

MINUTES OF THE
SENATE COMMITTEE ON LEGISLATIVE OPERATIONS AND ELECTIONS

Seventy-fifth Session
May 14, 2009

The Senate Committee on Legislative Operations and Elections was called to order by Chair Joyce Woodhouse at 2:53 p.m. on Thursday, May 14, 2009, in Room 2149 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 Joyce Woodhouse, Chair
Senator Bernice Mathews, Vice Chair
Senator Valerie Wiener
Senator John J. Lee
Senator William J. Raggio
Senator Barbara K. Cegavske
Senator Warren B. Hardy II

GUEST LEGISLATORS PRESENT:

Senator Dennis Nolan, Clark County Senatorial District No. 9
Senator Maurice E. Washington, Washoe County Senatorial District No. 2
Assemblyman Bernie Anderson, Assembly District No. 31

STAFF MEMBERS PRESENT:

Kevin Powers, Legislative Counsel
Pepper Sturm, Committee Policy Analyst
Karen Johansen, Committee Secretary

OTHERS PRESENT:

Susan Martinovich, Director, Nevada Department of Transportation

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CHAIR WOODHOUSE:

We will begin the work session with Senate Bill (S.B.) 264.

[SENATE BILL 264 \(1st Reprint\)](#): Directs the Legislative Commission to conduct an interim study concerning the powers delegated to local governments. (BDR S-81)

PEPPER STURM, (Committee Policy Analyst):

I am here to review the bills and have provided a copy of the work session document for your reference ([Exhibit C](#), original is on file in the Research Library). Senate Bill 264 directs the Legislative Commission to conduct an interim study concerning the powers delegated to local governments. The study will include the feasibility of increasing the powers of local governments, the fiscal impact to the State of making such changes, and the experience of states that have rejected Dillon's Rule. Under the statutory interpretation known as Dillon's Rule, local governments are unable to exercise powers that are not expressly granted to them.

SENATOR RAGGIO:

I am concerned about the procedure we are going to follow. The bills for studies are kept until the end of session, when we decide between Houses on the number of bills each House is going to provide for a study. Have we agreed on the number of interim studies?

CHAIR WOODHOUSE:

We have not decided on the number of studies. As we go through the agenda today we should set aside studies for that final decision. This bill is exempt. We will move to S.B. 294, which is also an interim study.

[SENATE BILL 294 \(1st Reprint\)](#): Authorizes certain requests for legislation and requires an interim study regarding the distribution of taxes among local governmental entities in this State. (BDR 32-1029)

SENATOR RAGGIO:

This could be processed and sent to the Assembly. It is not the typical interim study that is strictly a legislative interim study.

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KEVIN POWERS (Legislative Counsel):

I agree with Senator Raggio. The Committee should move forward with S.B. 294 today. It contains components that are not directly related to an interim study. The Assembly should have an opportunity to consider the bill.

SENATOR MATHEWS:

Does that mean we have to rerefer this bill to the Legislative Finance Committee? Who is going to pay for this?

SENATOR LEE:

There are 11 people representing certain organizations and myself. We will go over the tax issue, what happened with the Consolidated Tax and the excess of Consolidated Tax. We will have four or five meetings, then come back to session. I will be handling this myself. There will be no expense to the State because I am not charging for my time.

SENATOR MATHEWS:

Are we having people from all over the State?

SENATOR LEE:

Yes, but you do not have the amendment.

SENATOR MATHEWS:

The bill says there is a fiscal impact effect on the State.

SENATOR LEE:

Mr. Stewart may come to the four meetings.

SENATOR RAGGIO:

I think we can process this bill. This is not in the realm of the number of interim studies we are going to authorize.

SENATOR RAGGIO MOVED TO DO PASS AS AMENDED S.B. 294.

SENATOR WIENER SECONDED THE MOTION.

SENATOR MATHEWS:

I would like to know if it is going to be referred to the Senate Committee on Finance. Someone has to pay the \$5,000 fiscal note. Mr. Malkiewicz needs to

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know if staff is required and this bill needs to be referred to the Senate Committee on Finance.

SENATOR RAGGIO:

Mr. Ghiggeri will catch it on the Senate Floor if it has a fiscal note and will rerefer the bill.

