

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

**Seventy-fifth Session
May 21, 2009**

The Senate Committee on Legislative Operations and Elections was called to order by Chair Joyce Woodhouse at 2:04 p.m. on Thursday, May 21, 2009, in Room 2149 of the Legislative Building, Carson City, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator 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 Steven A. Horsford, Clark County Senatorial District No. 4
Senator David R. Parks, Clark County Senatorial District No. 7
Assemblywoman Marilyn K. Kirkpatrick, Assembly District No. 1
Assemblywoman Bonnie Parnell, Assembly District No. 40

STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Gail Tuzzolo, Nevada State AFL-CIO
David Kersh, Carpenters/Contractors Cooperation Committee
Gary Milliken, Associated General Contractors, Las Vegas Chapter
Joyce Haldeman, Clark County School District

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Gloria Dopf, Deputy Superintendent for Instructional, Research and Evaluative Services, Nevada Department of Education
Dr. Dotty Merrill, Executive Director, Nevada Association of School Boards
Lonnie Shields, Assistant Executive Director, Nevada Association of School Administrators
Julie Whitacre, Director of Government Relations, Nevada State Education Association
Randy Robison, Nevada Association of School Superintendents
Marshall Emerson, Assistant Washoe County Sheriff
Bill Ames, Washoe County Sheriff's Deputies Association; Washoe County Sheriff's Supervisory Deputies Association
Dennis Carry, Vice President, Washoe County Sheriff's Deputies Association
Robert J. Joiner, City of Sparks
Steve Driscoll, City of Sparks
Lisa Gianoli, Washoe County
John Sande IV, Reno-Sparks Convention and Visitors Authority; Reno-Tahoe Airport Authority

CHAIR WOODHOUSE:

Senate Bill (S.B.) 3 is in your work session document ([Exhibit C](#)).

SENATE BILL 3: Creates the Legislative Committee on Child Welfare and Juvenile Justice. (BDR 17-213)

PEPPER STURM (Committee Policy Analyst):

This measure was requested by the Legislative Committee on Health Care from its recommendations of the 2007-2008 interim. Senate Bill 3 creates a permanent Legislative Committee on Child Welfare and Juvenile Justice. It is a six-member committee consisting of three members of the Senate and three members of the Assembly appointed by the Legislative Commission. Some of the items listed in the bill for this new committee to evaluate include programs for the provision of child welfare; licensing and reimbursement of providers of foster care; mental health services; and compliance with federal requirements regarding child welfare. Specific items included for the review under juvenile justice include coordinated continuum of care as it relates to health services; substance abuse treatment; education and training; individual supervision as it relates to accommodating individual and family needs; programs for aftercare and reintegration; overrepresentation and disparate treatment of minorities in the juvenile justice system; and gender specific

services. Senator Woodhouse proposes to amend the measure to revise section 9 to make the measure effective for the interim following the 2011 Legislative Session.

CHAIR WOODHOUSE:

Senate Bill 3 was before us months ago. Assemblywoman Sheila Leslie, Senator Steven Horsford and Senator Maurice Washington testified in favor of the bill. Senator Steven Horsford, the leadership team and I met to discuss the studies before us this Legislative Session. Because of the lack of funds to create new statutory committees, we would like to amend this measure to become effective 2011.

SENATOR WIENER:

I have been involved with juvenile justice or other children's issues for several interims. During my history at the Legislature, I do not remember an interim where we have focused on children. Making the commitment for continuity of the statutory committee is an extraordinary step forward. It is appropriate we schedule two years out to catch up with our fiscal challenges.

KEVIN POWERS (Legislative Counsel):

The motion would make S.B. 3 effective July 1, 2011. There is no sunset or expiration on the bill.

CHAIR WOODHOUSE:

That is correct. The Seventy-sixth Legislative Session could make changes based on where we find ourselves.

SENATOR CEGAVSKE:

If this begins after the Seventy-sixth Legislative Session, can they determine what they want to do?

CHAIR WOODHOUSE:

It will require funding, and currently we do not have the funds. The Seventy-sixth Legislature will decide if they are going to fund it.

SENATOR CEGAVSKE:

Is there language in the bill for gifts or grants?

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CHAIR WOODHOUSE:
Not as far as I know.

SENATOR CEGAVSKE:
Could we add language that if gifts, grants or donations were received, we could have an earlier start date?

CHAIR WOODHOUSE:
I would appreciate it if we could do that.

MR. POWERS:
Language could be added to the bill that would allow the committee to begin its operations if there were gifts or grant money provided to the Legislative Counsel Bureau to fund the statutory committee.

SENATOR WIENER:
I will make a motion to include that provision with the two amendments we just discussed.

CHAIR WOODHOUSE:
Senator Lee, is that acceptable to you?

SENATOR LEE:
Yes it is. If there is stimulus money, is that considered a grant?

MR. POWERS:
Depending on the language, it could include money coming from a source that is the federal government.

SENATOR WIENER MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 3 WITH TWO SEPARATE AMENDMENTS INCLUDING THE
LANGUAGE RECOMMENDED BY CHAIR WOODHOUSE TO REVISE
SECTION 9 FOR A START DATE OF JULY 1, 2011, OR EARLIER IF
GIFTS, GRANTS OR DONATIONS ARE RECEIVED.

