MINUTES OF THE SENATE COMMITTEE ON LEGISLATIVE OPERATIONS AND ELECTIONS

Seventy-sixth Session May 31, 2011

The Senate Committee on Legislative Operations and Elections was called to order by Chair David R. Parks at 3:48 p.m. on Tuesday, May 31, 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:

Assemblywoman Debbie Smith, Assembly District No. 30

STAFF MEMBERS PRESENT:

Carol Stonefield, Policy Analyst Eileen O'Grady, Counsel Lorne Malkiewich, Director, Legislative Counsel Bureau Michael Geissinger, Committee Secretary

OTHERS PRESENT:

- Scott G. Wasserman, Chief Executive Officer and Special Counsel to the Board of Regents, Nevada System of Higher Education
- Keith Rheault, Ph.D., Superintendent of Public Instruction, Department of Education
- Angie Pratt, Regional Director, Northern Nevada and Northern California Alzheimer's Association

Becky Calhoun

Paul Dugan

Bruce Arkell, Nevada Senior Advocates; Nevada Senior Care Association Marsha Berkbigler Bob Gastonguay Juanita Clark, Charleston Neighborhood Preservation

CHAIR PARKS:

We will begin today with Senate Resolution (S.R.) 5.

<u>SENATE RESOLUTION</u> <u>5</u>: Designates Senate members of the Legislative Commission for the 2011-2013 biennium. (BDR R-1299)

LORNE MALKIEWICH (Director, Legislative Counsel Bureau):

Resolution appoints the Senate members of the Senate 5 Legislative Commission for the upcoming biennium. Nevada Revised Statutes (NRS) 218E.150 requires the Legislature by resolution to designate Senators and Assembly members. The Legislature is required by joint rule to decide the method for determining the majority and minority parties and the selection of the chair and terms of office of the chair. This resolution is necessary now because the Legislative Commission is meeting on Friday at 7:30 a.m. We will conduct basic business and appoint a new chair for the upcoming biennium.

SENATOR SETTELMEYER:

Can Senator Denis and I vote for this bill?

CHAIR PARKS:

Yes.

SENATOR CEGAVSKE:

Is it standard that a Senator who is on the Senate Committee on Finance will not be put on the Commission?

Mr. Malkiewich:

I work with the leadership of the four caucuses. The decision of members is for the caucuses to make. The general practice of the two Republican caucuses is to not have Finance Committee members on the Commission. That has not been the practice of the Democratic caucuses.

CHAIR PARKS:

That informal rule has been followed. Is there a motion?

SENATOR SETTELMEYER MOVED TO ADOPT S.R. 5.

SENATOR DENIS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

CHAIR PARKS:

I will open the hearing on Assembly Bill (A.B.) 570.

ASSEMBLY BILL 570: Revises the districts from which the members of the Board of Regents of the University of Nevada are elected. (BDR 34-1293)

SCOTT G. WASSERMAN (Chief Executive Officer and Special Counsel to the Board of Regents, Nevada System of Higher Education):

Assembly Bill 570 was heard in joint hearing with the Assembly Committee on Legislative Operations and Elections on May 24. I will provide a brief overview of the "Redistricting and Reapportionment" plan, which can be seen in detail at NELIS. The plan is in compliance with all legal requirements of redistricting, and the district maps can be seen on NELIS.

There are 13 regent districts in the plan. The ideal population of a regent district is 207,735 according to numbers from the 2010 decennial census. The plan complies with the equal population goal established in the joint rules and legal requirements for equal population. The largest positive deviation is 391 people or 0.19 percent. The largest negative deviation is minus 452 or 0.22 percent for an overall deviation of 843 people or 0.41 percent.

We noted that 72.25 percent of the State's population is in Clark County; therefore 72.25 percent of the 13 districts are in Clark County, which equates to 9.4 districts. The remaining portion of the State has 27.75 percent of the population, or 3.6 percent of the districts.

