

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

**Seventy-Seventh Session  
May 28, 2013**

The Senate Committee on Legislative Operations and Elections was called to order by Chair Pat Spearman at 9:03 a.m. on Tuesday, May 28, 2013, in Room 2144 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 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 Pat Spearman, Chair  
Senator Mark A. Manendo, Vice Chair  
Senator Kelvin Atkinson  
Senator Barbara K. Cegavske  
Senator James A. Settelmeyer

**GUEST LEGISLATORS PRESENT:**

Assemblyman John C. Ellison, Assembly District No. 33  
Assemblywoman Lucy Flores, Assembly District No. 28  
Assemblywoman Marilyn Kirkpatrick, Assembly District No. 1  
Assemblyman James Ohrenschall, Assembly District No. 12  
Assemblyman James Oscarson, Assembly District No. 36

**STAFF MEMBERS PRESENT:**

Carol M. Stonefield, Policy Analyst  
Melissa Mundy, Counsel  
Mary Moak, Committee Secretary

**OTHERS PRESENT:**

Steve Bradhurst, Executive Director, Central Nevada Regional Water Authority  
Andy Belanger, Southern Nevada Water Authority; Las Vegas Valley Water District  
Kyle Davis, Nevada Conservation League

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Jason King, P.E., State Engineer, Division of Water Resources, Department of  
Conservation and Natural Resources  
Patrick Sanderson, Laborers International Union Local 872, AFL-CIO  
Jon Eriksen, Nevada Cattlemen's Association  
Steve Walker, Truckee Meadows Water Authority  
Nicole Lamboley, Chief Deputy, Office of the Secretary of State

**Chair Spearman:**

I will open the hearing on Assembly Bill (A.B.) 301.

**ASSEMBLY BILL 301 (1st Reprint)**: Requires the Legislative Committee on  
Public Lands to conduct a study concerning water conservation and  
alternative sources of water for Nevada communities. (BDR S-807)

**Assemblyman James Oscarson (Assembly District No. 36):**

Assembly Bill 301 speaks to an important issue of my constituents and to the  
State as a whole, our water. Nevada is the most arid State in the Nation. Up  
until 2008, Nevada was also the fastest-growing state in the Country. That  
adds up to a need to carefully manage our existing water resources and look for  
alternative sources of water.

The Legislature does a water study every 5 years with the last study in the  
2005 Session. In the 2007 Session, water issues were added to the list of  
subjects to be reviewed by the Legislative Committee on Public Lands each  
interim. That Committee has kept up on water issues and on making  
recommendations for bill drafts.

Since we are overdue for a water study and money is tight, I am not looking for  
a separate interim study. I am asking the Legislative Committee on Public Lands  
to spend quality time studying water conservation and alternative water  
sources. Water conservation is by definition one of the best ways to stretch our  
limited resources. We can clearly do more to quantify and understand our water  
use patterns and improve our water conservation efforts. With respect to  
alternative water sources, the bill mentions the obvious ones: desalination,  
reclaimed water and gray water to name a few. These are all strategies being  
used successfully in other states, such as Arizona and Utah. These sources  
should be studied to see if they would work in Nevada.

**Senator Manendo:**

Could members of our Committee who serve on the Legislative Committee on Public Lands have gone to the Chair to ask for a study during the interim?

**Assemblyman Oscarson:**

How about we do both studies?

**Senator Manendo:**

Why are we spending taxpayer money on a bill if we can make the request of the Committee?

**Assemblyman Oscarson:**

This is not a separate study. This is not going to cost any money.

**Senator Manendo:**

You have a separate piece of legislation. You had to draft a bill. Could you have approached the Chair to put this study on the agenda during the interim? Assemblywoman Maggie Carlton was the Chair last Session. Plenty of times you just went to her and said will you look at this as part of the Legislative Committee on Public Lands, and we did.

**Assemblyman Oscarson:**

It may be my inexperience as a freshman Legislator. I went to the Legislative Counsel Bureau, and they felt this was the best way to do it. They were kind enough to help me draft legislation, and that is how it came out.

