

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

**Seventy-sixth Session
May 17, 2011**

The Senate Committee on Legislative Operations and Elections was called to order by Chair David R. Parks at 4:22 p.m. on Tuesday, May 17, 2011, in Room 2144 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 David R. Parks, Chair
Senator Moises (Mo) Denis, Vice Chair
Senator Steven A. Horsford
Senator Barbara K. Cegavske
Senator James A. Settelmeyer

GUEST LEGISLATORS PRESENT:

Assemblyman Elliot T. Anderson, Assembly District No. 15
Assemblyman David Bobzien, Assembly District No. 24

STAFF MEMBERS PRESENT:

Carol Stonefield, Policy Analyst
Eileen O'Grady, Counsel
Michael Geissinger, Committee Secretary

OTHERS PRESENT:

Richard Perkins
Thomas H. Little, Ph.D., via Telephone, Director, Curriculum Development and Research, State Legislative Leaders Foundation
Bruce Feustel, via Telephone, Senior Fellow, Legislative Management, National Conference of State Legislatures
Harry Mortenson, Ex-Assemblyman
James R. Wells, Executive Officer, Public Employees' Benefits Program

Senate Committee on Legislative Operations and Elections
May 17, 2011
Page 2

James T. Richardson, Nevada Faculty Alliance

CHAIR PARKS:

We will open the hearing on Assembly Bill (A.B.) 260.

[ASSEMBLY BILL 260 \(1st Reprint\)](#): Requires newly elected Legislators to attend training before the beginning of their first legislative session. (BDR 17-29)

ASSEMBLYMAN DAVID BOBZIEN (Assembly District No. 24):

I would like to discuss some of the highlights within my written presentation ([Exhibit C](#)). The challenge presented to the Legislature by term limits is reflective of the amount of time it takes to learn the ins and outs of the job as a Legislator. The orientations and trainings received from the various outlets over the years have been instrumental in helping us to be effective Legislators doing the people's business.

Presession training is essential in states with term limits. Page 3 of [Exhibit C](#) details some of the presession training carried out in other states with citizen legislators.

The overview of what A.B. 260 will do for newly elected legislators is covered on page 4 of [Exhibit C](#). Key points on page 4 regard the bipartisan nature of the bill and the importance of attendance at the training classes.

Every job requires training, but it is especially important as a citizen legislator. Assembly Bill 260 will help new Legislators be ready to work knowledgeably and efficiently on the people's behalf from Day 1. The bill recognizes the loss of institutional knowledge due to term limits and empowers new Legislators to have a positive impact on the process from the beginning of the Legislative Session.

CHAIR PARKS:

Have there been previous discussions on this bill regarding actual problems with Legislators relative to a lack of training?

ASSEMBLYMAN BOBZIEN:

I did not attend the hearing in the Assembly on this bill, so I do not know the history or background of the bill. I do not know of any specific events, but with

Senate Committee on Legislative Operations and Elections
May 17, 2011
Page 3

the amount of turnover within the legislative body, intuitively we know the lack of institutional knowledge is an issue.

CHAIR PARKS:

There seems to be an informal nature to the training, which tends to decrease the level of importance.

SENATOR CEGAVSKE:

Do we know how many new Legislators there were and how many attended training full time this Session? I heard there was a survey of the new Legislators regarding their training. Do we have the results of that survey? I am concerned about mandating this training in our citizen Legislature. Do you know what the fiscal note is?

ASSEMBLYMAN BOBZIEN:

I do not know what the fiscal note is. I also have not seen the results of the survey. As a citizen Legislator, who owns a small business which gets put on hold during session, I support our process and the view the training as proactive to acquire the skills needed to be effective.

SENATOR CEGAVSKE:

Were there ten days of training for the new Legislators this Session?

ASSEMBLYMAN BOBZIEN:

It was three days when I first joined the Assembly.

CHAIR PARKS:

The fiscal note indicated additional funds would be needed if new or additional training is required. It did not have any specific amounts. This training under A.B. 260 sounds more structured in format, with training dates available to candidates prior to elections.

SENATOR SETTELMAYER:

Is there a provision in the bill for a doctor to excuse a new Legislator for illness?