Districts 4 and 5 in Clark County contain the majority Hispanic/Latino population. District 1 in 2001 consisted of an African-American population of

26.68 percent. Under the current proposal that percentage will increase to 27.46 percent with an additional 50,000 people. Districts 6 and 13 have Asian populations of 16.56 percent and 15.35 percent respectively.

The plan complies with the traditional race-neutral redistricting principles. The districts are contiguous and compact and preserve the political subdivisions. The only counties which are split are Washoe and Clark because of the multiple districts in those two counties. Several cities have been kept whole, communities of interest are preserved, and cores of prior districts are preserved. The plan provides for continued representation of the board members who were elected by the public and complies with Section 2 of the Voting Rights Act.

The plan in <u>A.B. 570</u> was predicated upon the plan presented by the Board of Regents as approved on a 13-0 vote. <u>Assembly Bill 570</u> was passed in the Assembly by a 42-0 vote.

CHAIR PARKS:

Have there been any concerns or comments made regarding the district maps that have been drawn?

MR. WASSERMAN:

No. There was zero opposition at the previous hearing.

SENATOR SETTELMEYER:

Through a discussion with Senator Denis, I was able to clarify the changes made from the original map.

SENATOR SETTELMEYER MOVED TO DO PASS A.B. 570.

SENATOR DENIS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

CHAIR PARKS:

I will open the hearing on A.B. 573.

ASSEMBLY BILL 573: Revises the districts from which members of the State Board of Education are elected. (BDR 34-1302)

KEITH RHEAULT, Ph.D. (Superintendent of Public Education, Department of Education):

I am here to support A.B. 573. We provided the maps (Exhibit C, original is on file in the Research Library) to the elected State Board of Education. The only comment received was from a member who would have liked to retain Douglas County. We took a different tack than the Board of Regents by asking the legislative staff to put together the best proposals. We did not get involved with trying to develop the maps at the State Board level. We tried to keep the State Board of Education representation by school districts under whole counties, and that was accomplished. Nine of the ten districts are within full school districts. The only criticism I have heard on the Board's plan came from the legislative staff, saying it does exceed the normal variance in some of the northern counties. We feel it warranted in this case because it treats all seven districts in Clark County with nearly identical populations, and the other three districts have the same amount of population. Eight of the ten current Board members are serving their first terms. The Board's plan keeps all ten eligible within their current districts. The makeup of this Board is the most diverse I have seen in my time with the Department. I urge support of passage for A.B. 573.

SENATOR SETTELMEYER:

I am concerned about the population variance. Could we continue to split up counties to get to an equal idea of one man, one vote? I do not feel the Board's plan accurately followed the Voting Rights Act. I will not support this bill.

SENATOR HORSFORD:

How does this relate to the pending discussion on the governance change? Will we pass maps now and need to change them later if the State Board of Education structure changes?

CHAIR PARKS:

If we pass this bill today and other legislation passes, that changes the composition. We would have to redraw the maps.

SENATOR HORSFORD:

I am not comfortable voting on this bill today knowing that we need to vote on a governance bill that could change all the boundaries. Can we take this bill up later in conjunction with the governance bill?

CHAIR PARKS:

We can hold A.B. 573.

SENATOR DENIS:

The maps look fair to me, but we have time to pass the bill later, so we should wait.

CHAIR PARKS:

We will close the hearing on A.B. 573 and open the hearing on Assembly Concurrent Resolution (A.C.R.) 10.

ASSEMBLY CONCURRENT RESOLUTION 10: Directs the Legislative Committee on Health Care to create a task force to develop a state plan to address Alzheimer's disease. (BDR R-1296)

Assemblywoman Debbie Smith (Assembly District No. 30):

I have a comment on the previous bill regarding the governance change. If <u>A.B. 573</u> were to pass, the districts are outlined by Congressional Districts and there would be no redrawing of maps.

CHAIR PARKS:

Thank you for the clarification. Now we will continue the hearing on A.C.R. 10.