THE MOTION PASSED. (SENATOR HARDY WAS ABSENT FOR THE VOTE. SENATOR CEGAVSKE ABSTAINED FROM THE VOTE.)

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CHAIR WOODHOUSE:

We will move on to S.B. 299.

[SENATE BILL 299](#): Provides for payment of stipends and reimbursements for Legislators under certain circumstances. (BDR 17-561)

MR. STURM:

On page 3 of your work session document, [Exhibit C](#), S.B. 299 provides for payment of a stipend of up to \$2,500 to any Legislator who demonstrates that his or her income was reduced as a result of legislative service during a regular Legislative Session. Funding for this purpose must have already been made available within the Legislative Fund, and the Legislator must apply for this stipend to the Director of the Legislative Counsel Bureau. The measure also provides that, subject to available funding for this purpose, Legislators may be eligible for reimbursement of certain nonrefundable expenses that arise from altering personal travel plans in order to attend a special session. Reimbursable expenses could also include unplanned travel expenses from an out-of-state location. Senator Dennis Nolan suggested an amendment to the bill to specify that the Legislative Commission establish whether such funds would be available for these purposes on or before the last meeting of the Commission prior to the beginning of the regular Legislative Session.

CHAIR WOODHOUSE:

Senator Nolan indicated he wanted to propose another amendment. Can we please find him? We will move on to S.B. 370 and will come back to S.B. 299 when Senator Nolan arrives.

[SENATE BILL 370](#): Makes various changes relating to the legislative process.
(BDR 17-1030)

MR. STURM:

Senate Bill 370 clarifies the term “presiding officer” in each House of the Legislature for the purpose of authorizing a fiscal note from the Fiscal Analysis Division of the Legislative Counsel Bureau. For this purpose, in the Assembly, the presiding officer is defined as the Speaker of the Assembly, and in the Senate, the presiding officer is defined as the Majority Leader of the Senate. The measure also deletes outdated provisions concerning handwritten amendments to bills and archaic requirements for reprints of bills. You will find proposed amendment 4866, immediately following page 4, on pages 5 through 7 of [Exhibit C](#). It restores and amends a section concerning the amendment process that was originally proposed for deletion in the original bill.

SENATOR RAGGIO:

I was not at the hearing. What does the amendment do that Ms. Erdoes proposed?

MR. POWERS:

The original version of S.B. 370, section 3 amends *Nevada Revised Statutes* (NRS) 218.330. The amendment was going to repeal all of NRS 218.330. The Chief Clerk and the Secretary of the Senate determined it would be inappropriate to repeal the entire section. Instead, we are removing the portion of the section that goes with other portions of the bill.

SENATOR RAGGIO:

I am looking at the language that is being stricken. It says the “reprinting of the bill may be dispensed with on motion carried by two-thirds majority, but such amendment must be concurred in by the House in which such bill originated. If the reprinting is so dispensed with, the amendment may be inserted by hand.” Is that being deleted in the bill?

MR. POWERS:

That is correct. As Ms. Erdoes testified, the point for removing this is from the statute, it is an issue better controlled by the rules of the Houses. It is not necessarily appropriate for the statute. In addition, when the Houses now dispense with the reprint before they vote on the bill, this statute technically

would require the amendments to be written in hand on the bill. That certainly is not a process we go through now. As a follow-up, the reprint is produced after the House votes on the bill. It is not produced before the vote.

SENATOR CEGAVSKE MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 370.

SENATOR WIENER SECONDED THE MOTION.

THE MOTION PASSED. (SENATOR HARDY WAS ABSENT FOR THE
VOTE.)

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CHAIR WOODHOUSE:
Next is S.B. 371.

SENATE BILL 371: Makes various changes relating to interim studies and statutory committees of the Legislature. (BDR 17-952)

MR. STURM:

Senate Bill 371 increases the authority of the Legislative Commission over interim studies and statutory committees that typically meet between Legislative Sessions. The bill consists of three components that are listed. If the Committee has any concerns with any of them, the Committee could vote to do a few of these or all of them. The measure requires that the Legislative Commission review and approve the work program and budgets for statutory committees. Secondly, it sets the beginning and ending dates for statutory committees to November 1 of odd-numbered years through August 31 of the following even-numbered years. Interim studies must meet and complete their deliberations between January 1 and June 30 of even-numbered years. The third component of the measure prohibits the Legislative Commission from assigning staff of the Legislative Counsel Bureau to committees not chaired by Legislators, unless otherwise required in statute. There were no amendments proposed.