**Steve Bradhurst (Executive Director, Central Nevada Regional Water Authority):**

The Central Nevada Regional Water Authority is a unit of local government comprised of eight counties. The Authority supports A.B. 301 as amended and passed by the Assembly.

Assembly Bill 301 is about water supply. Our traditional sources of surface and groundwater supplies in Nevada are at best limited. The worst-case scenario has the State's water sources diminishing over time. It is important we take a look at where we get water in the future. One of the sources has to be an alternative source of water. Assembly Bill 301 identifies alternative sources of water that should be looked at and discussed by the Legislative Committee on Public Lands.

To answer Senator Manendo's question, at the last work session hearing of the Public Lands Committee, the Central Nevada Regional Water Authority submitted documentation recommending this study be conducted in the next Session, but there was not any discussion on this.

The Central Nevada Regional Water Authority asked Assemblyman Oscarson and Senator Pete Goicoechea to submit a bill to move this issue forward. Water is an important issue, and this study will raise the level of awareness of the critical nature of our water supply limitations in the State.

**Andy Belanger (Southern Nevada Water Authority; Las Vegas Valley Water District):**

We are here to support A.B. 301. We appreciate the work to bring forward a bill upon which all sides can agree. Water in Nevada is a precious resource. We are looking for ways to stretch and use it in the most effective ways.

The Southern Nevada Water Authority has a history of looking for ways to augment our water supplies. We sponsored a 2006 study looking at ways to augment the supply in the Colorado River. We helped fund a basin study that occurred last year on the Colorado River. We have been looking both outside the State and internally to find ways to stretch our supplies to ensure each Nevadan has access to clean, affordable water.

It is appropriate for the Committee on Public Lands to study this issue. We have had studies in the past that looked at water issues. This is the first study quantifying how much water is in the State; how much of that is available; how can we stretch water supplies in the urban and agricultural areas; and what is the ability to look at urban and agricultural water conservation. The bill will also look at the feasibility of interbasin transfers of water and water reuse throughout Nevada, both in places where it is underway and where it can occur in the future. I appreciate that the study will look at total consumptive water use. The consumptive water use will be calculated in terms of gallons per capita per day. For the first time, Nevada will establish a metric we can use to determine our direction in terms of conservation. We can look at where the State has been and where next to go. The Legislature can make goals as far as where we want to go. That cannot occur now because we do not have the data. This study will do things we have never done before. It is important for the Legislature to give the Committee on Public Lands direction so we can move forward on these issues.

**Chair Spearman:**

On page 2, lines 3 through 9, are you setting forth a comprehensive way to identify where we are now, where we could go and how we might get there?

**Mr. Belanger:**

Yes.

**Kyle Davis (Nevada Conservation League):**

The Nevada Conservation League supports A.B. 301. Water is an important resource in our State. It is a resource we do not have a lot of and one we are bound to see less of due to continuing demands and the impact of climate change. Our State needs to be on top of this issue if we intend to use water in the most economical way. We need to implement conservation measures so we can make our water stretch as far as possible. This good step should give us great data in terms of forging a way forward to protect our water resources.

**Jason King, P.E. (State Engineer, Division of Water Resources, Department of Conservation and Natural Resources):**

The Division of Water Resources supports A.B. 301. We believe the information gathered during the study will be useful in managing our water resources.

**Patrick Sanderson (Laborers International Union Local 872, AFL-CIO):**

All you have to do is look at the rivers, the streams and our lakes to see the water flows are down. Whatever we can do to come up with ideas and a better way to conserve water is a good deal. We have had this problem since the day Nevada became a state. I hope we can go forward with this bill.

**Assemblyman John C. Ellison (Assembly District No. 33):**

Elko, Eureka and communities all the way down to Caliente face one of the worst droughts the State has seen in years. I am in favor of A.B. 301. This Session, Senator Goicoechea and I put in a bill for cloud seeding which did not make it. This study is important not only to rural Nevada but to the entire State.

**Jon Eriksen (Nevada Cattlemen's Association):**

The Cattlemen's Association supports A.B. 301 and the study to look at alternative water sources.

