

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

**Seventy-ninth Session
May 31, 2017**

The Senate Committee on Legislative Operations and Elections was called to order by Chair Nicole J. Cannizzaro at 3:40 p.m. on Wednesday, May 31, 2017, in Room 2144 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4404B 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 Nicole J. Cannizzaro, Chair
Senator Tick Segerblom, Vice Chair
Senator Kelvin Atkinson
Senator James A. Settelmeyer
Senator Heidi S. Gansert

GUEST LEGISLATORS PRESENT:

Assemblyman Elliot T. Anderson, Assembly District No. 15
Assemblyman James Ohrenschall, Assembly District No. 12

STAFF MEMBERS PRESENT:

Michael Stewart, Policy Analyst
Kevin Powers, Counsel
Jan Brase, Committee Secretary

OTHERS PRESENT:

Ron Sumbang
Marietta Narciso
Steve Cohen
Shelley Blotter, Deputy Administrator, Division of Human Resource
Management, Department of Administration

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CHAIR CANNIZZARO:

I will open the work session on Assembly Concurrent Resolution (A.C.R.) 9.

ASSEMBLY CONCURRENT RESOLUTION 9 (1st Reprint): Directs the Legislative Commission to conduct an interim study concerning treating certain traffic and related violations as civil infractions. (BDR R-1064)

MICHAEL STEWART (Policy Analyst):

Assembly Concurrent Resolution 9 directs the Legislative Commission to appoint an Interim committee to study certain violations of traffic laws. I have submitted a work session document ([Exhibit C](#)).

SENATOR GANSERT:

Is there a limit to the number of studies requested by the Legislature?

CHAIR CANNIZZARO:

We have identified a number of studies requested by the Assembly and are hearing A.C.R. 9 at their request.

SENATOR SETTELMAYER:

Past practice has been to limit the number of studies to three for the Assembly and three for the Senate. We have also been constrained by funding.

SENATOR SETTELMAYER MOVED TO ADOPT A.C.R. 9.

SENATOR GANSERT SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR CANNIZZARO:

I will open the hearing on Assembly Bill (A.B.) 296.

ASSEMBLY BILL 296 (1st Reprint): Revises provisions governing the drafting of legislative measures. (BDR 17-956)

ASSEMBLYMAN ELLIOT T. ANDERSON (Assembly District No. 15):

During the Seventy-eighth Legislative Session, some changes were made to the bill draft request (BDR) process. Specifically, Legal Counsel of the Legislative Counsel Bureau (LCB) could not assign a number or begin drafting a BDR until sufficient detail was received from the bill's sponsor. Assembly Bill 296 does not propose to change the drafting requirement, but does propose to allow for the assignment of a BDR number in the order in which the request is received. The proposed change will help LCB staff and clear up the bill drafting system.

KEVIN POWERS (Counsel):

Ordinarily, the LCB Legal Division is a nonpartisan legal agency and does not support or oppose any particular piece of legislation. However, there is an exception in *Nevada Revised Statutes* allowing the LCB Legal Division to comment on legislation which affects our operations.

Assembly Bill 296 section 1 and section 3.5 through section 9 remove language added to statute in the Seventy-eighth Legislative Session. The language removed in these sections reads:

The Legislative Counsel shall not assign a number to a request for the drafting of a legislative measure submitted pursuant to this section to establish the priority of the request until sufficient detail has been received to allow complete drafting of the legislative measure.

In compliance with legislation enacted last Session, the LCB set up two administrative systems, one housing BDRs without sufficient detail needed to proceed and the other housing BDRs with all the information required to assign a number and draft proposed legislation.

Under section 2 of A.B. 296, the Legislative Counsel will assign a number to each BDR which has been submitted in a timely manner. Legislators' submission deadlines do not change. If there is not sufficient detail to complete the drafting of the request, the BDR will remain on the list with its assigned number. As details are received, the drafting priorities may shift.

Section 2, subsection 3 paragraph (c) of A.B. 296 reads, "The Legislative Counsel shall give full priority to the drafting of requests from Legislators for

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which sufficient detail to allow complete drafting of the legislative measure is submitted.”

The goal is to simplify the system and to continue to give priority to BDRs which have been submitted with sufficient detail to complete the drafting process.

SENATOR SETTELMAYER MOVED TO DO PASS A.B. 296.

SENATOR SEGERBLOM SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR CANNIZZARO:

I will open the hearing on A.B. 343.

ASSEMBLY BILL 343 (1st Reprint): Requiring the Legislative Committee on Health Care to study certain issues concerning the group homes contracted with Southern Nevada Adult Mental Health Services. (BDR S-1114)

ASSEMBLYMAN JAMES OHRENSCHALL (Assembly District No. 12):

Assembly Bill 343 is a result of conversations with constituents. Adults who cannot live on their own are cared for in group homes. Owners of group homes have told me there has not been an increase in payment rates for over a decade. This bill requests an Interim study by the Legislative Committee on Health Care concerning the rates paid by the State to group homes contracted with Southern Nevada Adult Mental Health Services. The goal is to request an increase in rates at the next Legislative Session, if appropriate. Group homes provide a vital service to residents who may not have any alternative living arrangements. They also benefit our community.

