



NEVADA LEGISLATURE LEGISLATIVE COMMISSION'S COMMITTEE TO STUDY THE STRUCTURE AND OPERATIONS OF THE NEVADA LEGISLATURE

(Assembly Concurrent Resolution No. 12, File No. 45, *Statutes of Nevada 2011*)

SUMMARY MINUTES AND ACTION REPORT

The fourth meeting of the Legislative Commission's Committee to Study the Structure and Operations of the Nevada Legislature was held on Thursday, July 26, 2012, at 1 p.m. in Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. The meeting was videoconferenced to Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. A copy of this set of "Summary Minutes and Action Report," including the "Meeting Notice and Agenda" ([Exhibit A](#)) and other substantive exhibits, is available on the Nevada Legislature's website at <http://www.leg.state.nv.us/interim/76th2011/committee/>. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's (LCB's) Publications Office (e-mail: publications@lcb.state.nv.us; telephone: 775/684-6835).

COMMITTEE MEMBERS PRESENT IN LAS VEGAS:

Assemblyman Tick Segerblom, Chair
Senator Moises (Mo) Denis
Senator Mark A. Manendo
Assemblyman Lynn D. Stewart

COMMITTEE MEMBER PRESENT IN CARSON CITY:

Senator Greg Brower

COMMITTEE MEMBER ABSENT:

Assemblyman Jason M. Frierson

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Rick Combs, Director, LCB
Donald O. Williams, Research Director, Research Division
Carol M. Stonefield, Managing Principal Policy Analyst, Research Division
Patrick Guinan, Principal Research Analyst, Research Division
Brenda J. Erdoes, Legislative Counsel, Legal Division
Matt Mundy, Deputy Legislative Counsel, Legal Division
Nan Bowers, Legislative Librarian, Research Library
Tracey L. Wineglass, Senior Research Secretary, Research Division

STAFF OF INTERIM LEGISLATURE PRESENT:

David A. Byerman, Secretary of the Senate
Susan Furlong, Chief Clerk of the Assembly

OPENING REMARKS

- Chair Segerblom welcomed the public and members to the fourth meeting of the Legislative Commission's Committee to Study the Structure and Operations of the Nevada Legislature. He reviewed the charge to the Committee found in ACR 12 and explained that moving to annual sessions would create a big impact on the operations of the Legislature's staff. Chair Segerblom congratulated Assemblyman Frierson on the birth of his son.

PUBLIC COMMENT

- Chair Segerblom called for public comment; however, no testimony was provided.

APPROVAL OF MINUTES OF THE MEETING HELD ON APRIL 25, 2012 IN LAS VEGAS, NEVADA

- The Committee **APPROVED THE FOLLOWING ACTION:**

ASSEMBLYMAN STEWART MOVED TO APPROVE THE MINUTES OF THE APRIL 25, 2012, MEETING HELD IN LAS VEGAS, NEVADA. THE MOTION WAS SECONDED BY SENATOR DENIS AND PASSED UNANIMOUSLY.

DISCUSSION OF TRANSITION OF LEGISLATIVE STAFF STRUCTURES FROM BIENNIAL TO ANNUAL SESSION

Utah State Legislature

- Michael E. Christensen, Director, Office of Legislative Research and General Counsel, shared the history of the Utah State Legislature and the make up of the current general session which includes annual sessions of 45 calendar days. He gave an overview of the staff structure and function of the Utah State Legislature, including the three professional staff offices and their responsibilities:
 1. Legislative Auditor General's Office—conduct performance audits at the request of the Legislative Audit Committee;
 2. Legislative Fiscal Analyst—prepare and track the budget and prepare fiscal notes during legislative session; and
 3. Legislative Research and General Counsel—provide policy research, bill drafts, staff standing committees during session and the interim committees during the interim.

Mr. Christensen highlighted details regarding interim committee assignments and shared that each legislator is assigned to two committees. He explained that all statutory committees meet on the third Wednesday of each month, April through November, in the morning from 9 a.m. to Noon and in the afternoon from 2 p.m.-5 p.m.