ASSEMBLYMAN BOBZIEN:

Section 4 on page 3 allows for an excused absence from the Speaker of the Assembly or the Majority Leader of the Senate. They would recognize a doctor's order or perhaps a family emergency as examples of an excused absence.

Senate Committee on Legislative Operations and Elections
May 17, 2011
Page 4

SENATOR SETTELMAYER:

I am concerned about joint training being beneficial to each individual.

ASSEMBLYMAN BOBZIEN:

It was noted in the Assembly that both the majority and minority caucuses would design the training program with applicability to both Houses.

SENATOR DENIS:

On page 3, I am concerned with the 90-day posting of the training dates. If newly elected in November and expected to be at training a week later, a candidate's employer may have difficulty with the sudden absence.

ASSEMBLYMAN BOBZIEN:

The 90-day posting on the Internet prior to the upcoming training dates will give a heads-up to all candidates should they be elected.

SENATOR DENIS:

Is there a penalty for unexcused absence?

ASSEMBLYMAN BOBZIEN:

The new trainee will lose one day of pay for each unexcused absence.

RICHARD PERKINS:

Term limits have claimed years of institutional knowledge. As a former Legislator, I feel we cannot rely on chance to ensure new lawmakers are as effective as they can be. There is no such thing as a professional legislator within a citizen legislature, which ensures compassion for our districts. Assembly Bill 260 will give new lawmakers the tools needed to hit the ground running on Day 1 of the 120 day-session. The bill makes this training mandatory to ensure all new lawmakers understand the process. The new lawmakers will learn how the Legislature works, how we accomplish what their constituents want and need and background on the issues facing our State. The dozen or more new Legislators will learn how the bill process works. Assembly Bill 260 will prepare new lawmakers to achieve their goals for success.

The 120-day session has created a much steeper learning curve over our previous 160-day sessions. New lawmakers must now continue with unofficial business during the interim. Interim committees meet to discuss issues, and some official business is conducted with the Legislative Commission and the

Interim Finance Committee. It seems our lawmakers still work a 160-day session, it is just done in a different fashion. The 120-day session creates fiscal responsibility and limits the cost to the taxpayers, but also puts a difficult learning process on new lawmakers. I support A.B. 260.

CHAIR PARKS:

The longer session of 160 days did afford lawmakers greater opportunity to venture beyond the doors of this building into the rural areas of the State.

THOMAS H. LITTLE, PH.D. (Director, Curriculum Development and Research, State Legislative Leaders Foundation):

We are calling in support of A.B. 260. It is absolutely critical that new Legislators are able to hit the ground running. The loss of institutional memory from term limits needs to be replaced with this type of training to alleviate problems, particularly in the Executive Branch. The specific issue training within the bill and the camaraderie it promotes among the new trainees will give a broader picture of the State to each new lawmaker. The bill will make for better politics because the training is bipartisan and across chambers, allowing the building of relationships for future communications.

I greatly value the citizen Legislature in Nevada, but if the lobbyists and executives are the only ones ready to hit the ground running on Day 1, then they will be taking the lead, putting the Legislative Branch at a disadvantage.

BRUCE FEUSTEL (Senior Fellow, Legislative Management, National Conference of State Legislators):

I want to underscore the value that the National Conference of State Legislators puts on citizen legislatures. We support legislation around the Country of new member orientation efforts. The importance is increasing in all citizen legislatures for the reasons of term limits and increasing complexity of budget considerations. The analytical, political and people skills needed are greater than ever. There has been an abrupt change to the requirements in a legislature: The procedural aspects of getting bills drafted, the cultural aspects of when to speak up and the understanding of general substance within the process. The constituents expect each legislator to have a working knowledge of all committees whether or not their legislator serves on them. The legislators need to understand their legal rights and responsibilities, ethics requirements and knowledge of the informational technologies put upon them. Many majority leaders around the Country have stepped up their contributions with regard to

new legislator orientation. Their requirement of mandatory participation, their giving of direction to the training faculty and their participation in the planning has strengthened new member orientations around the Country.

CHAIR PARKS:

We will close the hearing on A.B. 260 and open the hearing on Assembly Joint Resolution (A.J.R.) 5 of the 75th Session.

