

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

**Eighty-First Session  
April 22, 2021**

The Committee on Legislative Operations and Elections was called to order by Chair Brittney Miller at 4:01 p.m. on Thursday, April 22, 2021, Online and in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, 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 [www.leg.state.nv.us/App/NELIS/REL/81st2021](http://www.leg.state.nv.us/App/NELIS/REL/81st2021).

**COMMITTEE MEMBERS PRESENT:**

Assemblywoman Brittney Miller, Chair  
Assemblywoman Sandra Jauregui, Vice Chair  
Assemblywoman Jill Dickman  
Assemblyman Jason Frierson  
Assemblywoman Cecelia González  
Assemblyman Glen Leavitt  
Assemblyman Andy Matthews  
Assemblyman Richard McArthur  
Assemblywoman Daniele Monroe-Moreno  
Assemblywoman Clara Thomas  
Assemblywoman Selena Torres

**COMMITTEE MEMBERS ABSENT:**

None

**GUEST LEGISLATORS PRESENT:**

Assemblyman Steve Yeager, Assembly District No. 9

**STAFF MEMBERS PRESENT:**

Pepper Sturm, Committee Policy Analyst  
Kathleen M. Norris, Committee Counsel  
Bonnie Borda Hoffecker, Committee Manager  
Jordan Green, Committee Secretary  
Trinity Thom, Committee Assistant



**OTHERS PRESENT:**

Priscilla Maloney, representing Retiree Chapter 4041, American Federation of State,  
County and Municipal Employees

Helen Foley, Private Citizen, Las Vegas, Nevada

Holly Welborn, Policy Director, American Civil Liberties Union of Nevada

**Chair Miller:**

[Roll was called.] Good afternoon. I am so glad to see people here in the room with us. We are excited to be in the room with you as well. We have been doing this for a few days now, and it changes a little bit how the committees operate. This is our first time joining physically in the room together, so we will have some people presenting and testifying on Zoom, some on the phone lines, and, of course, some here in person. Again, we are so happy to see you all.

While we are in the room, we will all continue to wear our masks. There will be public comment at the end of the agenda for up to 30 minutes. I would like to remind everyone early on that you will have up to two minutes to speak for public comment, and we ask that you say your full name and spell it every time that you testify or speak so that we have everything correct on the record.

Today we have two bills that we will hear. We will take them in the order listed on the agenda. The first bill will be Assembly Bill 441.

I will now open the hearing on Assembly Bill 441, which will be presented by Speaker Jason Frierson. This measure relates to legislative provisions regarding the vacancy and appointment of legislators and campaign funds.

**Assembly Bill 441: Revises provisions governing legislators. (BDR 17-922)**

**Assemblyman Jason Frierson, Assembly District No. 8:**

I am here to present Assembly Bill 441, which serves as a mechanism to handle the financial and practical burden of appointed members of the Legislature who are appointed shortly before or during a legislative session.

As you all know, *Nevada Revised Statutes* (NRS) 294A.300 states that it is unlawful for a member of the Legislature to solicit or accept any monetary contribution, or solicit or accept a commitment to make such a contribution, for any political purpose during the specified period of time before and after a legislative session. Generally, a legislator may not receive or solicit a contribution during the period beginning 30 days before and ending 30 days after a regular session and 15 days before or after a special session. We refer to that as the "blackout period."

Additionally, campaign funds may not be used for personal use, which is defined as an expense that would exist irrespective of whether a person was a legislator [NRS 294A.011]. However, many expenses, such as paying rent for living space here in Carson City during session, exist only because the person is a legislator. This expense qualifies as an allowable use of campaign funds.

Of course, serving in the Legislature is an honor and a privilege, but I do not think it is lost on this body that we are a citizen legislature doing the people's work with little compensation. Here in Nevada, our legislators earn \$164.69 per day, and that is only for the first 60 days ["2020 Legislator Compensation" Table, June 17, 2020, National Conference of State Legislatures]. That is about \$9,800 for the first 60 days, and that is every other year. According to the National Conference of State Legislatures, the average yearly salary of lawmakers across the country is \$33,500.

For us legislators, particularly those of us from southern Nevada, we are forced to relocate over 400 miles away from our districts to do the people's work and with limited financial means. As a result, we are often forced to use our leftover campaign funds to meet the real financial burden of serving our state. Legislators who are appointed during a blackout period do not have any unused campaign funds; they are not able to accept or solicit monetary contributions during a blackout period; and, in these instances, the legislators personally pay for unreimbursed expenses that are required in order for them to be able to move and maintain a living space in Carson City during session.

With this reality in mind, A.B. 441 was brought to address those issues. Unfortunately, for those of us who have been here in the last few sessions, we have lost several members in both chambers near or during session. It became apparent for those in particular who were appointed during a blackout period; they were forced to use personal income to serve as a member of this body.

According to the National Conference of State Legislatures, Nevada is 1 of 29 states that place restrictions on giving and receiving campaign contributions during a legislative session, but 15 states have a general ban on all contributions. However, 14 of the remaining states only have a limitation that applies to a ban of contributions from lobbyists and political action committees. A small number of these states prohibit lobbyists from making campaign contributions at any time, including during a legislative session.

Assembly Bill 441 will allow the legislative caucuses as well as fellow legislators the ability to contribute to an appointed member during a blackout period. In addition, the bill will give only leadership in both the majority and minority caucuses the ability to reassign bill draft requests (BDRs) of members who have left this body.

I will now walk through the provisions of the bill. Section 1 of the bill addresses what happens to bill draft requests when a vacancy occurs after the general election and before a regular session starts. If the vacancy is in the majority party, the Speaker of the Assembly or the Majority Leader of the Senate may reassign the BDRs; consequently, if the vacancy is

in the minority party, the Minority Leaders of both caucuses would be able to reassign the BDRs. The leaders must also submit lists of the reassigned BDRs to the Legislative Counsel by the 8th day of session, and they may revise that list no later than the 15th day of session. Any reassigned BDRs are in addition to the BDRs a member of the Senate or Assembly would normally have.

