

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

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

The joint meeting of the Senate Committee on Legislative Operations and Elections and the Assembly Committee on Legislative Operations and Elections was called to order by Chair David R. Parks at 4:24 p.m. on Thursday, June 2, 2011, in Room 4100 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412, 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.

SENATE 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

ASSEMBLY 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 Ocegura
Assemblyman James Ohrenschall
Assemblywoman Debbie Smith
Assemblyman Lynn D. Stewart

STAFF MEMBERS PRESENT:

Carol Stonefield, Policy Analyst
Eileen O'Grady, Counsel
Lorne J. Malkiewich, Director, Legislative Counsel Bureau
Kevin C. Powers, Senate Legal Counsel and Bill Drafting Adviser, Legal Division
H. Pepper Sturm, Chief Deputy Research Director, Research Division
Donald O. Williams, Research Director, Research Division
Michelle Ené, Committee Secretary

CHAIR SEGERBLOM:

We have four bills on behalf of the Legislative Counsel Bureau (LCB). We will open with Assembly Bill (A.B.) 575.

ASSEMBLY BILL 575: Makes various changes relating to the Legislature and the Legislative Counsel Bureau. (BDR 17-233)

LORNE J. MALKIEWICH (Director, Legislative Counsel Bureau):

Three of these bills were requested on behalf of the Legislative Commission. Assembly Bill 575 is our generic bill, which contains miscellaneous changes relating to the Legislature and the LCB. We accumulate issues that come up and put them all in one bill. If you do not like any of the ideas, you can take them out. I will try to explain why they are all in the bill and what we are trying to do with them.

Section 1 clarifies that money in the Legislative Fund does not revert to the State General Fund at the end of the fiscal year. This has been our practice; our auditors want something in statute stating that. There is a provision that recognizes the Legislature occupies more than one building and refers to paying expenses for necessary improvements to the Legislative Building and other buildings used by the Legislature.

There are provisions in statute that require various reports to be submitted to the Legislature, LCB or a committee. We authorize in section 2 of this bill that the reports be submitted electronically whenever practicable in accordance with *Nevada Revised Statute* (NRS) 218A.750. It has worked very well. If you go to our Website, you will see all the reports to the Legislature on a single link. We would like to strengthen this practice to say, "The person or entity shall, if

practicable, submit the report in electronic format." We want to encourage filing electronically to cut down on paper. This is a better way to receive materials.

Section 3 of the bill eliminates an obsolete provision. When we required prefilings of all the local government bills, we left in this provision. Subsection 2, paragraph (c) of NRS 218D.115 requires local governments to express to the LCB the priority of drafting bills within two weeks before session. That is approximately one month after they have all been filed. This provision should be taken out.

Sections 4 through 9 of this bill deal with the same problem. There are two major events that have the same deadline. The deadline for prefilings for local government and State agency bills need to be prefiled on or before December 15 or they are dead. One of the major deadlines for requesting bills is December 15. The Legal Division, LCB, is inundated with requests for bill drafts by that deadline, as well as finishing the prefiled bills for State agencies and local governments. We are suggesting moving the request deadline forward to December 10 and moving the introduction of the prefiled bills deadline back to December 20. The point is to uncouple them, leaving more time for bill drafting.

Section 10 provides dues may be paid to certain national organizations, Council of State Governments and the National Conference of State Legislatures, only to the extent of legislative appropriation. We did not pay dues last year; we made a tiny payment. We have a bill in this Session that says you must pay dues but this provision is to make it clear that you may pay dues to the extent of appropriations.

Section 11 eliminates an inconsistency which came up last Session in NRS 218E.420, subsection 1, paragraphs (a) and (b). Paragraph (a) says " ... the Chair of the Committee on Finance during the preceding session" and paragraph (b) says, " ... the Chair of the Committee on Ways and Means ... ", but until we put in this amendment, did not say, "during the preceding session." I have no reason to explain why that inconsistency was in there. We are making this section consistent explaining that the chair of Assembly Committee on Ways and Means during the preceding session is the member of Interim Retirement and Benefits Committee just as is the case with the chair of the Senate Committee on Finance.

Sections 12 and 13 provide additional flexibility in the structure of LCB with respect to the appointment of division chiefs and a deputy director of LCB. These sections have been a little restrictive.