SENATOR LEE SECONDED THE MOTION.

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

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CHAIR WOODHOUSE:
We will move on to 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)

MR. STURM:
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 experiences 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. There were no amendments proposed for this measure.

CHAIR WOODHOUSE:
I met with Senator Horsford regarding the two interim studies. We have the ability to have three studies. Senator Horsford has selected S.B. 264 for an interim study. We have four true interim studies that fall under our Committee. The three selected are Senate Concurrent Resolution (S.C.R.) 19, S.C.R. 26 and S.B. 264.

SENATE CONCURRENT RESOLUTION 19: Directs the Legislative Commission to appoint a committee to conduct an interim study relating to the production and use of energy in the State. (BDR R-1235)

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

SENATOR LEE:
Senator Terry Care's bill and my bill could be blended together to discuss a broader range of issues. We are covering the same intergovernmental relationships.

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CHAIR WOODHOUSE:
Are you referring to S.B. 375?

SENATE BILL 375: Establishes the Nevada Advisory Commission on Intergovernmental Relations. (BDR 19-1160)

SENATOR LEE:
Yes, that is one of them. I will look up the other bill.

CHAIR WOODHOUSE:
We will move on to S.B. 373 as soon as Senator Lee has the opportunity to look up the bill number.

SENATE BILL 373: Directs the Legislative Commission to appoint a subcommittee to conduct an interim study concerning projects for the importation of water and to develop a sound strategy for the proposed use of water in this State. (BDR S-849)

MR. STURM:
Senate Bill 373 requires that the Legislative Commission appoint an interim subcommittee to study importation projects and develop a sound strategy for water use within Nevada. Specifically, the measure requires the study to include information concerning the financial and other economic effects of water importation projects in areas within the state, including areas from which the water is exported. The subcommittee also must develop a sound strategy for proposed water use in Nevada that incorporates the use of independent analyses. The subcommittee must submit a report to the Legislative Commission for transmittal to the 2011 Legislature. Two amendments were proposed. Senator Woodhouse proposed to amend the bill to delete the creation of an interim study and instead direct the Legislative Committee on Public Lands to review and report on the issues specified in the measure. Susan Lynn of Great Basin Water Network proposes to amend section 1, subsection 2, paragraph (a), to specify that the committee shall include in its study the impacts on public lands, wildlife, and public-land grazing, and the economic impacts of both the sending and the receiving communities for water.

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CHAIR WOODHOUSE:

I am proposing an amendment to delete the creation of the interim study and ask the Legislative Committee on Public Lands to take this issue. Senator David Parks indicated that was acceptable.

SENATOR CEGAVSKE:

I do not know why these areas are in need of review.

SENATOR WIENER:

Could Senator Parks clarify the issues for us?

SENATOR DAVID R. PARKS (Clark County Senatorial District No. 7):

The Legislative Committee on Public Lands looks at a broad number of areas dealing with public lands. Senate Bill 373 would fall within the scope of the Public Lands Committee. I have never been a member of that Committee, so I am limited in my knowledge of the Committee.

SENATOR CEGAVSKE:

Perhaps S.B. 373 and the recommendation should be rereferred to Natural Resources to be vetted. I am not comfortable with the Legislative Committee on Operations and Elections making the decisions without hearing full testimony.

CHAIR WOODHOUSE:

Senator Parks, do you have time to take the bill?

SENATOR PARKS:

This is an exempt bill. I am certain we will have time if you would like to rerefer S.B. 373 to the Legislative Committee on Natural Resources.

SENATOR CEGAVSKE:

The Committee on Natural Resources has the expertise for this bill.

SENATOR LEE:

Needing to do this study was not brought up. So much has already been done with the basin-to-basin transfers and the water engineers.

SENATOR LEE MOVED TO INDEFINITELY POSTPONE S.B. 373.

THE MOTION FAILED FOR LACK OF A SECOND.

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CHAIR WOODHOUSE:

Seeing there is no second, the motion dies.

SENATOR CEGAVSKE MOVED TO REREFER S.B. 373 TO THE SENATE COMMITTEE ON NATURAL RESOURCES.

SENATOR WIENER SECONDED THE MOTION.

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

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CHAIR WOODHOUSE:

We will go on to S.B. 374.

SENATE BILL 374: Creates the Legislative Committee to Oversee the Southern Nevada Water Authority. (BDR S-848)

MR. STURM:

Senate Bill 374 creates a six-member statutory legislative committee to oversee the programs and activities of the Southern Nevada Water Authority (SNWA). The measure notes the unique conditions and circumstances in those portions of Clark County served by the SNWA that justify special legislation for the purpose of regional planning, management of water resources and legislative oversight of those processes. The bill specifies the manner of appointment of committee members, the method of selecting the chair and vice chair, and the method for filling any vacancies among the members. In conducting the investigations and hearings, the committee is empowered to administer oaths, take depositions and issue subpoenas to compel attendance. The committee is required to submit reports to the Legislature no later than January 15 of each odd-numbered year.