ASSEMBLY JOINT RESOLUTION 5 of the 75th Session: Proposes to amend the Nevada Constitution to revise provisions governing the convening and conduct of special sessions and the duration and adjournment of regular and special sessions. (BDR C-139)

HARRY MORTENSON (Ex-Assemblyman):

This bill was originally introduced in the 2003 Session as A.J.R. No. 13 of the 72nd Session. It passed both Houses in 2003, passed both Houses as required in 2005, and in 2007 it went to a vote of the people. The resolution lost by a slim margin of 4 percent. In the years between the defeat of A.J.R. No. 13 of the 72nd Session and the introduction of A.J.R. 5 of the 75th Session, there have been some incidents around the Country which may help push the voters to pass A.J.R. 5 of the 75th Session. In Illinois, the governor was discovered trying to sell a U.S. Senate seat. The Illinois legislature convened itself to proceed with impeachment of their governor. This could not happen in Nevada because our Governor is the only one who can call for a special session of the Legislature and he or she determines what issues will be discussed. Nevada is one of 18 states across the Country whose legislature cannot call themselves into session. Nevada is one of only 11 states in which the legislature cannot decide what issues need consideration in a special session.

We are a state with three independent Houses, the Legislature, the Judicial and the Executive Branches, yet we cannot call ourselves into special session to perform legislative business in an emergency situation. Having to get permission for a special session from the Governor diminishes the independence of the three branches of our government. Please consider A.J.R. 5 of the 75th Session for passage through this Committee.

SENATOR SETTELMAYER:

In the previous bill, A.J.R. No. 13 of the 72nd Session, I recall discussions on limiting the issues of which the Legislature could convene. Will this bill allow

Legislators to meet whenever they desire, or should we add language to limit a special session to specific issues?

ASSEMBLYMAN MORTENSON:

If language were to be changed in A.J.R. 5 of the 75th Session now, it would take five more years before passage. If passed now, it will still be two years before the bill goes on a ballot. The bill had a thorough investigation over the years. The members of both Houses must sign a petition of approval by a two-thirds majority, and they will have the business to be conducted listed on the petition. There is no option to discuss any other business, so if a Legislator does not like the issue, he or she can vote against convening. I do not think trivial issues will come up because the voters will be watching.

CHAIR PARKS:

We will close the hearing on A.J.R. 5 of the 75th Session and begin our work session with all members present. We will hold A.B. 80 until the Thursday meeting. We will begin with Senate Bill (S.B.) 206.

ASSEMBLY BILL 80 (1st Reprint): Makes various changes relating to the Public Employees' Benefits Program. (BDR 23-496)

SENATE BILL 206: Requires legislative lobbyists to file reports concerning lobbying activities when the Legislature is not in session. (BDR 17-1004)

CAROL STONEFIELD (Policy Analyst):

Senate Bill 206 was sponsored by Senator Sheila Leslie. I have provided a work session document ([Exhibit D](#)) on this bill.

SENATOR CEGAVSKE:

Does this include advocacy groups?

CHAIR PARKS:

It does not apply to a specific advocacy group, only to those individuals who are lobbyists.

SENATOR CEGAVSKE:

If a group comes to lobby, would they be included?

MS. STONEFIELD:

There were some questions regarding to whom this bill would apply. The Director of the Legislative Counsel Bureau stated that S.B. 206 does not change the definition of lobbyists. If people are currently exempt from reporting, they would continue to be exempt from reporting any interim lobbying. *Nevada Revised Statute* (NRS) 218H.080 defines a lobbyist and lists those to whom the definition does not apply, which includes employees of departments, divisions or agencies of the State government, employees of the Legislature, Legislators, legislative agencies or legislative commissions. It also does not apply to elected officers of this State who confine their lobbying activities to issues directly related to the scope of their offices. A person who is not going to lobby in the interim could file a notice of termination pursuant to NRS 218H.230. In the years in which the Legislature meets, a local government that expends more than \$6,000 on lobbying activities must file, with the Department of Taxation, a supplemental report which includes itemized expenditures according to NRS 354.

SENATOR CEGAVSKE:

Is there a list of who would be required to file? Do unpaid lobbyists have to file now?