ASSEMBLYWOMAN SMITH:

Assembly Concurrent Resolution 10 will create a task force to develop a State plan to address Alzheimer's disease and bring it to the next Session. The Alzheimer's disease numbers are increasing rapidly in our State, and the disease has not been addressed in this legislative body. This legislative body has debated diabetes, obesity, heart disease, teen pregnancy, strokes, etc., but this disease is so prevalent and needs to be addressed now. In the bill, we have a gifts and grants clause to raise private funding to offset the cost of the task force. The disease has long-term effects on families, the ability to earn an income and the ability of caregivers to work while caring for family members. The State needs to address these issues and put a plan in place.

ANGIE PRATT (Regional Director, Northern Nevada and Northern California Alzheimer's Association):

I have provided a fact sheet (Exhibit D) with various Alzheimer's statistics. There are 5.4 million Americans with Alzheimer's disease, and someone is developing the disease every 69 seconds. Nevada has 29,000 cases of Alzheimer's disease, and that number will swell to 42,000 cases by Year 2025. The crisis is approaching epidemic proportions. There are 200,000 cases in the U.S. affecting people younger than age 65. Alzheimer's disease is not normal aging.

Thirty other states have plans on how they are going to deal with the growing number of cases. We are asking for Nevada to become the thirty-first state to establish a plan. The state plan will direct agencies and organizations to follow best practices, coordinate services and provide integrated care for persons and families affected by the disease. There are approximately 87,000 unpaid family caregivers throughout Nevada. As this fatal disease progresses, persons with Alzheimer's need 24-hour care, seven days a week; they call it the 36-hour day. This leads to incalculable amounts of stress for family caregivers.

Our desire is to bring awareness of Alzheimer's by choosing to deal with the disease now instead of paying trillions of dollars in the future. There are presently no survivors of Alzheimer's, 10,000 baby boomers a day develop this disease, and the death rate has risen 66 percent in a span of eight years.

This is Nevada's opportunity to do long-term good for our families and hold this task force accountable for the future of Nevada families.

BECKY CALHOUN:

As a nurse, I would like to address this issue as a health care professional and as a family caregiver. My mother died from the disease, and my sister has Alzheimer's. As a professional, I have seen an increase in Alzheimer's and the resulting need to train our professionals about how to detect, diagnose and educate caregivers and practitioners. Since arriving in Nevada five years ago, I feel like I have stepped back in time ten years regarding detection, diagnosis and care. Up to 80 percent of patients coming from the emergency rooms do not have a dementia diagnosis, even though they have the disease. There are many issues regarding this: detection, stigmatism and lack of knowledge.

Nevada has an obligation to care for its elderly population because one in eight people over the age of 65 has Alzheimer's. We need a plan of action to deliver quality care to families and patients. I urge support of this resolution to make appropriate changes and provide a statewide road map to correct these issues.

PAUL DUGAN:

In December of 2007, my wife, Susan, was diagnosed with what a neurologist termed as the early onset of Alzheimer's Disease; she was 56 years old. In March of 2010, she died. If Susan's experience had been a rare event, I would not be here today. You have heard the numbers. I have become involved with the Northern Nevada and Northern California Alzheimer's Association, in an attempt to make something positive result from her tragedy. This bill is a step—another step—in a positive direction. The numbers of people with Alzheimer's will increase, and those touched by their battle with the disease both economically and emotionally will as well. When Susan's condition deteriorated to a point I could not care for her, I decided it best to put her in a memory care facility. From May 2009 until March 2010, my out-of-pocket expenses were over \$75,000.

It is time for Nevada to address a professional plan of action to deal with the challenges this disease will impose in the future.

BRUCE ARKELL (Nevada Senior Advocates; Nevada Senior Care Association): We have been working with Ms. Pratt on this project and agree it is time for the State to move forward. We support passage of the resolution and will support the task force any way we can.

MARSHA BERKBIGLER:

I have been the caretaker for my mother for the last 19 years. The Alzheimer's disease progressed to a point were I could no longer care for her, and she was put into a facility. It is such a heartbreak having a loved one not know who you are when entering his or her room. The cost of putting a loved one in a facility is staggering. Please consider this piece of legislation for the many citizens of our state who need this kind of help.

BOB GASTONGUAY:

I have had two family members pass away from Alzheimer's, and I urge passage of A.C.R. 10.