The SNWA was created by various public entities in 1991, pursuant to an interlocal agreement, to address water issues on a regional basis in an area governed by unique conditions and circumstances. This measure is patterned after the 2007 law creating legislative oversight of the Western Regional Water Commission. Senator Woodhouse proposes the following amendment. Amend the bill to remove references to the creation of the statutory committee and instead direct the Legislative Committee on Public Lands to study the need to

oversee the program and activities of the SNWA to address the necessity for regional planning and management of water resources and the associated need for legislative oversight of those processes.

SENATOR PARKS:

The Public Lands Committee could look at both S.B. 374 and S.B. 373.

SENATOR HARDY:

I will support the motion, but I would like to speak against the concept. I am opposed to this kind of oversight from a body made of elected officials who are accountable to the people who face elections. We have significant controls over the water district in statute. We have the necessary tools to address perceived mismanagement. I oppose this type of intervention. I amend what I said earlier about supporting the motion and I will vote no to rerefer.

SENATOR CEGAVSKE:

Has there been a Legislative Counsel Bureau audit on the SNWA? I am not against rerefering the bill. If the last audit was in 1997, over 10 years ago, perhaps another audit should be done.

MR. STURM:

Audits required by the Legislature go into a queue of audits to perform.

SENATOR CEGAVSKE:

It can take two years or more to get to audits put on a list. Senate Bill 374 could go on a list.

SENATOR PARKS:

As part of the hearing for S.B. 374, the Committee on Natural Resources could investigate it.

CHAIR WOODHOUSE:

Are you suggesting S.B. 374 be rereferred to the Committee on Natural Resources to pursue the concept of an audit as it works through the process?

SENATOR PARKS:

Certainly.

SENATOR CEGAVSKE MOVED TO REREFER S.B. 374 TO THE SENATE COMMITTEE ON NATURAL RESOURCES.

THE MOTION FAILED FOR LACK OF A SECOND.

CHAIR WOODHOUSE:

Seeing no second on S.B. 374, the motion dies. We will move on to S.C.R. 26.

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

SENATOR STEVEN A. HORSFORD (Clark County Senatorial District No. 4):

Senate Concurrent Resolution 26 proposes to form an interim subcommittee to study employee misclassifications. Handouts regarding misclassification with various states ([Exhibit D](#)) and a similar bill with the State of Colorado ([Exhibit E](#)) have been distributed. Employee misclassification is an accounting practice in which employers improperly indicate their employees are independent contractors or owner-operators. This unethical practice allows the employer to avoid providing the employee protections and paying many taxes associated with full-time employees even though they are long-term employees with the company. The taxes avoided by employee misclassification include social security and unemployment compensation, parts of our safety net which are more important today than ever.

At a time when we are facing high unemployment, making drastic cuts and considering our revenue options, I think it is important to ensure all of our employers in Nevada are following the rules we laid out and are paying their full obligation. Studies or audits conducted in the following states have found the cost of misclassification to be as follows: Ohio's state audit in 2009 found \$159 million of loss. In New York, an audit conducted in 2007 identified \$682 million of loss. In 2008, a carpenter's union study was conducted in Pennsylvania, showing \$281 million of lost revenue. In Illinois, a University of Missouri-Kansas City study in 2006 identified \$346 million of lost revenue.

What could we do with that revenue right now? This interim subcommittee would be asked to determine whether the problem of misclassification exists in the State of Nevada and if so, examine the scope of the problem and provide recommendations for action to the Seventy-sixth Legislative Session. The proposed subcommittee would consist of five members, one Senator,

one Assembly member, one representative of labor, one representative of management and one member of the general public. Employee misclassification is unfair to employees, unfair to competitors and unfair to taxpayers. I want to ensure it is not happening in our State, and if it is, we will collect every dime that is otherwise due us. I appreciate the Committee's consideration of this proposed interim study.

SENATOR HARDY:

I am the President of the Associated Builders and Contractors of Las Vegas. This is a good idea. It is a significant problem in the construction industry. There are those that cheat; there are also companies that try to follow the rules. It is difficult to get the correct classification. There are no standards to rely on. It is a sensitive issue, and I support S.C.R. 26. Would the Majority Leader consider an amendment with representation of the organization of labor on the nonunion side?

SENATOR HORSFORD:

I am open to any considerations that help us understand the problem and to ensure all perspectives are considered. I do not know the full gravity of the problem in all sectors. I have heard of specific issues with the transport and delivery sector.

SENATOR HARDY:

Unfortunately, this is often used as a weapon. We want to get to those who are intentionally cheating but being mindful that some people are trying to follow the law. It is unclear how to follow the law without standards.

SENATOR WIENER:

If the subcommittee is taking votes and making recommendations, you may want to have six people on the subcommittee. We usually have an odd number.

CHAIR WOODHOUSE:

There should probably be seven members.

SENATOR HORSFORD:

I would like to review the structure of study committees with states that have had similar studies. It is a good idea to have an odd number of members on the committee so there is a break if an impasse occurs.

SENATOR WIENER:

Based on that consideration, would they select a chair among themselves, or would a chair be appointed by the Legislative Commission?

SENATOR HORSFORD:

Senator Wiener, you have caught an element that was not in the bill. We would want to address identifying the chair. Because it is a Legislative Commission Subcommittee, it would have to be chaired by one of the two Legislators.