Section 2 of the bill has to do with campaign contributions for members who are appointed to fill a vacancy during the time when legislators are prohibited from soliciting or accepting contributions—again, often referred to as the "blackout period." Under this bill, the member who was appointed may solicit and accept contributions during the blackout period from a legislative caucus or a fellow legislator. Those contributions are capped at \$10,000 for a regular session and \$1,200 for a special session. The contributions may not be used to cover expenses other than the expenses for moving, travel, and housing that are over the supplemental allowance that legislators receive.

Section 4 of the bill concerns the meaning of the term "personal use" for campaign contributions. Under existing law, it is unlawful for candidates and public officers to spend contributions for personal use. This bill specifies that "personal use" does not include paying for legislators' moving, travel, and housing expenses over and above the supplemental allowance that all legislators are entitled to receive.

Section 5 of the bill addresses the disposal of campaign contributions. Under existing law, if a candidate is elected and has campaign funds that he or she did not spend or commit before the election, the candidate must dispose of that money by returning it to the contributors, using it in the next campaign cycle, contributing it to another campaign, or other methods that exist in statute. This bill authorizes a candidate elected to the Senate or the Assembly to also dispose of campaign contributions by contributing to a member who is allowed under section 2 of the bill to accept contributions because the member was appointed to fill a vacancy.

Sections 6 through 9 of the bill are conforming changes, and section 10 of the bill deals with the effective date, which would be upon passage and approval.

In conclusion, it is an honor to serve in this institution, but the reality is our appointed members make a significant sacrifice to be members of this body with very short notice. I think A.B. 441 is a reasonable measure to ensure that we ease any financial burden to that process and ensure that we remove barriers that hinder those from serving in this body. Essentially, you should not have to be independently wealthy to be appointed to serve to fill a vacancy. Under the current law, the only way that you can fill a vacancy and be able to live is if you have the financial means to do so. This bill is attempting to remedy that to give everybody greater access to the democratic process and have a greater ability to serve. I think that we are oftentimes unable to find candidates who are able—although they are great candidates—to financially carry a burden that the rest of us are not required to carry. That is my conclusion, and I would be happy to answer any questions.

**Assemblywoman Jauregui:**

I just had some clarifying questions to make sure that I am reading the language correctly. Under section 2, subsection 2, where you talked about the caps on the amounts that they can solicit or request during a regular or special session, it says, "\$10,000 for a regular session or \$1,200 for a special session." That is just in total and not per contribution—I cannot get \$10,000 from Chair Miller and \$10,000 from another colleague. Is that correct?

**Assemblyman Frierson:**

Yes, you are correct. It is a total of \$10,000. I do not know that anyone would need necessarily more than that. This is intended to cover living expenses so that folks who are appointed are able to serve.

**Assemblywoman Jauregui:**

This is another clarifying question to make sure that I am reading it correctly. Section 2, subsection 3, talks about dollars that were raised but were not used or expended. If an appointed member received \$10,000 during a regular session but only spent \$5,000, then he or she would have to return the remaining \$5,000 or get rid of it. Is that correct?

**Assemblyman Frierson:**

That is correct. To some extent, they join this body, but they do not have the interim that led up to the session of fundraising and the same obligations as far as having to return money if they have not run an election. We thought it was reasonable to simply make this bill about allowing these individuals who are appointed to be able to afford to be up here for that session and not have the extra consequences or obligations beyond returning any unspent money.

**Assemblywoman Torres:**

I really appreciate this legislation, as I think it is resolving an issue that we have seen all too often during my time here at the Legislature. My question is regarding section 2 of the bill, which is specifically giving a legislator the ability to accept those monetary contributions. Perhaps I am reading it wrong; section 2, subsection 1, states: "a Legislator who was appointed to fill a vacancy in the office of a Legislator during a period described in subsection 1 of NRS 294A.300 . . . ." As I read subsection 1 of NRS 294A.300, I think that period would only apply if the session has not yet started. My understanding then is that this would not be applicable if the session has already started. How would that impact somebody who was appointed in the middle of the session?

**Assemblyman Frierson:**

The intent of the bill is to specifically allow individuals who are appointed during session to be able to raise up to \$10,000 total from either caucuses or members to be able to provide for living expenses. That is the point. It is covering individuals who are appointed either within the 30-day period before session starts, during session, or within the 30-day period, presumably, afterwards. Similarly, it is 15 days for special sessions.

Obviously, for an appointed member, the 30 and 15 days afterwards are not relevant because the member would be required to return money that he or she did not spend during the session that the member was appointed to serve in.

**Assemblywoman Dickman:**

I think this addresses a really big problem that we have had, especially in the last few years. We have had so many people appointed. My question has to do, though, with the number of bills. I am not exactly understanding this either. If someone were appointed within the deadline to get your first five bills in, would the person who was replaced—would that be an addition of those five bills that they would have had?

**Assemblyman Frierson:**

I am sorry—

**Assemblywoman Dickman:**

For the person who could not fulfill his or her term for whatever reason, if someone were appointed in time to do the five bills—what is that deadline date, mid-December? Would there be five extra bills?

**Assemblyman Frierson:**

The purpose of this section is because we all have constituents who reach out to us and ask for bills. Before session starts, I may have a bill and, Assemblywoman Dickman, you may have somebody approach you with the same bill and you may have decided, Well, Speaker Frierson already has that bill, so it is covered. Then, for whatever reason, I have to resign. That constituent was deprived of the ability to have that concept vetted because people made decisions based on who was carrying BDRs.

