

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON LEGISLATIVE OPERATIONS AND ELECTIONS**

**Seventy-Sixth Session
June 2, 2011**

The Committee on Legislative Operations and Elections was called to order by Chair Tick Segerblom at 5:39 p.m. on Thursday, June 2, 2011, in Room 4100 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)) and the Attendance Roster ([Exhibit B](#)) are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/76th2011/committees/. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblyman Tick Segerblom, Chair
Assemblywoman Lucy Flores, Vice Chair
Assemblyman Marcus Conklin
Assemblyman Richard (Skip) Daly
Assemblyman Pete Goicoechea
Assemblyman Tom Grady
Assemblyman Crescent Hardy
Assemblyman Pat Hickey
Assemblyman William C. Horne
Assemblywoman Marilyn K. Kirkpatrick
Assemblyman Richard McArthur
Assemblyman John Ocegüera
Assemblyman James Ohrenschall
Assemblywoman Debbie Smith
Assemblyman Lynn D. Stewart

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

None

STAFF MEMBERS PRESENT:

Lorne Malkiewich, Director
Donald O. Williams, Research Director
Patrick Guinan, Committee Policy Analyst
Terry Horgan, Committee Secretary
Michael Smith, Committee Assistant

OTHERS PRESENT:

None

Chair Segerblom:

[Roll was taken.] We are going to have a work session on the four bills we just heard in the Joint Committee meeting. Let us consider Assembly Bill 575.

[Assembly Bill 575](#): Makes various changes relating to the Legislature and the Legislative Counsel Bureau. (BDR 17-233)

Chair Segerblom:

Are there any questions or concerns about this bill? [There was no response.]

ASSEMBLYWOMAN KIRKPATRICK MOVED TO DO PASS
ASSEMBLY BILL 575.

ASSEMBLYMAN HORNE SECONDED THE MOTION.

Is there any discussion on the motion? [There was no response.]

THE MOTION PASSED UNANIMOUSLY.

Next is Assembly Bill 576.

Assembly Bill 576: Revises provisions relating to the Legislative Department of the State Government. (BDR 17-53)

Patrick Guinan, Committee Policy Analyst:

I want to note that there is a proposed amendment coming from the Chief Clerk of the Assembly's office to change the time in section 41 on page 7 from "12 p.m." to "the appropriate time for the Assembly to convene" on that day. So the motion would be to amend and do pass on this bill.

ASSEMBLYMAN HARDY MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 576.

ASSEMBLYWOMAN SMITH SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Segerblom:

That brings up Assembly Bill 577.

Assembly Bill 577: Makes various changes concerning bill draft requests. (BDR 17-943)

ASSEMBLYMAN HICKEY MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 577.

Assemblyman Ohrenschall:

While I like A.B. 577, the section having to do with picking up someone else's bill drafts counting against someone's bill drafts bothers me. I know we are limited to a 120-day session every two years.

Chair Segerblom:

Do you want an exception for someone resigning after he is elected?

Assemblyman Ohrenschall:

Yes, or if that individual passes away, or something else happens. Newly elected legislators do not have many bills to work with.

Chair Segerblom:

You do not have any support for that motion.

Assemblyman Ohrenschall:

Even though we have a limited 120-day session, we want more dialogue about the issues. We want more bills; not fewer bills.

Assemblywoman Kirkpatrick:

May I comment? I do not agree with my colleague Mr. Ohrenschall. We tend to have a lot of bills we waste time on. For instance, there may be five of one particular bill everyone picks up because they all want their names on that bill. Assemblywoman Smith and Senator Rhoads did a great job working together on their bill, and we should do more of that. So I do not support Mr. Ohrenschall.

Assemblyman Horne:

If you recall, Mr. Ohrenschall, you were a bit overwhelmed with the number of bills you had during your freshman session. As freshmen, there is often a learning curve, and they should not be burdened with 15 or 16 bills because you are doing someone a favor by carrying their legislation. We want to foster a learning environment for our freshmen by giving them a load they can handle while learning this difficult process in 120 days.

Assemblywoman Smith:

I hoped I would have support to include something in this bill about termed-out legislators not being able to submit bill drafts. The Director said language to that effect could be drafted and tied to the filing date, or something like that.

Lorne Malkiewich, Director, Legislative Counsel Bureau:

That is what I would suggest we do with the lame-duck statute we do not use now. The lame duck statute says that if, as of the filing deadline, you have not filed for election to either the Senate or to the Assembly, from that day forward you cannot request a bill draft. You can use that as the trigger—someone who chooses not to run for reelection or someone who cannot run because he is termed out and does not want to go to the other house. As of the date of the close of filing, we would know whether or not that person has a chance of being in the Legislature again.

At that point, you have two policy decisions: one, that individual cannot request any bills after that date; or, two, that the individual cannot request bills at all. Considering that there is a limitation on picking up bills, I do not think you need that second option. You could just say that from that day forward, the individual cannot request bills.