MR. STURM:

In the past, if a chair is not specified, the Legislative Commission would make the determination because they formed the subcommittee.

SENATOR HORSFORD:

It is also true the chair of the subcommittee needs to be a Legislator because they are supported by the Legislative Counsel Bureau staff.

MR. STURM:

Since the Legislative Commission is making these appointments, they would no doubt appoint the chair.

SENATOR WIENER:

Should there be a provision for a vice chair? There could be chaos if the chair were unable to attend.

GAIL TUZZOLO (Nevada State AFL-CIO):

The Nevada State AFL-CIO is in favor of S.C.R. 26. Misclassification hurts employees and employers who follow the rules. It hurts states by denying revenue that should be available to them. States have lost millions of dollars due to unclassified employees, and it is fair to change that.

DAVID KERSH (Carpenters/Contractors Cooperation Committee):

I am here to show our firm support of S.C.R. 26. The United Brotherhood of Carpenters has made the issue of misclassification, one of its most important policy issues across the Country. Misclassification has various guises in the construction industry. It is an issue that hurts workers, businesses and the state. A study would be helpful to understand the complexity of this issue. We offer our support and have a wealth of information regarding what other states have been doing. We would like to contribute to this process.

GARY MILLIKEN (Associated General Contractors, Las Vegas Chapter):

Many contractors follow the rules only to lose bids to companies that do not follow the same rules. We think this is an important piece of legislation and we support it.

CHAIR WOODHOUSE:

A handout was provided ([Exhibit F](#)) to the Committee to be entered in the record by Jack Mallory, Director of Government Affairs, International Union of Painters and Allied Trades, District Council 15.

We will move on to Assembly Concurrent Resolution (A.C.R.) 2.

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):

During the 2007–2008 interim, I had the honor to Chair the Legislative Committee on Education which requested A.C.R. 2. This resolution requests the Legislative Commission appoint a committee to study the current structure of governance and oversight for public elementary and secondary education in Nevada and make recommendations to the Seventy-sixth Session of the Legislature. To emphasize the need for this study, I have distributed two organizational charts ([Exhibit G](#) and [Exhibit H](#)) that display how complicated statewide education governance has become in the past 20 years.

One chart, [Exhibit H](#), says “pre 1989,” which shows the statewide structure at that time. The second attached sheet to the second chart, [Exhibit G](#), shows what the boards and councils do. Having taught in the State for 23 years, served as State PTA President, State Literacy Coordinator, served on the Education Committee for 10 years and chaired the Committee for the last three sessions, I could not give you a detailed explanation of what each of these do or more importantly, the relationship they have with one another. Teacher licensure, for example, has multiple levels of authority. That example led me and the majority of the members of the Legislative Committee on Education to believe how important the study is.

The kindergarten through Grade 12 governance chart, [Exhibit G](#), is an example of what entities were created between 1987 and 2007: in 1987, the

Commission on Professional Standards; in 1997 as part of the Nevada Education and Reform Act, the Commission on Educational Technology, the Council to Establish Academic Standards, the Legislative Committee on Education, as well as legislation to authorize the formation of charter schools; in 1999, the Regional Professional Development program; in 2005, the Commission on Education Excellence and the University school for profoundly gifted students; and in 2007, the P-16 Advisory Council and the Parent Advisory Council; these were all created by the Legislature. I will not go into the reason for establishing them; I think the intent depends on whose point of view you accept.

I would like to impress upon you the present structure is complicated. It was the opinion of the members of the interim committee that such a complex structure—some call it fragmented, others call it specialized—deserves review and analysis. For that reason, I urge this Committee to recommend passage of A.C.R. 2 to establish an interim committee to study the present system and recommend changes as needed to support an efficient and effective government structure. Elementary and secondary education is too important to the future of the State to get this wrong. It is the future of our students.

SENATOR CEGAUSKE:

I have been frustrated over the years trying to get something done immediately. We created many different arenas to circumvent what was not working and in doing so created a lot of chaos. We did what we thought was right at the different stages. I support A.C.R. 2. I am frustrated and disappointed the Department of Education, the State Board of Education and the Commission on Professional Standards in Education saw the study as a threat. I hope we get better support with A.C.R. 2. The leadership and the people in charge of the state of education—we have failed our kids, teachers and parents. We must attack this and do something to restructure the way education is delivered in Nevada in the classroom as well as in higher education. How education is being taught is a huge disservice and not being addressed. Teachers are frustrated that they are not prepared. They tell me colleges are teaching courses the same way they did when my Dad was in school. I will support A.C.R. 2. I am passionate about it. The problem with education in Nevada is we are slow to move and people are afraid of losing their jobs. If we make doing what is best for the kids a priority, we will succeed.

JOYCE HALDEMAN (Clark County School District):

We are here in strong support of A.C.R. 2. We want to remind the Committee that we have daily interactions with the Nevada Department of Education. The lifeblood of our organization depends on interactions from licensing our personnel to making sure we are in compliance with the Nevada Administrative Code to the administration of millions of dollars in federal grants. We have a good relationship with the Nevada Department of Education. It is workable from both sides. They have few people to handle their workload.

