

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

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

The Senate Committee on Legislative Operations and Elections was called to order by Chair Pat Spearman at 9:07 a.m. on Thursday, May 30, 2013, in Room 2144 of the Legislative Building, Carson City, 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:

Assemblywoman Lucy Flores, Assembly District No. 28

STAFF MEMBERS PRESENT:

Carol M. Stonefield, Policy Analyst
Melissa Mundy, Counsel
Kaci Kerfeld, Committee Secretary

Chair Spearman:

I will now call this meeting to order. We will first introduce Bill Draft Request (BDR) R-1237.

BILL DRAFT REQUEST R-1237: Designates Senate members of the Legislative Commission for the 2013-2015 biennium. (Later introduced as [Senate Resolution 9](#).)

SENATOR CEGAVSKE MOVED TO INTRODUCE BDR R-1237.

SENATOR ATKINSON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Spearman:

We will now start the work session on Senate Concurrent Resolution (S.C.R.) 9.

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):

Senate Concurrent Resolution 9 was heard in this Committee on May 23. It was presented by Senator Spearman. I have submitted a work session document ([Exhibit C](#)). There was no opposition. There is an amendment offered by Senator Spearman which proposes to expand the study of working conditions to others besides correctional officers and employees. This would include individuals who work at correctional facilities, presumably under contract.

Senator Settlemeyer:

I have been researching this, and I found that the Board of State Prison Commissioners is responsible for staffing ratios. The Board, under *Nevada Revised Statute* (NRS) 209.021 and Article 5, section 21 of the Nevada Constitution, is made up of the Governor, the Secretary of State and the Attorney General. The Board recently instituted a study about staffing ratios to be done by the Association of State Correctional Administrators, overseen by the National Institute of Corrections. The 2007 study showed the correctional institutions and facilities were short 200 officers, and the State never provided those extra officers. It is highly likely that we do not have the appropriate staffing ratios. A study completed by those agencies would be comprehensive. They would be required to visit all of the facilities and actually observe all shifts. This resolution would not be able to go into as much detail as the other study because they are going to be at every facility for all three shifts. Why are we bringing this resolution forward if they are already going to be doing this?

Chair Spearman:

There is evidence that the agencies were directed to do a study, but another letter indicated the resources that would have been there to conduct the study are no longer available because of cutbacks. The study would be put on hold.

They were directed to do the study, but the federal government does not have the resources to conduct it.

Senator Settelmeyer:

It was indicated that Nevada is going to come up with the funds itself to get the analysis done so we have a true idea of the numbers.

Chair Spearman:

I still want to emphasize the fact of what is happening now. I do not think the plea has been lost on any of the Committee members from the testimonies we heard last week, especially from the nurses delivering prescription medicines unescorted without radios. This study is designed to take a forensic look from the outside in at how the staffing is conducted and what effects budget cuts have had. I appreciate your concern, but I do not think the employees can wait.

SENATOR MANENDO MOVED TO AMEND AND ADOPT AS AMENDED
S.C.R. 9.

SENATOR ATKINSON SECONDED THE MOTION.

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

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Chair Spearman:

We will now open the work session on Assembly Bill (A.B.) 412.

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

Ms. Stonefield:

Assembly Bill 412 was heard in this Committee on May 28. It was presented by Assemblywoman Marilyn Kirkpatrick and Assemblywoman Lucy Flores, and now they are offering an amendment. I have provided a work session document ([Exhibit D](#)).

Senator Settelmeyer:

Giving the Office of the Secretary of State staff members more bills to introduce each session would enable the Office to break up their bills better. They have a limited number of bills, so they add everything together. I support the idea of cutting the number of BDRs. Senators represent twice the population of an Assembly member. They usually have twice the number of bill drafts available to them because of the larger populations they represent. I represent four counties. Assemblywoman Flores does not agree with me on this concept and Assemblywoman Kirkpatrick said that we could talk about it, but unfortunately we have not had the chance to do so. I do not want to propose adding more bills because I agree that we need to cut back the number and get them to drafting sooner.

