. The reason I am providing this to you is that charter schools were our main focus, and they are still our main focus, and I think we did a pretty good job. Again, I hope you will allow a study of K-12 governance in the State of Nevada.

Julie Whitacre, Las Vegas, Nevada; Director, Government Relations, Nevada State Education Association:

We are in full support of A.C.R. 2 and would like to echo the previous comments. After looking at the flowcharts in front of you, it is very hard to deny that things could be run better and more efficiently. The governance structure of K-12 education is very complex, very diverse, and worthy of a dedicated and thoughtful study.

Keith Rheault, Ph.D., Superintendent of Public Instruction, Department of Education:

I am here to strongly support the passage of A.C.R. 2. I strongly support this bill for a number of reasons. I do not think the general public can figure out who to call, other than me, when they do not like the licensing standards, the curriculum standard, who gave a grant to someone, the technology standards, et cetera. Those are all different people, but the general public thinks the Department of Education does it all. There is some convoluted overlap, and because each commission was created separately, most of them do not have to report to anyone, but all have specific duties within the state. As an example, I had a letter of intent from the Legislature to get three of the groups together because the Legislature did not like the fact that those three groups were not talking to each other, but the law does not require that. The Commission on Educational Technology has full authority to establish the K-12 technology plan for all school districts in the state. The Council to Establish Academic Standards has full authority, with no other approval needed, to adopt the curriculum standards for technology for our students, and the Commission on Professional Standards has the full authority to adopt the licensing standards for technology teachers. None of these three groups had ever talked with each other, but all were adopting separate requirements, as it says in the law. I was asked to get the three together to see whether there had been any coordination while doing their duties.

I do not mean to brag, but I think I am one of the few people who could tell you what every line represents, what each council does, and why there are direct and indirect lines to certain groups. I have been with the Department of Education for 23 years and have seen every one of these new groups get established. As was said earlier, I think each one of them was established for a purpose, but my staff does all the work for these groups. We do the work as either an *ex officio*, non-voting member, or as a voting member. I appoint some members, the Governor appoints some members, and the Legislature appoints some members of these groups. It really is a mishmash and probably needs to be looked at. I can tell you where there is overlap and duplication and places

that could be streamlined. I would be happy to participate in a study during the interim to provide the information I have picked up in the last 23 years.

Randy Robison, Las Vegas, Nevada; representing the Nevada Association of School Superintendents, Reno, Nevada:

We want to indicate our support for this study. Dotty Merrill, who is the Executive Director of the Nevada Association of School Boards, has also asked me to indicate that organization's support for the study. Without rehashing all the comments that have been made, the time for an effective system of public education is upon us. I do not think there is a more important thing that we could develop than a more effective and efficient system of state governance and oversight.

There has been a lot of talk this session, and leading up to this session, that the time for nibbling around the edges has passed. The time for bold and meaningful action is now. Along that line, I would like to mention that we did not get to our current system of governance in one session, and we will not get somewhere else in one session. One of the realities of an every-other-year Legislature is that sometimes it is slow and sometimes it is methodical, but there is a level of consistency, and our American system of representative democracy is meant to be slow and methodical. It is meant to protect against rash changes that seem timely now but may not be in the end. A study like this, although it does take some time and thought, will, I believe, lead to a much more thoughtful approach to the way we need to reform our state educational governance system.

Joyce Haldeman, Associate Superintendent, Clark County School District, Las Vegas, Nevada:

I am representing the Clark County School District and am here today to offer support for this bill as well. The need to study the governance structure of education is extremely evident because of all the things you have already heard today. However, I do not think it is something that should be done very quickly. I think you really need to spend some time with it so that there are no unintended consequences.

My purpose for speaking today was born in very practical reasons. As the largest school district in the State of Nevada, we rely very heavily on the state Department of Education for a myriad of things many people would not recognize because they are day-to-day actions that support the daily business of the school district. Disrupting the "apple cart" in our attempt to get to a better way to do business and not getting all those details taken care of could have a significant negative impact on the school district's daily operations.