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SENATOR CEGAVSKE:

Would we be able to add an amendment "with the approval of"? If the interim study needs to go another month or does not meet the June 30 date, would we be able to have language that gives the Legislative Commission authority to extend the end date?

MR. STURM:

Under current *Nevada Revised Statutes*, the end dates for interim studies are set. The end date in statute has been in operation for some time, August 31 for the statutes and June 30 for the interim studies. The requirements have been met without a problem.

SENATOR RAGGIO:

The language is "to accept as otherwise ordered" by the Legislative Commission. I think that gives the Legislative Commission the authority to extend those dates, but I defer to Counsel.

MR. POWERS:

The language does give the Legislative Commission that flexibility.

SENATOR WIENER MOVED TO DO PASS S.B. 371.

SENATOR CEGAVSKE SECONDED THE MOTION.

THE MOTION PASSED. (SENATOR HARDY WAS ABSENT FOR THE VOTE.)

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CHAIR WOODHOUSE:

Senator Horsford will not be available to testify on Senate Concurrent Resolution (S.C.R.) 26. This bill is not affected by the deadline. We will schedule the bill for a hearing next week.

[SENATE CONCURRENT RESOLUTION 26](#): Provides for an interim study on employee misclassifications. (BDR R-1297)

We will move on to Senate Joint Resolution (S.J.R.) 10.

SENATE JOINT RESOLUTION 10: Proposes to amend the Nevada Constitution to remove term limits for certain public officers. (BDR C-665)

Senator Washington requested time to testify on his bill today. Can we check to see if he wants to come in and testify? We will move to Assembly Bill (A.B.) 190.

ASSEMBLY BILL 190 (1st Reprint): Provides for a study of issues regarding the death penalty. (BDR S-764)

MR. STURM:

Assembly Bill 190 requires the Audit Division of the Legislative Counsel Bureau to conduct a staff study of the fiscal costs of the death penalty in Nevada. The study must examine the costs of adjudicating capital cases as opposed to noncapital cases and must include the costs to the State and to local governments at each stage of capital murder case proceedings. The Legislative Auditor shall submit a written report of his findings to the Director of the Legislative Counsel Bureau on or before January 31, 2011. There were no amendments proposed.

SENATOR RAGGIO:

Assembly Bill 190 is also exempt because it requires Legislative Staff. I suggest we hold it until we determine which studies we will authorize.

CHAIR WOODHOUSE:

This bill is a "hold for studies." We will move to A.B. 293.

ASSEMBLY BILL 293 (1st Reprint): Makes various changes concerning appointments by the Governor to certain offices within the Executive Branch of State Government. (BDR 18-761)

MR. STURM:

Assembly Bill 293 creates the Legislative Committee on appointments, consisting of three members of the Senate and three members of the Assembly to be appointed by the Legislative Commission. One member from each House must be a member of the minority political party. The Chair of the Senate Committee on Legislative Operations and Elections will chair the Committee on Appointments, but will vote only in the case of a tie. The Committee is empowered to investigate the professional qualifications and fitness of certain

gubernatorial appointees, but may not inquire into the administration, budget or activities of the agency to which a person has been appointed. The Committee must either confirm or reject an appointment within 60 days of the Governor making an appointment. If the Committee fails to meet or vote to confirm or reject an appointment within the time allotted, the appointment is deemed confirmed. The first portion of the bill concerns nonlegislative business and is on the list of bills that will expire by deadline.

