

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

**Seventy-fifth Session
March 31, 2009**

The Senate Committee on Legislative Operations and Elections was called to order by Chair Joyce Woodhouse at 1:53 p.m. on Tuesday, March 31, 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 Maurice E. Washington, Washoe County Senatorial District No. 2

STAFF MEMBERS PRESENT:

Brenda Erdoes, Legislative Counsel
Pepper Sturm, Committee Policy Analyst
Karen Johansen, Committee Secretary

OTHERS PRESENT:

John Wagner, Independent American Party
David Schumann, Nevada Committee for Full Statehood
Lynn Chapman, Nevada Families
Janine Hansen, Nevada Eagle Forum

CHAIR WOODHOUSE:

We will begin with 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 MAURICE E. WASHINGTON (Washoe County Senatorial District No. 2):
Senate Joint Resolution 10 deals with term limits added to the Nevada Constitution in 1996. Term limits are a legal restriction placed on elected officials. There are different types of term limits. Some restrict the number of terms a person can serve and some restrict the number of consecutive terms that can be served. Term limits affect both parties and all political philosophies.

My purpose today is to provide you with information as to why term limits should be repealed. I received a call from the Majority Leader of the United States Senate, Nevada Senator Harry Reid, and he said, "I support the repeal of term limits ... they do a great disservice to the State. I have always opposed term limits." Some arguments for term limits are: they prevent incumbents from remaining in power indefinitely; term limits make room for fresh candidates and encourage participation; they stop politicians from making choices solely to prolong their careers; and term limits reduce the advantage gained due to a representative's seniority. I would like to give some arguments for the repeal of term limits. John Dewey said that in a democracy only the informed citizens who are willing to participate can sustain democracy. Americans, in the last several years, have decided that term limits can do the job for them.

Senate Joint Resolution 10 will not affect Legislators whose terms will expire in 2010, including myself. Because this is a Senate joint resolution, it must go through this legislative body twice. It will be four years before it can be placed on the ballot and a total of six years before the Constitution could be amended. The main argument against term limits is people should be able to vote for who they want. Ten reasons why the Nevada Constitution should be amended to remove term limits on members of the Senate and Assembly are in ([Exhibit C](#)). I have also provided a fact sheet ([Exhibit D](#)) for the Committee that shows the effects of term limits on the current members of the Nevada Senate and Assembly. Term limits for state and local officers, including legislators, were approved by Nevada voters in the 1994 and 1996 general elections following a successful initiative petition effort to amend the Constitution. With term limits no person may be elected or appointed as a Senator or a member of the

Assembly " ... who has served in that Office, or at the expiration of his current term if he is so serving will have served, 12 years or more, from any district of this State." Term limits were first applied to Legislators elected in 1998. The ballot box is an effective means of controlling term limits. I encourage the Committee to pass S.J.R. 10 so voters can have a second look at the cause and effects of term limits in Nevada.

SENATOR WIENER:

Do you know how many states have term limits, and how many states have made an effort to repeal term limits?

SENATOR WASHINGTON:

California was the first state to enact term limits. There was an effort to place term limits on current congressmen, and there was a Western region effort for term limits. Nevada, Hawaii, Idaho and several other states were caught in that effort. Of the states that enacted term limits, Nevada and California are the only Western states to still have them as a constitutional amendment.

JOHN WAGNER (Independent American Party):

The party has not taken a formal stand. I think term limits are good. People voted for term limits, and now you are implying they were wrong. When the country was founded, the Legislature was not meant to be permanent. At that time, Senators were appointed by the states. Now they are elected because of amendments to the U.S. Constitution. We have all heard about gerrymandering the districts. Every ten years people scrutinize party registration and carve out new districts. Getting rid of a particular Senator or Assemblyperson may be impossible because of gerrymandering. Madam Chair, this is your first term, second session, and you are a Committee Chair. Do you think you are not qualified to be a Committee Chair? I do not feel that way, and this only your second session. How long does it take to gain experience? Sometimes there is too much experience. A relatively new member of the Legislature may be more responsive to the people. I think people knew what they were doing in the 1994 and 1996 general elections.

CHAIR WOODHOUSE:

Seeing no further testifiers, we will close the hearing on S.J.R. 10 and move on to 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 JOYCE WOODHOUSE (Clark County Senatorial District No. 5):

I have distributed a handout ([Exhibit E](#)) regarding S.J.R. 6. This resolution seeks to amend section 2 of Article 4 of the Nevada Constitution by allowing for annual sessions of the Nevada Legislature. Our 120-day regular session in odd-numbered years would remain the same. A regular session of 30 calendar days would occur in even-numbered years. During the short 30-day session, the Legislature would be limited to the consideration of budgetary matters, including without limitation, legislation relating to budgets, appropriations and revenue. Senate Joint Resolution 6 also seeks to amend section 33 of Article 4 of the Nevada Constitution by allowing the members of the Legislature to receive compensation for 15 days out of regular sessions held in the even-numbered years. I have provided a handout ([Exhibit F](#)) on the history of legislative sessions in Nevada. I have also provided a handout ([Exhibit G](#)) summarizing the resolutions heard by the Legislature in the past regarding annual sessions.