**Steve Walker (Truckee Meadows Water Authority):**

The board of trustees for the Truckee Meadows Water Authority has taken a neutral position. I want to go on record as saying the Truckee Meadows Water Authority staff and lobbyist are available and want to assist in the study. We are looking forward to it.

**Senator Settelmeyer:**

What were the Authority's concerns that make it neutral? Water is usually not a neutral subject. You are either for it or against it.

**Mr. Walker:**

The bill was presented at a board meeting. The feeling is the alternative sources of water, particularly desalination, are more of a southern Nevada water issue. Under several population scenarios, water resources in the Truckee Meadows are adequate for the foreseeable future. The Authority board members felt they wanted to take a neutral position. Their lobbyist suggested supporting the bill.

**Senator Settelmeyer:**

I have seen different plans on getting water such as doing a water exchange and drilling a hole in Death Valley and then doing a nuclear plant desalination. I have seen plans creating an entire reservoir system from Canada to bring water to Nevada. I have seen tons of different concepts that are all worth looking at. One idea is to drill a hole in the Rockies that would get water from the Mississippi River to the Colorado River.

I have never seen anyone have a neutral opinion about water. It has always been one way or the other.

**Assemblyman Oscarson:**

The wealth of knowledge by testifiers demonstrates how important this bill is to not only to rural Nevada but southern Nevada as well. I appreciate any consideration you can give us.

SENATOR SETTELMAYER MOVED TO DO PASS A.B. 301.

SENATOR CEGAVSKE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

\* \* \* \* \*

**Chair Spearman:**

We will close the hearing on A.B. 301 and open the hearing on A.B. 412.

**ASSEMBLY BILL 412 (1st Reprint)**: Makes various changes relating to the Legislature. (BDR 17-528)

**Assemblywoman Marilyn Kirkpatrick (Assembly District No. 1):**

Assembly Bill 412 is a combination of bills worked on by Assemblywoman Lucy Flores, Assemblyman Lynn D. Stewart and myself. The bill provides improvements to presession training and clarifies the ownership of legislative bill draft requests (BDR) when a Legislator runs for a seat in the other House. The bill reduces the number of bill draft requests and moves up the deadlines for submission of BDRs.

One problem we had last Session involved A.B. No. 577 of the 76th Session. We passed this bill which required certain deadlines for submission of BDRs to the Legal Division. What we did not take into consideration was we made all the BDRs come in at once. In September, Legal received some 800 bill drafts with a lot of language for different legislation that was expected to be done all at once. This bill streamlines the process so we can be more efficient.

Modifications to the presession training include decisions on upcoming policy issues. Interim committees often deal with hot topics. We want to make sure new Legislators get that information. The bill requests written notification of training for candidates so they can plan accordingly. The Legislative Counsel Bureau (LCB) Director will allow for alternative means of recording and completing training sessions.

**Assemblywoman Lucy Flores (Assembly District No. 28):**

We focused on efficiency and ethicality in the interim. You have heard about potentially restructuring the interim committees and annual sessions. All of these changes might lead to efficiencies and a more effective Legislature.

Assembly Bill 412 will restructure our bill draft request allocations. I have provided a handout ([Exhibit C](#)) which gives you a breakdown of the changes we

are proposing for the BDRs. Everyone has been affected except for the Interim Finance Committee, the Statutory Committees, the Standing Committees and the Interim Studies Committees. The column that says number of measures will reflect the changes to the appropriate entities. The number of measures allocated was based on the historical usage of BDRs over the last 10 years. The usage for Legislators was difficult to calculate as the numbers change. Incumbent Legislators get a different amount than newly elected members. Not all the allotted BDRs were used. We made those changes based on the actual usage. Constitutional Officers received an increase in their BDR allocations. When talking about a statewide office, those entities need a couple more BDRs to deal with statewide issues. In the past when the number of BDRs were decreased for the Constitutional Officers, their BDRs got bigger. They would try to fit everything they could in the limited number of BDRs allowed. Some of the consortiums and nonlegislative committees were removed from BDR allocations due to unused BDRs.