This would not be additional BDRs in total. This would be preserving the ability to reassign some of those BDRs that the individual who resigned committed to. The BDRs can be provided to the person who was appointed or anybody else in the Legislature so that those bills are not lost. It does not mandate that the BDRs be reassigned, but certainly it allows the leadership of all four caucuses to reassign those BDRs that were already submitted.

**Assemblywoman Dickman:**

Could they be bills that had been prefiled or just ideas? It could be anything like that—but it is not like that seat is now going to have potentially ten bills instead of five, right?

**Assemblyman Frierson:**

You are correct. It is not additional BDRs. It is preserving the opportunity to reassign existing, submitted bills to other legislators or the appointed member if he or she were able to. Presumably, it would be more experienced legislators who would have the ability to take that same number, not additional.

In theory, you could submit all of your allotted BDRs, your colleague could resign, and then your caucus leader could give you those BDRs to see through, which would be above and beyond your personal number but not above and beyond the total number of bills that would be considered by the Legislature.

**Assemblywoman Dickman:**

Got it. Thank you so much for that explanation.

**Assemblyman Matthews:**

I have a question regarding section 2, subsection 1, of the bill where it says that these contributions can come "from another Legislator or from an organization whose primary purpose is to provide support for Legislators of a particular party and house." I think you made it clear that the intent there is for that to apply to caucuses.

Conceivably, could that also apply to some other entity, a committee for political action, or some other third party that is formed and created for the express purpose—whose mission statement, for example, is—to provide support for legislators of a particular party or house?

**Assemblyman Frierson:**

The intent is to allow caucuses as well as other members to help appointed candidates and no other organizations.

**Assemblyman Matthews:**

Obviously, the blackout period goes for the 30 days after session. Under this, the appointed lawmaker would be able to solicit contributions during that time and receive them. Would the lawmaker be able to solicit a contribution during the blackout period and then receive that same contribution afterward? Let us say that the lawmaker asks for a contribution in May. Does the contribution have to come in before the blackout period, or could it conceivably come in August or September of that same year?

**Assemblyman Frierson:**

I think the point is less about the date of the request and more about the expense. I do not imagine that an appointed member would have an expense related to serving after being appointed in October. The point is that it has to be applied only to the purposes of paying for living expenses during the term that the member is serving. Presumably at the end of the legislative session, the appointed member would be subject to the same limitations. The reason that it is all encompassed is because, although that person would more than likely not have a reason to solicit any contributions after that, he or she may have expenses that go after, like the last month of a lease or if there is a special session right afterwards.

It is really trying to put appointed members on an even playing field with sitting legislators who had the ability for the entire interim to raise money to be able to pay for living expenses, but it is clear that it can only be used to pay for living expenses and moving during service for the period that they are appointed.

**Assemblyman Leavitt:**

Thank you for bringing this up and recognizing that we do not do this for the money. We are not independently wealthy—most of us. What I was looking at is the \$1,200 for special sessions. Special sessions are always an indeterminate amount of time. Heaven forbid we are up here for months in a special session, but it seems like the comparison of \$1,200 for a special session is—how did you come up with that number? Is it by going through history and looking at how long special sessions normally last? I have been through two special sessions; one lasted two weeks, and one lasted four days. My concern is that this may not cover someone who is appointed if we have a marathon special session—like if we want to rename Clark County, and it takes four months to do it. Did you have any consideration for a time period in that regard?

**Assemblyman Frierson:**

Although it was not entirely arbitrary, there is no standard for how long a special session lasts. There is no ideal for whether or not somebody can get a hotel room or get a house or an apartment. Obviously, it depends on the nature of that particular special session. I would imagine if and when we propose to rename Clark County to Leavitt County, it would be a relatively fast special session.

This is certainly not expected, nor do any of us have the ability to absorb all of our costs with the amount of money that is provided through the system. This is progress to make sure that somebody at least has the ability to start—recognizing that some people may not, and they may decide not to even apply to be appointed because they simply cannot afford it. This is just an effort, albeit not complete, and it is impossible to make it encompass an entire legislative process that we do not know the parameters for. This is simply an effort to allow somebody who is applying—and qualified to be appointed to serve—to be able to at least have some type of seed money to be able to live.

**Assemblyman Leavitt:**

Having served in special sessions, housing alone is by nature much more expensive during a special session because you have to stay at a hotel, which is more expensive than renting a house for four months. Also, I would approve of the motion that Speaker Frierson had to change Clark County's name and add it to this bill.

**Chair Miller:**

I also remember Speaker Frierson saying that would be a very short special session. I think there is a clarifying question that may help with this, Assemblyman Leavitt. During the special session that lasted 13 days this past summer—and I am going to rely on our legal counsel and everyone here—is it not true that, as legislators, our hotel rooms were only covered for the first 5 days, or was it 7 or 10 days?

**Assemblyman Frierson:**

I apologize, but I do not recall. I recall it not being enough.



**Chair Miller:**

Correct. It did not cover the whole 13 days that we were here, so we had to either pay out of our pocket or pay out of campaign funds. We also had individuals who were appointed for special session. The challenge with that was, sincerely, the anticipation that, Oh, your hotel rooms will be covered. Then even we sitting legislators realized, Oh, wait. Not all of the nights were covered.

I think that \$1,200 is still not a lot. If you are advocating for more to make sure that individuals are covered for special session if, as you said, it was a long, extended session—you do not need to answer. I am just saying that I am open to the amendment.

**Assemblyman Leavitt:**

I want to go on the record that I did not propose that amendment. I was simply asking a clarifying question.

**Chair Miller:**

We will let the bill sponsor respond.

