

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

**Seventy-Sixth Session
March 17, 2011**

The Committee on Legislative Operations and Elections was called to order by Chair Tick Segerblom at 1:36 p.m. on Thursday, March 17, 2011, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. In addition, the meeting was teleconferenced to Karl Kurtz in Denver, Colorado and Thom Little in Greensboro, North Carolina. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/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 Richard (Skip) Daly
Assemblyman Pete Goicoechea
Assemblyman Tom Grady
Assemblyman Crescent Hardy
Assemblyman Pat Hickey
Assemblyman William C. Horne
Assemblyman Richard McArthur
Assemblyman John Ocegura
Assemblyman James Ohrenschall
Assemblywoman Debbie Smith
Assemblyman Lynn D. Stewart

COMMITTEE MEMBERS ABSENT:

Assemblyman Marcus Conklin (excused)
Assemblywoman Marilyn K. Kirkpatrick (excused)

GUEST LEGISLATORS PRESENT:

None

STAFF MEMBERS PRESENT:

Patrick Guinan, Committee Policy Analyst
Terry Horgan, Committee Secretary
Michael Smith, Committee Assistant

OTHERS PRESENT:

Karl Kurtz, Director, Trust for Representative Democracy, National
Conference of State Legislatures, Denver, Colorado
Thom Little, Director, Curriculum Development and Research, State
Legislative Leaders Foundation, Greensboro, North Carolina
Richard Perkins, Private Citizen, Henderson, Nevada

Chair Segerblom:

[Roll was taken.] Good afternoon. Today we are hearing Assembly Bill 260.
Two individuals will be testifying today by telephone.

Assembly Bill 260: Requires newly elected Legislators to attend training before
the beginning of their first legislative session. (BDR 17-29)

Assemblyman John Ocegüera, Clark County Assembly District No. 16:

I am here today to present A.B. 260, which concerns training for new legislators (Exhibit C). As we all know, the voters of Nevada passed term limits, so legislators are not able to serve more than 12 years. The passage of term limits also caused an increase in the number of new legislators. During this last interim, I asked that all the new legislators get more training than they have in the past. Previous training for new legislators has been haphazard and, at times, if there were only one or two new legislators, they did not receive any training. With so many new legislators and with term limits in effect, I think it is time we mandate some training before session starts.

Thus far, the reports I have received from legislators about the training have been positive. They found the training to be very valuable and a big help, and it has assisted legislators in being able to hit the ground running. Quite frankly, that is what we wanted to do this session. We knew we had a number of new legislators, so we had a number of training sessions.

Phase 1 was orientation to the Legislature and to laptop computers as well as ethics, safety, and issue briefings. We brought the new legislators back for a couple of days and discussed education, health and human services, transportation, reapportionment and redistricting, energy and economics, public employees' benefits and retirements, retirement, collective bargaining, and mining.

Phase 2 training included a three-day academy during which we discussed public policy and policymaking, the Legislature as an institution, how a bill becomes a law, and sponsoring legislation. We held a mock committee hearing. We discussed how to negotiate and build consensus. We also discussed the budget process, how the budget works, and working with lobbyists and the media. We brought in the spouses, which I thought was very important, and let them talk to veteran legislators and their spouses about what life is like here.

We had a phase 3 training during which we talked about ethics and bill books, harassment, our new Nevada Electronic Legislative Information System (NELIS), and we are going to continue that training mid-session. On or around April 1, we are going to have training on bills passing from one house to the other and how that works. We are going to talk about the deadlines and about how we work on bills in the second house.

At the end of the session, we are going to have one more training during which we will review the conference committee setup, how we work with the Executive Branch, what happens when a bill is vetoed, and what will happen in the interim.

We have already put this in place, but in the future, this should be something we always do. That is why I am bringing forth this legislation. A number of states have done this. California has something they call CAPITOL (California Assembly Program for Innovative Training and Orientation for the Legislature), which is almost like a university for legislators in which the legislators are put through an intensive training. Ohio, Missouri, Florida, and Colorado all train legislators pre-session.

We have found some studies that say legislative sessions become less respectful when there is such a turnover of legislators, because there is not a lot of institutional knowledge and people bicker and quarrel. So getting people together early and developing the camaraderie that results from training and working together beforehand is important too. Civility and decorum are important parts of this Legislature.

Term limits are here to stay, so we want a legislator who walks in the door to be ready to go on the first day, and we think this training would do that. The bill would require that the Majority Leader in the Senate and the Speaker in the Assembly decide what the training would be, but it would have to be on budgetary items, relevant policy discussions, and any other matter that they deemed important.