Oregon State Legislature

- Rick Berkobien, Manager, Office of Committee Services, Legislative Administration, discussed the staff structure of the Oregon State Legislature which includes the following offices: Legislative Counsel, Legislative Revenue, Legislative Fiscal, Legislative Assembly, and Legislative Administration. He highlighted additional committee services, policy committee staffing, and the challenges in hiring staff with knowledge of the legislative process. Mr. Berkobien reviewed the budget for personnel expenses, comparing average interim versus session personnel expenses, and shared a comparison of actual personnel expenses by months, before, during, and after the short sessions. He provided a copy of the annual calendars, 2011 through 2013, which included the session days, interim legislative days, and specific deadline dates. Mr. Berkobien offered scenarios of legislative tasks and explained that they continue to work on coordinating work hours, planning efficiencies, and minimizing travel and lodging. (Please see [Exhibit B-1](#), [Exhibit B-2](#), [Exhibit B-3](#), [Exhibit B-4](#), and [Exhibit B-5](#).)

Discussion ensued between Chair Segerblom and Mr. Berkobien regarding an evaluation of the first annual session of the Oregon State Legislature. Mr. Berkobien shared that each legislative office offered suggestions to leadership for review. He shared that the substantive issues included managing subject matter to improve effectiveness and enhancing the availability of information to the public for improved transparency.

Chair Segerblom and Mr. Christensen discussed the circumstances that led to the Utah State Legislature's transition to an annual session, the general session process, and the completion of the legislative duties in the designated time period of 45 session days. Mr. Christensen explained that from 1970 to 1984 the Utah State Legislature met in budget session one year followed by a general session the next year. He explained that the state constitution was changed in 1985 to hold annual general sessions of 45 calendar days. Mr. Christensen said that this change was brought about to give the Legislature the flexibility to address all subjects in each annual session.

Discussion ensued between Mr. Stewart and Mr. Christensen regarding four day work weeks, building renovations, and if the change to annual session resulted in any longevity or expense issues for legislators. Mr. Christensen explained that the legislative branch never invoked a four day work week. He explained that renovations were due to seismic building concerns in the state capitol and that created the need for new building space. Mr. Christensen shared that new construction allowed for modernization and provided office space for legislators and legislative staff which did not exist prior to construction. He explained that no study regarding longevity of service for legislators or increase expenses of an annual session have been conducted.

- Senator Denis asked about the timeline in place for the budget process during an annual session.
- Mr. Christensen remarked that there are statutes in place that require the Governor's Office to present its budget to the Legislature in December for the Legislative Fiscal Analyst Office to process. He explained that each legislator is a member of an appropriation subcommittee that will study the portion of the budget assigned to their subcommittee. The appropriation subcommittee recommends its findings to the executive appropriation subcommittee which is made up of leadership from both houses and both parties. The appropriation subcommittee meets twice during the interim but the executive appropriation subcommittee meets on the third Tuesday of each month during the interim. The executive appropriation subcommittee meets in the evenings to finalize the budget and presents the final budget bill to the Legislature at the beginning of the final week of the session.

Discussion ensued between Senator Denis and Mr. Christensen regarding the bill draft process and the number of bills drafted during the interim. Mr. Christensen responded that in 2011, 1100 bill requests were received and explained that approximately 850 bills were drafted and 400 bills passed.

There was discussion between Senator Denis and Mr. Berkobien regarding whether the budget process in Oregon is similar to that of Utah. Mr. Berkobien responded that development of the budget is very similar to that of Utah. He shared that during the short and long sessions an emergency board that can meet to review and approve expenditures of certain money.

- David A. Byerman, Secretary of the Senate, expressed concern that additional staff would be needed during interim legislative days to service legislators.
- Mr. Berkobien, responding to Mr. Byerman, explained that in the Oregon State Legislature adequate coverage has been available through the Office of Committee Services for staffing interim committees.