I have proposed an amendment to decrease the number of bills the Assembly has once the Session begins to create a parity of bill numbers—that is a direct 2-to-1 correlation. I have submitted this in a conceptual amendment ([Exhibit E](#)). From discussions with members of the Governor’s staff, the idea of telling the Governor to have 50 of his BDRs in by a certain date in July would not work well for them, as the staff members do not have the budget completed at that time. Their allotment of 100 BDRs is usually used for budget implementation and they would not have the information necessary for the 50 BDRs to be drafted. They would lose the BDRs and then not have the bills available. The conceptual amendment strikes that portion of the bill.

Assemblywoman Lucy Flores (Assembly District No. 28):

I would like to correct the record. Members of the Executive Branch have an unlimited number of budget bills available to them with no deadline. We are not changing that. We cannot propose changes that would affect the implementation of the budget. The changes we made for the Executive Branch BDRs move the due date for half of them up a month or two earlier. There was zero opposition and no concerns expressed by the administration to me until now. Those would be policy BDRs unrelated to the budget. This was to ensure the Legislative Counsel Bureau (LCB) and staff are not burdened with drafting 100 bills all at once, including our own.

We disagreed with the concept of bill allocations for the Senate and Assembly proportionally based on population. We took a fact-based and historical analysis approach. Of 2013 Session BDR requests by Senators, there was only one Senator who actually requested the maximum amount of bills available, which

was 26. There were only four Senators who used what is the proposed maximum of 20 or more. Everyone else was actually substantially below the proposed 20-bill maximum. The amounts used by the other Senators were 11, 17, 13, 11, 10, 13, 12, 6, 13 and 14. The numbers are substantially lower than the 20 proposed. The idea was for numbers to be based on historical usage of BDRs. They have been more than enough, including this year after redistricting, and that includes more population for all the Senators.

Senator Atkinson:

I researched the BDRs I have requested over the years, and I am more comfortable now because I saw your point—we do not use all of them. I also heard Senator Settlemeyer's comment about having twice the amount of constituents. However, I did not see that translate from House to House when I did my research. It did not translate that because we are Senators and have a higher population that we were requesting more. There is a huge problem in this legislative body that people request so many bill drafts. My research showed that in most cases, most of us did not even pursue half of them. I am guilty too. Maybe this will help us focus on the issues that are most important to us, instead of putting in bills for irrelevant items.

I still have an issue with the date, but I am going to support the bill. I hope that you and Assemblywoman Kirkpatrick have flexibility in your thinking, and if this does not go right that it will be addressed next Session. I agree that we are wasting time and research with the drafters. I was embarrassed by some of the bills I have requested over the years and dropped after drafting. We have not done our legal staff justice. At the same time, I understand the Secretary of State's Office's need, because there are valid issues that come up with elections. The Office needs the ability to be able to address those issues. The Secretary of State can come to us and ask for BDRs, but we should allow the Secretary of State to use his or her own.

Senator Settlemeyer:

How many bills were requested by Assembly members after the deadline this year?

Assemblywoman Flores:

Which deadline are you referring to?

Senator Settlemeyer:

Since the start of Session. This bill would allow each Assembly member and Senator to have two BDRs after the start of session. How many were used in the past?

Assemblywoman Flores:

I only have information for this Session. About half of the Senators used the four currently allotted. The rest vary from one, two or three.

Senator Settlemeyer:

My question was to the Assembly. How many Assembly members used their full allotments?

Assemblywoman Flores:

No one in the Assembly expressed any concern over that issue, so I do not have that information. I only have the information related to the Senators.

Senator Settlemeyer:

Did you use your full allotment of two?

Assemblywoman Flores:

I do not remember.

Senator Settlemeyer:

I understand your discussion on the part with the Governor, but when two departments merge, which is part of his budget, it is a policy bill. Through discussions with the Governor's Office staff members, I know they are concerned about having to have the 50 BDRs in ahead of time because they do not know what departments may be merged until they figure out the budget. That is still a concern for me. If the rest of this body does not feel that the parity is an issue, I would disagree, but that is fine. However, moving up the Governor's deadline bothers me.