SENATOR RAGGIO:

Long ago I suggested the legislative role be comparable to one that exists in the United States Congress, where the Senate has the ability to confirm key appointments. That has never prevailed. We passed it one time and it died in the Assembly. This bill goes further and has the potential to cause a major problem. We are a part-time legislature; we meet 120 days every other year. There is a provision for interim appointments. I think this bill would get an initial veto by the Governor. It does not matter if we have a Republican or Democratic Governor. I think this bill with this Commission of both Houses poses a problem. Situations will occur where there is one House of one party and one House of another. I know the bill says they are only supposed to investigate professional qualifications and fitness and not inquire into other activities. I do not think it works this way. I think it will get into personal areas as does the U.S. Congress. I do not want to waste the Committee's time but I am not convinced this is the way it should be done. It is cumbersome and will provide problems where you have a divided Legislature and wait for legislative action on appointments. It is difficult enough as it is.

SENATOR MATHEWS:

There is a fiscal note attached to the bill. Anything with money attached to it is not going far.

CHAIR WOODHOUSE:

If we do process A.B. 293, the policy question would be caught by Fiscal and moved to Senate Finance.

SENATOR LEE MOVED TO DO PASS A.B. 293.

SENATOR WIENER SECONDED THE MOTION.

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SENATOR RAGGIO:

Once the bill goes to the Legislative Committee on Finance, they have no control over the policy.

SENATOR MATHEWS:

I am pointing out there is money in this bill.

SENATOR HARDY:

Assembly Bill 293 is a departure from how it is currently done, and the process is not currently broken. I am unable to support the motion.

THE MOTION FAILED. (SENATORS CEGAVSKE, HARDY AND RAGGIO VOTED NO. SENATOR MATHEWS ABSTAINED FROM THE VOTE.)

CHAIR WOODHOUSE:

Senator Washington is here. We will go back to S.J.R. 10.

MR. STURM:

Senate Joint Resolution 10 proposes to amend the Nevada Constitution to remove term limits for members of the State Legislature. No person may be elected or appointed as a Senator or a member of the Assembly who has served in that office for 12 years or more. If the resolution passes in the 2009 and 2011 Legislative Sessions in identical form, it will be placed before the voters for final approval or disapproval at the 2012 general election. There were no specific amendments proposed for this measure.

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

We have a great process in the State of Nevada. Anyone can participate in the process. Great men and women have labored at the Legislature, sacrificing time and money to benefit the citizens of the State of Nevada. We have a form of term limits at the ballot box for constituents who think we are not representing them in the manner they see fit. They can terminate our service at any election when we come up for reelection. To arbitrarily mandate a time limit on one's ability to serve is detrimental to the process. It shortchanges the constituents and puts the State in jeopardy. This is not to negate the wisdom of the voters who previously voted on the measure, but to give them a second opportunity to

look at it, especially after they see the cause and effects after it goes through the referendum process. I believe it would not go on the ballot until 2012.

SENATOR RAGGIO:

Previously, this has been before the voters. The issue is do we want to put this in a form to be passed this Session? It will not keep Senators who are otherwise limited. I will support the bill; we can put it to the voters, since we are still in biennial sessions and see if it is the will of the voters.

SENATOR RAGGIO MOVED TO DO PASS S.J.R. 10.

SENATOR HARDY SECONDED THE MOTION.

THE MOTION PASSED. (SENATORS LEE AND WIENER VOTED NO.)

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CHAIR WOODHOUSE:

We will move to A.B. 395.

[ASSEMBLY BILL 395 \(1st Reprint\)](#): Provides for workplace relations discussions and agreements for certain state employees. (BDR 23-1020)

MR. STURM:

Assembly Bill 395 provides definitions and procedures relating to workplace relations for certain classified State employees in the Executive Branch. The bill provides for negotiation and enforcement of agreements between workplace relations units, their selected exclusive representatives and the Executive Branch over the terms and conditions of employment. Terms and conditions of employment include hours and working conditions, grievances, and discipline and discharge; but not salaries or benefits. Provisions are made for mediation, arbitrations, judicial review and fair share agreements, in addition to procedures for determination of workplace units and selection of exclusive representatives. The Personnel Commission is charged with the oversight of workplace relations and resolution of any disputes. The bill terminates the current appointments to the Commission and changes the appointing authorities so that the Governor appoints three members, the Speaker of the Assembly appoints one member, and the Senate Majority Leader appoints one member. Assembly Bill 395 does not affect managerial, confidential or temporary employees; elected officials;

officers and members of the Nevada National Guard; State justices and judges; prison inmates; unclassified employees of the Nevada System of Higher Education; and employees of the Legislature. There were no formal amendments received for this measure.