SENATOR CEGAVSKE:

It has been difficult to listen to this testimony. My mother has been living with dementia and Alzheimer's disease for the last ten years.

I am trying to understand what the people are asking for from the task force. What exactly will the task force accomplish? How would this task force have helped my mother?

CHAIR PARKS:

The sponsor's intent is to have the Legislative Committee on Health Care develop a State plan to address the disease. I would presume the task force would review other plans from the 30 states that already have implemented their plans and form a plan specific to Nevada.

SENATOR CEGAVSKE:

A plan to do what? The State cannot take responsibility for everyone's family members.

SENATOR SETTELMEYER:

I presume the task force will look at what those other 30 states are doing and bring back some ideas.

Ms. Pratt:

The other 30 states are bringing people together on their task forces who are involved in the different aspects of care for Alzheimer's patients. Ninety percent of the new clients we see at the Northern Nevada Alzheimer's Association cannot place their loved one in a facility because of the cost. The task force would create a road map to help with coordination of services and provide best practice of care procedures in a uniform way to help families.

CHAIR PARKS:

Did you say 90 percent cannot afford to place a family member into a facility?

Ms. Pratt:

Into a memory care facility that specializes in the care of Alzheimer's disease.

CHAIR PARKS:

Do they remain in the home or do they go on Medicaid-type support?

Ms. Pratt:

Some are in Medicaid facilities, but in these economic times, many are remaining in their homes.

CHAIR PARKS:

Could you explain the earlier comment about the 36-hour day?

Ms. Pratt:

Alzheimer's is a progressive degenerative disease which often starts out with memory loss. It then takes over the person's thinking and behaviors and eventually shuts down the body. As the disease progresses, around-the-clock care is required. A famous book called *The 36-hour Day* relates to the 24-hour care these patients need.

CHAIR PARKS:

We will close the hearing on $\underline{A.C.R.}$ 10 and move to our work session with A.B. 100.

ASSEMBLY BILL 100 (1st Reprint): Enacts the Uniformed Military and Overseas Absentee Voters Act. (BDR 24-327)

CAROL STONEFIELD (Policy Analyst):

Assembly Bill 100 was sponsored by Assemblyman Tick Segerblom. I have provided a work session document (Exhibit E) on this bill. No amendments were offered on this bill.

SENATOR SETTELMEYER MOVED TO DO PASS A.B. 100.

SENATOR DENIS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

CHAIR PARKS:

We will move to Senate Bill (S.B.) 211.

<u>SENATE BILL 211</u>: Requires a legislative study of the implementation of the Common Core State Standards in the public schools in Nevada. (BDR S-1099)

Ms. Stonefield:

<u>Senate Bill 211</u> was sponsored by the Senate Committee on Education. I have provided a work session document (<u>Exhibit F</u>) on this bill. No amendments were offered on this bill.

The Committee should be aware that the Legislature accepts three interim study requests from each House. The required study for this bill could be assigned to the Legislative Committee on Education, which is a statutory interim committee and would not count as one of the three Senate requests.

SENATOR DENIS:

The Common Core State Standards have been implemented in Nevada. This Committee will submit a report and recommendations to the Seventy-seventh Session on the revision of curriculum to meet the standards.

CHAIR PARKS:

Would the Legislative Committee on Education perform this study in the interim?

SENATOR DENIS:

Yes. This will be a priority for the Committee.

CHAIR PARKS:

Would individuals other than the Education Committee and staff be needed for the study?

SENATOR DENIS:

The Nevada Science, Technology, Engineering, and Mathematics Education Coalition will work with the Committee.

SENATOR DENIS MOVED TO DO PASS S.B. 211.

SENATOR CEGAVSKE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

CHAIR PARKS:

We will continue with S.B. 341.

SENATE BILL 341: Directs the Legislative Commission to appoint a subcommittee to conduct an interim study concerning the establishment of a bank that is owned, controlled and operated by this State. (BDR S-870)

Ms. Stonefield:

<u>Senate Bill 341</u> was proposed by Senator David Parks and others. I have provided a work session document (<u>Exhibit G</u>) on this bill. There were no amendments offered on this bill. If the Committee were to pass this bill, it would be considered an interim study request from the Senate.