Assemblywoman Flores:

The Governor's Office has an unlimited number of bills allotted to implement the budget. There is a total of 100 bills available along with various other vehicles for introducing bills. I do not foresee the Governor's Office needing 50 bills to merge various departments. The staff will not be able to make that decision within 4 weeks. That will not be a burden or create a problem in the future, it

only pushes the process back. It is not a substantial amount of time. We are not asking the staff to submit 50 bills 6 months in advance, we are simply pushing it back several weeks. The Governor's Office still has the original allotment left at the current date.

Senator Manendo:

Why is the number of bills allotted for the Attorney General increasing from 15 to 20? That is a huge increase.

Assemblywoman Flores:

It is based on historical usage. The Constitutional Offices have used the maximum amount of bills almost every session. Their numbers have been reduced throughout the years, and every time they have been reduced, they have still been using the maximum amount. In looking at that usage and conversing with the Attorney General's Office staff members to assess their needs, we thought it was best to allot them more bills. Reducing the number of bills does not mean the issues are being reduced, it just means they have less space to accomplish what they need. We are trying not to see omnibus bills with as many items as possible to reduce the number. The population of Nevada has grown dramatically over the past several years. As a statewide officer, the Attorney General is dealing with more issues and needs more bills as opposed to less.

Senator Manendo:

I do not recall seeing those huge bills from the Attorney General's Office staff members. I understand that from the Secretary of State's Office, and going from five to six is reasonable. I have concern that we are going that far with the Attorney General's Office. This implies that if they hit their limit, we need to increase their allotment. If we increase them now to 20 and they hit their limit, do we increase them to 25 the following session? At that rate they could be at 50 by the end of this decade. I agree with Senator Settlemeyer that we have to have parity between the Assembly and the Senate. Just because we do not use our allotment does not mean that we should not be able to. I do not want to bind future Legislators with limitations that are acceptable to one House but not the other.

Assemblywoman Flores:

We are trying to make an analysis based on issues and needs and trying to be a more efficient Legislature and government. That was the idea behind these

changes. We were not just pulling numbers out of the air and saying that if one person gets this number then we should double the other. That has never been the approach. It has always been an idea of trying to look at each office individually, assess their needs, base it on actual historical use and fact, and determine a reasonable amount. Just because the Attorney General may use all 20 next Session, we would not give the Office 25. There would be another analysis done to see if more were needed. The Attorney General is our chief legal officer for the entire State, and because there is now not a consumer affairs department in Nevada, the Office has to deal with more issues. We moved some of those functions into the Attorney General's Office. More issues have come up, and Nevada has almost doubled in population in the past 10 years. This is based on analysis of the issues the Office was facing, for how many people and what it has used in the past. We saw that the situation was not the same for an Assembly member as a Senator. We saw what was happening with the Secretary of State. The State Treasurer was having more omnibus bills, but the Treasurer does not deal with as many issues as the Attorney General, so the increase is not as significant.

Senator Manendo:

The State Controller and State Treasurer BDRs are increased from two to five each. Did they say they need five?

Assemblywoman Flores:

Yes.

Senator Cegavske:

We are a growing state, and every 4 years or every 2 years we may have a new Legislator. A new Legislator may use more or use fewer bills. It is hard for me to understand why we would not leave that. We have a lot of new people this Session. I did not put very many bills in my first session, and I was probably the one who used the most this Session. Every session varied on what the issues were. The number used does vary. Having them there and not having to use them is not an issue. I would rather have them available than to not have enough. There is a parity issue between the Assembly and the Senate with double representation.

I am not as confident as you are until we get the Governor's issue resolved. I am concerned about the numbers and whether we can resolve the other issue. I do not know if we are going to hold off on a vote until we get the responses.

If not, I will be voting against this and reserve the right to change my vote on the Senate Floor based on the information we get back.