CHAIR WOODHOUSE:

Two Committee members stepped out of the room. We will set this aside and come back to it in a few moments. We will move on to A.B. 463.

ASSEMBLY BILL 463 (1st Reprint): Restricts a department, division or other agency of this State from employing a person as a consultant. (BDR 23-1057)

MR. STURM:

Assembly Bill 463 requires the approval of the Interim Finance Committee (IFC) before a State agency may hire a consultant who is a current State employee or a former employee who left State employment within the past year. To approve a contract with a former State employee within the one year "cooling-off" period, the IFC must determine that there is a critical labor shortage, a short-term need or an unusual economic circumstance that justifies the consultant contract. Prior approval of the IFC is also required for a consultant contract for a term of more than two years. A State agency must use an open competitive bidding process to select a consultant or a temporary employment service. The bill also requires a State agency to report to the IFC when hiring a former State employee after the one-year cooling-off period and on the use of a consultant or a temporary employment service. The Nevada System of Higher Education, school districts, and State boards and commissions are required to report to IFC every six months on their consultant contracts, including the number of consultants, the length of the contracts, and the amount of any remuneration received by the consultants. Finally, the bill requires the Legislative Auditor to conduct an audit of the use of consultants by the State agencies and to report the results of the audit by February 7, 2011. There were a number of amendments proposed. A mock-up has been distributed, Exhibit C, from Assemblywoman Debbie Smith. It incorporates all three of the proposed amendments. Assemblywoman Smith worked with Michael J. Willden and Susan Martinovich. Mock-up 4991 is presented as part of this work session.

SUSAN MARTINOVICH (Director, Nevada Department of Transportation):

The concerns the Department expressed regarding the professional engineers has been included on page 3, section 7, subsection (b), [Exhibit C](#), regarding employment of professional engineers by the Department. Originally there was an exclusion. We had concerns about the timing of projects because of federal regulations or the challenges when projects go longer than two years. An exception was made for federally funded projects and construction over four years. We worked closely with Assemblywoman Smith and appreciate her willingness to work with us so we can spend the money.

SENATOR CEGAVSKE MOVED TO AMEND AND DO PASS AS AMENDED
[A.B. 463](#).

SENATOR MATHEWS SECONDED THE MOTION.

THE MOTION PASSED. (SENATOR HARDY WAS ABSENT FOR THE VOTE.)

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ASSEMBLYMAN BERNIE ANDERSON (Assembly District No. 31):

I have two pieces in front of the Committee. I am concerned about the [A.B. 190](#) clarification of the end term. It is the audit question relative to the death penalty. I want to make sure I understand what is going to happen since it is an Assembly bill rather than a resolution. Usually we see these come forward as a resolution; this happens to be an individual piece of legislation. The Audit Division indicated they would be willing and able to do this. I want to clarify how you intend to proceed.

CHAIR WOODHOUSE:

I have a hold on [A.B. 190](#); it is not subject to the deadline.

MR. POWERS:

Under Joint Standing Rule 14.6, any measure that relates to carrying on the business of the Legislature is exempt from the deadline. This measure relates to carrying on the business of the Legislature, so if the Committee chooses to hold it, they can consider it.

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CHAIR WOODHOUSE:

It is still alive. We will move on to S.B. 299.

MR. STURM:

Senate Bill 299 provides for the payment of a stipend of up to \$2,500 to any Legislator who demonstrates that his or her income was reduced as a result of legislative service during a regular Legislative Session. It has provisions making funding available for reimbursement for any nonrefundable expenses from a person altering personal travel plans to attend a special session. At the time of the hearing, Senator Nolan suggested an amendment to specify that the Legislative Commission establish whether such funds would be available for these purposes prior to the beginning of the regular session of the Legislature.

CHAIR WOODHOUSE:

Senator Nolan, you spoke with me earlier today regarding a possible amendment. That is why we brought you here.