CHAIR PARKS:

Anyone who completes a form as a lobbyist must file, whether paid or unpaid.

EILEEN O'GRADY (Counsel):

When lobbyists begin the registration process, they have to answer several questions which determine their need to register. The questions ask about representation, salaries and whether they influence legislative action.

SENATOR HORSFORD MOVED TO DO PASS S.B. 206.

SENATOR DENIS SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR SETTELMAYER VOTED NO.)

* * * * *

CHAIR PARKS:

We will move to S.J.R. 9.

SENATE JOINT RESOLUTION 9: Proposes to amend the Nevada Constitution to require an affirmative vote of two-thirds of the members elected to each House of the Legislature to decrease revenues or reserves of or mandate that new or different services be performed by a local government. (BDR C-395)

Ms. STONEFIELD:

Senate Joint Resolution (S.J.R.) 9 was sponsored by Senator John J. Lee. I have provided a work session document ([Exhibit E](#)) on this bill.

CHAIR PARKS:

There are a number of issues within the Nevada Constitution which require a two-thirds majority vote, many of which cause difficulty for Legislators. I am reluctant to add another bill requiring the two-thirds vote. Is there a motion from the Committee? There appears to be no motion. We will continue on to A.B. 76.

ASSEMBLY BILL 76 (1st Reprint): Revises provisions concerning reinstatement of insurance under the Public Employees' Benefits Program. (BDR 23-497)

Ms. STONEFIELD:

Assembly Bill 76 was sponsored by the Assembly Committee on Government Affairs on behalf of the Public Employees' Benefits Program. I have provided a work session document ([Exhibit F](#)) on this bill.

SENATOR DENIS MOVED TO DO PASS A.B. 76.

SENATOR HORSFORD SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

CHAIR PARKS:

We will move to A.B. 179.

ASSEMBLY BILL 179 (1st Reprint): Revises provisions relating to disciplinary action against a public employee. (BDR 23-841)

Senate Committee on Legislative Operations and Elections
May 17, 2011
Page 10

MS. STONEFIELD:

Assembly Bill 179 was sponsored by Assemblyman Elliot T. Anderson and others. I have provided a work session document ([Exhibit G](#)) on this bill.

CHAIR PARKS:

The conceptual amendment came from discussion with this Committee and the sponsor of the bill. I would like Assemblyman Anderson to come forward and provide further explanation regarding the amendment.

ASSEMBLYMAN ELLIOT T. ANDERSON (Assembly District No. 15):

The amendment did arise from conversation with Senator Settelmeyer. I want A.B. 179 to be a consensus bill between management and employees. The concerns of Senator Settelmeyer were addressed in the amendment and I ask for support of the bill as amended.

SENATOR SETTELMAYER MOVED TO AMEND AND DO PASS AS AMENDED A.B. 179.

SENATOR DENIS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

CHAIR PARKS:

The next bill is A.B. 365.

[ASSEMBLY BILL 365 \(1st Reprint\)](#): Makes various changes relating to the Public Employees' Benefits Program. (BDR 23-604)

MS. STONEFIELD:

Assembly Bill 365 was sponsored by Assemblymen Randy Kirner and Pat Hickey. I have provided a work session document ([Exhibit H](#)) on this bill.

SENATOR DENIS MOVED TO DO PASS A.B. 365.

SENATOR HORSFORD SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

CHAIR PARKS:

We will continue with A.B. 477.

ASSEMBLY BILL 477: Revises provisions relating to the administration of the Public Employees' Retirement System. (BDR 23-1028)

Ms. STONEFIELD:

Assembly Bill 477 was sponsored by the Assembly Committee on Ways and Means. I have provided a work session document ([Exhibit I](#)) on this bill.

SENATOR HORSFORD MOVED TO DO PASS A.B. 477.

SENATOR DENIS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

CHAIR PARKS:

The last bill we will hear today is A.B. 523.

ASSEMBLY BILL 523: Revises provisions relating to the coverage of dependents under the health care plans of the State and local governments. (BDR 23-1188)

Ms. STONEFIELD:

Assembly Bill 523 was sponsored by the Assembly Committee on Ways and Means on behalf of the Budget Division, Department of Administration. I have provided a work session document ([Exhibit J](#)) on this bill.