Assembly Bill 412 focuses on quality versus quantity. Once this goes through, you will see a net reduction of about 200 or so bills. I think it will reduce the burden on our legislative staff. This Session was particularly bad. All of our BDRs were stuck in drafting. Why spend time drafting legislation when someone cannot move forward with those bills? Unfortunately, that is what has been happening.

**Assemblywoman Kirkpatrick:**

You may hear from some local governments that are upset about the reduction of their BDR allotments. They have other options; one is the Nevada Association of Counties (NACO), to which they all pay fees to work as a group. We have the Nevada League of Cities and Municipalities that works the same, with all the cities and counties paying a fee to belong to the association. Most important, Legislators and local governments can work together to create good legislation for things that are important for their cities. Assembly Bill 412 does not preclude anybody from working with local officials to get a bill draft requested. The City of Las Vegas has a minimum of 14 Legislators who live in the district after reapportionment. There is one Senator and two Assemblymen or Assemblywomen for every entity.

One of the other portions of A.B. 412 is an adjustment to the deadline for submission of BDRs and details. The LCB staff was behind because we as Legislators did not submit our details. This bill will clarify specific time frames.



Legislators will need to have the details in August so the staff can start drafting in September and anticipate the following requests from agencies and the Executive Branch. It is not fair to give Legal 800 bills on the same day. We are all guilty of turning things in at 5:01 p.m. This bill will help streamline the process for the long term. There is always the option to come back next Session and revisit it if it does not work.

**Chair Spearman:**

I see the Nevada Youth Legislature has a BDR allocation, but I do not see the Nevada Silver Haired Legislative Forum listed. Is that an oversight?

**Assemblywoman Flores:**

No. The Silver Haired Legislative Forum does not have a BDR allocation; a bill proposal would give them one.

**Senator Settelmeyer:**

Giving the Silver Haired Legislative Forum a BDR is a simple amendment. We could just amend the bill to add one.

I have a question in regard to page 6, section 6. I appreciate Assemblywoman Kirkpatrick's analogy that some communities have five or six representatives; I am the opposite. I am a representative with four counties. I was surprised Assemblyman Ira Hansen voted for this because if he gave one BDR to each county, there went the majority of his allotment—which is what I do. On page 6, section 6, subsection 1, paragraphs (a) and (b), and each attendant subparagraph (3), once the Assembly and Senate incumbent Legislators come into session, each gets two legislative measures. Senators represent twice the number of people as their Assembly counterparts. I have twice the number of people coming to me with concerns and issues. Are you amendable to the idea of either decreasing the Assembly number or increasing the Senate number in order to make that proportional based on populations?

**Assemblywoman Flores:**

Are you referring to the allotment of BDRs for Senators?

**Senator Settelmeyer:**

Section 6, subsection 1, paragraph b, subparagraph (3) reads: "Not more than 2 legislative measures submitted to the Legislative Counsel after a regular

session has convened but on or before the eighth day of the regular session at 5 p.m.”

That is the same for the Senate as the Assembly. I am indicating—considering I represent four counties and twice the population as my Assemblyman—I feel I need a little bit more room to play with.

**Assemblywoman Lucy Flores:**

Those are actually just the two BDRs allocated in that little portion of time. You have eight BDRs due before August 1 and ten BDRs you can submit before December 10. You have a total of 20 BDRs you can submit on behalf of your constituents.

**Senator Settlemeyer:**

You are not agreeable to the concept of changing that number?

**Assemblywoman Kirkpatrick:**

Most of the NACO bills are specific to the other 15 counties. Many of the NACO issues are specific to the smaller entities of southern Nevada. If we change one, then we have to change them all the way down the list. Everybody has asked for more from the get-go. Everybody has said we would like more ...

**Senator Settlemeyer:**

I am not trying to change that number. Once session begins, the Assembly should be given whatever number and the Senate should be given double that number since they represent twice the number of people. That is the only number I am saying to change. I reference section 6, subsection 1, paragraphs (a) and (b) with each attendant subparagraph 3, plus the two and two legislative measures. Why are we giving the Constitutional Officers so many more BDRs?

**Assemblywoman Kirkpatrick:**

We could limit the number; are you good with the 20 as a total of BDRs allocated?