Section 12 designates one of the fiscal analysts as being responsible for the administration of the Fiscal Analysis Division, LCB. Our entire senior management of the Fiscal Analysis Division left within a two-year period. We looked at some possibilities to lighten the workload on Rick Combs, Assembly Fiscal Analyst, and Mark Krmpotic, Senate Fiscal Analyst, who have done an extraordinary job. One of the possibilities was to have someone else designated to handle the administrative matters and to have Mr. Krmpotic and Mr. Combs designated fiscal analysts. Although we do not intend to do that, we think we should remove statutory obstacles in case we want to change that structure.

Subsection 4 of section 12 relates to a deputy director serving without additional compensation—there is no increase in the budget for the deputy director although the position has taken on more and more work every year—the title was in lieu of a pay increase. We want to leave that open for the possibility that the deputy director could get additional compensation for being so designated.

In section 13, the change states the chiefs of the divisions of the LCB shall perform the respective duties assigned to them by law under the administrative supervision of the director. The chief of administration is not mentioned in this section.

Section 14 relates to the confidentiality statute. When you entrust something to LCB, we keep it confidential, unless you consent to disclosure. This language makes the law stronger. We have had some problems with information being subpoenaed. We want to make it clear that information provided to us is confidential and privileged and not subject to subpoena.

Section 15 relates to the Legislative Police. It allows us to adopt ordinances. This section is modeled after the Nevada System of Higher Education (NSHE) provisions which allow NSHE to enact basic traffic ordinances on university properties so campus police can say people cannot park here, people cannot skateboard here, and things like that. This language gives Legislative Police the authority to do those kinds of things.

Sections 16 and 17 of this bill deal with lobbyists. Section 16 requires badges issued to lobbyists to be a different color for each type of lobbyist. Section 17 creates different classifications for lobbyists. Currently, we have three classifications: paid lobbyists, unpaid lobbyists and veterans who do not receive any compensation. This section creates a fourth classification: a paid lobbyist working for a nonprofit organization recognized as exempt under section 501(c)(3) of Title 26 of the Internal Revenue Code and limits the fee paid for this registration. It requires a separate classification and, therefore, a separate badge color. We will have four different badge colors for four different types of lobbyists.

Section 18 relates to dues. Annual dues must be paid to the National Conference of Commissioners on Uniform State Laws to the extent of legislative appropriation. This clarifies if we do not have an appropriation, we cannot pay.

Section 19 clarifies that regular members and alternate members of the Legislative Commission may serve on the Legislative Commission's Subcommittee to Review Regulations. This codifies the practice we have had the last couple of sessions.

ASSEMBLYMAN MCARTHUR:

On page 11, section 15, lines 42 and 43, I would like a clarification as to what a majority is. It says, "...affirmative vote of a majority of its members... ." Does that mean a total of the members, not just the people who are on the Legislative Commission that day?

MR. MALKIEWICH:

Yes, that is exactly what it means. That is a practice for the Legislative Commission which has 12 members. We require seven votes for approval of any matter by the Commission. If one member is absent, theoretically, one Legislative House could pass something six to five. The Legislative Commission requires seven votes in any instance for a passage of any action, but this language requires it specifically in this instance.

CHAIR SEGERBLOM:

We will close the hearing on A.B. 575 and open the hearing on A.B. 576.

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

MR. MALKIEWICH:

I would like Kevin Powers, Senate Legal Counsel and Bill Drafting Adviser, to walk us through A.B. 576.

KEVIN C. POWERS (Senate Legal Counsel and Bill Drafting Adviser, Legal Division): Assembly Bill 576 is a lengthy bill which contains technical or housekeeping changes. Under NRS 220.120, the Legislative Counsel has a duty to review the *Nevada Revised Statutes* and ensure the statutes are arranged in an orderly and logical fashion. After the 2009 Session, it was determined that NRS 218 dealing with the State Legislative Department was becoming unwieldy and difficult to use. It had over 400 sections in it and, therefore, the Legislative Counsel directed that NRS chapter 218 be broken down into NRS chapters 218A to 218H. This was accomplished after the codification last Session. This bill is a follow-up and makes changes that are necessary to clarify and remove old language to make statutes effective and orderly.

I am going to highlight a few provisions in the bill. There is one proposed amendment that the Chief Clerk of the Assembly communicated to me about which I will advise the Committee.

On the first two pages of the bill is a list of definitions that are going to be added to the titles so all the terms are clear throughout the titles.