SENATOR DENNIS NOLAN (Clark County Senatorial District No. 9):

The purpose of S.B. 299 is notable and tries to establish equity where inequity exists. In recognition of the current economic situation we are in, it is prudent to eliminate the portion of the bill that provides for the stipend and eliminates the fiscal note. It is correct and fair for anyone required to work and who must cancel personal travel plans at their own expense to be reimbursed their portion of the cost. I like Senator Mathew's recommendation to include workers' compensation. There is question as to whether Legislators receive workers' compensation. I dread the day somebody falls down the steps, gets hurt and is not covered. I am fine if you want to pursue the bill without the \$2,500 stipend.

SENATOR LEE MOVED TO AMEND AND DO PASS AS AMENDED S.B. 299 WITH THE VERBAL AMENDMENT TO REMOVE THE \$2,500 STIPEND.

SENATOR LEE SECONDED THE MOTION.

THE MOTION PASSED. (SENATOR MATHEWS WAS ABSENT FOR THE VOTE.)

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CHAIR WOODHOUSE:

We will move on to A.B. 395.

SENATOR RAGGIO:

As I understand, A.B. 395 would in essence be collective bargaining other than for fiscal matters for state employees.

CHAIR WOODHOUSE:

I believe it is meet and confer.

SENATOR RAGGIO:

Because of the work on the budget, I missed this hearing. I would like to ask some questions. I received a correspondence from the National Right to Work Committee dated May 11, written by President Mark Mix ([Exhibit D](#)). They raise pertinent issues. Nevada is a Right to Work State. According to the National Right to Work Committee, they are opposed to this bill. They think it gives the public sector union officials, I am quoting, "the stranglehold over public services" ... and provides "monopoly bargaining power over all of Nevada state employees." In their view it would "gut Nevada's public sector Right to Work Law, assaulting the rights of Nevada's working men and women by requiring Nevada's public sectors workers to pay fees as a condition of employment." I have not examined the bill; I am going to ask for information if this is in fact true. They think that there is a requirement forcing workers to pay dues and fees, or financially support the public sector union as a condition of employment. Has this been discussed, and is this an issue?

SENATOR LEE:

Is this bill in the correct Committee? Was this a Government Affairs bill and now it is in Legislative Operations and Elections? Should this be sent to the Legislative Committee on Government Affairs to vet?

CHAIR WOODHOUSE:

I thought A.B. 395 should be in Government Affairs.

SENATOR LEE:

Could I have this bill until tomorrow? I think it is in the wrong jurisdiction.

CHAIR WOODHOUSE:

I think it is in the wrong jurisdiction too.

SENATOR LEE MOVED WITHOUT RECOMMENDATION TO REREFER A.B. 395 TO THE SENATE COMMITTEE ON GOVERNMENT AFFAIRS.

SENATOR RAGGIO SECONDED THE MOTION.

THE MOTION PASSED. (SENATOR MATHEWS WAS ABSENT FOR THE VOTE.)

CHAIR WOODHOUSE:
We will now go to A.B. 535.

[ASSEMBLY BILL 535 \(1st Reprint\)](#): Makes various changes relating to the Legislature and the Legislative Counsel Bureau. (BDR 17-957)

MR. STURM:

Assembly Bill 535 provides that reports made to the Legislature may be submitted electronically. It also allows a former Legislator to purchase and use legislative letterhead and business cards after leaving the Legislature, provided those items clearly identify the person as a former or retired Legislator. The bill also revises certain statutes to provide that a Legislator who does not seek reelection or who is defeated at a general election continues to serve on certain legislative committees after the election until the start of the next regular session. Primarily, these are the standing committees other than the IFC and Legislative Commission. Assembly Bill 535 has identical language in a bill that has already passed this House concerning the appointment process for replacements to IFC and to the Legislative Commission. Assembly Bill 535 also expands the membership of the Legislative Committee on Public Lands and authorizes the legislative Commission to appoint alternate members to the Committee. Finally, the bill revises the statutory description of the Administrative Division of the Legislative Counsel Bureau to reflect its duties more accurately.