PRESENTATION ON THE STRUCTURE AND OPERATIONS OF STATE LEGISLATURES

- Alan Rosenthal, Professor of Public Policy and Political Science, Eagleton Institute of Politics, Rutgers, The State University of New Jersey, provided a biography of his professional experience in studies of state governments. He introduced written testimony in support of annual sessions and stated that Nevada would have the opportunity to improve upon the constitutional authority of the Legislature to:
 1. represent constituents and constituencies;
 2. engage in lawmaking;
 3. balance the power of the executive; and
 4. provide for the well being of the Legislature as an institution.

Mr. Rosenthal explained that the length of time between sessions impedes on the ability to address constituent issues efficiently and effectively. He noted that legislators need the ability to act on the economic issues facing the State in a timely manner. Mr. Rosenthal noted the advantages to annual reviews of the State budget and aligning interim committees with those committees that meet during session. (Please see [Exhibit C-1](#), and [Exhibit C-2](#).)

Discussion ensued between Chair Segerblom and Mr. Rosenthal regarding term-limits and a study committee to educate the public about the legislative branch. Mr. Rosenthal stated that because of the limited tenure of legislators as leaders there is a disproportionate advantaged of influence and power given to the governor. He stated that an annual session would give legislators the opportunity to fine-tune their leadership skills and be more effective in the legislative process. Mr. Rosenthal supports the Oregon model in regards to educating the public about the legislative process and the need for annual sessions. He encouraged the Committee to work toward a campaign to familiarize the public about a citizen Legislature.

There was discussion between Mr. Stewart and Mr. Rosenthal regarding effectively educating the public about annual sessions due to the public belief that Texas is a larger state and operates effectively in a biennial Legislature. Mr. Rosenthal shared that the criticism of the Legislature is due to frustration with the legislative branch of government. He opined that to change the minds of the public will require a strong campaign of education.

Further discussion ensued between Senator Denis and Mr. Rosenthal regarding whether any states that have gone to annual session have reverted back to biennial session, and the constituent service requirements during annual versus biennial sessions. Mr. Rosenthal suggested that the work load would increase and require a greater amount of effort to construct quality legislation. He stated that constituent services would not be any greater because the need to support constituents is a continuous duty.

DISCUSSION OF OFFICIAL RECORDS OF STATE LEGISLATURES

Official Records of the Nevada State Legislature

- Matthew Mundy, Deputy Legislative Counsel, Legal Division, Legislative Counsel Bureau (LCB), testified regarding official records of the Legislature and their role in expressing legislative intent, including: journals, daily histories, and audio/written recordings of public meetings. He provided a list of legislation that enacts the types of official records maintained by the Legislature in different capacities and the process of statutory interpretation in Nevada including the historical use of legislative histories from pre-civil war to the present by the United States. Mr. Mundy explained that the courts use legislative history to determine legislative intent for reliability. (Please see [Exhibit D](#).)
- Mr. Stewart asked if the statement “this is for the record” holds legal status.

- Brenda J. Erdoes, Legislative Counsel, Legal Division, LCB, responding to Mr. Stewart, shared that it is the opinion of the Attorney General's Office, legislative counsel, and the courts that quoting legislators in legislative meetings is evidence of intent.

Discussion ensued between Chair Segerblom, Ms. Erdoes, and Mr. Mundy regarding a proposal to eliminate the practice of maintaining written minutes of the meetings and to rely on a DVD/CD recording of meetings for analysis by the courts. Mr. Mundy explained that the primary consideration of the courts is the reliability of the evidence and not the form in which it is compiled. Ms. Erdoes stated that upon request a court reporter or member of the legislative staff could transcribe a meeting that is requested by the courts.

- Senator Brower asked about the status of eliminating the documentation of legislative meeting minutes.

In response to Senator Brower, Mr. Byerman stated that the proposal to eliminate written minutes did not originate from the Senate and offered that it is customary for Legislatures to prepare minutes of their meetings.