Section 41 is an amendment to NRS 218A.400. On page 7 of the bill, subsection 2, it indicates that "On the first day of each regular session at 12 p.m., the Secretary of State shall call the Assembly to order" The Chief Clerk of the Assembly, recognizing the Assembly does not always convene at noon on the first day of organization, would like this language to be changed so it says, "On the first day of each regular session at a time that is appropriate for that regular session, the Secretary of State shall call the Assembly to order" This language allows for the variation in time on the first day.

Oftentimes, the Legislature has provisions of a bill that will expire by limitation on a specific date. Questions have arisen as to whether the expiration occurs on the first minute of the day or the last minute of the day. The new language in

section 103, subsection 2, makes it clear that when a provision of a bill expires by limitation on a specific date, the provision remains in effect until the last moment of the day on which it expires. If a new provision takes place, it will become effective the first minute of the next day.

Under the *Constitution of the State of Nevada*, bills must be signed by the presiding officer of each House, the Chief Clerk of the Assembly and the Secretary of the Senate after they are passed by both Houses. In the Nevada Supreme Court case, *State ex rel. Cardwell v. Glenn*, 18 Nev. 34 1P. 186 (1883), the Court held that it was permissible for the Assistant Chief Clerk of the Assembly and the Assistant Secretary of the Senate to sign the bills when the Chief Clerk of the Assembly or the Secretary of the Senate is unavailable. Section 120 changes the statute to reflect the Nevada Constitution and case law. This provision would only allow an assistant to sign a bill if he or she was authorized and if the Chief Clerk of the Assembly or the Secretary of the Senate was not available to perform that duty. The authorization would have to come from the Chief Clerk of the Assembly or the Secretary of the Senate.

Section 122 will ensure that during a regular or special session a member of the Governor's staff is available to receive bills when they are delivered to the Governor for action. Section 122, subsection 2 provides that a member of the Governor's staff must be available during all hours that State offices are regularly open for business. Subsection 2, paragraph (b) also provides that the Legislative Counsel may provide notice to the Governor or the Governor's staff that a bill will be delivered after regular office hours. This ensures that a member of the Governor's staff will be available to receive those bills after regular office hours.

The purpose of the last significant change, section 247, subsection 6, is to make the statute orderly and logical. This provision provides the Legislative Counsel may "Add, revise, move or remove nonsubstantive definitions in ... *Nevada Revised Statutes* to ... improve readability or reduce repetitious or lengthy words or phrases." As we were putting this revised bill together, there were some nonsubstantive definitions we could have codified if the Legislative Counsel had the power to do so; this provision will make sure it is possible. The emphasis here is these would be nonsubstantive definitions. For example, if the Department of Health and Human Services was a term throughout a chapter, this would allow the Legislative Counsel to provide a definition of department.

The term would not have to be repeated in its full length throughout the chapter.

CHAIR SEGERBLOM:
Can you tell me what is the last moment?

MR. POWERS:
That would be when the day expires and the new day begins.

CHAIR SEGERBLOM:
Is that between the last second and the next?

MR. POWERS:
Correct. So it is clear on the record, on the last moment question, the new day begins on midnight and so the last moment would be the very last moment before midnight of a new day. I want the record to be clear.

ASSEMBLYMAN OHRENSCHALL:
I have a question on page 110, lines 18 through 22, regarding the definition of "Legislature." The provisions states:
 "Legislature" means: (1) the Legislature or either House; or (2) Any current or former agency, member, officer or employee of the Legislature, the Legislative Counsel Bureau or the Legislative Department.

Is that a more expansive definition then we have had up until now? How will that change the law?

MR. POWERS:
This definition applies specifically to this particular section. *Nevada Revised Statute* 218F.720 allows, on the direction of the Legislative Commission or the Chair of the Legislative Commission, the Legal Division to represent the Legislature in legal actions when it is necessary to protect the official interest of the Legislature.

As the statute is drafted now, it lists, as you can see on page 108 of the bill, " ... the Legislature, one or more agencies, members, officers or employees of the Legislature, the Legislative Counsel Bureau or the Legislative

Department" We are taking the existing language and moving it into a definition. The point is, when necessary to protect the official interests of the Legislature in litigation, this provision makes sure the Legal Division can represent not just the Legislature, but either of its Houses, or any current or former member of the Legislature, officer or employee who is being sued in litigation in their official capacity.

CHAIR SEGERBLOM:

We will close the hearing on A.B. 576 and open the hearing on A.B. 577.