**Senator Settlemeyer:**

Yes. All those numbers are fine.

**Assemblywoman Kirkpatrick:**

We could limit the number of BDRs from August to six and then give you two more after session starts. In my experience as a Legislator, once session starts it is almost too late if you have not started drafting because we know a lot of the bills do not typically come out. That is why we intended to give you more BDRs up front. Between leadership bills, different caucus members, committee bills, all of that, we want to restrain the BDR numbers from falling on the Legislature right when session begins. That tends to be the problem; you have your first deadline February 7 and Legal gets hit again with 130 more bills, not counting the 100-some bills from each House committee.

We would be willing to change the number of BDRs early on, but we plan to keep the submission of BDRs steady throughout session.

**Senator Settlemeyer:**

I agree with getting more information to Legal so we are not having a last-minute rush. I was looking at section 6, line 25, changing that from two to four. I will let my colleagues weigh in whether they agree or disagree with that concept.

**Assemblywoman Flores:**

These are not numbers we pulled out of the sky. We did not say let us change that one to this number and this number to that number. This was based on the actual usage of BDRs. The reason for the number of BDRs allocated to the Constitutional Officers is the historical maximum use by those positions over the last 10 years. A historical maximum use by the Assembly and the Senate requests does not exist. Of those bill draft requests submitted, many were not drafted or were drafted and then withdrawn. We are going for efficiency based on actual facts and data. Some people have historically used up all their BDRs and some people have not.

The BDRs are available in other ways. We did not drastically reduce any of these numbers but are making a reduction in order to help with efficiency and be more effective in the way we do business.

**Senator Atkinson:**

I have some concerns with when the information is due on the bills. We are moving the deadline from September to August. Why is that? The year before the legislative year will be a campaign year, which is difficult for me. Although

this is not every other year for me anymore, it is for the Assembly folks who run every 2 years. Maybe you do not see that as an issue; I think it is a problem.

**Assemblywoman Kirkpatrick:**

Here was the thought process behind the deadline. On September 1, Legal gets a huge amount of details from all the agencies and interim studies. We were giving the Legislators a month to get a jump start with the Legal Division so their bills could start getting drafted before Legal gets bombarded with 430 agencies and interim committees submitting their bill draft requests. Last Session, the details deadline in September became one big managed chaos. The August deadline was to give the Legislators access to Legal to get their BDRs drafted first.

**Senator Atkinson:**

August 1 is the middle of summer. Folks are vacationing or whatever they do around that time. Let us just talk about the detail part.

**Assemblywoman Kirkpatrick:**

We tried having the deadline in September the last three Sessions, and it has not worked for us as Legislators, for the agencies or for staff. If we moved the deadline to October, then we again get put ... The initial thought was July; knowing that was right smack in the middle of summer, we moved it to August because people tend to have the thought process of where they are headed by then. I do not know if another month would make sense for Legislators to have the time they need for this process.

**Senator Atkinson:**

That is an issue for me. When are draft requests due? It looks like it is the same as the BDRs.

**Assemblywoman Flores:**

It is the same deadline. Yes, it is a bit more difficult on the Assembly side given we run for office every 2 years.

**Senator Atkinson:**

That will be for the Senate too, when we are up for reelection.

**Assemblywoman Flores:**

Right.

**Senator Atkinson:**

I do not request some of the bills until after I have campaigned and walked my district. I get two, three or four pieces of legislation just from walking. I hope to be done by the August deadline, but people are still walking during that time.

**Assemblywoman Flores:**

I understand where you are coming from and your concern. We are creatures of habit and sometimes bad habits. I procrastinate more than I should. For me, the August deadline is even more burdensome. I know I will be one of those people who submits my BDRs and my details on July 31. It is a 1-month difference only for the first allotment. We have not changed the time frames for the second or third allotments. Those remain the same. It will take an adjustment. But at the same time, the benefit outweighs the negative because it will help our staff and the actual BDR processing. We will be much happier when our BDRs are not stuck in Legal.