The Clark County School District is bigger than the Nevada Department of Education, but they have found a way to service our needs on a daily basis. We appreciate what they do for us, but the structure needs analysis. I am concerned as we look at the big picture that we might have some unintended consequences. One reason I think it is important we study this rather than take immediate action is we are in the midst of using stimulus dollars made available through the American Recovery Act. If we do not use the stimulus dollars correctly, we will lose out on the second round when it comes to applying for more. We strongly encourage doing a significant study and doing it right.

SENATOR CEGAVSKE:

If A.C.R. 2 passes, would you be opposed to looking at the largest district in our State and restructuring it into smaller districts in Clark County?

SENATOR LEE:

The State Board of Education voted for by the people of Nevada, correct? Who is the Superintendent of Public Instruction?

GLORIA DOPF (Deputy Superintendent for Instructional, Research and Evaluative Services, Nevada Department of Education):

Dr. Keith Rheault is the Superintendent of Public Instruction and he is my boss. He is appointed by the State Board of Education by statute.

SENATOR LEE:

I would like to know about the Nevada Public Education Foundation.

MS. HALDEMAN:

The Nevada Public Education Foundation is a statewide organization. It is a foundation that works to implement programs statewide and raise money. It has a director and a board. You may be confusing it with the Clark County Public

Education Foundation that works in tandem with the Clark County School District. It is local for only Clark County. The Nevada Public Education Foundation is a statewide organization.

Ms. DOPF:

The State Board of Education is the body that created the Nevada Public Education Foundation as a private nonprofit organization to help with fund-raising and target specific programs as an outgrowth of that effort. They have the ability to raise money on behalf of public foundations as authorized by the State Board of Education through bylaws that were created by the State Board. They have a structure whereby they operate based upon the revenue they receive through the various grants and other foundation efforts. The Ready for Life program is one of their primary initiatives under the Public Education Foundation. They have an executive director and structure funded by foundations and grants.

DR. DOTTY MERRILL (Executive Director, Nevada Association of School Boards):

I am here to express the full support of our 107 elected school board members across the State for A.C.R. 2. We believe this approach will provide an opportunity for a long-term examination of our Nevada system of K-12 public education. This approach allows for public input and open discussion involving all constituencies from the education community and Legislators working together to seek ways to improve our statewide governance process.

SENATOR CEGAVSKE:

Are the people you represent willing to come on board, be open to help and take criticism? During the Seventy-fourth Session, we did not get support, and people did things behind the scenes against restructuring. Reconstruction needs to be done with people who are open and aboveboard.

DR. MERRILL:

Human behavior being what it is I cannot give a rock-solid guarantee about each individual. However, on behalf of the Association, we want to be involved in the public discussion and the public process.

Ms. DOPF:

I am here on behalf of Dr. Rheault, the Superintendent of Public Instruction, who was called out of town and unable to testify today. He asked me to testify on behalf of the State Board of Education. The State Board of Education is in

support of A.C.R. 2 and is interested in a comprehensive analysis of the K-12 governance structure and looking at the duties of the various entities. They would like to come forth with a more cohesive, logical K-12 governance structure through the study for multiple reasons. Comparison of the charts in [Exhibit G](#) and [Exhibit H](#) with various boxes and entities shows how the governance structure has grown over the years and does not allow for a clear line of accountability and responsibility. If the State Board is responsible for promulgations of regulations for adequate yearly progress but cannot make decisions regarding standards or professional development, there is a pulling apart of a logical linkage of decision making from one point to the final point. That is what happens in the classroom. We receive calls from the public concerned about a particular action, let us say a standard. We must respond this is not ours or the State Board's. By the time they learn who is responsible, they have forgotten the question. It is an issue of transparency and accountability.

The State Superintendent is appointed by the State Board of Education through a national search and a process they put in place. The State Superintendent runs the Department of Education which is the operational arm of the Board policy. The State Board is concerned that most of the various commissions are staffed either by statute and/or are liaisons made up of Department staff, who are responsible for part of the commissions activities. As that increases, a limited number of staff are responsible for more and more, and/or the Superintendent or myself sit as liaisons to various commissions.

Without increasing staffing for the Department, we begin to be responsible for more staffing. Both the Superintendent and the State Board of Education strongly support A.C.R. 2 to create greater accountability, transparency, decision making and aligning responsibilities to look at the impact on staff.

SENATOR CEGAVSKE:

We have a broken system. An area of concern is how we license teachers and substitute teachers. The process of obtaining information and get it moving needs to be streamlined. I hope we do not lose teachers because of the process. Another concern is getting the System of Higher Education to work with us, change how we teach the teachers and offer courses that pertain to what students need to learn. We look forward to working with you and the Superintendent. I want a world-class education for Nevada, and A.C.R. 2 is the right process. What is the one thing you want to accomplish?

MS. DOPF:

My goal is a system where all efforts are aligned with the classroom in turning around student improvement. I would like to align the system with logic and link related decision making to improve the performance of our young people. I have spent my public career with the learner who struggles and requires extra help. We want to improve young students and reduce the gaps in their performances. Time has evolved since 1989, and we need a fresh look.

LONNIE SHIELDS (Assistant Executive Director, Nevada Association of School Administrators):

The Nevada Association of School Administrators is in strong support of A.C.R. 2.