[ASSEMBLY BILL 577](#): Makes various changes concerning bill draft requests.
(BDR 17-943)

MR. MALKIEWICH:

Assembly Bill 577 is a request on behalf of the Legislative Commission. The next two bills were submitted by the Committee to Consult with the Director. This bill has some small changes in it. The first few sections deal with the concept of secondary deadlines. These are in place for the session for requests that come in during a session covered by Joint Standing Rule No. 14, which states you have within the first eight days to request up to four bills if you are a Senator or two bills if you are a member of the Assembly. You have until Day 19 to request 50 committee bills. We have added secondary deadlines on that language. Legislators will be putting their bills in by those deadlines, but they are not necessarily going to have all of the details. We want at a later date more of the details. When the Committee to Consult with the Director came up with this, it directed the Legislative Counsel to do this for the interim requests, the ones covered by statute. This is following up at the suggestion of the Committee to Consult with the Director to establish secondary deadlines for all the Legislators' requests that are submitted by statute during the interim.

If a bill has a deadline for a request of September 1, the first major deadline for Legislators to submit requests on their own behalf, the details must be submitted on or before December 1 preceding the commencement of the regular session of the Legislature.

If a bill has a deadline for a request before the date of the general election, the details of the request must be submitted on or before December 10 preceding the commencement of the regular session of the Legislature.

If a bill has a deadline for a request of December 15, the details of the request must be submitted on or before January 15 preceding the commencement of the regular session of the Legislature.

If a bill has a deadline of the first day of session, the details of the request must be submitted on or before March 1 following the commencement of the regular session of the Legislature.

The idea of these provisions is to make sure we do not have 12 bills submitted in September, 10 bills submitted in December and then the details submitted 3 days before the deadline for introduction.

This language is to ensure that the Legal Division gets the rest of the details submitted.

These provisions were put in the Joint Standing Rules for your request during session. Section 2, subsection 3, paragraph (c) of A.B. 577 states:

The Legislative Counsel shall give priority to the drafting of bills and resolutions for which sufficient detail to allow complete drafting of the legislative measure was submitted within the period required by statute.

If bills and details are submitted by the deadline, they will get priority over measures that were submitted late.

The other change made in the bill is in section 3, subsection 5, on page 4. This section deals with picking up a bill that a former Legislator had requested. The Committee to Consult with the Director suggested that if a current Legislator becomes a sponsor of that bill, it must be counted against that Legislator's allocation. If a Legislator is allowed to have five bill draft requests (BDRs) and if he or she picks up a bill a former Legislator requested, as of now, it would not count against that new Legislator's allocation. If this provision is passed, it would count against the five BDRs allocated to Legislators.

Both of these provisions were suggested by the Committee to Consult with the Director, and those two provisions are the only changes in the bill.

ASSEMBLYWOMAN SMITH:

The other item we discussed in the Committee to Consult is the idea if a Legislator is termed out, he or she cannot submit BDRs. That gets rid of that problem of Legislators versus people who lose their elections.

MR. MALKIEWICH:

I do not recall that item being asked, but certainly that issue would fit in this bill. This language relates to bill drafts and is very closely tied to the provision of picking up requests from other Legislators. We could easily define someone who is not eligible to run. I do have a concern about the possibility of a member running for the other House. I am not sure how we would define it, if we could, as of the filing deadline; I know we have a provision in statute. If a Legislator has not filed for reelection and is necessarily termed out, but if he or she is not returning, at that point a Legislator would not be able to submit a bill draft.

ASSEMBLYWOMAN SMITH:

I know we had a discussion. It seems illogical to me that people who cannot be reelected are going to be able to submit BDRs. Even for people who are going to move from one House to the other, is it not a moot point because they are going to get their BDRs anyway. There would be a difference between people who get additional requests because they are returning members versus new members. It would be fine with me if we could define it. It would cut down on the issues and the staff's time having to do work, publish everything and then no one is going to pick them up anyway, especially if we say it has to be part of someone else's bill draft allocation.

SENATOR CEGAVSKE:

Did anyone talk about limiting the number of bills per Legislator and agency? I know there was talk during the interim about limiting not only the agencies but having them go through either the committee chairs or a Legislator to get a bill. Were any of those issues discussed?

MR. MALKIEWICH:

Yes. It was one of the issues the Committee to Consult discussed. We did not make further reductions or other changes in the bill draft numbers. Over the past few sessions, we have been seeing longer bills, even though we have fewer requests. We have a stable number of BDRs and bills. What we are seeing is longer legislation. Reducing the number is one of the problems we

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have encountered. Limiting bills was looked at, but the Committee to Consult did not make any recommendations in that area.