Mr. Malkiewicz proposed two amendments to these measures included as mock-up proposed Amendment 4882 in the work session document, [Exhibit C](#). This expands the authority of the Legislative Counsel to represent the Legislature's official interest in various actions and proceedings. Sunset provisions are in place from S.B. No. 490 of the 74th Session that sets limits on

bill draft resolutions and requires pre-filing of state and local government BDRs by December 15. Mentioned is if the Committee thought that worked well, then the Committee would want to amend the bill to repeal those sunset provisions. That is not in the mock-up. Senator Lee had concerns with regard to Legislators authorized to continue to serve for a limited time on certain statutory committees if not reelected. Out-of-state travel is discussed in number 3 on the bottom of page 14, prohibiting the payment of expenses by the Legislative Commission for any committee-related out-of-state travel for those individuals.

SENATOR CEGAVSKE:

I was not here for this Committee. I question allowing a former Legislator to purchase and use Legislative letterhead and business cards after they have served in the legislature. Is it printed here? Can staff tell me the rationale? I have a few concerns.

SENATOR WIENER:

The letterhead and business cards would say former or retired Legislator. It would honor their service but distinguish them from those that are currently serving. They would be responsible for the cost of printing.

CHAIR WOODHOUSE:

Mr. Malkiewicz commented that we have had an issue where former Legislators have continued to use their title. This would solve part of that issue.

SENATOR HARDY:

I think this is a good idea. Many of the letters I write on behalf of constituents are letters of recommendations for their children to go to college or to support a charity or event. Former Legislators continue these practices. They are involved in nonprofit organizations and boards of directors for nonprofit organizations. It is a nice touch to be able to use the prestige to benefit a student or sponsor fund-raising for a nonprofit organization.

MR. POWERS:

As part of Amendment 4882, there will be one technical correction on page 2, line 3. It says any "filing fees," it should read "any filing or other court fees."

SENATOR WIENER MOVED TO AMEND AND DO PASS AS AMENDED
A.B. 535.

SENATOR HARDY SECONDED THE MOTION.

THE MOTION PASSED. (SENATORS LEE AND MATHEWS WERE ABSENT FOR THE VOTE.)

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CHAIR WOODHOUSE:

We will move on to Assembly Joint Resolution (A.J.R.) 5.

ASSEMBLY JOINT RESOLUTION 5: Proposes to amend the Nevada Constitution to authorize the Legislature to convene special sessions of the Legislature under certain circumstances. (BDR C-139)

MR. STURM:

Assembly Joint Resolution 5 proposes to amend the Nevada Constitution to provide that the Legislature may call itself into a special session on extraordinary occasions by a petition by two-thirds of the members of both Houses. The measure stipulates that the Legislature may only address those issues named in the petition calling for the special session and limits all special sessions to 20 days. If the resolution passes the 2009 and 2011 Legislative Sessions in identical form, it will be placed before the voters for final approval or disapproval at the 2012 general election. There were no amendments proposed for this measure.

SENATOR RAGGIO:

Has a similar measure been before the voters and have they turned it down?

MR. POWERS:

A similar measure was before the voters this past general election.

SENATOR RAGGIO:

I have no problem putting this measure and A.J.R. 6 before the voters again. I would like to delete the archaic language in the Constitution in A.J.R. 6 allowing \$60 for postage and not getting paid for the full session. I will support the measures if the archaic language is deleted.

MR. POWERS:

I recommend an amendment for A.J.R. 5 for the Committee. If it goes forward,

I would suggest the following amendment: currently, the 120-day biennial Legislative Session requires the session end midnight Pacific Standard Time. That issue litigated in 2001 in the case of *Nevada Mining Association v. Erdoes* 117 Nev. 531, 26 p.3d 753 (2001). The Nevada Supreme Court concluded that midnight Pacific Standard Time meant 1 a.m. Pacific Daylight Time. This allows the Legislature to call itself into special sessions, and it says midnight Pacific Standard Time for the end day of the Legislative Session. The problem is the special session could be in daylight time or in standard time. Some special sessions could be forced to end at midnight or others could be forced to end at 1 a.m. My recommendation to the Committee is that we clean this up in regards to regular sessions and special sessions and make it clear it is midnight and not 1 a.m.

SENATOR RAGGIO MOVED TO AMEND AND DO PASS AS AMENDED
A.J.R. 5.

SENATOR WIENER SECONDED THE MOTION.

THE MOTION PASSED. (SENATORS LEE AND MATHEWS WERE ABSENT
FOR THE VOTE.)