Assemblywoman Kirkpatrick:

I support Mrs. Smith. However, this session, people knew they were not running or were term-limited out, and the Legislative Counsel Bureau (LCB) was inundated with about 50 bill draft requests. If they cannot pick those bill drafts up, why would we allow them to be submitted and have LCB start working on them? Would they just sit somewhere?

Lorne Malkiewich:

I think this provision in this bill will take care of it. If someone is going to pick that bill draft up, it will count against that person's quota, so it is not going to add to the total number of bills. If you are a termed-out legislator, or you do not run for reelection, and you had a brilliant idea and submitted it in February and the Legal Division of LCB started working on it, someone else might want to pick it up and give credit to that legislator who started the bill. If someone does pick that bill up, it counts against that individual's quota; otherwise, if no one picks it up, it does not get completed.

Assemblywoman Kirkpatrick:

How would the Legal Division know whether someone is going to pick those bills up and if they should start working on them? I worry that we are making our staff do a ridiculous amount of work when so many bills do not even get heard.

Lorne Malkiewich:

I believe I can speak for the Legal Division on this. Legal does not start working on bills requested by someone not coming back unless someone else indicates he is going to pick those bills up. If you combine the two concepts—that a lame duck cannot request bills after that filing date, and a person can pick up bills only if it counts against his quota—you avoid the problem of someone who is termed out or not coming back adding bills to the total. I do not think it would happen.

Assemblywoman Smith:

For me, I am not sure this goes far enough; however, with fewer people being termed out this time, we could see how it works. The next body could look at it again. I guess it is a good start.

Chair Segerblom:

So if a legislator has not filed for reelection by the filing date, then it is gone.

Assemblywoman Smith:

Then you cannot submit any more bill draft requests.

Chair Segerblom:

I will take a motion to amend and do pass.

ASSEMBLYWOMAN SMITH MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 577.

ASSEMBLYMAN HORNE SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN OHRENSCHALL VOTED
NO.)

We will move on to Assembly Bill 578. Are there any comments or is there any discussion?

Assembly Bill 578: Revises the interim committee structure of the Legislature.
(BDR 17-942)

Assemblyman Goicoechea:

We are moving along fairly quickly, and I need a little more time to absorb some of this. I am concerned. Clearly, we are going to limit the number of members on a limited number of committees. This is a citizen legislature, and we need to engage as many people as we can. I would like to look at this a little more. If I vote no, I want the right to change my vote on the floor, but I am concerned about this. I know money is short and we are going to compress it, but every one of us has a day job and we need to engage as many people as we can in the decisions of this state.

Chair Segerblom:

Your concern is that we are reducing the number of committees?

Assemblyman Goicoechea:

I know there are more members, but there will be fewer committees. We could end up with a select few serving on more committees and not really engaging the whole body. I am concerned about that.

Chair Segerblom:

Are there any other questions or comments?

Patrick Guinan:

I want to remind the Committee that there is a drafting error in section 63 regarding the Tahoe Regional Planning Agency, so the motion has to be to amend and do pass.

Assemblyman Stewart:

I am concerned about the possibility that only one Assemblyman out of the five Assembly members of an interim committee would be in the minority. I have been on some of these interim committees. I will make a motion, but there is no one to second it.

Assemblyman Hickey:

I share some of the same concerns as our Minority Leader has. I am not going to vote for this bill in Committee, but will reserve the right to change my vote on the floor.

Assemblywoman Kirkpatrick:

I believe having people on these committees with some knowledge of the topics will bring a lot more discussion to the process. It is frustrating. There were people who wanted to be on one interim committee who did not even know the definition of a group home. That was not helpful, because we spent more time trying to bring them up to speed.

I think this is a better direction to go in, but I hope that the legislative intent is to ensure that everyone gets a committee and everyone participates. As term limits come, people need experience going forward. I will support it and make the motion, but the legislative intent is that everyone participates in the process.

Chair Segerblom:

This is modeled after Texas, where committees meet year-round so people are familiar with the topics. When the session starts, things have already been worked on.

Assemblyman Goicoechea:

I agree with my colleague that we need good people on committees, but new people need to be brought along or you will never have good people.

Assemblyman Ocegueda:

We set up regular session committees; could similar language be used for the interim committees? The Minority Leader has a good point. I do not think this legislation was intended to limit interim committees to one minority member, but I can see why it could be read to say only one member would need to be from the minority party. Out of the eight, the membership could be five majority members and three minority members. We would not be open to four and four, but is there language concerning how committee members are appointed now? For instance, membership on this Committee includes a percentage of members from the majority party and a percentage of members from the minority party. I do not think we would have a problem with that.

Lorne Malkiewich, Director, Legislative Counsel Bureau:

What we are saying right now is that at least one in each of the four groups would be a minority—the regular committee member and the alternates from each house. In the case of the Senate, it will be a fixed number because there are some five-member committees to draw from, so there would be two members and one alternate from the majority party and one member and one alternate from the minority party. All five members of the committee would be involved if you are going to do it that way.