SENATOR CEGAVSKE:
What about the single subject rule?

MR. MALKIEWICH:
That is a challenge with long bills. It is something we will need to keep an eye on. As you know, one of the reasons for a rule on germaneness is to make sure Legislators are careful concerning single subjects. We also have a provision in the statute which requires measures cannot be combined in a manner that violates the single subject rule. The Legislative Counsel is not allowed to accept bills that have been combined to avoid the single subject requirement.

SENATOR CEGAVSKE:
I do agree with you. It is convoluted; we put too many items in one bill. I would like to see leadership address this issue when we talk again.

SENATOR DENIS:
Do we have a provision that a BDR will remain confidential unless the requestor allows it to be disclosed?

MR. MALKIEWICH:
Yes. There is a general confidentiality statute. We have specific exceptions to confidentiality. One of the exceptions is a limited exception to the BDR list. The provisions state that every week, starting July 1 before session, there is a publication containing a list of all the BDRs, each with the sponsor's name and a brief summary of the request, but beyond that, the BDR is confidential. That is one of the areas that unless a Legislator consents to making the BDR public, it would not be public.

SENATOR DENIS:
Would it not be easier to reverse that and say BDRs are not confidential unless the sponsor of the BDR says he or she wants it to be? That way you do not duplicate bills.

MR. MALKIEWICH:

That issue is another one of the limited exceptions to confidentiality. There is a provision in statute which says the Legislative Counsel can or is directed to notify a Legislator if someone has submitted a BDR that is the same as what he or she has requested and find out if the Legislator would like to withdraw the request. With a limited number of bill draft request allocations, a Legislator may not want to request that specific bill draft request.

Oftentimes, a Legislator will still want his or her own BDR because there is a slight difference or it was one of the things he or she promised to do while campaigning.

ASSEMBLYMAN OHRENSCHALL:

If A.B. 577 passes and becomes law, what would happen in the scenario where an incumbent Legislator is reelected and a month before the beginning of the regular session, resigns. The county commission appoints a replacement. The replacement misses the deadline to put in BDRs. Under A.B. 577, would the replacement Legislator not be able to pick up the prior incumbent's bill drafts?

MR. MALKIEWICH:

You are correct as the statute is written. Right now, the Legislator who is appointed under the statute would have missed the December 15 deadline. There is the Joint Standing Rule which allows a request for a few bills at the beginning of session. A replacement Senator would be able to request four bills at the beginning of session or two for a member of the Assembly. Under current law, he or she would be able to pick up the former Legislator's bills. Under A.B. 577, he or she would not because he or she would not have a quota to count it against. We could provide an exception if that was the desire of the Committee.

ASSEMBLYMAN OHRENSCHALL:

In that situation, there is an exception. The new Legislator and his or her constituents may not have the same representation in terms of being able to introduce legislation.

CHAIR SEGERBLOM:

We will close the hearing on A.B. 577 and open the hearing on A.B. 578.

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

MR. MALKIEWICH:

This is a lengthy bill. Donald O. Williams, Research Director, Research Division, and H. Pepper Sturm, Chief Deputy Research Director, Research Division, will be giving background information on this measure. This is the other measure requested by the Committee to Consult with the Director. The bill shows it coming from the Legislative Commission but the Commission requested it on behalf of its Committee to Consult with the Director.

DONALD O. WILLIAMS (Research Director, Research Division):

I am the LCB Research Director and appearing with me is H. Pepper Sturm, Chief Deputy Research Director. Assembly Bill 578 has been a work in progress for the past several years. It was drafted on behalf of the Legislative Commission at the request of the Committee to Consult with the Director. The current legislative leadership and previous legislative leaders have indicated the need for a better way to organize the interim study process and its structure.

One of the issues over the years has been the number of Legislators appointed to interim studies without knowledge of the topics being studied. Another issue has been the number of bill draft requests submitted by interim studies and heard by session standing committees without members who served on those interim studies.

As far back as the 1970s, the Legislature recognized the problem with our current structure—a lack of continuity from session to interim to the next session. Recognizing these concerns, the Committee to Consult with the Director studied this issue during the past interim and adopted recommendations to create a new interim committee structure based on the existing session standing committee structure. That new interim committee structure is established under the provisions of A.B. 578. Pepper Sturm will now present an overview of the new structure.