JULIE WHITACRE (Director Government Relations, Nevada State Education Association):

The Nevada State Education Association is in very strong support of A.C.R. 2. It is one of the more significant pieces of legislation out there. K-12 governance is complex and deserves a thoughtful, dedicated study.

RANDY ROBISON (Nevada Association of School Superintendents):

The Nevada Association of School Superintendents is in support of A.C.R. 2. The Legislature is constitutionally and statutorily in charge of public education in Nevada. We think this study will be helpful because leadership and governance systems are a determining factor in improving student achievement.

I went on the Legislative Counsel Bureau's and the Research Library Website to look at education studies occurring over the last several years. From 1947 forward, there have been 20 studies related to education, but only one study, in 1979, was dedicated to the structure and functions of the State Board Department of Education. Now is the time to do this study.

SENATOR WIENER MOVED TO ADOPT A.C.R. 2.

SENATOR CEGAVSKE SECONDED THE MOTION.

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

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CHAIR WOODHOUSE:

We will go to the work session with Senate Concurrent Resolution (S.C.R.) 19.

SENATE CONCURRENT RESOLUTION 19: Directs the Legislative Commission to appoint a committee to conduct an interim study relating to the production and use of energy in the State. (BDR R-1235)

SENATOR CEGAVSKE MOVED TO AMEND AND ADOPT AS AMENDED S.C.R. 19.

SENATOR MATHEWS SECONDED THE MOTION.

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

CHAIR WOODHOUSE:

Senate Concurrent Resolution 19 is one of the Senate proposed interim studies. We have finished the work session, and will move on to Assembly Bill (A.B.) 294.

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

ASSEMBLYWOMAN MARILYN K. KIRKPATRICK (Assembly District No. 1):

Assembly Bill 294 is about group homes. During the Seventy-fourth Session, I worked on A.B. No. 463 of the 74th Session which allowed us to set regulations regarding group homes. We implemented safety precautions for people who live in group homes. We addressed the distance requirement and asked for a database. The bill passed out of the Assembly and the Senate; however, a lawsuit was filed the day after Session ended. The lawsuit took us to the U.S. Ninth Circuit Court. We lost. The reason we need this study is to discern the issues at hand and the best way to address them legislatively. We thought we were doing our best to protect the people who live in group homes. However, we were set back when we were overturned by the federal courts.

I have 40 group homes in my district. The most unfortunate one is on a cul-de-sac. The home had many emergency service calls. Because of the budget

crisis, we do not have the time or resources to respond to every call. We changed the law during the Seventy-fourth Session because we had a sex offender living in a group for mentally ill people in my district. It was not against the law. There was no supervision provided for this group home. Their medication logs were not up to date. The people were roaming the streets late at night. I went to the State and local government to address the issues and could not get assistance. After several calls and attempts to ensure the people were being supervised and not roaming the streets, the group home was closed as being a nuisance to the neighborhood and having unsafe living conditions. Ironically, now it is a boarding house that does not require any regulation. The same 10 people live there, plus 10 more. They all receive state and local funds.

A facility in southern Nevada has a sign saying room for rent for one week, \$150. Local government gives people a voucher, and they move in and out of the neighborhood. There is no security.

I am pleading for the safety of the people. This is my mother, your mother, my uncle, your nephew who could be living in these homes. Legislation could be drafted to ensure the safety of the people living in the homes is protected as well as the safety of the neighbors.

In one of my group homes, a patient came out of the home and went to the neighbor's house. Two children aged nine and ten were home alone. The patient walked into the home and proceeded to bake cookies. The patient went to the backyard, caught a chicken and chopped off its head, came back inside with the chicken and asked the children to help bury it. This is extreme. It is unfortunate for the person left home alone and for the children to endure the experience.

Our staff has spent many hours deciding how to write legislation without violating the Fair Housing Act. A piece of legislation recently passed the Assembly to go after the administrators. Administrators were selling their licenses, living in the Philippines, and collecting checks and allowing the homes to run on their own. Many California companies come to Nevada and open group homes and manage the homes by phone. At one point I found 600 of the same administrators running 2,000 group homes in Nevada. The courts say I cannot have a database unless I request a database within the multi-housing program. How it is that California, Arizona and Utah can do it, but our staff cannot? If we spent the time on a study rather than trying to solve the problem within a 120-day session, we would protect those living in group homes. I am

asking to delve into the issues, look at what other states are doing and how we can protect Nevadans better.

SENATOR WIENER MOVED TO DO PASS A.B. 294.

SENATOR MATHEWS SECONDED THE MOTION.

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

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CHAIR WOODHOUSE:

We will move on to A.B. 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 K. KIRKPATRICK:

As Chair of the Assembly Committee on Government Affairs, I have talked to local government about ways we can consolidate duplicated services. Currently, we are in a budget crunch on both the State and local level. In the Assembly Committee on Government Affairs, we contacted every agency from Carlin to Clark County and across the State to find out their issues and what they are working on. We have seen duplication of services provided within a small area. We asked the Legislative Counsel Bureau to collect data from local governments to determine if they can be more efficient in providing services to Nevada residents. Public Safety is at the top. Another bill passed giving local governments and the State the ability to transfer services and put regulations in place. That is a start. Some counties are close together and can share the same services. In Clark County, there were seven different housing authorities. A disservice was done to the residents of Clark County by not planning resources and spending our money wisely. When I began working with local government, they did not have the authority to consolidate services. If we demand local governments communicate with each other, we may find they can share services and do a better job. Basically, this is collecting data for the next Legislative Session to determine how to make improvements.

SENATOR HARDY:

How far reaching is this? What is included in local governments? We have one Water Authority, Convention and Business Authority and Airport Authority. Will they be required to participate and provide information?

ASSEMBLYWOMAN KIRKPATRICK:

I left the bill wide open. Between the Assembly and Senate we can decide what improvements are needed. I asked for the top three expenditures within each local government because we spend a lot on advertising contracts through quasigovernments.

SENATOR HARDY:

Have you left it broad enough for the Committee to decide how far reaching they need to be?

ASSEMBLYWOMAN KIRKPATRICK:

Correct. We need to address our immediate local governments. A better job could be done by having regional plans.

SENATOR WIENER:

Data gathering can be comprehensive, and yet some of this is an accounting feature. It will be two years before the data is reported back to the Legislature; we have not done this before. We may be able to act on some of the issues next Session if a first-draft response is done prior to the Session. I do not know how it would be accomplished. Timing is important to avoid missing a window of opportunity in the next Session because we are waiting to report to the next Session.

ASSEMBLYWOMAN KIRKPATRICK:

I do not disagree. During the Seventy-fourth Session, the same process was used with exemptions, abatements and redevelopment. I made a promise to Lorne Malkiewich that we would come out of the Committee, talk about what we wanted local government to give us and get the correct information. We were able to bring good public policy with changes made from the data by doing it the first time this Session.

SENATOR WIENER:

The scope of information gathered will be timely and relevant. We would not want to lose the opportunity to use it during the Seventy-sixth Session rather than waiting another two years.

ASSEMBLYWOMAN KIRKPATRICK:

We began making strides with local government talking to local government. Next Session, I think local government will talk to State government.

MARSHALL R. EMERSON (Assistant Washoe County Sheriff):

I am speaking on behalf of Washoe County Sheriff Mike Haley, who is attending the National Sheriffs' Institute and was unable to be here today. I have provided the members of the Committee with a detailed version of my testimony ([Exhibit I](#)). I am here to provide comment in support of A.B. 494. We are all painfully aware that local governments are faced with the need to provide an ever-increasing number of services to their constituents without increases in resources. Exacerbating the problem of how to deal effectively and efficiently with these additional service demands are increased internal requirements which serve to further reduce existing resources available to provide public services. As local, county and state budgets have tightened, the idea of consolidating, merging or sharing services such as law enforcement has become a focus of interest to our elected officials, policy makers and the public.

The word consolidation is a term for many similar but different concepts. Shared services is where two or more agencies combine certain functional units, such as emergency communications, Special Weapons and Tactics programs, dispatch or records. Local merger and consolidation is where two separate law enforcement agencies come together to form a single new agency. Regionalization is a number of jurisdictions combining to provide public safety to a geographical area rather than a jurisdictional one. Contract for service is a formal contract to pay for law enforcement services provided by one jurisdiction. Consolidation has been discussed since the 1950s as a result of our school districts doing so successfully. In law enforcement circles, rarely do the potential merits or demerits of this idea come completely to the surface and receive a full hearing. The study of regionalizing, consolidating, sharing or merging law enforcement functions is quickly rejected as radical, unsettling, disruptive or not feasible for many reasons. If they are discussed, the process is often delayed by the lack of motivation, economic pressure or sustained political

will. Our current economic condition alone would suggest we need to pursue this issue in order to find efficiencies in our government services.

We all know and appreciate the idea that losing any local control of law enforcement functions does not set well with some. Giving up some control of law enforcement functions for the good of many often seems tantamount to surrendering part of our own independence and identity to a distant governing body oblivious to our specific needs and demands. I believe, though, that failure to consider any changes for the good of the many is the equivalent of sticking our heads in the sand.

In some areas of the United States, there are an inordinate number of law enforcement agencies for the population they serve. In these areas, where a regional force makes the most economic sense, the intense political climate and the insular pride of the residents often does not allow for a serious discussion of the issue. We should not allow these pressures to distract us from our responsibility to provide balanced governmental services that consider all of our obligations for funding. Many would argue against efforts to study this issue. While these arguments may be self-serving and perhaps not in the best interest of a more effective law enforcement service, they are nonetheless a legitimate expression of fear of the unknown and the need to preserve the status quo. There are several reasons why we should at least continue our examination of the idea. First, we have already implemented the concept of consolidation in jails, radio communications, computer technology, and laboratories, and we have various combined task forces working effectively to combat crime.

The Reno City Council, Sparks City Council, Washoe County Commission and Washoe County School District in joint meetings starting at least as far back as May 12, 2008, have engaged in discussion, seeking additional opportunities to increase operational efficiencies and to reduce operating costs by systematically studying options for sharing in the providing of services. Such discussion items have included but are not limited to fuel strategies for fleet maintenance; interlocal shop maintenance; workforce distribution for parks and recreation; information technology and network connectivity; human resources; and risk management.