The overwhelming majority of states have annual sessions. The Nevada Legislature is one of five legislatures that meet biennially. Of the 45 states with annual sessions, six have sessions of limited scope—where one year of the biennium is limited to consideration of specific types of legislation. These states include Connecticut, Louisiana, Maine, New Mexico North Carolina and Wyoming. I have provided a spread sheet ([Exhibit H](#)) that highlights in yellow those states that the National Conference of State Legislatures (NCSL) considers to be citizen legislatures like Nevada. With the exception of North Carolina, the states with limited annual sessions have small populations. Three of these states enact two 12-month budgets during the primary session as we do in Nevada. They address budgetary adjustments and fiscal matters in the limited session. Senate Joint Resolution 6 proposes a similar legislative system and strikes the right balance between effective government and big government. With the passage of S.J.R. 6, our Legislature will be more responsive and accountable to Nevadans while at the same time maintaining a citizen legislature and providing for limitations on the overgrowth of government. Annual sessions, limited in scope to address budgetary and fiscal matters, will provide our State with increased financial stability in a complex and rapidly changing global economy. Our State cannot adequately address rapidly changing conditions and a complex budget by meeting every other year.

In the past ten years alone, our general revenue fund has more than doubled. At the same time, our responsibilities as Legislators have increased significantly.

By instituting the limited annual sessions, we will reduce the need for special sessions. Since the Legislature was limited to 120 days, we have been called into special session every year. I have provided a handout ([Exhibit I](#)) with a table outlining these sessions and their costs to the State. The continuity of set, short and limited annual sessions will be less burdensome than multiple and spontaneous special sessions of unknown duration. I believe our legislative system will improve in a variety of ways, page 6-7, [Exhibit E](#).

It is time for the Nevada Legislature to join the majority of states and meet our responsibilities to our constituents on an annual basis. Senate Joint Resolution 6 sets forth a system that will allow us to do so effectively and efficiently, while maintaining our citizen legislature. I urge your support of S.J.R. 6.

SENATOR MATHEWS:

Why did you choose 30 days as opposed to 60 days?

CHAIR WOODHOUSE:

I submitted a bill draft request for 60 days. After the economic downturn, I thought it would be financially difficult and amended it to 30 days. I am still open to 60 days.

SENATOR MATHEWS:

How did you conclude that the Interim Finance Committee (IFC) and the Legislative Commission, [Exhibit E](#), would be reduced?

CHAIR WOODHOUSE:

I thought it might alleviate the number of mini meetings and reduce some of the need for the IFC.

SENATOR MATHEWS:

Texas has a much larger population than Nevada, but their Legislature is similar.

CHAIR WOODHOUSE:

Page 3 of [Exhibit E](#) describes how Texas uses standing committees that can be called into session to deal with specific issues.

SENATOR MATHEWS:

I thought that is why we have standing committees.

CHAIR WOODHOUSE:

We have interim statutory committees, but they cannot pass bills. If we were in a 30-day session dealing with budgetary and fiscal matters, the Legislature could process bills.

SENATOR CEGAVSKE:

Finance is a large and complex issue. I am not sure 30 days is enough time to get the work done. I am opposed to going into a 30-day session and getting paid for 15 days. We work long, hard hours and should get paid for the days we serve. Legislative sessions incur a lot of cost, and I think we need more than 30 days to justify the cost and get our work done. This is an opportunity to educate our constituents and ask them if they are willing to pay Legislators for every day we work.

CHAIR WOODHOUSE:

My preference is for 60 days. I stipulated pay for half of the time we serve because of the economic crisis. I am open to amendments on both issues. I think the IFC and the Legislative Commission are important and still need to be in place.

SENATOR WIENER:

The function of the Legislature has become greater because regulations processed from agencies are more complicated and heavier. I do not think the business of the State can be accomplished once a year. Some states have a 45-day interim session and allow bill drafts.

DAVID SCHUMANN (Nevada Committee for Full Statehood):

We are in opposition to S.J.R. 6. The track record of annual sessions is not good. California has annual sessions and has run their state in to a \$48 billion deficit. There is no evidence that an annual session generates better government.

LYNN CHAPMAN (Nevada Families):

We are opposed to S.J.R. 6. It is difficult for Legislators as working citizens to leave their jobs for the biennial 120-day session, and it would be more difficult for annual sessions. Texas has a 60-day legislative session every other year and

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can meet during off years, but their population is 24 million. I do not see a need for annual sessions.

JANINE HANSEN (Nevada Eagle Forum):

I think having a deadline for the biennial 120-day session is helpful in getting the work done. I do not object to having special sessions; the work is accomplished in a day or two. I object to having sessions every year. It reduces the ability of citizens who do not have independent means to serve on the Legislature. Legislators should be paid for every day they work and nothing less. Reducing the number of bills processed would help with the workload. Having a limited 120-day session helps prioritize the work and get it done.

SENATOR WIENER:

Seeing no further testifiers, we will close the hearing on S.J.R. 6.

CHAIR WOODHOUSE:

The meeting is adjourned at 2:48 p.m.

RESPECTFULLY SUBMITTED:

Karen Johansen,
Committee Secretary

APPROVED BY:

Senator Joyce Woodhouse, Chair

DATE: _____