H. PEPPER STURM (Chief Deputy Research Director, Research Division):

I have provided a handout (Exhibit C) which summarizes key provisions of A.B. 578.

Section 64 of the bill repeals many of the existing statutory committees.

Sections 12 through 63 of the bill relate to the reassigning of statutory duties that exist with our current statutory committees.

On page 3, section 2, lines 33 through 35, the bill states that each of the Joint Interim Standing Committees are allocated ten BDRs apiece.

We did a comparison with the current model that can be seen on the bottom of page 1 on [Exhibit C](#). We looked at our last interim to see how many active committees we had, the average of members on a committee and the total number of meetings they had.

MR. MALKIEWICH:

There are a couple of things I want to point out in section 65 of the bill. There is the designation of the initial chairs of the Joint Interim Standing Committees; Education and Health and Human Services are virtually left alone except instead of being the composition they were before, they are now Joint Interim Standing Committees with the same duties. The chairs of those are scheduled to come from the Assembly this interim. A couple of the major committees, Judiciary and Government Affairs, initially will have chairs from the Senate.

Mr. Sturm talked about the number of committees, subcommittees and meetings during the interim. I want to point out the Legislative Commission is given control over these and sets the budgets. If this bill is approved, in August the Legislative Commission members would discuss the studies assigned, the work they want done, what are the big issues, and tell how they are allocating the assignments out to the different committees. The Commission would have control of it.

If this is not passed, you would pass the interim study and say the Assembly is going to conduct an interim study of the Legislature, its structure and functioning.

If you pass this, you would either say, "The Legislative Commission shall assign this out to one of its Joint Interim Committees or assign it to the Joint Committee, however you want to do that." The Legislative Operations and

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Elections Joint Interim Standing Committee would conduct that study as part of its meetings in the interim.

All of the committees would be reviewing the work that had been done the last session and preparing for the next session. They would come into session prepared on the issues while working on any studies assigned to them in the interim.

CHAIR SEGERBLOM:

Does this bill have a limitation on the number of studies that would be requested?

MR. MALKIEWICH:

It does not. The idea is that the Legislative Commission would be managing the workload and would take a look at it. We have staff limitations on how much we would be able to do. If we have major studies or tasks assigned to us, the Commission would take a look and say that a certain Joint Interim Standing Committee has a lot of work, so we are not going to give it a lot of work in the way of interim studies. The Commission could determine during the interim whether there is an issue that needs immediate attention. The Commission would direct a subcommittee to look into that specific issue.

ASSEMBLYWOMAN KIRKPATRICK:

Does that take the place of the committee BDRs?

MR. MALKIEWICH:

I do not believe this bill affects committee BDRs. The provision that states a Legislator gets one BDR for every 15 referred to the committee in the prior session is not amended in this bill. The committee chairs would be able to request bills on behalf on those committees.

Instead of the Legislative Committee on X getting ten requests, the Joint Interim Standing Committee on X would get those requests.

ASSEMBLYWOMAN KIRKPATRICK:

I think that is a lot of committee BDRs, depending on the interim study that you have.

CHAIR SEGERBLOM:

Page 3, section 2, subsection 3, paragraph (a) of the bill states that each committee gets ten legislative measures.

ASSEMBLYWOMAN KIRKPATRICK:

That is my point. If there is not a lot going on, some chairs would use every single bill draft possible—creating more bill drafts.

MR. MALKIEWICH:

I would have to research that, but I believe it would be less. Right now you have a number of statutory committees that are each allowed to make that number of requests. Those would all go away. You have this limited number now that gets ten. You also now have interim studies where each gets to request a certain number of requests; that is all incorporated in the Joint Interim Standing Committees. Between the ten per statutory committee and the five per interim study, the number would be more than ten requests for each of these Joint Interim Standing Committees.

ASSEMBLYWOMAN KIRKPATRICK:

How would you envision giving the committees enough latitude to hear additional information? For instance, many times we have gone outside our purview of what was directed within the study. Would there be a mechanism so you could bring up whatever issue you wish? How would you keep a committee on track?

MR. MALKIEWICH:

This is one of the reasons why the description of the jurisdiction of these committees includes a couple of components. First, it includes anything within the jurisdiction of those standing committees. For example, the Joint Interim Government Affairs Committee could consider any matter within the jurisdiction of the Government Affairs Committee. It would have that latitude. Joint Interim Standing Committees would also consider any studies assigned to it either by legislation passed during session or by the Legislative Commission.