The training schedule would be available 90 days prior to the legislative session, so everyone would have ample time to know when they had to be here and what they would have to do. Because some people did not show up, I think there also has to be a penalty for not showing up. I think it is important that everyone be on the same page. The penalty would be a day's pay. If you do not show up, you lose a day's pay during the legislative session. That penalty, hopefully, will make people show up. There is also an appeal section in the bill, so if there was some reason you did not attend, you could appeal the penalty.

I think mandatory training recognizes the loss of institutional knowledge each session because of term limits. It will help train legislators to be ready to do the work of the people on day one of each legislative session, and it will empower new legislators to have an impact on the process from the very beginning.

Chair Segerblom:

Are there any questions?

Assemblyman Goicoechea:

You said the majority leaders in both houses would set the agenda, but it might help if you included the minority leaders who would bring their caucuses so they also would know what is going on.

Assemblyman Ocegura:

I am open to minority leadership participation in setting the agenda and to putting it in the bill. That seems reasonable to me.

Assemblyman Hickey:

As someone who went through it, it was an excellent program. Speaking as an Assemblyman who served here in 1997, many things have changed, so it was extremely valuable and extremely well done.

We had about 20 or 25 new legislators. What happens if there are only a few new legislators next session? Will you try to condense the training? You brought in a number of speakers for this most recent training. I am sure it was costly, although I personally think it was worthwhile, but would there be

flexibility in structuring the training given the number of new members there might be?

Assemblyman Ocegüera:

Yes, I think there is flexibility built into this, so you could mold it to the class size and experience level. That is what we did this past time. We molded the training to what we thought we needed, so I think there is flexibility built in.

Assemblyman Hardy:

It has been discussed that this is one of the fastest-starting sessions anyone remembers. Using that as a measure of bang for the buck, do you believe our education got that bang for the buck the taxpayers are looking for?

Assemblyman Ocegüera:

I do. It was a conscious effort on my part, although I will not take all the credit because the leadership team I worked with knew we were going to struggle this session. We had some big issues on the table—a tough budget and redistricting—and we knew if we did not get everyone trained from the beginning, we would have a heck of a time. I think our training has borne fruit, because our members are up to speed and we are running pretty fast.

Assemblyman Grady:

My question concerns the penalty. I remember our first session several years ago. We had a member with medical problems who could not attend the training session. Who is going to make that decision? The Speaker only, or will there be a panel? How would that work?

Assemblyman Ocegüera:

In section 4, subsection 2 of the bill, it reads:

A Legislator may appeal a penalty imposed pursuant to subsection 1 to the Assembly or the Senate, as appropriate. The Assembly or Senate, or a committee appointed to hear the appeal, may affirm the penalty, reduce the amount of the penalty or excuse the penalty. Each House shall determine the procedure for such an appeal.

Basically, we judge our own members. The penalty is not that big a deal for me, but during this session's training, there was nothing I could do to make people attend besides telling them that the training was really important and would really help them. Some people decided their time was better spent doing something else. I think, in retrospect, probably some of those folks would tell us that it would have been good to attend the training. I was looking for a

stick; that would be the stick. Maybe a carrot would be better; I am not sure. I thought there needed to be some kind of penalty.

Assemblyman Grady:

I agree; there needs to be something. I have been on both sides during orientation, including participating on a training team. I think it is very necessary, and I commend you on the job you did this year. There is going to have to be some kind of penalty, but it must be fair and administered fairly.

Assemblywoman Flores:

Speaking as someone who is a freshman and went through the training, it was extremely helpful. I heard some other legislators, who were not freshmen, were jealous that they did not get the type of training we received. Although I had been on the other side during a session, as a legal extern, and had some knowledge about the process, it was still a really huge learning curve. So I just want to put on the record that it was extremely helpful, and I did not hear any negative comments whatsoever. It was a really great experience overall and a very well put together program.

Assemblyman Oceguera:

Our staff did a phenomenal job putting the training together. We gave them a broad outline, they ran with it as they always do, and my hat is off to them as well.

Assemblyman Goicoechea:

Would it also be possible to set a maximum number of days for this new legislator orientation? That way, when a person files to run for office, he would know and be committed to that 10, 15, or 20 days—whatever the maximum orientation length would be. When you file and win, you realize there will be an additional 10 days of orientation.

Assemblyman Oceguera:

Sure, I would be amenable to that amendment as well.

Assemblyman Stewart:

Would they get a per diem for attending and travel reimbursement?

