

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

**Seventy-Eighth Session
May 21, 2015**

The Senate Committee on Legislative Operations and Elections was called to order by Chair Patricia Farley at 10:35 a.m. on Thursday, May 21, 2015, 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 Patricia Farley, Chair
Senator James A. Settelmeyer, Vice Chair
Senator Greg Brower
Senator Kelvin Atkinson
Senator Tick Segerblom

GUEST LEGISLATORS PRESENT:

Senator Debbie Smith, Senatorial District No. 13

STAFF MEMBERS PRESENT:

Russell J. Guindon, Principal Deputy Fiscal Analyst
Michael Stewart, Policy Analyst
Brenda Erdoes, Legislative Counsel
Linda Hiller, Committee Secretary

OTHERS PRESENT:

Janine Hansen, Nevada Families for Freedom
Vanessa Spinazola, American Civil Liberties Union of Nevada

Chair Farley:

I will bring this meeting to order and open Senate Bill (S.B.) 413, Senator Debbie Smith's bill about fiscal notes.

SENATE BILL 413: Revises provisions relating to the state legislative process.
(BDR 17-872)

Senator Debbie Smith (Senatorial District No. 13):

This bill proposes revisions to our fiscal note process. It is well known to my colleagues here at the Legislature that I am not a fan of the way we do our fiscal notes. I went to a National Conference of State Legislatures' Fiscal Leader's Meeting last year and listened to the presentation from Utah about how that state works with fiscal notes.

Last Session, we had a bill that triggered this issue for me. We had a State agency at the table and when, as the Chair of the committee, I asked where the fiscal note was, the answer was that there was no fiscal note. However, it was clear there should have been one. When asked why there was no fiscal note, the response was "because we wanted the bill to pass, we did not put one on." That was pretty blatant. I have submitted my written testimony ([Exhibit C](#)).

Senator Segerblom:

This may be the most important bill of the Session. We have all been frustrated by fiscal notes that have no relation to anything in the bill. Yet, we lose bills because an agency might not like the bill, so they stick a fiscal note on it and the bill dies.

Senator Settelmeyer:

The bill states there will be a need for more staff, but there is no fiscal note. What would it cost if we have to add a staff person? I appreciate the fiscal note bill having this problem.

Russell J. Guindon (Principal Deputy Fiscal Analyst):

We do not know what impact this bill will have on the Fiscal Analysis Division, but for now we believe we can internalize the effect of this bill. If it becomes law, we will be able to observe how the bill affects us. We would address the fiscal needs in the 2017 Legislative Session if necessary.

Senator Settelmeyer:

This is kind of like what we are accusing this bill of—trying to get a bill through without a fiscal note to drag it down. How much would one staff person cost for a year?

Mr. Guindon:

I do not know. I am on the revenue side. I do the fiscal notes, not the budget side. Legislators can ask us to look into fiscal notes anytime during a

Legislative Session. We do that now, but we do not know if the bill will make us go above and beyond what the 63 Legislators are asking of us now. That would be a question for Mark Krmpotic, the Senate Fiscal Analyst in the Fiscal Analysis Division of the Legislative Counsel Bureau (LCB). We are comfortable with this fiscal note, understanding that we may have to come to our elected bosses 2 years from now to address what is going on.

Chair Farley:

To be clear, it sounds like you are not planning to hire someone tomorrow; you are going to wait 2 years and then address the cost of adding a position if it is needed.

Mr. Guindon:

Most likely we would go through the 2017 Session with the resources we have and then observe what, if any, impact this bill would have on the LCB Fiscal Analysis Division. At that point, we would come to the money committees of the Legislature and ask for money if we needed it. We just do not know how many Legislators might avail themselves of this law. It would be prudent for us to observe it before we come and ask for resources.

Senator Segerblom:

It seems like if you had to hire someone, it would not need to be until December or January, right before the session, and it would not need to be a 2-year job.

Mr. Guindon:

If this bill was to pass into law and many of the Legislators started using it, we would probably have a difficult time hiring someone during Session. We would probably go through the legislative budget process. The hiring of someone would probably not occur until after the 2017 Session. We could consider it not being a permanent position; maybe a session hire. We would like to observe the effect of the law first, and then make the assessment about what additional resources we would need.

Janine Hansen (Nevada Families for Freedom):

It is difficult for laypeople to understand fiscal notes. This bill would improve that process. Many people are interested in the legislative process but are observing it from their homes. It is difficult to access the fiscal notes on a bill, let alone interpret them. When a fiscal note is removed or revised in a committee meeting, sometimes that note is still on the bill online. It is

confusing. I support this bill and think it will make it easier for laypeople to remain involved in their Legislature.