**Assemblyman Frierson:**

Obviously, we cannot encompass every possible scenario. If we finish a regular session, more than likely any subsequent special session would be beyond 30 days. If someone was appointed for regular session, then he or she becomes a sitting legislator, so 30 days after the end of regular session, the legislator could then fundraise. This is intending to really try to capture at least a narrow set of circumstances where someone is simply financially unable even though the person is qualified and may be an ideal choice to do it at all. It does not encompass every possible scenario, but if they are in a regular session, get a break, and then there is a special session, then they would be able to fundraise beyond that blackout period. This is really narrowly tailored to be able to help someone afford to be able to serve. They would otherwise be subject to the same requirements other than they would have to return any unused money that was not going towards their living expenses, which the rest of us would not have to do.

**Assemblyman Matthews:**

I wanted to come back to Assemblywoman Dickman's line of questioning. Maybe it was made clear, in which case I apologize. For the sake of clarity, I will skip hypotheticals. There are 42 members of the Assembly. Someone resigns; someone is appointed to replace that person. The bills that were initially attached to the resigning legislator, those now can get assigned elsewhere. Now we are back at our full allotment of the number of bills per legislator, but we have the newly appointed legislator. Does that legislator have his or her own BDRs to introduce? If so, it would seem that could increase the total number of BDRs, but maybe I am erring in that.

**Assemblyman Frierson:**

Based on the deadlines, if somebody were appointed during session, they would have already missed the deadlines.

**Assemblyman Matthews:**

That is what I was assuming. Thank you for that clarity; I appreciate it.

**Assemblywoman González:**

I do not know if I missed it, but how we all have reporting deadlines—would they wait to report the money that they received? Are they still subject to reporting that information? How would that work?

**Assemblyman Frierson:**

They would be subject to the same reporting deadlines and requirements that the rest of us would be.

**Assemblywoman Dickman:**

This was one of those bills that hearing it clarified the intent so much better, so thank you. I appreciate it.

**Chair Miller:**

Seeing no additional questions, I will take testimony in support of A.B. 441. We will start with anyone in the room who would like to come to the table to testify in support. Then we will move to anyone on Zoom and the telephones.

**Priscilla Maloney, representing Retiree Chapter 4041, American Federation of State, County and Municipal Employees:**

You may be saying to yourself, what does this have to do with retirees? Actually, in our Law & Legislation Committee, our third priority this session are bills that have to do with the proper functioning and support for our wonderful citizen legislature, including a bill like this. We are also tracking campaign finance bills, so there is a little bit of that incorporated into this bill. Finally, and not an issue in this bill, is voter access.

One thing we have learned as an organization this last year is we really appreciate how well our government in Nevada has functioned in this time of crisis. We very much thank Speaker Frierson for bringing this bill. We want to support good people like yourselves getting what they can. As Assemblyman Leavitt said, there are other things—like maybe the naming of a county—that would make things even better, but we need some support for the incredible job that our citizen legislature is faced with doing when they are not given full-time compensation for their actual out-of-pocket costs.

**Chair Miller:**

I do not see anyone else in the room. I would like to open it up to anyone on the telephones who wishes to provide testimony in support of A.B. 441. [There was no one.] I will give that a moment because I know there is sometimes a minute of lag. Do we have anyone on Zoom to testify in support? [There was no one.] Has anyone called in on the telephones since? [There was no one.]

With that, I will close testimony in support and will open testimony for anyone who would like to testify in opposition. I do not see anyone in the room approaching the front. Can we open the telephone lines for anyone wishing to testify in opposition? [There was no one.] Do we have anyone logged in on Zoom to testify in opposition? [There was no one.]

I will close testimony in opposition and will open testimony for anyone who would like to testify in neutral. Is there anyone in the room who would like to testify in neutral? [There was no one.] Do we have anyone on the phone lines who would like to testify in neutral? [There was no one.] Do we have anyone on Zoom who would like to testify as neutral? [There was no one.] With that, I will close testimony for neutral.

Speaker Frierson, would you like to make some final remarks?

**Assemblyman Frierson:**

Assembly Bill 441 is intended to allow the most qualified folks to be eligible to serve without having to be independently wealthy and have an extra burden that the rest of us were not required to endure. I think it has adequate safeguards to make sure that they return the money. As Assemblyman Leavitt said, none of us are in this for the money, but we have to be able to live. We have to be able to put a roof over our heads during this time in Carson City.

This is an effort. For anybody who has tried to recruit candidates to run for office, it is an increasingly difficult endeavor. On top of the burdens of financial limitation, it just makes it undoable for many, and this is attempting to remedy that effort. I thank you all for your questions, for giving me the opportunity to clarify concerns, and for your attention.

**Chair Miller:**

Thank you again for bringing this legislation forward. I will close the hearing on A.B. 441 and open the hearing on Assembly Bill 443. Assembly Bill 443 will be presented by Assemblyman Steve Yeager and provides for the creation of the joint interim standing committees of the Legislature.

**Assembly Bill 443: Revises the interim committee structure of the Legislature.  
(BDR 17-1045)**

**Assemblyman Steve Yeager, Assembly District No. 9:**

I am pleased to present Assembly Bill 443 for your consideration. This measure revises the way the Nevada Legislature structures its interim activities. I am looking around at Committee members, and most of you have been here through an interim or two. A few of you have not, so I will tell you a little bit about what this bill does and then answer any questions.

The concept in this bill dates back to the 2009-2010 Interim. It was a recommendation of the Committee to Consult with the Director, which unanimously supported Assembly Bill 578 of the 76th Session. In addition, a similar bill was presented in 2017 [Senate Bill 507 of the 79th Session]. The bill before you today revisits the matter and is designed to address the serious continuity issues concerning interim committees that still exist.

Here is some background information. In the past, legislative leaders on both sides of the political spectrum have indicated the need for a better way to organize the interim study process and its structure. One of the issues over the years has been the number of legislators who are appointed to interim studies who have little or no knowledge of the topics that are being studied. Another related issue has been the number of bill draft requests (BDRs) submitted by those interim study committees and then heard in session by a standing committee without any of the members who actually served on the interim committee. The members who had not served on the study committee did not have the benefit of sitting through important testimony and in-depth review that occurred during the interim, which went into producing the legislation.