Along that line, we also have the administration of all the stimulus funds. That is going to be a very serious issue for us. No one is quite aware of how much work the state Department of Education does when federal dollars coming through the state are administered. We must be certain they are used appropriately and that they go where they are supposed to. There is an extreme amount of accountability that is required with those stimulus funds, and I am afraid of upsetting the apple cart right now to try and make the changes we know are necessary. That could have a long-term, negative impact. If we have not used the first round of funds correctly, when the second round of stimulus funds becomes available, we will not be in the running for them. So for those reasons and many others you have already heard, we stand in support of this bill.

Julianna Ormsby, Carson City, Nevada; representing the League of Women Voters of Nevada:

We are in full support of A.C.R. 2. There are a lot of worthy requests for studies this session. As an organization, we have been very reluctant to support many of those because of the fiscal notes that are often attached. It is our understanding that this study would be conducted in the course of the Legislative Commission's operations, so we fully support this for all the reasons you already have heard and urge your support.

Chair Koivisto:

Does anyone else want to testify on this bill either for, against, or neutral? [There was no answer.] All right, we will bring A.C.R. 2 back to the Committee and close the hearing. We will hold it for a work session.

We will open the hearing on Senate Joint Resolution 2 (1st Reprint). Is there anyone here for this bill?

[Senate Joint Resolution 2 \(1st Reprint\)](#): Urges Congress to take certain actions concerning wilderness areas and wilderness study areas. (BDR R-604)

Wes Henderson, Carson City, Nevada; Government Affairs Coordinator, Nevada Association of Counties:

I am here in support of S.J.R. 2 (R1). To release these wilderness study areas for multiple uses is important for the economies of some of our rural counties, and we urge you to support the resolution.

Chair Koivisto:

Can you tell us what the bill does?

Wes Henderson:

The purpose of the resolution is to urge Congress to release lands that had been designated as wilderness study areas—some for over two decades. The federal land management agencies have determined that these areas do not qualify as wilderness; however, they are still being held in a wilderness-area-study status which precludes multiple uses of those lands.

Chair Koivisto:

Are there questions from the Committee? [There was no response.] I think we will hold these bills until more members of our Committee are here.

Patrick Guinan, Committee Policy Analyst:

A few minutes ago, I handed a document to members of the Committee which enumerates the proposed interim studies for 2009-2011 ([Exhibit J](#)). It is just a tracking chart that staff has prepared to give you a clearer sense of how much interim work is being proposed as you consider what to approve. Several on the front page have not yet come before you; they are in the Senate, so you will not see every one of these. The second page of the document lists new statutory committees that have been proposed or changes to existing statutory committees. It is just an informational document, and I wanted to make everyone aware of it and what it is intended to do.

Chair Koivisto:

Each House generally gets three interim studies. Staff studies do not count against our three interim committees. Is there any discussion or questions? [There was no response.] All right, then we are adjourned [at 5:45 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 5, 2009

Time of Meeting: 3:51 p.m.

| Bill | Exhibit | Witness / Agency | Description |
|----------|---------|------------------------------|---|
| | A | | Agenda |
| | B | | Attendance Roster |
| A.B. 9 | C | Barry Gold | Written testimony |
| A.B. 294 | D | Keith G. Munro | Copy of U.S. District Court order |
| A.B. 494 | E | Michael Haley | Written testimony |
| A.B. 494 | F | Ron Dreher | Position paper |
| | G | Assemblywoman Ellen Koivisto | Copies of two newspaper articles relating to ACORN |
| ACR 2 | H | Assemblywoman Bonnie Parnell | Two organizational flowcharts |
| ACR 2 | I | Cliff Ferry | "Charter Schools & the Nevada State Board of Education 2003-2008" |
| | J | Patrick Guinan | "Proposed Interim Studies 2009-2011" |