Regional police forces, theoretically, would have the resources to provide the region with better service in the areas of protecting citizens against criminal behaviors, provide better quality investigation of criminal acts, increase

response times, have adequate manpower to handle most emergency situations, coordinate our case work to the District Attorney and a host of other nontraditional services. Properly deployed, a regional law enforcement agency would provide our entire community with far more coordinated service and protection than they presently enjoy. In general, we can say with some certainty that we are living in a different world with different law enforcement challenges than we did 50 years ago. It is a world in which law enforcement has had to become more sophisticated, more diverse in services and technologically proficient in order to deliver those services. Will we consolidate? I do not know. I do know the tipping point for serious consolidation studies in most regions has occurred when two events present themselves. We are facing both a serious economic downturn and/or the risk of significant increases in taxes.

BILL AMES (Washoe County Sheriff's Deputies Association; Washoe County Sheriff's Supervisory Deputies Association):

The Washoe County Sheriff's Deputies Association and Washoe County Sheriff's Supervisory Deputies Association ask for your support of A.B. 494. I have been involved in three separate studies of consolidation of law enforcement. Assembly Bill 494 allows for an unbiased study of the services that cities and counties provide to the citizens in the regions. This will allow us to look at duplicated services, not just law enforcement, not just the fire departments, but the parks, public works and road services. A study of these services could identify areas of savings by consolidating these services at lower costs to the taxpayers.

DENNIS CARRY (Vice President, Washoe County Sheriff's Deputies Association):

I am here to give our support for A.B. 494 for several reasons. In these economic times, we are about to have police officers walking out the door because of layoffs. This is a time when police officers are losing their jobs and being taken off the streets. The possibility of law enforcement consolidation and other consolidated services could prevent that problem in the future allowing for regionalization of services. We are not taking a position on whether we want it or not, because it is not pertinent to this bill. Assembly Bill 494 addresses whether it should or should not happen in order to be fiscally responsible or for other reasons. We are supporting this study.

ROBERT J. JOINER (City of Sparks):

In the interest of time, I defer to my Assistant City Manager, Steve Driscoll.

STEVE DRISCOLL (Assistant City Manager, City of Sparks):

We are here in support of A.B. 494. Before the testimony in the Assembly, the elected officials of the City of Sparks asked me to distribute a study to all 63 members of the Legislature. This was delivered to your office several weeks ago, and I have additional copies today (Exhibit J, original is on file in the Research Library). Washoe County School District, Washoe County and the Cities of Reno and Sparks have been discussing efficiencies for well over a year and a half. We have been discussing consolidation on and off for two decades. This paper pulled together empirical studies that were contracted by Harvard, Atlanta and the State of Washington. In addition, the report has pros and cons concerning operational efficiencies for the City of Sparks. There are three pages that show the shared services of two or more agencies providing 60 different services for the Truckee Meadows in an attempt to be more efficient. We are willing to provide this information to Legislative Counsel Bureau for their study. At this point, those four elected bodies are active in the conversation and welcome providing information for this study as requested by the Legislature.

SENATOR MATHEWS:

You mentioned elected bodies. Is the airport police included in that?

MR. DRISCOLL:

Four entities have been in joint meetings and have opened it up to any governmental or quasigovernmental agency. The Regional Transportation Commission and the Transportation Authority and the Reno-Sparks Convention and Visitors Authority are participating in the shared services discussions today. The Reno-Tahoe Airport has stated they would like to participate; they have not been able to attend the large meetings but have been kept abreast with the committee work that is being done at the staff level. From our standpoint, any governmental agency that is in Washoe County and Truckee Meadows is going to participate.

LISA A. GIANOLI (Washoe County):

We support A.B. 494. As the previous testifiers stated, we have been working together looking at shared services over the last year and a half. The City of Reno could not be here today and asked that I testify to their support of A.B. 494.

JOHN P. SANDE IV (Reno-Sparks Convention and Visitors Authority; Reno-Tahoe Airport Authority):

Assemblywoman Kirkpatrick testified in the Assembly that organizations such as Reno-Sparks Convention and Visitors Authority and Reno-Tahoe Airport Authority were not intended to be included in the study. I want to be certain the Committee felt the same way and that it was clear. We have been in communication with the regional authorities and want to participate as much as we can; however, mandatory studies such as this would take away from our staffing resources and would not provide what we are looking for in the end. When you are talking about consolidation, it involves three things. One is multigovernment agencies in a same region providing similar services. In our case, there are no governmental agencies providing similar services that the Convention and Visitors Authority does. They are solely involved in generating tourism and bringing it to the region. There is not another governmental entity engaged in that service. We do not think our top three expenditures would mesh up to what the counties and cities are looking for. The Airport Authority is trying to increase air traffic and increase daily trips to the airport and encourage tourism. There is no governmental entity providing these services, and we do not want to engage in taking man-hours away to prepare the documentation for this study. We would respectfully request to be exempt from this study.

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CHAIR WOODHOUSE:

We will close the hearing on A.B. 494. Seeing no further testifiers, the meeting is adjourned at 4:06 p.m.

RESPECTFULLY SUBMITTED:

Karen Johansen,
Committee Secretary

APPROVED BY:

Senator Joyce Woodhouse, Chair

DATE: _____