**Senator Atkinson:**

I respect our staff. I do not want to create something that we cannot do. Our staff is wonderful; they do what we say year after year. They understand that we write the policy. I do not want to create something burdensome that we are not able to produce. I am worried about having our requests and our details in for the August 1 deadline.

Summer is usually a big deal, but it may not be that way for some folks. I am not necessarily a procrastinator, but I do things as they come up. I have always been strict. When I walk my district, I leave some bill drafts for when I am done in case I hear something from constituents that needs to be addressed. It is one of my campaign pleas. When I am at events and knocking on doors, I let constituents know I am leaving some BDRs for the end in case something pops up at the last door just before elections. The August deadline does not leave a lot of time, but I will have to adjust.

The BDR allotment for standing committees is going from 15 to 18. Does this bill address the issue of BDR ownership when a Legislator who submits a BDR is then elected to the other House?

I remember being Chair of the Assembly Committee on Commerce and Labor and requesting six or seven bills. I then became the Chair of the Senate Committee on Commerce, Labor and Energy. Everybody was confused—what

do we do with your bills? You now have a new allotment of bills in the Senate as Chair. Does A.B. 412 clear that up, or is there a way to do that?

**Assemblywoman Kirkpatrick:**

No, we did not clear that up, but we can. The intent was for the BDRs to stay with the committee of origin.

**Senator Atkinson:**

I did not want to be in a position to double dip. I felt the BDRs should have stayed with the committee of origin, but it did not happen that way. Is there a way to talk to Legal and fix it?

**Assemblywoman Kirkpatrick:**

We could clarify it. Leadership on both Houses get more committee bills, so that is how we backfilled some of that.

I want to go back to the August date issue and alleviate some of your concerns. You and I walk the same way in our districts, and many of our bills are for our constituents. You have from the day after session until August of the next year to put in bill draft requests. On July 1 when the weekly *Bill Draft Requests for the 20XX Legislative Session* commences publication, 30 bills people did not get through the previous session are already back on the rolls. You have the ability to work on things from now until next August. Then after November campaigning, you still have the allotment time and amount of bills you can get for your constituents to address their needs.

Our staff has always been amenable to what we do. I will give you an example. We had five marijuana bills and four of them all did the same thing. It was a matter of a few words being tweaked. We could work together on some of that as opposed to having similar bills drafted or one that is completely different. We have seen similar education bills. A couple of mining bills had a three-word difference. I am one who has thrown bills away because I do not remember what they say or what I wanted them for because I never got the details. That is why we are looking toward the August date.

**Senator Atkinson:**

I agree with you. You are right; we have time to submit bills. Some people do them almost instantaneously the moment they get out of session. I do not because I will not remember what I put in a year ago. In an election year, I go

on this charted course from August until November when you do the majority of your walking. You do not have the opportunity to request any more legislation.

**Assemblywoman Flores:**

If you miss that first deadline, you have the second and third deadlines—the ten additional bills from August 2 through December 10. You have the two additional bills up until the eighth day of session. You still have opportunities.

**Chair Spearman:**

Does page 7, starting with line 22, address some of Senator Atkinson's concerns?

**Assemblywoman Flores:**

We have discussed moving the deadline from September 1 to August 1.

**Chair Spearman:**

It says here the details are not due until November 1 preceding the regular session. Do I interpret that as having a concept in by August 1 and then submitting more details for those BDRs by November 1? If I submit after August 1, then the details are due no later than December 10?

**Assemblywoman Flores:**

The intent and change we requested were for the details deadline to move up to the BDR deadlines. You are correct that this bill still reflects the prior practice of submitting your BDR first and then the details a month or two later.

**Assemblywoman Kirkpatrick:**

You are right on the first part, regarding page 7, on lines 22 through 26, which honestly was not our intent. But on page 7, lines 27 through 30 read:

After August 1 but on or before December 10 preceding a regular session, sufficient detail to allow complete drafting of the legislative measures must [be submitted on or before January 1 preceding the regular session].

It allows Legal to get started through the next allotment. This Session, everybody waited until the very last date to submit all their details, which created yet another problem.