As early as the 1970s, the Legislature recognized these concerns with our current structure. There was a lack of continuity from session to interim to the next session. Recognizing these concerns, the Committee to Consult with the Director studied this issue several years ago and adopted recommendations to create a new interim committee structure based on the existing session standing committee structure. That structure is what you see established here in the provisions of Assembly Bill 443.

I will take you through some of the sections of the bill. It is a rather large bill, but the changes it makes are not difficult to understand. We are really just folding a lot of existing committees into what would be the new committees. To summarize, the measure applies to certain policy committees meeting during the interim that are staffed by the Legislative Counsel Bureau (LCB). This proposal, however, does not include the Interim Finance Committee, the Economic Forum, or the Legislative Commission and the statutory subcommittees that are affiliated with those entities. Just to be clear, those would continue to exist as they exist now.

Section 6 of this bill really is the heart of the proposal. With the exceptions I just noted, section 6 creates several joint interim standing committees that parallel the jurisdiction of our session standing committees. The names of those committees are on page 5 of the bill. If you take a look at those, I think you will find those to be very familiar because they are the same committees that we have during the session.

Regarding the membership of those joint interim standing committees, each would consist of eight regular members and five alternate members. There would be five Assembly members with three alternates, and three Senate members with two alternates. Of the five Assembly members, three would be appointed by the Speaker of the Assembly and two would be appointed by the Minority Leader of the Assembly; two of the alternate Assembly members

would be appointed by the Speaker, and one alternate would be appointed by the Minority Leader. Of the three Senators, two would be appointed by the Senate Majority Leader, and one would be appointed by the Senate Minority Leader; the alternates would be appointed one apiece from the Senate Majority Leader and the Senate Minority Leader.

Section 7 of the bill establishes, with regard to quorum and voting, that five members of a joint interim standing committee would constitute a quorum. However, any recommended legislation must be approved by a majority of both the Senate members and the Assembly members. Other actions can be taken by a majority of those present.

The BDR allocations for the joint interim standing committees are set forth in section 4 of the bill. Just like our current statutory committees, each joint interim standing committee would be allocated ten BDRs to carry forward to the following legislative session.

Section 8 of the bill sets forth the topics to be reviewed by these interim committees. They would be established through legislation or as directed by the Legislative Commission. In addition, topics that are within the jurisdiction of the session committees would be assigned to the interim committees to handle as a whole or through subcommittees during the interim. Each joint interim standing committee would be required to report on all of its activities and deliberations to the next legislation session. Section 8 also specifies that the Legislative Commission will review the budget and work program of each of these interim committees.

In some cases involving existing statutory committees, such as the Legislative Committee on Health Care and the Legislative Committee on Education, there are numerous references throughout the *Nevada Revised Statutes* (NRS) regarding how they receive reports and how they are to carry out their duties. The bulk of the bill reassigns those duties to what would be the joint interim standing committees. Starting around section 13 of the bill onward, those duties that exist with our current statutory committees are reassigned. Most of these sections involve the Joint Interim Standing Committees on Education, Government Affairs, Health and Human Services, and the Judiciary.

Section 52 of the bill includes transitory language to capture any other bills or resolutions that may be under consideration during this legislative session that assign a power or duty to an interim or standing committee that would be abolished if this bill were to be passed. Specifically, the bill allows the Legislative Counsel in revising the NRS to assign the power or duty, or require the document or report, to be submitted to the appropriate joint interim standing committee.

As I mentioned, this measure directs the Legislative Commission to approve the work program for each of the joint interim standing committees. As noted in section 52 of the bill, if the subject matter of a legislative study or investigation falls within the jurisdiction of more than one of the joint interim standing committees, the Legislative Commission will assign the study based on the budgets and work programs.

In short, if Assembly Bill 443 is approved, the Legislative Commission would direct when the joint interim standing committees could start their work and decide upon the work of each interim committee based on the interim committee's jurisdiction.

Finally, I would note that A.B. 443 does not repeal NRS 218E.200. It is only amended in section 11 of the bill, which still gives the Legislative Commission broad authority to establish other subcommittees and investigate various matters as needed. The Legislative Commission would still have the authority to direct other studies that could be outside the scope or purview of a joint interim standing committee or that might be deserving of special legislative attention.

Before I take questions, I will just note that those of you who have served in the interim, towards the end of session you get a list of interim committees that you can preference. I do not know how many there are, but it seems like there are 80 to 100 of them, and it seems like a lot of them overlap. What you have in front of you is an effort to really make the legislative process more efficient in the interim so that when we come back to the next regular session, we can really hit the ground running.

I would be happy to answer any questions.

**Chair Miller:**

Thank you for presenting this measure. I forgot to mention earlier that A.B. 443 does come from the Assembly Committee on Legislative Operations and Elections, but you were so kind to step in and present it for us.

**Assemblywoman Jauregui:**

I think this is such a great bill. I remember having these discussions with my policy analyst, Ms. Carol Stonefield, when I had the honor of chairing the Assembly Committee on Legislative Operations and Elections. I always wanted this to come to fruition, so I am happy to actually see it here today.

Just to clarify—and I think I know the answer, but I want to reaffirm—the Sunset Subcommittee is a subcommittee of the Legislative Commission, so it would not be targeted, right?

**Assemblyman Yeager:**

You are correct. We are not doing anything with the Legislative Commission or the Interim Finance Committee. They are going to continue to do their work, so that would continue to exist.

In addition, if the Legislative Commission decided that there were some other issue that needed to be looked at, the Legislative Commission could address that and assign it to one of the joint interim standing committees, or the Legislative Commission could create its own subcommittee to do it.