Assemblyman Oceguera:

They do, just as though they were attending a legislative meeting in the interim. Anything afforded a legislator to attend an interim meeting would be afforded those attending the training.

Assemblyman Stewart:

Plus a salary?

Assemblyman Ocegüera:

It would be a salary for the day—\$80 or whatever that figure is—and the per diem and the travel expense reimbursement if you had to travel.

Assemblyman Stewart:

How many days did you train this time?

Assemblyman Ocegüera:

It ended up being approximately six days.

Assemblyman Stewart:

What was the total bill? Was it pretty insignificant compared to everything else?

Assemblyman Ocegüera:

I am sorry; I do not know the numbers on that.

Assemblyman Daly:

To follow up on what my colleague from Eureka was saying, it will be useful. I had a conflict and was unable to attend the first three days of training. I do not know if I would have been able to remedy the conflict because it all came up at the same time; however, the second half of training I did attend was useful and beneficial to me. What I missed during the first training I had to catch up on. Even though I had prior experience in this building, I did not know it all, that is for sure. I think this will put people on notice so at least they can plan for it and avoid conflicts.

Assemblyman Ohrenschall:

I have been very impressed with the freshmen this session, so I think the training has helped them quite a bit. When my mother was elected in 1994, it seems to me the freshmen were just thrown in and either sank or swam. You either had experience in the Legislature or you had to pick it up as quickly as you could. I think training people before the session begins is a much better scheme. When judges are elected, they go to judicial college and get training before they sit on the bench. So I think this is really appropriate and a good program.

Assemblyman Hardy:

As a freshman, some of the best education and training I received came from the outgoing members. Are you going to leave an alleyway so incumbents might attend? They could also help with the training as much as the others did.

Assemblyman Ocegüera:

It appears that the people who made presentations were paid. Either way, it is incumbent upon older members to impart their wisdom.

Chair Segerblom:

Seeing no further questions from the Committee, there is at least one person on the phone testifying on A.B. 260.

Karl Kurtz, Director, Trust for Representative Democracy, National Conference of State Legislatures, Denver, Colorado:

Thom Little from the State Legislative Leaders Foundation is on this teleconference as well.

Chair Segerblom:

Mr. Kurtz and Mr. Little are both on the phone. Could we have Mr. Kurtz speak first?

Karl Kurtz:

I am not before you today to either support or oppose Speaker Ocegüera's bill, but rather to give you some background and perspective on legislative new member training programs.

The first point I wanted to make is that we are not aware of any state that makes a general training for new members mandatory; however, there are 16 states that make ethics training for new members mandatory. That does not mean mandatory training for new legislators is a bad idea; it just has not been done in the past.

We did a study about five years ago of the impacts of term limits in state legislatures in which my colleague, Thom Little, who is also on the phone, was a participant. Something we looked at in particular was how legislatures have adapted to term limits. Professor Alan Rosenthal at the Eagleton Institute of Politics at Rutgers University wrote a chapter for a book about adaptation. His principal finding was that new member training is the best thing legislatures can do to try to address the problems of inexperience brought on by term limits. Professor Rosenthal found that virtually all the 15 states with term limits significantly ramped up their training for new members after term limits were

imposed. Speaker Ocegüera gave some examples of that in his testimony, and I will briefly expand on a couple of those.

In Colorado, they now do eight days of training spread over two months. They do a day and a half in early November immediately after the elections, three more days later in November, two days in December, and then a day and a half right before the session starts in January. In Missouri, they do a five-day new member training program, but they also take all new members on a two-week bus trip to various state institutions. Florida, another term-limited state, does four three-day sessions in the first few months after the election.

Professor Rosenthal focuses on what is probably the model legislative new member training program done by the Carl Vinson Institute at the University of Georgia. This has been going on for 30-plus years. They have a biennial institute that is held for three days at the University of Georgia campus in Athens and then an additional day at the Capitol in Atlanta. The remarkable thing about this program is that virtually all new members routinely attend and, in fact, 90 percent of the total membership—the returning members—also participate. The reason for that appears to be the very strong commitment by legislative leaders who attend this new member training. It is where everyone talks to the leaders before session starts, the leaders work on their committee appointments, and it is a terrific opportunity for networking and developing relationships.

Chair Segerblom:

Are there any questions for Mr. Kurtz? I do not see any questions, so could we have Mr. Little testify, please?