You are correct. If it is the choosing of the Committee, we are happy to leave it as is and just address the Committee piece whether through legislative intent or some amendment, if we need to do that. Any progress is good progress on eliminating bill drafts.

**Nicole Lamboley (Chief Deputy, Office of the Secretary of State):**

Assembly Bill 412 granted the Office of the Secretary of State three additional BDRs. For consideration, I suggest that at least two of those BDRs be given a deadline date closer to the start of session as many of our BDRs are related to elections. Oftentimes, we do not know what issues related to elections need to be fixed until after the election has occurred, but our bill drafts are due 2 months prior. I also suggest some of our bill drafts could be submitted in August rather than September.

If the sponsors or the Committee were open to consider a staggered approach to the bill submission, that would be doable given the variety of issues we cover in the Office of the Secretary of State. This would also give drafting some time to deal with many of our bills, which tend to be extremely long not only in this Committee but in the Senate Committee on Judiciary because of the number of *Nevada Revised Statutes* we cover.

**Chair Spearman:**

Are you all amenable to looking at that with the Secretary of State's Office?

**Assemblywoman Kirkpatrick:**

We have 6 1/2 days to get an amendment. We would have to do something today in order to move this bill forward. I would not want to jeopardize the bill's status because we really do need to eliminate those couple hundred bill drafts. We are happy to work with the Secretary of State's Office to see if we can get that done this afternoon.

**Chair Spearman:**

We will close the hearing on A.B. 412. We will start our work session.

Senate Concurrent Resolution 9 as it stands was intended to be inclusive of all staff, and the bill may not say that explicitly. We need to make sure that is the case. We will take up S.C.R. 9 on Thursday.



**SENATE CONCURRENT RESOLUTION 9**: Directs the Legislative Commission to appoint a committee to conduct an interim study regarding working conditions at state correctional institutions and facilities. (BDR R-1223)

**Carol M. Stonefield (Policy Analyst):**

Assembly Bill 150 was heard in this Committee on May 21, presented by Assemblyman Richard Daly. The bill proposes to create the Legislative Committee on Government Oversight and Accountability. There was opposition to this bill. There is a mock-up of proposed Amendment 9306 in the work session document ([Exhibit D](#)).

**ASSEMBLY BILL 150 (1st Reprint)**: Enacts provisions relating to interim legislative committees. (BDR 17-739)

**Senator Settlemeyer:**

I did not support A.B. No. 578 of the 76th Session. I do not support it in this form as A.B. 150. I will be opposing the bill.

SENATOR MANENDO MOVED TO AMEND AND DO PASS AS AMENDED  
A.B. 150.

SENATOR ATKINSON SECONDED THE MOTION.

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

\* \* \* \* \*

**Ms. Stonefield:**

The next bill before the Committee is A.B. 444. It was heard in this Committee on May 23, presented by Assemblyman James Ohrenschall and Senator Tick Segerblom. The bill provides for an audit of the fiscal costs associated with the death penalty to be conducted by the Legislative Auditor ([Exhibit E](#)). No opposition and no amendments were offered. This bill is similar to A.B. No. 501 of the 76th Session, which was vetoed.

**ASSEMBLY BILL 444 (1st Reprint)**: Provides for an audit of the fiscal costs of the death penalty. (BDR S-817)

SENATOR MANENDO MOVED TO DO PASS A.B. 444.

SENATOR ATKINSON SECONDED THE MOTION.

**Senator Settlemeyer:**

I will not be supporting the bill. I opposed the bill last Session and will be opposing it again. I feel this study is not going to look realistically at some of the other options as far as cost savings. In talking with the Attorney General on various issues, limiting the number of rights of appeal by right and things of that nature could change these numbers. This study will not adequately address those issues. I will be voting no.

**Assemblyman James Ohrenschall (Assembly District No. 12):**

The Assembly Committee on Legislative Operations and Elections took great pains to make sure the audit would be balanced and fair. We tried to address all the points the Governor made in his veto message of A.B. No. 501 of the 76th Session. The bill is asking the Legislative Auditor to perform a cost analysis, including cost savings that might be derived from the death penalty. I respectfully disagree with Senator Settlemeyer. I believe the audit will look at any potential cost savings —perhaps from increased negotiations and that sort of thing. Saying this would not be a fair and balanced study is incorrect.