- Senator Brower stated that the importance of minutes becomes less because of the capabilities of technology to record the meetings.
- Rick Combs, Director, LCB, said that there is a pilot project to stream the committee hearings out to the public. The vendor has indicated that the software has the ability to archive the recording of a meeting that could be used for that purpose. Staff has not proposed that. He stated that the Legislature would have to decide what they want the record of the meeting to be, rather than the staff having any position on this.
- Donald O. Williams, Research Director, LCB, explained that there has been discussion of utilizing an electronic version of minutes for the interim committee meetings only.
- Mr. Byerman stated that exploring the technical improvement of speech to text technology could be a cost saving measure to explore for the future.

Records of Legislative Committee Hearings in Other State Legislatures

- Nan Bowers, Legislative Librarian, Research Library, LCB, provided historical information regarding records of legislative hearing past and present. She explained that records of legislative hearings began in 1965, and cassette recordings of the hearings began in 1977, and progressed to digital recording in 1999. Ms. Bowers shared results of a survey she prepared to determine how other states handle records of legislative hearings; she asked three questions:
 1. What is the official record for a committee hearing in your state? minutes or audio/video;
 2. Does your state prepare committee minutes?; and
 3. If minutes are prepared are they detailed, summary, or notation?

Ms. Bowers shared that of the 25 states surveyed, half prepared committee minutes. She referenced a chart from the National Counsel of State Legislatures titled “Broadcast and Webcast of Legislative Floor Proceedings and Committee Hearings” and concluded most legislative committee records may be written or audio, depending on each state’s preferences. (Please see [Exhibit E-1](#) and [Exhibit E-2](#).)

DISCUSSION OF POSSIBLE RECOMMENDATIONS AND BILL DRAFT REQUESTS REGARDING THE STRUCTURE AND OPERATIONS OF THE NEVADA LEGISLATURE IN ADVANCE OF THE AUGUST 20, 2012, COMMITTEE MEETING AND WORK SESSION

- Chair Segerblom shared that the Committee may submit five bill draft requests (BDRs) and may make recommendations to the Legislature in 2013.

Discussion ensued between Senator Denis and Carol M. Stonefield, Managing Principal Policy Analyst, Research Division, LCB, regarding the duties and make up of a commission to study the feasibility of an annual session and the operations of the Legislature. Ms. Stonefield shared that Gary Wilhelms, co-chair of the Public Commission on the Oregon Legislature (PCOL) would speak at the Committee’s August meeting to discuss the four areas PCOL studied to determine the need for an annual session, which included: (1) Fundamental reform; (2) Institutional reform; (3) Reform of legislative operations; and (4) Facilities and the use of technology. She shared that the PCOL membership included 26 members from the public sector and 4 legislators who met 9 times as a commission, and further explained that the four study groups met separately and reported its findings and recommendations to the PCOL. Ms. Stonefield noted that the members of the PCOL were selected through an application process. She explained that the study took place in 2005 and 2006 and reported its findings to the Oregon State Legislature in 2007.

There was discussion among Committee members regarding whether a recommendation for annual session should come from the public.

- Senator Brower commented that this Committee has met as a public forum during the interim and noted that there is an initiative process for the public to facilitate a proposed interest in the topic. He stated that he does not believe there is an interest in a commission to study the topic.
- Senator Denis, responding to Senator Brower, opined that the lack of public participation has not been effective during this Committee's study because of the lack of public education.
- Chair Segerblom commented that because of term limits the Legislature has lost a lot of influence in the public sector. He suggests that a BDR be created to establish a public commission to study the Nevada Legislature between the 77th and 78th sessions of the Legislature.

There was a discussion among the Committee regarding legislator compensation and a BDR proposal to base legislator wages on an average of the public sector wages that was proposed by Knight Allen at the Committee meeting on March 21, 2012.