If something comes up during the interim, the Legislative Commission may direct a Joint Interim Standing Committee to look into an issue while performing other things it is doing. There would be more latitude than with the current interim studies that have specific calls within them.

ASSEMBLYWOMAN KIRKPATRICK:

There would be some Legislators who would not be assigned to any of these committees. How beneficial is that?

MR. MALKIEWICH:

We would be appointing the members the same way we do now. Members are appointed by leadership and then the chair is appointed by the Commission. We would ask Legislators what they wanted to serve on, get that information to leadership, and then leadership could balance it out.

One of the things we try to do in the August or September meeting of the Legislative Commission is to coordinate all of the appointments, not just to legislative committees, but to nonlegislative committees.

In the case of the Senate, the objective is to spread out the workload because it tends to get overloaded. In the case of the Assembly, the objective is to try to make sure everybody is assigned to a committee. One of the issues I have tried to address is the general problem of Senators being overloaded and Assembly members not having enough committees to serve on. By having the five and three—more Assembly members on these committees than Senate members—there is a better chance of all the Assembly members being represented. Avoiding a five to three vote requires dual majority for passage of legislation.

ASSEMBLYMAN CONKLIN:

On page 58, section 63, it reads the Joint Interim Standing Committee on Natural Resources, Agriculture and Mining will forward a report to the Legislative Counsel Bureau for transmittal to the Tahoe Regional Planning Agency (TRPA). Earlier in the bill, it assigns the TRPA to the Government Affairs Committee, which is standard for our body. I would assume that is going to stay in the Governmental Affairs arena and one of those provisions is incorrect. I am assuming it is section 63. Is that correct?

MR. MALKIEWICH:

That is a mistake. You are correct. The primary focus of the Government Affairs Committee is TRPA which is under their jurisdiction. The intent was that the duties of TRPA and Marlette Lake Water System would go to the Government Affairs Joint Interim Standing Committee. Thank you for finding that.

SENATOR SETTELMAYER:

Is there any limitation on how many times an interim committee could meet? Is that dictated by the Legislative Commission?

MR. MALKIEWICH:

The budget of the interim committees is set by the Legislative Commission. The first meeting we have after session is in August or September. In addition to appointing all the members, we approve the budgets for all the committees. We would do the same thing for the Joint Interim Standing Committees with an assumption that if you have eight members and five meetings, you are going to need a budget of X dollars. The Legislative Commission would approve that budget. If a committee needs to meet a few more times than another committee, the budgets will be built accordingly. The budget will serve as a limitation on how many times the committee would be able to meet.

SENATOR SETTELMAYER:

Would that allow a committee to go to the Interim Finance Committee (IFC) to seek additional funding in case there was an emergency or something came up and the committee needed to have more meetings?

MR. MALKIEWICH:

We have never gone to IFC for that purpose. There is a certain amount of funding for interim studies which would be rolled together with the money for the statutory committees. We allocate out most of the money. For instance, if we have \$200,000 to fund these committees in the first year of the biennium, we would build budgets that get to \$180,000 or \$190,000. So if people need extra meetings, they can come back and request additional funding. Sometimes we have savings. We budget for all Legislators attending and submitting travel claims, although our budget is based upon videoconferencing to keep costs down. If after two-thirds or three-quarters of the way through the interim we see one of the committees has savings, we could reallocate money to another committee if it is needed for another meeting. We have been able to do this almost every interim.

SENATOR SETTELMAYER:

On page 6, section 8, is this common language—the concept of having any member of the committee being able to administer an oath; the concept of being able to go within or outside of the State to do a deposition; and the ability

to issue a subpoena? Is it common for interim committees to have these capabilities? I am not familiar with it.

MR. MALKIEWICH:

Yes. We eliminated a number of statutory committees. We generally have boilerplate language for all of them. That language was consolidated to say this is what a Joint Interim Standing Committee can do. If you look at some of the other committees, you will see that language is created for all the statutory committees.

SENATOR CEGAVSKE:

There are two things that concern me in this bill. The first one is the minority leadership does not get any appointments. I talked with our Majority Leader about every bill we had this Session. This bill says only the majority makes appointments in both Houses.

It does not matter what the parties are, I am looking down the line for whatever we do. It is consistent in every bill we see.

I share the concern Assemblywoman Kirkpatrick brought up. I am looking at the four-to-one advantages on some of these committees. This needs to be looked at and addressed before the bill moves out. I hope there is room for some discussion on those two issues.