Thom Little, Director, Curriculum Development and Research, State Legislative Leaders Foundation, Greensboro, North Carolina:

I would like to thank the Committee for giving me this opportunity to talk to you for a moment. I have helped with orientations in several states in my capacity with the State Legislative Leaders Foundation. I am calling to offer my support for this legislation because I think it is critical, particularly in term-limited states, as Speaker Ocegüera and Karl Kurtz said, for the new members to be up and running as quickly as possible given the limited session length, as well as the limited number of terms that they can serve. Working with these training sessions, I have found that you need to view them as an investment—an investment to make the legislative session more effective and efficient.

Karl talked about Colorado and Florida, but the best example I can think of is Arkansas. Arkansas used to hold a one-afternoon orientation. Their legislators are limited to six years, and they hold biennial sessions. So those legislators are

in office for three two-year terms, and that is it. They expanded their orientation to one week and got much more effective legislators who are ready to go. They did some of the things Speaker Ocegüera spoke about, including mock sessions and mock committee hearings. One of the more interesting things they did was conduct training for new committee chairs. They waited until after the new committee chairs chaired their first committee meetings and discovered they did not know as much as they thought they did. It made that particular piece of the orientation that much more effective.

The training gives new members a head start, so when they hit the ground they understand the issues, the process, and how to get things done. That helps move the session along much more quickly and effectively. I have had the opportunity to help several states develop their training sessions and I have made presentations. It is good for me to see that these legislators are willing, able, and ready to hit the ground running when the session starts.

Chair Segerblom:

Are there any questions for Mr. Little? Seeing none, I thank you both for participating today. We really appreciate your comments.

Richard Perkins, Private Citizen, Henderson, Nevada:

Perhaps there should even be lobbyist training, so I would remember to sign in.

I am here in support of Assembly Bill 260. As you may recall, I served 14 years in this house, 6 years as its Speaker. By the end of my first session, I finally learned where the bathrooms were. By the end of my second session, I knew enough not to ask Research and Legal to tell me what my bills did the day before their hearings. During my third term, I had a pretty good grasp of the rules, but we added to the building, so I had a whole new set of restrooms to find. I also had Joe Dini and his 24 years of legislative service to guide me along the way.

Term limits have claimed years of institutional knowledge, and today, a new legislator will have a lot of great mentors, but as a former legislator and, more importantly, a constituent, I believe we cannot rely on chance to ensure new lawmakers are as effective as possible.

I recall one new legislator who got elected who did not know he had to move to Carson City. He said, "Just call me when there will be a vote and I will come up." I recall another who thought he had to come up only for opening day and the last day, and yet another who thought he could just abolish the Office of Governor.

As talented as you all are, no one on this Committee today is a professional legislator. You are attorneys, educators, contractors, a retired cop, and I hear there is even a firefighter among you. This is part of what makes our state great—a nonprofessional legislature ensures, and ensured, that none of us could afford to lose touch with our districts. The issues that come to you as lawmakers are increasingly complicated. Constituents are bombarded with news and 140-character tweets all day long, so their demands from you are even greater. But you still have only 120 days to get everything done. That is 120 days for about 1,200 bills, probably the most complicated budget that our state has had to deal with, redistricting, and everything in between.

Meanwhile, with the imposition of term limits, it is all the more important that each and every lawmaker come to this body and hit the ground running. We are not talking about trying to tell you how to think. You all bring your own life's experiences with you, and that is good. We are talking about how this place works, how the institution accomplishes what your constituents want and need, and you receive background on the issues facing our state so that you can make your ideas work and accomplish your goals.

How many of you know how a committee bill is requested? How many of you know how many more bills can be requested once we are past the deadline for requests? How many ways are there to kill a bill? When a bill dies, is it really dead? And on, and on, and on. It takes a long time to learn this process, and instead of a small crop of new legislators session to session, we have a dozen at a time. Even with training, there will still be a steep learning curve for new lawmakers, no doubt.

Assembly Bill 260 will go a long way toward preparing generations of lawmakers for the process. Every legislator owes it to his or her constituents to do the best job possible. This is a great step toward making this happen. There are not many businesses that would thrust a team member into a complicated process like this without providing some sort of training. This process will continue to get more and more complex as technologies change and the issues become more complicated.

Why should it be mandatory in Nevada? You heard from Karl Kurtz of the National Conference of State Legislatures (NCSL) that it would be the first time he had heard of that. Frankly, in a citizen's legislature, you have so many more demands on your time outside this process that you pretty much have to make it mandatory. In a professional legislature, this would be your job—to come here, do this work, and go to the training. You would get paid for that year-round in a full-time legislature.