Assemblywoman Flores:

What information do you still need?

Senator Cegavske:

When you and Senator Settelmeyer were discussing the concerns over the Governor's 50 and 100 BDRs, the timelines and whether it would affect his budget decisions, you stated that you did not think that should be an issue. I want to get that resolved and hear from the Governor's Office to make sure it is not an issue. We were told it was an issue, so I need clarification.

Assemblywoman Flores:

There have been no concerns expressed to me.

Senator Cegavske:

This is the first it is being discussed. I just want to make sure it is okay. I am appreciative that you are looking at this, but I want to make sure we are doing the right thing. I do reserve the right to change my vote, depending on the outcome of information.

Senator Settelmeyer:

I am concerned about the BDR deadlines for the Governor's Office. I understand that the Department of Administration has unlimited BDRs for the purpose of implementation of the budget. The legislative agenda is governed by that budget. The Governor's BDRs for his legislative agenda are a function of that budget. That is why I disapprove that change. From the feedback I am getting, I think his staff does as well. I could end up voting yes on the Senate Floor, but the parity issue also bothers me. If you are indicating that individuals are not using their BDRs, how does that waste staff time?

Assemblywoman Flores:

The idea is that because the maximum has not been used, there would not be an effect. By your same logic, there would not be an effect in either direction.

Senator Settelmeyer:

Except for the individuals who are using their BDRs.

Assemblywoman Flores:

There was only one Senator who used the maximum this Session out of 21 members. Given the number of BDRs asked for that have been withdrawn and the low number of BDRs that have historically been used, it is going to force us as a Legislature to prioritize and to introduce the bills that are most important. We are not asking people to choose between priorities. People have not had to do that because they have been able to submit the bills they wanted and still be significantly below the allocated maximum.

Senator Settlemeyer:

I appreciate cutting the number of BDRs. I am worried about parity and the Governor's aspects. From the Governor's standpoint and my opinion, policy is always tied into the budget. Last time, the Governor's Office received over 500 BDR requests from the Executive Branch agencies, and the staff whittled that down to around 95. You are risking the bill if you force the Governor's issue.

Senator Cegavske:

Did you look at issues with duplicate bills? Several of us have the same ideas, and we all request our own BDRs, which are basically the same bills. Is there something we could do to collaborate? We could either contact all of the Legislators who have the same BDRs, but we have to put that in the NRS. You could then contact all of the Legislators and say you have the same idea, and possibly merge bills together or collaborate on one. Was there any discussion about that? That would cut down on a lot of the bills.

Assemblywoman Flores:

We briefly discussed that, but unfortunately that is a much larger issue with privacy. The conversations you have with LCB cannot be disclosed without permission. That is something we can look at, but we did not try to address it in this bill because it is a more complex issue. This entire bill was in contemplation with the LCB. I understand we need to be cognizant of the needs of the Executive Branch, but my thoughts were more with our own staff members in terms of changing deadlines and allocations and recognizing the amount of work we burden them with all at once.

Senator Cegavske:

The Legal Division drafters mimic the same bill for three or four Senators or Assembly people. If we added something that would allow Legal to contact

every single one and say there is someone else who has the same bill draft request in, do you want to collaborate, that could cut down on the number of BDRs.

Assemblywoman Flores:

It opens up a whole new can of worms. What if another Legislator does not want someone to know he or she is working on that issue?

Chair Spearman:

I went through the BDRs and tried to find what I thought might be similar to mine, and I just called the other Legislators and told them what I had and what I was looking at. I pulled two of them and worked with another Legislator. If we are trying to cut down on the work of the staff, then we need to own some of that. What prevents us or the Governor's Office from asking somebody to carry a bill for them?

Assemblywoman Flores:

There is nothing that prevents that.

Chair Spearman:

If you cut these down and I find I do not have enough, I can call one of my colleagues and ask him or her to carry it for me?

Assemblywoman Flores:

Yes. If you are a committee chair, you have an additional allotment. There are various ways in which more BDRs are available.