**Senator Settlemeyer:**

On page 2, lines 5 and 6, costs will be analyzed “without limitation.” You go down further and the savings are limited. Therefore, I do not consider that fair and balanced.

**Chair Spearman:**

Senator Settlemeyer, can you give us the line on page 2 you are referring to?

**Senator Settlemeyer:**

Page 2, lines 5 and 6, the cost savings will be calculated “without limitation.” You go down further, the savings are limited. I do not considered that to be fair and balanced, and that is fine. Even if it is amended, I probably still would not approve of the bill. I plan on voting no.

**Assemblyman Ohrenschall:**

That language “without limitation” is included so we do not limit the auditor. If the auditor thinks something is either a cost benefit, saving our taxpayers

money, or something is a drain on our State's treasury, he or she can look at it regardless of the language in A.B. 444.

This bill is not procapital punishment or anticapital punishment. It is prudent legislating. Just as we do in our families or businesses, we want to know what things cost. The 78th Session of the Nevada Legislature has a right to know what having capital punishment on the books costs the State.

**Chair Spearman:**

I am still looking for the line where Senator Settlemeyer said there is a limitation. I see where lines 5 and 6 say "without limitation." I am seeking the line here that suggests it is limited.

**Senator Settlemeyer:**

What I am indicating is on page 2, line 4, stating "Additional procedural costs involved in capital murder cases as compared to noncapital murder cases, including, without limitation," and then it goes into the detail. This list is not limited when it comes down to the cost. Line 26, subsection 3, on page 2 reads "The audit must also examine the fiscal costs, including any potential cost savings, of the death penalty on" and then the bill states the three areas where cost savings could occur. That overlooks the concept of changing our laws in reference to limiting the number of rights of appeals by right. The bill does not go into other possible cost savings. When we talked about the cost on lines 5 and 6, the savings is "without limitation." I do not want to belabor the point. Even if you position "without limitation" down below, I do not believe the audit is structured to get a fair and balanced approach. I am expressing my opinion. I will not be voting for the bill.

**Assemblyman Ohrenschall:**

The potential cost savings from having capital punishment on the books and the direction to the auditor to look at those are numerated on page 2, lines 26 through 31. My colleague from Douglas County is correct, the word "without limitation" is not there as it is above. That is something I had not noticed. It might be a drafter's error. I would not be opposed to putting "without limitation" in if my colleague feels that will make the study more fair or balanced.

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

\* \* \* \* \*

**Ms. Stonefield:**

Senate Concurrent Resolution 8 was heard in this Committee on May 21, presented by Senator Tick Segerblom on behalf of the interim study on the Structure and Operations of the Nevada Legislature. The bill had no opposition and no amendments were offered ([Exhibit F](#)).

**SENATE CONCURRENT RESOLUTION 8:** Creates a subcommittee of the Legislative Commission to study the Nevada Legislature. (BDR R-407)

SENATOR MANENDO MOVED TO ADOPT S.C.R. 8.

SENATOR ATKINSON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

\* \* \* \* \*

**Senator Atkinson:**

I would like to reserve my right to vote no on the Senate Floor.

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**Chair Spearman:**

I declare this meeting of the Committee on Legislative Operations and Elections  
over at 10:15 a.m.

RESPECTFULLY SUBMITTED:

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Mary Moak,  
Committee Secretary

APPROVED BY:

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Senator Pat Spearman, Chair

DATE: \_\_\_\_\_

<b><u>EXHIBITS</u></b>				
<b>Bill</b>	<b>Exhibit</b>		<b>Witness / Agency</b>	<b>Description</b>
	A	1		Agenda
	B	3		Attendance Roster
A.B. 412	C	1	Assemblywoman Lucy Flores	Proposed BDR Allocations
A.B. 150	D	7	Carol M. Stonefield	Work Session Document
A.B. 444	E	1	Carol M. Stonefield	Work Session Document
S.C.R. 8	F	1	Carol M. Stonefield	Work Session Document