RON SUMBANG:

I support A.B. 343 for two reasons. The industry is overregulated and underfunded. An Interim study with the participation of group home providers will provide a fact-based view of the situation. It is sometimes difficult to comply with details of well-meaning legislation. A study may give providers

outside the Southern Nevada Adult Mental Health Services system an opportunity to be heard. Those providing services can offer important information.

Fifty providers have exited the system over the years. This represents nearly 500 people who are not receiving proper care. Supervision is vital to these individuals. Adults with mental health issues need assistance with their doctors' appointments and medications to become productive members of the community. Without assistance and supervision, they may be homeless or commit crimes. Some are chronic visitors to hospitals, draining limited resources. Another consideration is the high cost of medical care and incarceration. With proper supervision, these problems can be avoided.

MARIETTA NARCISO:

I have been a group home provider for 25 years but had to close because of many difficulties. Our industry is overregulated and overseen by different State agencies. There has been no rate increase for 14 years despite increases in the cost of living and safety issues. I know of two providers who have had to close their facilities for reasons much like mine. I support A.B. 343.

STEVEN COHEN:

I support A.B. 343 and a study into group home issues. The original bill proposed a study of all group homes in Nevada. The amended version is limited to those contracting with Southern Nevada Adult Mental Health Services. I have concerns about some uncontracted issues.

SENATOR ATKINSON MOVED TO DO PASS A.B. 343.

SENATOR SEGERBLOM SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR CANNIZZARO:

I will open the hearing on A.B. 467.

ASSEMBLY BILL 467 (1st Reprint): Revises provisions governing the Personnel Commission in the Division of Human Resource Management of the Department of Administration. (BDR 23-551)

SENATOR JAMES A. SETTELMAYER (Senatorial District No. 17):

I am presenting A.B. 467 on behalf of the Sunset Subcommittee of the Legislative Commission. We were tasked with reviewing boards and commissions to determine if they should be continued, modified, consolidated or terminated.

Assembly Bill 467 proposes to make changes to the Personnel Commission which was reviewed by the Sunset Subcommittee on March 15, 2016. The Personnel Commission was created by the Legislature in 1953 as an advisory board. Over the years, it has been amended and it now has rulemaking authority. It consists of five members appointed by the Governor. Three members represent the general public, one member represents labor and one member represents employers or managers.

Along with the rulemaking authority, the Commission is authorized to decide appeals from employees. In our review of the minutes of Commission meetings, the Sunset Subcommittee found that some appeals were acted upon when as few as three members of the Commission were present. Sections 1 and 2 of A.B. 467 address this issue. Section 1 provides that an alternate member will be designated for each member of the Commission much like the Legislative Commission which has 12 members, each of whom has an alternate. Section 2 provides that five members, which may include an alternate member, constitute a quorum. A majority vote of five Commissioners is required for any official action of the Commission, including deciding an appeal from an employee in public service.

The Sunset Subcommittee members consider this a fairness issue. If an employee files a grievance and follows the procedures in order to bring an appeal to the Commission, it is only fair that a full membership decides that appeal.

Assembly Bill 467 contained other recommendations relating to the Merit Award Board, but they were amended out of the bill by Assembly Ways and Means. Another bill, Senate Bill 72, is moving forward with similar provisions.

SENATE BILL 72: Revises provisions governing the Merit Award Program.
(BDR 23-239)

It is my understanding that the Division of Human Resource Management has some concerns with the recommendation regarding the membership of the Personnel Commission.

I would reiterate that the Sunset Subcommittee is concerned that an employee with a grievance receive a hearing before the full Commission. Unless five members are present, there is no way of knowing how those absent members would have voted.

CHAIR CANNIZZARO:

There are five members on the Commission. Assembly Bill 467 changes the quorum to five members, but allows for an alternate for each member. Is that correct?

SENATOR SETTELMAYER:

Yes.

SHELLY BLOTTER (Deputy Administrator, Division of Human Resource Management, Department of Administration):

We submitted an amendment when A.B. 467 was heard in the Assembly. It seems overly burdensome to have an alternate for every member on a committee of only five members. We suggested having two alternates. The Commission does not have attendance problems and only meets every three months. We would support changing the quorum requirements based on the type of action before the Commission. This is a specialized field and it may be difficult to find qualified alternates.

SENATOR GANSERT MOVED TO DO PASS A.B. 467.

SENATOR ATKINSON SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR CANNIZZARO:

Seeing no public comments, I will adjourn the meeting at 4:13 p.m.

RESPECTFULLY SUBMITTED:

Jan Brase,
Committee Secretary

APPROVED BY:

Senator Nicole J. Cannizzaro, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	2		Agenda
	B	2		Attendance Roster
A.C.R. 9	C	1	Michael Stewart	Work Session Document