CHAIR SEGERBLOM:

Do you have an answer concerning the majority making all the appointments?

MR. MALKIEWICH:

That is a policy decision for the committees in the Legislature to make. There is a provision requiring at least one minority member, both as a regular and an alternate, in each committee. In the Senate, where it is three members and two alternates, it would be no less than two and one, and one and one.

SENATOR CEGAVSKE:

I am referring to making the appointments and there are none of those.

ASSEMBLYMAN CONKLIN:

I am not sure I understand the concern. In my experience, we have always taken, from a leadership standpoint in the majority party, the recommendations of the minority leadership on whom they wanted and on what committee. It has been a standard practice with very few exceptions.

SENATOR CEGAVSKE:

That is not how it is written.

ASSEMBLYMAN CONKLIN:

I recognize that is not how it is written; in practice that is how it has always been done.

MR. MALKIEWICH:

These are policy matters for you to consider, whether you want to include them in the bill. I will confirm what Assemblyman Conklin has said. It is not in the statute, there is not a requirement, but in general, we have a few appointments for the Minority Leader, there are a few specifically for the Minority Leaders of both Houses, several are for the Legislative Commission that go right to the Legislative Commission and a large number that are for the Majority Leader or Speaker. In general, we do them en masse after the session is over. It has been a past practice for the Majority Leaders, the Speaker and the Minority Leaders to consult on those, but it is not required in the statute.

ASSEMBLYMAN HICKEY:

My question is along the lines of Assemblywoman Kirkpatrick's last question on how the numbers are spread out. Nine committees are proposed. There are five members on each committee from the Assembly, and there are 42 members in the Assembly. Are we to assume that basically each person would serve on one committee?

MR. MALKIEWICH:

There are other committees. There is the Legislative Commission, the IFC and the progeny of those committees that were excluded from this bill—the Audit Subcommittee, the Regulation and Review Subcommittee and the Committee to Consult with the Director.

There are nonlegislative committees that have legislative members on it. There are other opportunities for Legislators to serve on committees in addition to this.

CHAIR SEGERBLOM:

Can termed-out members be on a committee?

MR. MALKIEWICH:

I do not believe there is a prohibition against that. But, in making those decisions, it should be remembered the goal is to have continuity coming into the next session. That is one of the things leadership will consider in making appointments.

ASSEMBLYMAN CONKLIN:

I was going to make the same observation Mr. Malkiewicz did. There are 45 appointments for our House and there is other work that still has to get done. We will still be looking for people who actively want to participate in the interim.

MR. MALKIEWICH:

That is the reason why I went with five Assembly members and three Senate members. I want the unbalanced committees. What we now have in many of our committees is four and four, or three and three. You have four members of each House on Education, and three members of each House on Health Care. It exacerbates the problem. Any person in leadership who has been involved in making appointments will tell you there are plenty of committees.

ASSEMBLYMAN OHRENSCHALL:

Under A.B. 578, would these interim committees have the authority to meet somewhere other than Carson City or Las Vegas? Could they ride circuit and have meetings in Elko or Overton?

MR. MALKIEWICH:

It is strictly a budget issue and one that has been addressed in our budget. Budgets for certain committees like the Legislative Committee on Public Lands include more money for travel than budgets for our other committees because we understand that Committee is going to travel.

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In general, last interim and this interim, we have built lean budgets for interim studies. We have appropriated a small amount for travel on the assumption that we will be videoconferencing and members will be meeting at the Grant Sawyer State Office Building in Las Vegas or the Nevada Legislature Building in Carson City. However, we have recognized some of the committees are more likely to travel, therefore we have built travel money into the budget. This comes back to the fact that with the Legislative Commission approving the budgets and it will be overseeing and reviewing all the committee budgets.

ASSEMBLYMAN OHRENSCHALL:

Then it is solely a fiscal issue. The chair of a Joint Interim Standing Committee could have a meeting in a different location if members wanted to discuss an issue pertaining to that particular area.

MR. MALKIEWICH:

That is correct.

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CHAIR SEGERBLOM:

There being no further business, we are adjourned at 5:30 p.m.

RESPECTFULLY SUBMITTED:

Michelle Ené,
Committee Secretary

APPROVED BY:

Senator David R. Parks, Chair

DATE: _____

Assemblyman Tick Segerblom, Chair

DATE: _____

<u>EXHIBITS</u>			
Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 578	C	Pepper Sturm	Assembly Bill 578 (Joint Interim Standing Committees)