CHAIR PARKS:

I was a cosponsor of this bill so I let the vice chair lead the discussion.

SENATOR CEGAVSKE:

I have an issue with the State of Nevada owning a bank. I will not be supporting the bill.

SENATOR DENIS:

I do not know if the State should be in the banking business, but some of the provisions within the bill could be helpful.

CHAIR PARKS:

The purpose of the bill was not to just create a bank but to assess the needs of the State and their relativity to financial management. With the review of banking practices, constitutional provisions, technology and investing, we would attempt to save money.

SENATOR SETTELMEYER:

Do we know what other bills are slated to be considered for the three interim studies of the Senate?

CHAIR PARKS:

We will follow the process we used in previous interim periods. There are a number of other bills to be considered for the three studies.

Ms. Stonefield:

The bill draft request (BDR) that proposes to revise the interim study committee structure has been introduced as <u>A.B. 578</u>. It could be heard in a joint committee meeting if both committees agree. The concept of the bill would continue to use the session committees during the interim and revise the structure of the statutory interim committees.

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

SENATOR DENIS:

Would a session committee be a joint committee?

Ms. Stonefield:

That is my understanding of the concept. If any requested study is assigned to an existing statutory committee, it would not count as one of the three interim studies, nor would the proposal on the Sunset Subcommittee of the Legislative Commission.

SENATOR HORSFORD:

I would recommend we not act on interim study bills at this time. The bill being referenced is part of what was discussed prior to the Session with the Committee to Consult with the Director and the Legislative Commission. We are seeking to change the interim process. The ideas were proposed, but the structure has not been fully decided. We should hear <u>A.B. 578</u> prior to acting on interim study bills.

SENATOR DENIS:

We will close the work session hearing on S.B. 341.

CHAIR PARKS:

We will open the hearing on A.B. 474.

ASSEMBLY BILL 474 (1st Reprint): Creates the Sunset Subcommittee of the Legislative Commission to review certain boards and commissions. (BDR 18-889)

Ms. Stonefield:

Assembly Bill 474 was sponsored by the Assembly Committee on Ways and Means. I have provided a work session document (Exhibit H) on this bill. There were no amendments to this bill. This bill is similar to S.B. 251, which was passed by the Assembly on May 30. Senate Bill 251 amends NRS 232A.020 and provides the Governor shall not appoint a person to a board or commission if that person is a member of a similar body. There is also transitory language requiring a person serving on more than one board or commission of a similar body to resign from all but one of those boards by the effective date of the bill.

SENATE BILL 251 (2nd Reprint): Creates the Sunset Subcommittee of the Legislative Commission to evaluate certain governmental programs and services. (BDR 18-745)

SENATOR CEGAVSKE:

In testimony of <u>A.B. 474</u>, I suggested to Assemblywoman Debbie Smith that the Minority Leaders in each House be given one appointment. If acceptable with the Committee, I would like that language inserted.

SENATOR CEGAVSKE MOVED TO AMEND AND DO PASS AS AMENDED A.B. 474.

SENATOR HORSFORD SECONDED THE MOTION.

SENATOR HORSEORD:

I support the request by Senator Cegavske, but by Executive Order 2011-09, the Governor established the Sunset Task Force. The three members have met, and they sent a release stating their last meeting is next week. They will then issue a report.

Are their recommendations going to be forwarded for deliberation? I would not want to be redundant to what the Executive Branch is already pursuing.

CHAIR PARKS:

The Governor's Sunset Task Force is going to look only at boards and commissions to which the Governor directly appoints individuals.

Ms. Stonefield:

<u>Assembly Bill 474</u> provides that the Subcommittee will review boards and commissions which are neither constitutional nor established by executive orders. The boards and commissions covered by <u>A.B. 474</u> have been established by the Legislature through statute.

SENATOR SETTELMEYER:

Are we going to include the language from S.B. 251 that was different?