Discussion continued among Committee members regarding a possible BDR to create a new interim committee structure in which all of the committees meet on the same days. Senator Denis suggested that the recommendation be presented to the Legislative Commission. Senator Brower said that his constituents have not suggested to him that the Legislature would be more productive if it met more frequently or was paid a higher salary. Senator Denis, responding to Senator Brower, explained that his suggestion is that the implementation of legislative days is to improve efficiency. Chair Segerblom commented that by structuring the interim committee days with meetings in southern Nevada, people in the south would be exposed to the legislative process. Mr. Byerman, previously identified, expressed concern that additional staff would be required. Mr. Williams, previously identified, stated that staffing and facilities would not be affected in Carson City; however, staffing in Las Vegas would require additional study. Senator Manendo shared that in the past the Legislature would meet in Las Vegas at Cashman Field prior to the building of the Grant Sawyer State Office Building. He mentioned that the students in southern Nevada rarely participate in the Legislature because of the distance to Carson City.

- Chair Segerblom asked that a BDR that would be a resolution to the Legislative Commission be created to establish a new interim committee structure.

PUBLIC COMMENT

- Chair Segerblom called for public comment; however, no testimony was provided.

ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 3:32 p.m.

Respectfully submitted,

Tracey L. Wineglass
Senior Research Secretary

Carol M. Stonefield
Supervising Principal Research Analyst

APPROVED BY:

Assemblyman Tick Segerblom, Chair

Date: _____

LIST OF EXHIBITS

[Exhibit A](#) is the “Meeting Notice and Agenda” provided by Carol M. Stonefield, Managing Principal Policy Analyst, Research Division, Legislative Counsel Bureau (LCB).

[Exhibit B-1](#) is a calendar from the Oregon State Legislature that identifies the 2011, 2012, and 2013 holidays, interim committee days and furloughs, key election dates, and key session dates, submitted by Rick Berkobien, Manager, Office of Committee Services, Legislative Administration, Oregon State Legislature, Portland, Oregon.

[Exhibit B-2](#) is a chart titled “Oregon State Legislature Average Interim vs. Session Personnel Expenses, Committee Services (policy committees only),” provided by Rick Berkobien, Manager, Office of Committee Services, Legislative Administration, Oregon State Legislature, Portland, Oregon.

[Exhibit B-3](#) is a chart titled “Oregon State Legislature Actual Personnel Expenses for Months Before, During, and After Short Session: 2008, 2010, and 2012,” submitted by Rick Berkobien, Manager, Office of Committee Services, Legislative Administration, Oregon State Legislature, Portland, Oregon.

[Exhibit B-4](#) is a table titled “Oregon State Legislature Committee Services policy committee staffing” provided by Rick Berkobien, Manager, Office of Committee Services, Legislative Administration, Oregon State Legislature, Portland, Oregon.

[Exhibit B-5](#) is a table titled “Staff Listing FTE Months June & December” mentioned by Rick Berkobien, Manager, Office of Committee Services, Legislative Administration, Oregon State Legislature, Portland, Oregon.

[Exhibit C-1](#) is the biography of Alan Rosenthal, Professor of Public Policy and Political Science, Eagleton Institute of Politics, Rutgers, The State University of New Jersey.

[Exhibit C-2](#) is the written testimony dated July 26, 2012, of Alan Rosenthal, Professor of Public Policy and Political Science, Eagleton Institute of Politics, Rutgers, The State University of New Jersey.

[Exhibit D](#) is a document titled “Official Records of the Legislature and Their Role in Expressing Legislative Intent,” prepared by Matthew Mundy, Deputy Legislative Counsel, Legal Division, LCB.

[Exhibit E-1](#) is a table dated July 26, 2012, titled “Records of Legislative Committee Hearings Response of 25 States,” provided by Nan Bowers, Legislative Librarian, Research Library, LCB.

[Exhibit E-2](#) is a document from the National Conference of State Legislators, dated March 2, 2012, titled “Broadcasts and Webcasts of Legislative Floor Proceedings and Committee Hearings,” submitted by Nan Bowers, Legislative Librarian, Research Library, LCB.

This set of “Summary Minutes and Action Report” is supplied as an informational service. Exhibits in electronic format may not be complete. Copies of the complete exhibits, other materials distributed at the meeting, and the audio record are on file in the Research Library of the Legislative Counsel Bureau, Carson City, Nevada. You may contact the Library online at www.leg.state.nv.us/lcb/research/library/feedbackmail.cfm or telephone: 775/684-6827.