Vanessa Spinazola (American Civil Liberties Union of Nevada):

I agree this is one of the most important bills of the Session. For better or worse, policy lives and dies by fiscal notes, especially with contentious issues. I have seen bills that should have fiscal notes and do not, and those with fiscal notes of millions of dollars that seem excessive.

This issue is especially important when it comes to mass incarceration. There were 62 bills introduced this Session that increase prison terms. The majority of those bills did not have fiscal notes. I am concerned with new misdemeanors and the effects those statute changes could have on county jails. We already have an overcrowding problem in our jails, especially in Clark County.

The objection process at the end of the bill is fair, since bill sponsors could ask for revision of any fiscal note placed on their bills. We support this bill.

Senator Brower:

I think the reason the law enforcement bills do not have fiscal notes is because it is impossible to know how many people will be charged, convicted and sentenced under a new law.

Ms. Spinazola:

When I have seen the Department of Corrections put a fiscal note on a bill, the Department looks at similar crimes and examines past statistics. That does not happen on every bill, though. It is inconsistent.

Chair Farley:

I will close the hearing on S.B. 413. We will do a behind-the-bar vote on it on the Senate Floor today or tomorrow. I will open work session with A.B. 198.

ASSEMBLY BILL 198: Requires the Legislative Committee on Public Lands to conduct a study concerning water conservation and alternative sources of water for Nevada communities. (BDR S-805)

Michael Stewart (Policy Analyst):

This bill requires the Legislative Committee on Public Lands to conduct a study of water conservation and alternative water sources for Nevada. I have submitted a work session document ([Exhibit D](#)).

SENATOR SETTELMAYER MOVED TO DO PASS A.B. 198.

SENATOR SEGERBLOM SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Farley:

I will open S.B. 360.

SENATE BILL 360: Provides for an interim study to investigate the viability of establishing entities to help finance the use and harnessing of clean energy in this State. (BDR S-41)

Mr. Stewart:

This bill directs the Legislative Commission to appoint a committee to conduct an interim study concerning the viability of establishing green banks and similar entities to help finance the use and harnessing of clean energy in Nevada. Senator Pat Spearman's Proposed Amendment 7543 is included in the work session document I have submitted ([Exhibit E](#)).

Senator Brower:

Would this bill direct the Legislative Commission to appoint a new committee, or would this bill add a topic to the portfolio of an existing interim committee?

Senator Settelmeyer:

We set up the Legislative Committee on Energy last Session. I believe this would work through that ongoing interim Committee.

Senator Brower:

That is good. We need to be careful about creating new committees because we are constrained in certain ways. If this is simply a new subject for an existing committee, it makes sense.

SENATOR ATKINSON MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 360.

SENATOR SEGERBLOM SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Farley:

I will open Senate Joint Resolution (S.J.R.) 8 of the 77th Session.

SENATE JOINT RESOLUTION 8 OF THE 77TH SESSION: Proposes to amend the Nevada Constitution to revise provisions relating to the State Legislature. (BDR C-626)

Mr. Stewart:

This measure proposes to amend the Nevada Constitution to provide for annual sessions for the Legislature instead of the existing biennial system. I have submitted a work session document ([Exhibit F](#)).

SENATOR ATKINSON MOVED TO DO PASS S.J.R. 8 OF THE 77TH SESSION.

SENATOR SEGERBLOM SECONDED THE MOTION.

Chair Farley:

I am going to vote yes to pass this out of Committee. I am not in favor of larger government, but I am in favor of discussion of how people are represented and the policies and impacts of our State.

We lag behind in many areas—education, child welfare, family services and economic development tax policies. In my experience here, a lot of the legislation we work on and pass is fixing what was done 2 years ago. That is concerning to me. I am a taxpayer—I pay sales tax, I pay the Modified Business Tax and I am in line to pay whatever new taxes are coming down.

Including Nevada, there are four states in the U.S. that meet biennially. Looking at all other progressive states that are doing well with successful economic and education policies, I see that they meet yearly.

After I continue to research this issue, I may not ultimately agree with this bill when it comes to the Senate Floor, but I want the opportunity to have the discussion. That is why I am voting yes here in Committee but reserving my right to vote no on the Senate Floor.

Senator Settelmeyer:

There are many reasons why I am voting no today. I voted no last Session when this bill was up for a vote. I like all of you, but I do not like you that much.

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

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Chair Farley:

Seeing no one wanting to make public comment, this meeting is adjourned at 10:58 a.m.

RESPECTFULLY SUBMITTED:

Linda Hiller,
Committee Secretary

APPROVED BY:

Senator Patricia Farley, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	1		Agenda
	B	1		Attendance Roster
S.B. 413	C	4	Senator Debbie Smith	Written Testimony
A.B. 198	D	1	Michael Stewart	Work Session Document
S.B. 360	E	6	Michael Stewart	Work Session Document
S.J.R. 8*	F	1	Michael Stewart	Work Session Document