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CHAIR WOODHOUSE:
We will move on to A.J.R. 6.

ASSEMBLY JOINT RESOLUTION 6 (1st REPRINT): Proposes to amend the
Nevada Constitution to revise provisions concerning legislative sessions.
(BDR C-67)

MR. POWERS:
I recommend we eliminate the midnight Pacific Standard Time for
A.J.R. 6 because it will create the same problem. Instead, use midnight time on
the clock.

MR. STURM:
Assembly Joint Resolution 6 proposes to amend the Nevada Constitution to
provide that the Legislature will convene regularly for 60 days in even-numbered
years in addition to the regular 120-day sessions that are currently held in

odd-numbered years. The measure also requires that an initiative petition proposing a statute or an amendment to a statute must be filed with the Secretary of State one year prior to the commencement of the Legislative Session to which the petition will be submitted. If the resolution is approved in identical form by the Legislature in 2009 and 2011, it will be submitted to the voters for approval or disapproval at the 2012 general election. When we first heard this measure, the Committee had a general discussion. No formal items were submitted. One discussion was to revise provisions to provide that the Legislators be paid for each day of the 120- and 60-day sessions. As written, the resolution provides that Legislators receive pay for 60 days of each regular session. There was also a proposal to delete the \$60 per Legislator limit for postage appropriation authorized in the Nevada Constitution. This is referenced on page 2, lines 44 and 45, and page 3, lines 1 through 3 of the bill. Mr. Powers mentioned the midnight on the clock amendment today.

CHAIR WOODHOUSE:

We also had S.J.R. 6 regarding annual sessions in the even-numbered years. We have not processed that bill. I support this bill, and we will not move on with S.J.R. 6.

SENATE JOINT RESOLUTION 6: Proposes to amend the Nevada Constitution to provide for a 30-day legislative session in even-numbered years to consider budgetary matters. (BDR C-107)

SENATOR RAGGIO:

I will second the motion if the amendments include the removal of the archaic language with the limit on compensation and the fixed amount of \$60 for postage.

CHAIR WOODHOUSE:

Correct. The amendments will also include midnight on the clock.

SENATOR WIENER MOVED TO AMEND AND DO PASS AS AMENDED
A.J.R. 6.

SENATOR RAGGIO SECONDED THE MOTION

THE MOTION PASSED. (SENATORS LEE AND MATHEWS WERE ABSENT FOR THE VOTE.)

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CHAIR WOODHOUSE:

We will now move on to Assembly Concurrent Resolution (A.C.R.) 19.

ASSEMBLY CONCURRENT RESOLUTION 19: Directs the Legislative Commission to conduct an interim study of the requirements for reapportionment and redistricting. (BDR R-1281)

MR. STURM:

Assembly Concurrent Resolution 19 is an interim study that is not subject to the three-plus-three rule. It directs the Legislative Commission to conduct an interim study of the requirements for reapportionment and redistricting of the election districts of Nevada's members of the United States House of Representatives, the State Legislature, the University Board of Regents, and the State Board of Education following the conduct of the 2010 decennial census. The interim study must include an examination of any redistricting systems recommended or established by the Seventy-fifth Session of the Legislature; a review of all pertinent case law; a review of redistricting programs and plans used in other states; and the continuation of Nevada's participation in programs of the United States Census Bureau, including participation in the decennial census to ensure a complete and accurate count of all Nevadans. The Legislative Commission must report the results of the study and any action to be taken in preparation for and recommendations concerning reapportionment and redistricting to the Seventh-Sixth Session of the Legislature. There were no amendments proposed for this measure.

SENATOR WIENER MOVED TO ADOPT A.C.R. 19.

SENATOR RAGGIO SECONDED THE MOTION.

THE MOTION PASSED. (SENATORS LEE AND MATHEWS WERE ABSENT FOR THE VOTE.)

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MR. STURM:

We are holding S.B. 264 and A.B. 190 for a work session on interim studies.

CHAIR WOODHOUSE:

Seeing no further testifiers, the meeting is adjourned at 4:14 p.m.

RESPECTFULLY SUBMITTED:

Karen Johansen,
Committee Secretary

APPROVED BY:

Senator Joyce Woodhouse, Chair

DATE: _____