I am very familiar with Thom Little at the Leaders Foundation. He is a very credible, experienced person to speak to this. As he mentioned to you, he has been involved with many states across the country. His involvement in our training or the sessions here would be very, very valuable for many years to come.

The idea of a bus trip around Nevada, taking new people to the institutions all over the state, sparked my interest. We passed out a cartoon ([Exhibit D](#)) that was given to me during my orientation as a freshman legislator on how a bill becomes a law. It is only a little bit tongue-in-cheek. You all can think of bills, and the process, and how a bill morphs from its introduction into its final product. The captions in the cartoons are probably meaningful to you. I cannot state enough, Mr. Chairman, my support of A.B. 260. I think it will make this a much better institution and more efficient in how you serve your constituents.

Chair Segerblom:

Thank you. Are there any questions for Mr. Perkins?

Assemblyman Stewart:

Some old-timers told me we did take tours in past sessions to some of the rural areas. Was that during your time?

Richard Perkins:

Yes, it happened generally during session. Our first 120-day session was in 1999, but prior to that we had a lot more time to accomplish those sorts of things. The Ways and Means Committee in particular would visit the prisons and rural institutions when making judgments about those budgets. Former State Senator Jacobsen would set up a rural tour with some of our rural members. A number of folks from the Natural Resources Committee, and others with an interest in learning more, would take an afternoon to do that. As you know, about 70 percent of our population is in Clark County. Many of those folks never get exposed to the rural parts of our state and the unique cultures and needs that occur there and the state's interaction with that. That is a long answer to your question, but the short answer is, yes, we did have that opportunity.

Assemblyman Grady:

In my former life, when I was with the Nevada League of Cities and Municipalities, my counterpart with Nevada Association of Counties (NACO) and I hired a van and got a couple of veteran legislators to go with us and pick up legislators in Las Vegas. We traveled north up the back roads through Ely, up through Elko, and then back down Interstate 80. It was about a three- or four-day trip. As you said, many legislators from southern Nevada had never seen

that part of Nevada, and we spent an interesting three or four days. We included mine tours and ranch tours and tried to give them everything we could during that time.

Richard Perkins:

As Mr. Grady mentioned, when the voters limited you to 120 days, the timeframe for doing official business and for what was, in essence, a very lengthy legislative process was shortened. Now you do a lot of unofficial business during the interim; interim committees meet and flesh out a lot of issues. You do some official business as well with the Legislative Commission and the Interim Finance Committee, but all the tours we talked about, all the educational processes and opportunities for people—whether it is learning about the process, the white papers, or doing these tours—have been pushed outside that 120 days. It is still a 160-day session; you are just doing it in a different fashion. It creates fiscal responsibility and limits the cost to the taxpayers.

Chair Segerblom:

I do not see any further questions. Is anyone testifying against the bill? Is anyone neutral on the bill? [There was no response.] I will close the hearing on A.B. 260. If you can remember the amendments Speaker Ocegüera agreed to, I would be happy to accept a motion.

Patrick Guinan, Committee Policy Analyst:

The first amendment was to add minority leadership to those in the bill who have responsibility for setting the agenda for training. The second amendment would be to list within the bill the number of mandatory days of training that new members would be expected to receive. The language would say something like "not to exceed X number of days."

Chair Segerblom:

The question now becomes, what is "X"?

Assemblyman Ocegüera:

Ten? Not to exceed a maximum of ten days? A couple of Committee members are nodding "Yes." That would be fine with me.

Assemblyman Goicoechea:

As we look ahead, maybe there will be only four or five freshmen next session, and you might get by with only four or five days of training. However, if you have another big turnover, as we did this time, you should at least have the ability to go to ten days. If you are going to run for the office, I feel it would be appropriate that you understand you will be here for the 120 days of the session at a minimum, and then there are 10 days of training you are going to

have to bear before you come to the session. It is something that should be recognized the day you file.

Chair Segerblom:

I would take a motion.

ASSEMBLYMAN GRADY MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 260 WITH THE AMENDMENTS AS IDENTIFIED
BY COMMITTEE POLICY ANALYST PATRICK GUINAN.

ASSEMBLYWOMAN SMITH SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN CONKLIN AND
KIRKPATRICK WERE ABSENT FOR THE VOTE.)

Is there any further comment? Seeing none, we are adjourned [at 2:18 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: March 17, 2011

Time of Meeting: 1:36 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 260	C	Assemblyman Ocegüera	PowerPoint
A.B. 260	D	Richard Perkins	Handout "How a Bill Becomes Law"