Senator Manendo:

That is the same for the Assembly. Just because Assemblymen and Assemblywomen are using their full allotments does not mean efficiency, it means they are using their full allotments because they feel they need to put in bills on behalf of their constituents. If we are trying to be efficient, we need to cut down more and make it equal to the Senate. If they need a bill and we are not using all our bills in the Senate, those members can approach Senators and ask to work on bills together. Senator Settlemeyer's amendment is reasonable. I have not had any discussions with the Governor's Office. It could put you at ease to get an opportunity to talk to the Governor's Office. I would rather see something clean than a possible veto because this is important.

Senator Settelmeyer:

There is discussion that still needs to happen. We disagree on the numbers and the Governor's aspect, but I agree with the concept and think this bill needs to go forward. I would like to vote it out with both amendments, go to a conference committee and get the Governor's Office more engaged in the conference committee if necessary. If you are willing to take a motion, I would amend and do pass with both amendments.

SENATOR SETTELMAYER MOVED TO AMEND AND DO PASS AS AMENDED A.B. 412.

SENATOR CEGAVSKE SECONDED THE MOTION.

Senator Settelmeyer:

I will withdraw my motion so we can have more discussion.

Senator Cegavske:

I will withdraw my second.

Chair Spearman:

The two amendments do not agree with each other. A no vote on the amend with both amendments has to do with the respect for the people in the Legal Division. I carried bills for people to make it better for them. The heart of this legislation is to allow members of the staff to do what they do for us that works best for us, but at the same time take into consideration the redundancy. I took it upon myself to call people and ask what their bills were about. They can choose to tell you or not, but if you never call, then you never know.

Senator Manendo:

Both Houses need to make sacrifices. It is a parity issue.

Assemblywoman Flores:

What you emphasized is a major part of trying to help us be more efficient. Because the Executive Branch has not expressed concern with that change, if Senator Manendo and others think that one bill is so detrimental to parity, I would support half of the conceptual amendment proposed by Senator Settelmeyer. I would support changing the two to one; I would not support any changes to the deadlines to 50 of those measures for the Governor; and I support the changes to the Secretary of State's bills. If it goes to

conference to further talk about the one bill, we can do it at that point. I do not want to see this legislation fail because of one bill.

Senator Manendo:

Do you not have an issue with parity? It should be fair. If the one bill matters that much to the Assembly people and they run out, they can come to their own district Senators or colleagues to get their pieces of legislation. I do want to see the bill move forward. I would like to amend and do pass with those recommendations, and by the time it gets processed we will hopefully have an answer back from the Governor's Office. If we need to run a floor amendment at that time, depending on the information Assemblywoman Flores and Senator Settelmeyer receive back from the Governor's Office, then we can address that.

Chair Spearman:

To be clear, the conceptual amendment is the first one. It amends section 6, page 6, line 14 by striking "two legislative measures" and inserting in lieu thereof "one legislative measure." Is that correct? Are we also talking about section 6, page 6, line 33? Would we be combining those two amendments into one?

Assemblywoman Flores:

I would support that to move this bill forward. If it comes to a concur and not concur and it is not workable, then we can figure that out during conference committee. I would not support the amendment that applies to the Executive Branch deadline change because I have no information that anyone has issues with that.

SENATOR MANENDO MOVED TO AMEND AND DO PASS AS AMENDED
A.B. 412.

SENATOR SETTELMAYER SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Spearman:

This meeting is now adjourned at 10:21 a.m.

RESPECTFULLY SUBMITTED:

Kaci Kerfeld,
Committee Secretary

APPROVED BY:

Senator Pat Spearman, Chair

DATE: _____

<u>EXHIBITS</u>				
Bill	Exhibit		Witness / Agency	Description
	A	1		Agenda
	B	1		Attendance Roster
S.C.R. 9	C	4	Carol Stonefield	Work Session Document
A.B. 412	D	2	Carol Stonefield	Work Session Document
A.B. 412	E	1	Senator James Settlemeyer	Conceptual Amendment