You could say that of the eight members on the interim committee, three members need to be from the minority party. That way if you did appoint four members of the majority party and one member of the minority party from the Assembly, the Senate would have to appoint two members of the minority party and one member of the majority party. It would require some coordination between the Majority Leader of the Senate and the Speaker of the Assembly. That would be one way to do it, if you were to say five and three.

Again, this is a policy question. There is a limited amount of flexibility with eight members. Do you want to say there will be five majority-party members and three minority-party members? Right now, it will be either five and three or six and two. I do not see any other options.

Assemblyman Oceguera:

The five/three option does not necessarily limit it to always having the two minority-party members coming from the Senate. We could communicate and say that on one committee there would be two minority-party members from the Assembly and one from the Senate; on the next committee it could be two minority-party members from the Senate and one from the Assembly. I think we could work that out.

Lorne Malkiewich:

If the Assembly was three/two, the Senate would be two/one. In the instance Mr. Stewart was talking about, if the Assembly was four/one; the Senate would have to be two/one the other way to get to the five/three configuration. If you put in the statute that all the committees need to be five members from the majority party and three members from the minority party, then the two houses would have to coordinate.

Assemblyman Conklin:

Sometimes we put too many things in statute, and this may be one of those times. From my perspective, and you can go back to when the Senate was held by the Republican Caucus, these things have always worked out. We sat down and decided who wanted what and which committees the two houses

wanted to chair. It works itself out. If you make this language too tight, what will happen is you will create circumstances in which it is nearly impossible to fill a committee and get work accomplished that we might all agree we want to get done.

On the one hand, we want the structure we are going to have, but we need to leave it flexible enough that we can still work together. Not everything is as partisan as it appears. It is no different than appointing committees this session.

Assemblyman Daly:

We need to be careful how we do this; it has to be able to work. Did you say each committee had to have five members from the Assembly and three members from the Senate? So the Assembly does not outnumber the Senate, it has to be a majority from each side. Is this language in the bill?

Lorne Malkiewich:

Yes, the dual-majority requirement is in the bill to address the five/three and to make certain each house passes on the issue of proposed legislation. Concerning other issues, it would just be a majority vote of the committee.

A point was raised a minute ago—the issue of people being knowledgeable about a subject versus people developing that knowledge. The statute says that at least a majority of a committee's members need to be from the committees from which that interim committee was created. That does allow you to say that you would have someone new on that committee next time and want that individual to get to know it. You could have the five Assembly members include four members who were on that committee last time and one person getting to know the subject. So there is that flexibility. It says that the majority of the members must have served in the corresponding standing committee during the preceding regular session.

Chair Segerblom:

Unless Speaker Ocegüera has some amendment language to suggest, maybe we should push this bill down the road and keep working on how to do it.

Assemblyman Ocegüera:

I think it is a reasonable suggestion that we do a five/three combination somehow. If we could come up with that language, we could do a conceptual amendment to that. I would be fine with that.

Lorne Malkiewich:

We would leave in the provision that says you have at least one member of each caucus, both as regulars and as alternates—so there would at least be one member of the minority included on each interim committee. You could add to it a requirement that overall it be five and three.

Referring to the issue Mr. Conklin raised, I know there can be problems with interim studies. We send out a survey asking who wants to serve, and sometimes no one volunteers. Perhaps a middle ground would be to say that the overall makeup would be eight with three members being from the minority party if practicable, just in case there is one committee that has to be six/two because of various circumstances.

Chair Segerblom:

Depending upon what the split is, there could be situations in which the majority is so large that there might not be enough committees for everyone to serve on at least one.

Lorne Malkiewich:

Theoretically, yes, considering the statute would apply not only to this session. It would apply in sessions when the partisan split might be different. Perhaps it could say at least one member of the minority party would serve as a regular and one member of the minority party as an alternate, with an overall composition of five to three if practicable.

Chair Segerblom:

We could make a motion with that conceptual amendment, and see if it works through the Legislature.

ASSEMBLYMAN OCEGUERA MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 578.

ASSEMBLYMAN CONKLIN SECONDED THE MOTION.

Assemblyman Stewart:

Could we use language stating "if no one applied to serve"? What does "if practicable" mean? I am a little concerned about that. Or maybe we could use language stating "if three members of the minority party do not apply."

Assemblyman Goicoechea:

Call for the vote, and if someone is going to vote against, we can kick it down the road and start working on it.

Chair Segerblom:

Yes, we can keep working on it. We will vote by raising hands, because there is going to be some dissension.

THE MOTION PASSED. (ASSEMBLYMEN GOICOECHEA, GRADY,
HARDY, HICKEY, MCARTHUR, AND STEWART VOTED NO.)

Is there any public comment? [There was no answer.] The meeting is adjourned [at 6:02 p.m.].

RESPECTFULLY SUBMITTED:

Terry Horgan
Committee Secretary

APPROVED BY:

Assemblyman Tick Segerblom, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Legislative Operations and Elections

Date: June 2, 2011

Time of Meeting: 5:39 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster