

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

**Seventy-Seventh Session
April 30, 2013**

The joint meeting of the Assembly Committee on Legislative Operations and Elections and the Senate Committee on Legislative Operations and Elections was called to order by Chair Pat Spearman at 5:26 p.m. on Tuesday, April 30, 2013, in Room 1214 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at nelis.leg.state.nv.us/77th2013. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

SENATE COMMITTEE MEMBERS PRESENT:

Senator Pat Spearman, Chair
Senator Mark A. Manendo, Vice Chair
Senator Kelvin Atkinson
Senator Barbara K. Cegavske
Senator James A. Settelmeyer

ASSEMBLY COMMITTEE MEMBERS PRESENT:

Assemblyman James Ohrenschall, Chair
Assemblywoman Lucy Flores, Vice Chair
Assemblyman Elliot T. Anderson
Assemblyman Wesley Duncan
Assemblyman Pat Hickey
Assemblywoman Marilyn K. Kirkpatrick
Assemblyman Andrew Martin
Assemblyman Harvey J. Munford
Assemblyman James Oscarson
Assemblyman Tyrone Thompson



ASSEMBLY COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Senator Tick Segerblom, Senatorial District No. 3

STAFF MEMBERS PRESENT:

Carol M. Stonefield, Committee Policy Analyst
Melissa Mundy, Committee Counsel
Rick Combs, Director, Legislative Counsel Bureau
Brian Davie, Legislative Services Officer
Brenda Erdoes, Legislative Counsel
Kaci Kerfeld, Committee Secretary

OTHERS PRESENT:

Lorne Malkiewich, former Director, Legislative Counsel Bureau
Priscilla Maloney, American Federation of State, County, and Municipal
Employees, Local 4041

Chair Spearman:

I will now call this meeting to order. We would like to hear some information on proposals regarding the structure and operation of interim committees and studies. I will turn it over to Senator Segerblom.

Senator Tick Segerblom, Senate District No. 3:

During the interim, I chaired a committee that examined how the Legislature functions and how we can improve it. The committee developed two proposals that would not require legislation but which would normally go through the Senate and Assembly Committees on Legislative Operations and Elections.

The first proposal deals with the current committee structures. We meet during the session and have corresponding committees in the Assembly and the Senate. When we go into the interim, we have special committees that do not relate to the regular standing committees. During the last session, we passed Assembly Bill No. 578 of the 76th Session, which was subsequently vetoed by the Governor. In that bill, we extended the session committee structure through the interim so we could continue to work on legislation and be prepared to hit

the ground running when the next session started. Even though the Governor vetoed that bill, Legislative Counsel Brenda Erdoes believes the Legislature has the power to adopt the same structure internally without the need for legislation. We urge you to consider this proposal, and if it meets with your approval, to adopt an interim committee structure that mirrors the session committee structure.

I believe, and I think Assemblywoman Flores would agree with me, that the reason these proposals are so important is that term limits and the two-thirds vote requirement for a tax increase have diminished the Legislature's role in Nevada. Our goal is to raise the involvement of the Legislature, and these two proposals, along with annual sessions, will go a long way toward doing that.

The second proposal came about during our trip to the Oregon Legislature to examine its annual sessions. We discovered Oregon has another interesting facet to its interim committees. Instead of having its interim committees meet randomly as Nevada does, Oregon's committees all meet at the same time at the state capital three times a year. This structure enables legislators to be a lot more functional. This is something we could do internally without legislation. We would designate three days each quarter when all legislators would meet with their committees in Carson City or Las Vegas. This would enable the two houses to continue working together throughout the interim so we would be better prepared for the next session. Our goal is to make the Legislature more effective and efficient so we can better serve the people of Nevada. Meeting biennially for 120 days is very difficult, especially with the turnover of legislators.

Assemblywoman Lucy Flores, Assembly District No. 28:

Last interim, we worked on issues of efficiency and accountability. We can be more productive and effective if we work in the same manner during the interim as we do during the session. This would help in developing our ideas and getting them produced as well as getting the interested parties involved. It is incredibly difficult, given the interim structure, to spend the amount of time necessary to do these things because we do not have the resources available to us. If we have a structure in place that allows for that type of work to be done and that mirrors what we accomplish during session, then that is one step toward producing a legislative body that is not only more efficient, but can also hold other agencies accountable. When we are not in session, it is difficult to get phone calls returned from administrative officials and others because they know that we will not be meeting for another two years or discussing ideas and

issues together as a body. This is an effort to produce a more accountable and efficient legislative body in Nevada.

Senator Segerblom:

Carol Stonefield was the policy analyst for my interim committee and is the policy analyst for the Senate Legislative Operations and Elections Committee. She will explain in detail how the interim committee structure would work and how it would work to have the committees, instead of meeting randomly, come together every quarter in either Carson City or Las Vegas. We also have Ms. Erdoes here, who can explain how we can do this without the need for legislation.

Carol M. Stonefield, Committee Policy Analyst:

I am here at Senator Segerblom's request to give you background information on the proposal passed by the Legislature in the 76th Legislative Session and some of the issues that the interim committee examined. This is not a new issue. The oldest report in the Legislative Counsel Bureau's (LCB's) Research Library dates back to 1974 when it was observed that no continuity existed between the session committees and the interim committees.

We are going to start with the interim before the 76th Legislative Session. The Committee to Consult with the Director met with the Director of the LCB and several times with the LCB division heads to discuss the interim and session committees. The 2011 Session was the first time there was a parallel committee structure with parallel jurisdictions during the session. The continuation of that would have been to implement the same parallel structures during the interim. I have provided a document titled "Assembly Bill 578 (2011), Section Summary" ([Exhibit C](#)). The bill has more than 60 sections, most of which transfer power from the existing statutory interim committees to the new structure. I have also provided a document titled the "2011-2012 Interim" ([Exhibit D](#)) that shows the structure under which the Legislature operated last interim. If nothing were changed, this would be the structure you would operate under in the next interim.

Assembly Bill No. 578 of the 76th Session did not propose to affect the Legislative Commission or the Interim Finance Committee (IFC). Those are listed under "Interim Committees" ([Exhibit D](#)). It did not propose to affect the nonlegislative committees listed on page 2 of the document. We are only looking at the sections labeled "Statutory Committees" and "Interim Studies." Under "Statutory Committees," Assembly Bill No. 578 of the 76th Session proposed to repeal the Commission on Special License Plates and the

Committees on High-Level Radioactive Waste; for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System; on Child Welfare and Juvenile Justice; on Education; on Health Care; on Public Lands; on Senior Citizens, Veterans and Adults with Special Needs; and to Oversee the Western Regional Water Commission. As a note, the Western Regional Water Commission is set to expire this year unless it is extended. The Advisory Commission on the Administration of Justice was originally proposed to be part of A.B. No. 578 of the 76th Session, but it was removed with an amendment.

Senator Segerblom:

Looking at this document, you can see how convoluted we are during the interim. We are unfocused. That feeds into the fact that when we come back to session in February of the odd year, we start from scratch. We have three pages of committees of varying kinds, statutory and nonstatutory. In my opinion, we have an unworkable system. If the proposed changes were implemented, we could hit the ground running because we would have spent a full year in the same structure, working in the same committees, working with the same agencies, and working on legislation and providing oversight, which is what the Legislature is intended to do.

If you look at the one-page summary ([Exhibit E](#)), which is what we are proposing for the future, we would retain the same corresponding standing committees we currently have. Each standing committee has a chair, who would also probably serve as chair of the interim committee. Those people would perhaps continue to work on the bills that did not pass or follow up on the bills that did pass to make sure they were implemented as intended. They would also oversee the agencies and work on proposed legislation.

Carol M. Stonefield:

If you look at [Exhibit E](#), "Assembly Bill 578 (2011), Excerpts—Key Provisions," sections 5, 6, and 7 are the heart of the bill. In section 5, subsection 1, the nine policy committees from the session would become joint interim standing committees. Each one of the joint committees would have eight members: five from the Assembly and three from the Senate. The Senate Majority Leader and the Assembly Speaker would be required to consult with each other to ensure that at least five of the members would have served on the corresponding session committees. The main point of section 6 is that each house's delegation would vote separately. You would need a majority of the members from each house in order to take any action or approve any final recommendation. In section 7, these nine interim committees would have jurisdiction over the same

issues as the corresponding session committees, as well as any other topics that the Legislature might assign to them.

Senator Segerblom:

That is what we proposed in Assembly Bill 578 of the 76th Session, but you could decide on a different structure. You could even have the Assembly and Senate committees meet separately. The point is that you have the ability to create an interim structure that follows the current session structure, which is the key to keep everything flowing.

Ms. Erdoes will explain how we can do this under the existing statutes.

Chair Spearman:

How was the composition number arrived at?

Carol M. Stonefield:

The recommendation came from the Committee to Consult with the Director. There was little actual change to the bill draft from the way it came from that Committee. It has always been difficult to balance the numbers because there are half as many Senators as Assembly members. The obligation to put the same number of members on each committee puts a greater burden on the Senators. A number of interim committees, including the statutory committees, just have a majority vote, so I think that was one of the reasons they were trying to balance the membership between the two houses. When this proposal was designed, each house's delegation would vote separately, so you would still need a majority of the members of the Senate and a majority of the members of the Assembly on a committee in order for an action to move forward.

Brenda Erdoes, Legislative Counsel:

I believe the question to me is how this could function under the existing statutes. The bulk of the pages in Assembly Bill 528 of the 76th Session change references from the existing interim standing committees to joint interim standing committees. I would direct you to NRS 218E.200, which provides the power for the Legislative Commission to conduct any studies or investigations that it chooses to create, and it provides for the membership of those committees as well as for the payment of the legislators. It is fairly self-contained, and if you choose to create the committees through the Commission, that would be the source of your authority.

It is interesting to me that all of the existing interim standing committees—for example, the Committee on Education in NRS 218E.610—have a provision that states, “Except as otherwise ordered by the Legislative Commission, the members of the committees shall meet not earlier than . . .” a specified date and shall meet to do certain things. As you can see, the exception for a change of plans is already in the statutes, and that authority is given to the Legislative Commission. These are the basics of how this could work without a bill to repeal the existing statutory committees. If you choose to do it at this time, the benefit to doing something like this without a bill is that it would provide you the option of trying it this interim to determine whether you like it before you repeal all of the subcommittees and committees established in statute.

Some of these committees have subpoena power to carry out their investigations and studies. That subpoena power is duplicative of the general subpoena power that can be exercised by the Legislative Commission, and it can be delegated to committees of the Legislative Commission. Everything you would need to conduct the studies by committees created by the Legislative Commission is already in Chapter 218E of NRS.

Carol M. Stonefield:

I have provided a copy of the Governor’s veto letter for A.B. No. 578 of the 76th Session ([Exhibit F](#)). His reasons are given on page 2 in the last paragraph. He said that “the existing framework is adequate to the interim work of Nevada’s citizen legislature.” Those of you in the Assembly will remember that on the first day of session, the vetoed bills were read and then placed on the Chief Clerk’s desk. I confirmed with Ms. Erdoes that Assembly Bill No. 578 of the 76th Session is still available to you for consideration to override at any point during this legislative session.

Senator Segerblom:

That is one proposal. In Assembly Bill 578 of the 76th Session, we talked about creating combined committees of the Senate and Assembly. Another option would be to keep the current committee structure, with the Assembly and the Senate committees meeting separately, but the key would be to meet quarterly as Oregon does. I have provided a calendar that shows Oregon’s quarterly meeting schedule ([Exhibit G](#)). Oregon’s committees meet in the capital; in Nevada, we could choose to meet in Carson City or in Las Vegas. Legislators would meet with their assigned session committees, and the chair of the session committee would serve as chair of the interim committee. Our current session committee structure would remain unchanged, and the interim committees would meet for three days each quarter. This structure has worked

well in Oregon, and I believe it would be a revolutionary thing for our committees to meet together in this way in Nevada. This structure would allow us to work on bills and remain focused. Once the next session begins, we would be able to hit the ground running.

There are some folks here from the Legislative Counsel Bureau who can explain how we could do this without legislation. We do not know how much money it would cost, but we do not believe it would be much more money.

Brian Davie, Legislative Services Officer:

I was asked to talk about the facilities that would be available for committee meetings at the Grant Sawyer State Office Building in Las Vegas. The Legislature has two main committee meeting rooms on the fourth floor. There are also at least three other rooms in this building that could be used for a focused period. We have previously used other rooms in the building when necessary. On this same floor is a room controlled by the Attorney General's Office. I am not sure if it is still used for videoconferencing, but they had videoconference capability in the past, and it could seat 50 to 60 people with a committee setup. A State Gaming Control Board room on the second floor could probably only be used for a Senate committee because of a limited number of seats on the dais. That room can seat 80 to 90 people. Another room on the first floor of the building that is used by many different groups can be arranged in any way you want. However, there is no videoconference capability in that room at this point.

Assemblyman Hickey:

I have a question about financing for this. If we were to do as you propose and not go through the traditional avenues, I assume this would cost us more money. We are discussing having people spend three days at a time in either northern or southern Nevada, so we would have additional hotel space and things like that. I am wondering how we would circumvent the traditional process where financing would be included in the budget. Have you taken into account that, as citizen legislators, many people have a career, profession, or job, and while they are released from those commitments to serve for the 120-day legislative session, the proposal would require them to be released for three-day stretches on a regular basis during the interim? How would that affect legislators? While it is not yet a year-round session, it would change the number of days that people would be committed to being away from their jobs.

Senator Segerblom:

We each sit on a couple of interim committees which usually meet about five times, so many of these days would already be covered by what we do currently. Rick Combs is here. He may not be able to tell us how much it would cost, but he can explain how we could calculate the cost once a decision is made.

Rick Combs, Director, Legislative Counsel Bureau:

I have tried to figure out how much it would cost to conduct three-day meetings in Carson City and Las Vegas. Not knowing exactly what committees you would retain and how many times each committee might meet during the interim, it is hard to come up with solid numbers. Over the biennium, there is about \$233,000 in the LCB budget for the committees and the interim studies that would have been eliminated if Assembly Bill No. 578 of the 76th Session had been enacted. If everyone from the Legislature attended a three-day meeting in Carson City, I project the cost would be around \$67,000. That includes airfare, mileage, hotel, per diem, and legislator pay for three days. It would be the same as if you met on separate days in different committees. The pay might be reduced a bit because legislators hopefully would be busy all day for the entire three days, whereas interim study committee meetings sometimes only last three or four hours and sometimes less. The legislator is paid for the day, regardless of the meeting length. In that respect, we could realize some efficiency.

If we held the meetings in Las Vegas, the cost would be a little less because of the changing nature of the Legislature's membership. The airfare is reduced somewhat, but not as much as some may think. I had to factor in that staff members need to go from Carson City to Las Vegas as well, unless you are planning to do this without staff. I estimate it would cost about \$67,000 for a three-day meeting in Carson City and approximately \$55,000 for a three-day meeting in Las Vegas. Again, there is some efficiency in doing meetings in Las Vegas, but this does not account for a possible need to obtain meeting room space. As Mr. Davie indicated, there are meeting rooms available in Las Vegas. However, if the standing committees were to meet jointly, only one room at the Grant Sawyer State Office Building has a large enough dais to accommodate the number of committee members. You would need to secure other space to conduct the meetings, and there could be rental costs for that space. Recording costs are another consideration, even using other rooms in the Grant Sawyer State Office Building. This is something we would need to consider if we were to pursue this route.

I thought it would be interesting for you to know that of the interim studies approved during the past interim as well as the statutory committees, 87 meetings were conducted. That does not include the IFC, the Legislative Commission, or any of its subcommittees, or the Sunset Subcommittee. When you add those in, the actual number of meetings last interim was 143. A significant number of legislative meetings occur during the interim. So far this session, I believe there are proposals for about four new statutory committees and four new interim studies. In addition, there are bills that propose the Advisory Commission on the Administration of Justice review about seven different topics, and that the Legislative Committee on Health Care review four or five different topics. As you go through your processes as committees, you need to decide how to narrow that down or else some of those committees will be buried, and you will have more meetings in the upcoming interim than you had in the previous interim.

Assemblyman Hickey:

The money that Mr. Combs just referred to includes money for those mentioned interim studies, some of which have been important to this body. Are you saying that we would need to eliminate some of the studies or budget more for those deemed important?

Rick Combs:

The budget dilemma is that we were capped in the amount we requested. When we made the request, the cap was on the appropriation for the second year of the biennium, which is the year of the biennium you are in session. The amount budgeted for meetings of the statutory and interim study committees is less in that year than in the even-numbered fiscal year. To maintain and stay within the cap for the budget, we had to find a way to make that work, even though the majority our money is used in the even-numbered year for the work you do during the interim. There is \$233,000.

Part of what these committees have to do is make sure that one of two things happens: either additional money is appropriated to handle an increased workload or the number of studies and committees being proposed is reduced to stay within the amount available in the budget.

For reference, there were five interim studies during the past interim. A sixth study was added, but it only had one meeting. The statutory committees and the interim studies met 87 times. It is not only how many committees and studies you create, but also how many times they meet. As you proceed through the remainder of this session, please keep in mind not only how much

work that generates, but also the staff it affects. During the past interim, three of the five interim studies were staffed by the Fiscal Analysis Division because of their subject matter. Of the 36 interim study committee meetings, 26 of them were staffed by the Fiscal Analysis Division. That is in addition to the 15 IFC meetings, the 6 Committee on Industrial Programs meetings and the Interim Retirement and Benefits Committee that they also staff. There has been a lot of discussion this session about various studies of the tax structure as well as the studies of K-12 funding and some others that I will be advising you and leadership on. You cannot bury one part of the organization with more work than it is capable of handling during the interim without providing the necessary resources.

Senator Segerblom:

The current budget would support approximately four of these three-day meetings in Carson City. We could meet in October, next spring, next summer, and the fall of 2014. That is comparable to what we have already budgeted. Instead of having an interim study, the committee with jurisdiction of the topic would study the subject. For example, the Transportation Committee would study highways in lieu of an interim study on highways, and if we wanted to study taxes, the Revenue and Taxation Committees would study taxes. We would use our committees to do the interim studies instead of creating a separate study committee as we do now.

Rick Combs:

The one concern I have about that idea for the upcoming biennium is that most of the interim study committees and statutory committees held more than four or five meetings last interim. There were six meetings of the Legislative Commission's Subcommittee to Study the Allocation of Money Distributed from the Local Government Tax Distribution Account; seven meetings of the Committee to Study the Funding of Higher Education, plus another eight meetings of the Committee's three subcommittees; five meetings of the Committee to Study a New Method for Funding Public Schools; five meetings of the Legislative Commission's Committee to Study the Structure and Operations of the Nevada Legislature; and four meetings of the Legislative Commission's Committee to Study the Deposits and Refunds on Recycled Products. The Legislative Committee on Health Care and the Legislative Committee on Education, as statutory committees, often meet six to eight times during the interim as well. They are the statutory committees with the largest workload. Some of the others meet four or five times.

Assemblyman Anderson:

How would this work for the committees that do not have an applicable standing committee, for example, the Legislative Committee on Seniors, Veterans, and Adults with Special Needs? How would that work? Would jurisdiction be based upon the existing chapters of NRS and where the issues would normally go if we were in session? How would those other responsibilities that are now provided for under the interim structure be provided for under this new structure?

Senator Segerblom:

That would be up to you. The thought is that the chapters would be assigned to interim committees in the same manner as they are assigned to the standing committees now.

Assemblyman Ohrenschall:

I would like to understand how the Oregon system works and why you think it is better than what Nevada currently does during the interim. Do they look at potential bill draft requests (BDRs) for the next session or the hot issues of the day? Are they discussing an interesting topic that the public cares about? Could you describe that a little bit?

Senator Segerblom:

Oregon legislators are looking at ideas for potential legislation. They are also overseeing laws they have already passed to ensure those laws are effective. We do not do that in Nevada. We pass bills, but we never go back and question if they worked as intended. The people in Carson City hold their noses until we leave, and then they do whatever they want to do. A whole new group of us shows up the next session and starts over again. The intent is to keep a structure so we can actually start to plan and become effective in supervising the government, which is our intended role.

Assemblyman Ohrenschall:

Because we are out so often knocking on doors and talking to our constituents, the Assemblymen and Senators are usually the first legislators people contact when something goes wrong, whether it is a pothole or social security, so I think this is very needed. Would the joint interim standing committees be able to meet at the call of the chair? If an issue arose, such as the foreclosure crisis a couple of years ago, would these committees be able to meet at the call of the chair or would that be set by the Legislative Commission on particular dates? That was something during the interim that troubled me. I was hoping more

could have been done, but we were not called into special session. What do you foresee?

Senator Segerblom:

Under current statute, you would go to the Legislative Commission and the Commission would authorize your committee to meet separately. According to Ms. Erdoes, the Commission has this incredible power to dictate what we do during the interim. We are asking you to start thinking about how this process would work. We would keep these committees going and the chair would continue to serve. We would meet together collectively with all the freshmen, who could start to work on legislation for the upcoming session. It would make us more effective and more cohesive. Part of the process is meeting and learning how to work with each other. When you have an idea, you talk to someone else. You do not reinvent the wheel every time.

Chair Spearman:

Would this mean that if there were a crisis and we called ourselves into session, we would have the power to pass laws?

Senator Segerblom:

No, we cannot pass a law.

Chair Spearman:

So we could do something that would mitigate it, but not something permanent?

Senator Segerblom:

Yes.

Brenda Erdoes:

I was not sure if you were referencing your new power to call yourselves into special session. If that is what you were referencing, then you have the power to pass laws, but if you were talking about the interim study under the Legislative Commission, then you do not.

Senator Manendo:

What I envision with that committee is that chairs of committees get committee bills, and it generally falls on that particular committee chair to decide what he or she wants. I envision that the committees could work together collectively to come up with BDRs for the next legislative session based on the work that you would be doing during the interim with that committee structure.

Senator Segerblom:

You are correct. The interim committees get bills, too. The Legislative Commission would make those rules, but your two committees would propose that to the Legislative Commission for adoption.

Senator Manendo:

For example, there is no interim transportation committee. Are you saying there would be, so we could work together in both houses to create those?

Senator Segerblom:

Exactly, and we could oversee what is occurring and focus on how to get through the many issues.

Senator Settlemeyer:

The Attorney General has weighed in numerous times that in her opinion, it is potentially possible that some of the things we do in the interim are unconstitutional. Do you believe that the IFC could be taken over through the interim structure to give it more validity or would you still leave the IFC in place?

Senator Segerblom:

This is not intended to get rid of the IFC. These committees would not have the authority to pass legislation or take money. The IFC is statutory; there is no reason why these committees could not refer financial matters to the IFC for approval.

Brenda Erdoes:

There was no intention to subsume the IFC. It is not one of the interim committees or standing committees whose statutory authority includes exception language for not meeting. It is my understanding the IFC would still meet all of its requirements, as those are specific to the IFC.

Senator Settlemeyer:

The Legislative Commission would continue as well, correct?

Brenda Erdoes:

Yes. It is my understanding that the Legislative Commission would delegate investigative powers to whatever committees were created, including whatever power the Legislative Commission wants. This would include the power of a committee to meet when it wants and however else you want to make it work.

Senator Settlemeyer:

What is the history of how we came about only having 120 days? It was voter-approved, and I am curious how it came about and if you think this conflicts with that in some respects.

Rick Combs:

It began in 1997 because sessions had started to extend longer and longer into the summer. That is when the proposal was made to limit the length of sessions. We have always worked during the interim. I do not believe at the time the 120-day limit was put into place that there was any discussion of restricting the ability to work during the interim. In my opinion, having 143 meetings during the interim is a lot when you consider how many days there are during the interim and the fact that many of these committees do not start until the first of the calendar year after session. The number of meetings has increased as well as the creation of subcommittees of committees. I am not sure I could find any relationship to that being directly related to the 120-day limit.

Assemblyman Hickey:

Brenda, you said we could implement this with existing statutes. What process exists whereby this body could do this without overriding the Governor's veto? Would that process likely invite legal challenges from other branches of government?

Brenda Erdoes:

What is envisioned is the Legislative Commission would use the power it already has under NRS 218E.200 to create different committees. Those committees would meet and carry out the duties given to them by the Legislative Commission. In most cases, the statutory interim committees such as the Committee on Education and the Public Lands Committee would not meet in favor of these other committees meeting. This works without changing the statute because authority is already built into statute for those committees not to meet if determined by the Legislative Commission.

I do not foresee any challenges because the power already in NRS 218E.200 has been around for a long time and used extensively to create committees since I have been here. In addition, there is the exception in statute for the Legislative Commission to tell the committees not to meet.

Assemblyman Hickey:

Are you saying that that decision could be made by the Legislative Commission without there being a vote of the entire body?

Brenda Erdoes:

A quorum of the Legislative Commission would need to meet, and on that body, it takes seven of the members.

Assemblyman Hickey:

In your interpretation, it could be by a vote of the Legislative Commission and not necessarily a vote by the 63 members of this body? The 63 members of this body would not necessarily have a say?

Brenda Erdoes:

That is correct. I do not believe it would take a vote by the entire Assembly because the authority is already vested in the Legislative Commission and has been for some time.

Senator Segerblom:

These proposals would go a long way toward enhancing and bringing back a critical power to the Legislature. We are first mentioned in the Nevada Constitution, before the Governor and the Nevada Supreme Court. We have slowly seen our power erode to the point where in many instances, we do not have much power. I think it is time we take it back—that we create a structure where the Legislature has oversight, where we are effective and efficient and do not waste the interim period between sessions but instead use that period to focus and prepare so we can hit the ground running and do constructive things during session.

Chair Spearman:

Those are good ideas. Do you have an idea about what the next steps would be?

Senator Segerblom:

The next step would be to have the Legislative Operations Committees meet separately to discuss this concept more. Staff could draft specific details about what actions the Legislative Commission would take. It would not be an official bill.

Assemblyman Thompson:

This would be helpful once we decide how many committees and subcommittees we need. Additionally, it would be beneficial to split meeting locations, possibly meet in Las Vegas two times and Carson City two times. I think we could get more constituent participation in southern Nevada.

Senator Segerblom:

One of the benefits of this is for the people in southern Nevada to see us in person.

Lorne Malkiewich:

I used to work for the Legislative Counsel Bureau. I was the director who met with leadership and talked about this. The Legislature now has the most parallel structure between the two houses that we have had in the 32 years I have been working with the Legislature. The Assembly used to have a separate Elections Committee and a separate Labor and Management Committee. The Senate used to hear education issues in the Human Resources Committee, and there were no elections under the Legislative Operations Committee; it was with the Government Affairs Committee. Although there are still some distinctions between the jurisdictions of the committees in the two houses, it is as parallel as ever, which is one of the predicates to doing this.

I will take responsibility for suggesting five members of the Assembly and three members of the Senate. That came from years of trying to fill interim committees and having the same problem. In the Senate, if you had three and three and four and four as your committees, you would have Senators serving on committees all the time, having a large number of committees, and having a hard time with their citizen side of the citizen legislature. In the Assembly, you had the opposite. There were not enough positions to go around. You would have legislators with very few committees or none. With the requirement of dual majority, you do not need to worry about disenfranchising the members of the Senate because of the lower number of members.

Senator Segerblom's proposal is different from Assembly Bill No. 578 of the 76th Session in a couple of different ways. One of the differences is the subcommittee structure of five and three. If you were to go in that direction, one question is whether the interim judiciary committee would consist solely of members of the existing session Judiciary Committees or also include members from the other committees. Benefits to both approaches include having someone who actually sat on the interim committee returning to the Legislature and advocating for the ideas passed by the interim committee; getting fresh

ideas; and having the committees ready to go by holding, for example, a joint judiciary committee meeting shortly before session to brief the members so they are already briefed when session starts.

Chair Ohrenschall spoke about another benefit of this approach, which is the hot issue. If you were to appoint interim committees and pick your interim studies, you would lose some flexibility to address the current hot issues during the interim. That was one benefit we saw in this structure. If something were to come up in the interim, you would already have your committees meeting that could address those issues.

When we presented Assembly Bill No. 578 of the 76th Session, we did not propose any budget adjustments. We assumed you would have the same number of legislative meeting days. You heard Mr. Combs talk about the large number of meetings. The idea was that you would have the joint committees meet with the same amount of funding as was authorized under the current budget. It would be a case of determining the number of committees you could afford under that expenditure. I believe we assumed we would be doing a little more videoconferencing and having the northern Nevada members meet in Carson City and the southern Nevada members meet in Las Vegas. This is a little different concept with everyone meeting in one place on the same days.

Assemblyman Anderson brought up one area of concern for this approach: that some of our statutory and interim committees cross committee jurisdictions. For example, seniors and veterans have issues that relate to several different committees. Some of the statutory committees we have created are to address these crosscutting issues, and I think the answer was appropriate. The issues relating to Judiciary or Transportation or to the various committees would be directed to those committees.

Priscilla Maloney, American Federation of State, County and Municipal Employees, Local 4041:

Some of the problems that we see at AFSCME come to us through our members' workplace issues. Their workplaces span the entire spectrum of state government. If a problem comes up, there are not resources or time to draft a BDR to put through this process, and the problems are ongoing, then we rely heavily on the existing interim committees to address those problems. We deal somewhat with the Legislative Commission, somewhat with the IFC, but not so much with the individual committees that are listed in your packets ([Exhibit D](#)).

I like the idea very much, whether this body considers getting there by resurrecting Assembly Bill No. 578 of the 76th Session or using the statutory authority under NRS 218E.200 described by Ms. Erdoes, which I haven't looked at. At AFSCME, we look to the Legislature as our hearing body to address the concerns of our membership, which is made up of the people who keep Nevada working and keep the state government going. In their small way, they count on us to be in front of this body. If we cannot get here during a legislative session or if legislation passed in a session requires a regulatory process, this is where we come. We, too, are concerned about the enormous amount of work that needs to be done within 120 days to keep Nevada going and about the strain and pressure this constraint places on this body and the entire system. We would be in support of this idea.

RESPECTFULLY SUBMITTED:

Matthew Baker
Assembly Transcribing Secretary

APPROVED BY:

Assemblyman James Ohrenschall, Chair

DATE: September 21, 2013

EXHIBITS

Committee Name: Legislative Operations and Elections Committee

Date: April 30, 2013

Time of Meeting: 5 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
	C	Carol M. Stonefield, Committee Policy Analyst, Legislative Counsel Bureau	Document titled "Assembly Bill 578 (2011), Section Summary"
	D	Carol M. Stonefield, Committee Policy Analyst, Legislative Counsel Bureau	Document titled "2011-2012 Interim"
	E	Carol M. Stonefield, Committee Policy Analyst, Legislative Counsel Bureau	Document titled "Assembly Bill 578 (2011), Excerpts— Key Provisions"
	F	Carol M. Stonefield, Committee Policy Analyst, Legislative Counsel Bureau	Governor's veto letter dated June 17, 2011, regarding Assembly Bill No. 578 of the 76th Session
	G	Carol M. Stonefield, Committee Policy Analyst, Legislative Counsel Bureau	Quarterly committee meeting schedule for the Oregon Legislature