**Assemblywoman Jauregui:**

I noticed throughout the bill you can see how the references are changing: the Legislative Committee on Health Care becomes the Joint Interim Standing Committee on Health and Human Services, and the Committee on Industrial Relations becomes the Joint Interim Standing Committee on the Judiciary. Is this completely eliminating all statutory interim committees, like the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and Marlette Lake Water System? I am asking about that one because I sat on it every interim, and I love the committee. Would that be folded into the Joint Interim Standing Committee on Natural Resources?

**Assemblyman Yeager:**

I think that one continues to exist; I think we will hear some more testimony on that. Generally speaking, you are right that most of them are folded into other joint interim standing committees.

There is one exception you will see if you look at the very end of the bill on page 45. There are leadlines of repealed sections. That section that is proposed to be repealed [NRS 176.0123] is the Advisory Commission on the Administration of Justice, which is a very large committee. That is the one that very clearly gets repealed by this bill.

Just so everyone knows, I am having some further discussions about that Advisory Commission. I had the pleasure of chairing the Advisory Commission two interims ago, and they do some really good work. There is some concern that has been raised about that committee. I think that is the only one that really is statutorily deleted. The rest of them have their duties folded in with a couple of exceptions, one of which you noted was the Tahoe one [Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and Marlette Lake Water System].

**Assemblywoman Jauregui:**

I thought so and just wanted to be clear to make sure I was reading everything correctly. Thank you so much.

**Assemblywoman Dickman:**

You said the joint interim standing committees would have eight members. If they have to vote on something like what bill gets put through, how is there a majority?

**Assemblyman Yeager:**

The way that it has to work on a vote is it has to be a majority of the Senators and a majority of the Assembly members. You would need three of the five Assembly members and two of the three Senators; if it were a four-to-four vote, it would fail. It would need five votes, and they would have to come in that specific way to make sure that each house of the Legislature is having a say. That is much like how our study committees work now. We usually put three Senators and three Assembly members on them; you have to get two Senate votes and two Assembly votes, or the measure does not pass.

**Assemblywoman Dickman:**

Thanks for that. That was good math.

**Assemblyman Frierson:**

I had a couple of questions. The first is one that I do not think was, at least on its face, addressed. It seems to me that an indirect benefit—and I want you to correct me if I am wrong—is that this would probably save a significant amount of money and staff time. Currently, we have to staff several random interim committees. This would allow standing committee staff to continue to serve those subject matters and be spread out much less thinly. Am I misunderstanding that?

I will say this selfishly because for the last four years, I have been the one to have to appoint all of these interim committees. It takes a great deal of work and coordination. If we already have a structure in place, it would certainly save time in that aspect. If you could enlighten me to some extent on the impact this would have on LCB staff and their ability to be more efficient with how they staff the interim committees.

**Assemblyman Yeager:**

You have recognized one of the issues, and I think you are absolutely correct in your analysis that during a typical interim—and I will grant you that last interim was not a typical interim because of a global pandemic—it seems like there are committees meeting every day, and they are trying to decide whether the meeting is going to be in Carson City or Las Vegas. There is a lot of travel and staff time involved in staffing those, not to speak of just the difficulty with coordinating people's schedules because most of us have jobs during the interim. I think this would save time. It would save money, not just during the interim but leading into a session.

Take an example of this Committee: If there is an interim committee on legislative operations and elections, five of you would serve on that interim committee and then presumably come back, and several of you, if not all of you, would be on this Committee again, so you will have had an entire interim to look at some of these issues. We start off the session, and we usually have a lot of presentations in committees to get people acclimated to the topics. We would still need to do some of that for new members, but I think for some of the veteran members, it would help us hit the ground running just a little bit more in that way, and I think it would really make for a more effective interim both financially and on the policy side.

**Assemblyman Frierson:**

I do not know the answer to this question and if this weighed into how many bills those interim committees were allocated. Again, having had to appoint so many interim committees, it seems to me another impact of this policy would be fewer bills. Am I off on that? Not all interim committees get BDRs, but many do. Not just our existing interim committees but a lot of the smaller committees get maybe one or two BDRs. I do not want to misspeak, but it seems like this would likely result in fewer overall bill drafts being submitted as well.



**Assemblyman Yeager:**

I think you are correct. I will have to do an analysis of it because, as you say, there are certain statutory committees that get BDRs, and usually it is ten. There are other committees that we have given a BDR to here and there. I do think the net impact would be fewer BDRs, but hopefully more well-vetted BDRs. For any of you who have served on interim committees, sometimes what happens is you get to that work session at the end and no one is really sure about what is going on because maybe you have only had three or four meetings and have not really had a chance to dig in. A lot of those concepts that get advanced are very vague, very unclear, and we hope that our drafters get it right in the drafting process. They do a wonderful job, but they are limited by the information we provide them for how to draft legislation. I think we will see better BDRs coming into a session as a result of this structure.

**Assemblyman Frierson:**

Does this bill prohibit a committee chair in the interim from forming a subcommittee that could vet an issue that is unique? I am recalling when I was chair of the Assembly Committee on Judiciary, homeowner association issues were the policy du jour. We formed a subcommittee that was able to fully vet those issues separate from the existing committee. It could be foreclosures one year and parole and probation out of the Committee on Judiciary another year. Does this bill still preserve an interim committee chair's ability to form a subcommittee to go on a deeper dive on any particular issue that could be more complicated or worthwhile?

**Assemblyman Yeager:**

Speaker Frierson, I do not think anything in the bill precludes that. The one qualification I will make is that the way the bill is drafted now, the interim joint standing committee has to present a work plan to the Legislative Commission to say, these are all the things that we are going to have to look at this interim. Some of those are statutory that are in the bill; they have to do them.