CHAIR PARKS:

If a change is required, we can implement that in conference committee.

SENATOR CEGAVSKE:

During the testimony of this bill, I also asked Assemblywoman Smith if there was obsolete language in the NRS that should be looked at. Do we need to clarify any language or leave it alone?

CHAIR PARKS:

If legal staff members see something, they will make note of it.

THE MOTION CARRIED UNANIMOUSLY.

CHAIR PARKS:

We will hear <u>S.B. 418</u>. There was an amendment proposed by Fred Hillerby of Hillerby and Associates on behalf of Renown Health in the work session documents (<u>Exhibit I</u>) which will not be considered here today.

SENATE BILL 418: Creates a subcommittee of the Legislative Committee on Health Care to oversee the implementation of federal health care reform in this State. (BDR 40-695)

SENATOR DENIS:

Are we just looking at the bill without an amendment?

CHAIR PARKS:

That is correct. There are portions of the amendment which may be addressed in the subcommittee.

SENATOR DENIS MOVED TO DO PASS S.B. 418.

SENATOR HORSFORD SECONDED THE MOTION.

SENATOR CEGAVSKE:

I will not support this bill. The lawsuit filed by the State of Nevada against the federal government may overturn federal health care reform.

THE MOTION CARRIED. (SENATORS CEGAVSKE AND SETTELMEYER VOTED NO.)

CHAIR PARKS:

We have an individual in southern Nevada who wishes to testify on Senate Concurrent Resolution (S.C.R.) 5.

SENATE CONCURRENT RESOLUTION 5: Directs the Legislative Commission to conduct an interim study concerning the laws of this State governing the protection of children. (BDR R-364)

JUANITA CLARK (Charleston Neighborhood Preservation):

I have provided written comments (Exhibit J) to the Committee from the Board of the Charleston Neighborhood Preservation. Can you explain why the bill was not addressed by the Committee in the work session?

CHAIR PARKS:

<u>Senate Concurrent Resolution 5</u> is another bill which would direct an interim study. This Committee has decided not to continue hearing bills today which have interim study requirements. The bill is still alive and will have a decision made on it at the next meeting.

Ms. Clark:

This study was proposed a few years ago and was not acted upon. I would think this interim study would take precedence over any other interim study being considered.

CHAIR PARKS:

I am not aware if this subject had been brought up for an interim study at a previous session. I do not know if we have carried recommendations forward from previous Legislative Sessions for interim studies. This is an important issue that deserves consideration.

SENATOR CEGAVSKE:

As the sponsor of the bill, I can say the subject has been discussed before, but this is the first time I proposed an interim study.

Ms. Clark:

As mentioned in our letter, <u>Exhibit J</u>, NRS chapter 432B was enacted in the decade of the 1980s. Since then, hundreds of children have been tumbled and sifted through the various mandates and local policy declarations. The Legislative Subcommittee on the Placement of Children in Foster Care Technical Work Group recommended a review of the laws set forth in NRS 432B. I do not believe that was completed, so S.C.R. 5 will finish the study.

Senate Committee on Legislative Operations a May 31, 2011 Page 18	nd Elections
CHAIR PARKS: We are adjourned at 5:12 p.m.	
	RESPECTFULLY SUBMITTED:
	Michael Geissinger, Committee Secretary
APPROVED BY:	
Senator David R. Parks, Chair	<u> </u>
DATE:	

<u>EXHIBITS</u>			
Bill	Exhibit	Witness / Agency	Description
	А		Agenda
	В		Attendance Roster
A.B. 573	С	Keith Rheault	Proposed Board of
			Education Plan
A.C.R. 10	D	Angie Pratt	Alzheimer's Statistics
A.B. 100	E	Carol Stonefield	Work Session Document
S.B. 211	F	Carol Stonefield	Work Session Document
S.B. 341	G	Carol Stonefield	Work Session Document
A.B. 474	Н	Carol Stonefield	Work Session Document
S.B. 418	I	Carol Stonefield	Work Session Document
S.C.R. 5	J	Juanita Clark	Charleston Neighborhood
			Preservation Document