CHAIR PARKS:

We had some inconsistency between A.B. 523 and A.B. 80. Will legal counsel provide the Committee with information discovered regarding these two bills?

MS. O'GRADY:

Assembly Bill 523 creates an exception to the federal Patient Protection and Affordable Care Act (PPACA). Assembly Bill 80 has better language to accomplish the same goal. Assembly Bill 80 has the terms "grandfathered" for certain plans that are exempt under federal PPACA. When the federal government law goes in to effect in 2014 and the exemption is removed, the language in A.B. 80 will cover the change.

CHAIR PARKS:

Assembly Bill 523 was submitted on behalf of the Budget Division, and I am not sure of their intentions with the particular language in the bill.

JAMES R. WELLS (Executive Officer, Public Employees' Benefits Program):

Assembly Bill 523 was part of the budget request submitted by the Public Employees' Benefits Program (PEBP). Assembly Bill 523 was broken out into a separate bill from A.B. 80 because of a small fiscal impact in A.B. 523 addressed in one of the decision units that was included in the agency's budget request. I am not sure why the language is different from A.B. 80. We would like consistent language between the two bills.

CHAIR PARKS:

Do you prefer the language in A.B. 80 or A.B. 523?

MR. WELLS:

The language included in A.B. 80 references "unless the plan is grandfathered," which allows for that exclusion to not cover children up until the age of 26 until the year 2014. That language is better than what is in A.B. 523.

CHAIR PARKS:

If we were to proceed forward with A.B. 80, will we need to act on A.B. 523?

MR. WELLS:

That is correct. If A.B. 80 passes, A.B. 523 would be unnecessary.

SENATOR SETTELMAYER:

If we pass A.B. 523, will we not need A.B. 80?

MR. WELLS:

Other provisions in A.B. 80 need to be acted on.

CHAIR PARKS:

I would suggest the Committee not take any action today and send both bills to the Thursday work session. If A.B. 80 should fail to pass, we will have A.B. 523 to consider.

SENATOR DENIS:

On the provision regarding a child up to the age of 26, if the bill passes, does that mean we do not have to implement the provision until 2014?

MR. WELLS:

We will still have to implement the coverage of children up to the age of 26. There are certain provisions in the federal health-care reform, which if met, allow plans to defer covering children up to age 26. The PEBP program will not meet those requirements for the deferral. We will have to cover children to the age of 26 beginning July 1. There are local government plans that will meet the provisions to defer covering children up to the age of 26 until 2014. This is why we have some confusion on the two bills.

SENATOR SETTELMAYER:

Can we simplify the language and put this through the Nevada Administrative Code rather than changing the NRS each time there is a federal law change? It could be a cost savings for the State when changes do occur.

MR. WELLS:

The two particular sections covered within the two bills deal with children who are dependents of police or firemen killed in the line of duty. We could take out the age altogether and replace it with language saying, "as required, under the master document of the plan." The issue could then be dealt with under the federal law or under the document of the individual entity.

JAMES T. RICHARDSON (Nevada Faculty Alliance):

The suggestion made by Senator Settelmeyer could resolve future problems. I hope the language can be drafted to give the authority to the PEBP Board.

Senate Committee on Legislative Operations and Elections
May 17, 2011
Page 14

CHAIR PARKS:

The meeting is adjourned at 5:46 p.m.

RESPECTFULLY SUBMITTED:

Michael Geissinger,
Committee Secretary

APPROVED BY:

Senator David R. Parks, Chair

DATE: _____

EXHIBITS			
Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 260	C	Assemblyman David Bobzien	New Legislator Training
S.B. 206	D	Carol Stonefield	Work Session Document
S.J.R. 9	E	Carol Stonefield	Work Session Document
A.B. 76	F	Carol Stonefield	Work Session Document
A.B. 179	G	Carol Stonefield	Work Session Document
A.B. 365	H	Carol Stonefield	Work Session Document
A.B. 477	I	Carol Stonefield	Work Session Document
A.B. 523	J	Carol Stonefield	Work Session Document