I think the chair would be able to say, I would also like to examine this issue or have a subcommittee. That gets presented to the Legislative Commission, and the real reason for that is we have to budget for these. How many meetings are we talking about? How much travel time? How much staff time? The Legislative Commission is going to have a role to play there in coming up with the accurate budgets. I think the chair can request that, but I also think there is going to be the Legislative Commission oversight to maybe sometimes say, It looks like you maybe bit off way more than you could chew, maybe we should scale some of this back, or maybe we can give that issue to another interim joint standing committee.

The Legislative Commission will be the oversight there, but I really do think the chairs, vice chairs, and members of the committees will be able to have a discussion about what they would like to do in the interim and ask for the Legislative Commission's approval to do those things.

**Assemblyman Leavitt:**

Maybe I missed it or did not understand it. These interim committees, would they have control over the committee bills that come before the regular session, or is that still going to be later on?

**Assemblyman Yeager:**

Are you referring to the committee bills that are requested now by standing chairs?

**Assemblyman Leavitt:**

Yes, like the bill we are hearing right now. Would this fall under an interim committee? Would they be the ones to come up with these bills?

**Assemblyman Yeager:**

I think I understand the question, so let me just give you how I see it happening. I think the joint interim standing committees—the ones that are going to be created by this bill—are all going to have ten BDRs. The interesting part of that is you have membership of the Senate and the Assembly, so when those bills get requested, there will have to be some way to figure out whether they are going to the Assembly or Senate to start.

If your question is would these bills be in addition to the BDRs that standing committee chairs can request, I will have to be honest that I do not know the answer to that. Sitting here right now, I am not sure, so I will have to get back to you on that. As you all know, the standing chairs can request a number of bills in the interim that are based on the number of bills that were referred to that committee in the previous session. I do not know if these would supplant those or if they are in addition. I will have to get back to you on that.

**Chair Miller:**

Would committee counsel be able to respond to that?

**Kathleen M. Norris, Committee Counsel:**

Typically, the standing committees get their own BDRs, so the BDRs in this bill would be in addition to, separate, and apart from those requested by the chairs of standing committees.

**Chair Miller:**

Are there any additional questions from Committee members?

**Assemblywoman Dickman:**

Along those lines, we would be replacing a number of BDRs that would come from these other committees that would now fall under the new committees. Is that right?

**Assemblyman Yeager:**

You are correct about that. The way the structure works now, there are already a lot of committees that get ten BDRs, like the Legislative Committees on Education and Health Care. I will have to do an analysis of it, but by condensing these committees, I do not think we are going to be in a situation where there will be more BDRs coming out of an

interim. I think there will be fewer as a whole. Again, you do not have to request all ten. I know that sometimes we think we all do that, but if you have an interim that really is focused on one or two issues, maybe only request a few of those.

**Chair Miller:**

I have a question. I am just wondering because there seems to be a concern where everything will go. Currently, we know that in the Assembly we refer bills to specific committees, and that process happens on the floor as those bills are coming in. Is there a process? We talked about the Majority Leader of the Senate and the Speaker of the Assembly. Will they determine those referrals, or are we ahead on where the process is and how we will make sure that the topics that need to be covered are sent to the appropriate committee?

**Assemblyman Yeager:**

A couple of things, and I will answer it this way and hopefully this gets to the heart of the question. I think there are two parts to that question. One is, what is the interim joint standing committee going to do? Some of that is statutory. If there are additional topics or if we pass interim study bills, I think the Legislative Commission would be the appropriate authority to decide which of the new joint interim standing committees are going to take up those topics.

I think the second part to the question is, let us assume that one of these committees requests ten BDRs. The question is, where do those go? Do those start in the Assembly or the Senate? I think LCB probably has a process for divvying up those in some sort of fair way so that the workload between the Senate and the Assembly would hopefully be the same because that is a little different now. Typically, with a study committee that we would do now, usually whoever the chair of the committee is, whatever house the chair is from, that is where the bills would start. Although I think we saw some exceptions to that this session.

**Chair Miller:**

I am confident in the process. I would like to clarify with Speaker Frierson, as he does participate in making these assignments.

**Assemblyman Frierson:**

I just felt compelled to clarify. During session, majority leadership decides where bills go. This would not be able to tie those hands. There are times when a bill is, by chapter, regarding government affairs, but by substance, it might be more appropriate for the Committee on Judiciary. Majority leadership can simply—we did it just today in assigning bills, and that is what we do when we have introductions. We decide where it goes. This would not change that. The way that session operates is not impacted by this. We have our standing rules of how bills get assigned [Assembly Standing Rules and Joint Standing Rules], and that would remain.

**Chair Miller:**

That process remains from after the interim once session begins. I am looking forward to the process of committees that we are eliminating—where that work that would typically occur will occur. I know you do not have that response. I look forward to that as we move forward with the bill. Thank you for that and thank you, Speaker Frierson, for clarifying.

Committee members, are there any additional questions? [There were none.] Thank you for presenting this for us, Assemblyman Yeager. I will open testimony for anyone who would like to testify in support of A.B. 443. I will first open for anyone who is here in the room. [There was no one.] I will then open the telephones.

**Helen Foley, Private Citizen, Las Vegas, Nevada:**

I am delighted to speak on behalf and in support of this legislation today. As a former assemblywoman and state senator, and also a lobbyist for many decades, this is not coming soon enough. It has been very frustrating to see interim committees where you put your heart and soul into something, and then when you get to the legislative session, everyone has moved on to something else, or they are on different committees and do not have the dedication and passion to the issue.

We also find many times during the interim that unforeseen issues arise, and it would be ideal to be able to have one of these standing committees be able to deal with the issue seamlessly. I congratulate Assemblyman Yeager and everyone who has been supporting these issues. It has been a long time coming. I know I was working a couple of sessions ago with Senator Cannizzaro trying to get this into place. It makes so much more sense than what we currently have. I congratulate you and urge its passage.

[There were no more callers in support.]

**Chair Miller:**

Do we have anyone on Zoom to testify in support? [There was no one.] I will close the opportunity to testify in support and open it for anyone wishing to testify in opposition. We will begin here in the room.

**Holly Welborn, Policy Director, American Civil Liberties Union of Nevada:**

You all look amazing. It is wonderful to be here in person with you today. My opposition to this bill is quite passive; in fact, I agree with a lot of what my dear friend, Helen Foley, just shared with you all.

I do think it is important for this Committee to understand some of the consequences of dissolving interim committees. I will first start with the Advisory Commission on the Administration of Justice. I am appointed by Governor Sisolak, and I had previously been appointed by Governor Sandoval to that committee as the inmate advocate. By dissolving the Advisory Commission, we are choosing to dissolve one of the only committees in the state where we have an inmate advocate and a victim advocate who are voting members of that Advisory Commission.

There is also the Nevada Sentencing Commission [of the Department of Sentencing Policy]. I am also appointed as the inmate advocate, and there is also a victim advocate to serve who can weigh in on some of these issues. That is an Executive Branch commission that can provide some recommendations to the Legislature.

I think it is important for us to understand the impact of losing that vote. After a lot of reflection, the Advisory Commission is quite unbalanced. It is not equal voices on each side of the issue. Those victims' rights voices and the inmates' rights voices are often outweighed by other interests on that Advisory Commission, so we are not fully opposed to dissolving it, but I do think it is important for the record to reflect what that will mean in terms of advocacy for both victim and inmate advocates.

My most pressing concern is dissolving the Legislative Committee on Child Welfare and Juvenile Justice. I have concerns that by forming an interim judiciary committee, those issues that are pertinent to youth—we do a lot of work on that Legislative Committee, I have been working with Assemblywoman Monroe-Moreno on youth advocacy . . . . [Allotted time was exceeded.]

**Chair Miller:**

Ms. Welborn, that was your two minutes. I would invite you to submit the rest of your concerns directly so that we can get them on the record. Of course, you know that you are more than welcome to speak with individual members to continue to share your concerns.

Actually, your two minutes have been extended. You got a lifeline because Vice Chair Jauregui has a question for you.

**Assemblywoman Jauregui:**

Ms. Welborn, thank you for sticking around to answer my question. Do you think they would be able to still perform their same functions if they were a subcommittee? I know that the sponsor kind of touched on the fact that each joint interim standing committee can appoint a subcommittee to study certain issues that the members feel might need more attention. Would you still be able to perform the same functions?

**Holly Welborn:**

That is what I was intending to wrap up my testimony with—some recommendations. What I would like to see is a subcommittee of the Joint Interim Standing Committee on the Judiciary that is on youth justice issues. I think that is the right solution, and I look forward to working with Assemblyman Yeager on an amendment to that.

**Chair Miller:**

With that, I would like to open the telephone lines for anyone who is in opposition to A.B. 443. [There was no one.] Is there anyone on Zoom? [There was no one.] I will close testimony in opposition and open it for anyone testifying in neutral. Seeing no one in the

room, I will open the telephone lines. [There was no one.] Do we have anyone on Zoom who would like to testify in neutral? [There was no one.] Assemblyman Yeager, would you like to come up and make some final remarks?

**Assemblyman Yeager:**

I would like to address a couple of things. One, I want to make clear that the bill would not eliminate any Executive Branch committees. The Nevada Sentencing Commission is now within the Executive Branch. This only applies to committees that are staffed by the Legislative Counsel Bureau. I wanted to make sure that was clear.

With respect to the Advisory Commission on the Administration of Justice—clearly a committee that is near and dear to my heart—one of the issues we have had with that committee is it does not have any BDRs. We have resisted giving the Advisory Commission BDRs, and I think for good reason, but I do think moving some of its duties into this joint interim standing committee solves that problem. Often in that Advisory Commission, you get to the end of the process, you have a work session, and there are 12 or 15 ideas and zero BDRs. Then it is up to the legislative members of the Advisory Commission, there are four of them, to request those measures, and some of them do not get requested.

As Ms. Welborn stated, we are certainly still talking about some of these concepts. I very much appreciate her concern about juvenile issues, and those sometimes do get lost in the broader discussion of judiciary. I will continue to work with her on seeing if we can find a solution for that.

In closing, Assembly Bill 443 is designed to address the conceptual inefficiency that others have identified in our interim study structure. We spend so much time and money jumping into these complex policy issues and conceptual matters during the interim; we vet the solutions thoroughly before the committees to send them to the session. However, these bills are often sent to committees whose members were not there for the discussion. The system is at best inefficient; at worst, it really does relegate some exceptional policy solutions to the legislative graveyard. That is very unfortunate because that work is hard work, and it matters. Sometimes it just gets lost as we transition from the interim to the regular session.

It was an honor to appear in front of you this evening. I urge your support for the bill, and I am happy to take any other questions offline.

**Chair Miller:**

Thank you again for bringing this forward. I will close the hearing on Assembly Bill 443.

Our next agenda item is to take public comment. Each person will have the opportunity to speak for two minutes, and we ask that it is on a topic under the purview of this Committee. Please open the telephone line for anyone wishing to make public comment. [There was no one.]

We will give it just a moment for those watching on YouTube and the Nevada Electronic Legislative Information System, knowing that we are about one minute off. Has anyone attempted to call in? [There was no one.] With that, I will close public comment.

Committee members, thank you so much for your diligence and your questions today working through these bill hearings. We have nothing left on our agenda. Our next meeting will be Tuesday, April 27, 2021. This meeting is adjourned [at 5:14 p.m.].

RESPECTFULLY SUBMITTED:

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Jordan Green  
Committee Secretary

APPROVED BY:

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Assemblywoman Brittney Miller, Chair

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

## **EXHIBITS**

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.