

Minutes of the Meeting of the
COMMITTEE TO CONSULT WITH THE DIRECTOR (NRS 218.6828)
Legislative Building, Room 4100
Carson City, Nevada
June 8, 2004

The first meeting in 2004 of the Committee to Consult with the Director (NRS 218.6828) convened at 3:10 p.m. on Tuesday, June 8, 2004, in Room 4100 of the Legislative Building, Carson City, Nevada, with a simultaneous video conference in Grant Sawyer State Office Building, Room 4412, Las Vegas, Nevada.

COMMITTEE MEMBERS PRESENT:

Senator Randolph J. Townsend, Chair (in Carson City)
Senator William J. Raggio (in Carson City)
Assemblyman Bernie Anderson (in Carson City)
Assemblywoman Barbara E. Buckley (in Las Vegas)
Assemblywoman Dawn Gibbons (in Carson City)
Assemblyman Lynn Hettrick (in Carson City)
Assemblyman Richard Perkins (in Las Vegas)

COMMITTEE MEMBERS ABSENT:

Senator Dina Titus

LEGISLATIVE COUNSEL BUREAU (LCB) STAFF PRESENT:

Steven J. Abba, Principal Deputy Fiscal Analyst
Brenda J. Erdoes, Legislative Counsel
Lorne J. Malkiewich, Director
H. Pepper Sturm, Chief Deputy Research Director
Sylvia A. Wiese, Executive Assistant

The agenda is attached as Exhibit A. A packet containing materials for the meeting was provided to committee members and available to the public in attendance. Attendance rosters are attached as Exhibit B. The meeting was called to order by Chair Townsend.

- I. Approval of Minutes of Meeting held on December 2, 2002 –
Senator Randolph J. Townsend.

ASSEMBLYMAN ANDERSON MOVED APPROVAL OF THE MINUTES OF THE
DECEMBER 2, 2002, MEETING. MOTION SECONDED BY ASSEMBLYMAN
HETTRICK AND CARRIED UNANIMOUSLY.

- II. Proposed Gift for Centennial Project by Carson City Rotary Club – Don
Hataway.

Bill Reeves, Carson City Rotary Club, mentioned that Bruce Mackey, Dr. Joe Walls and Don Hataway were at the table with him, along with several Rotary Club members in the audience. He thanked the committee for the opportunity to bring its centennial project before them.

Mr. Reeves reviewed the background of the Rotary Club stating that it was the world's first service club and was founded 1905. There are approximately 1,200,000 business and professional leaders who are members, with 31,000 clubs in 166 countries. Nevada has 2,000 Rotarians. He stated the objective of the Rotary Club is to promote high ethical standards in all its endeavors. Rotarians also provide service for those less fortunate locally and internationally. They have a 4-way test which has been adopted as their principles to live by: 1) Is it "the truth;" 2) "is it fair to all concerned;" 3) "will it build good will and better friendships;" and, 4) "is it beneficial to all concerned?" He provided examples of many worldwide contributions made by Rotarians.

Mr. Reeves continued that 2005 would mark the 100-year Rotary anniversary. All clubs were requested to do a centennial project and the Nevada group chose the clock project. Its clock committee worked long and hard on the project, identified three suitable locations and felt the legislature was the best of the three. He showed the committee visuals of local locations with actual clocks. He presented two different conceptual renderings of the legislative grounds with clocks superimposed in locations in front of the building to illustrate what it might look like (a copy is attached as Exhibit C). He asked the committee for its conceptual acceptance and also to participate in the installation and maintenance of the clock. He pointed out the clock would prominently display the Rotary logo and the 4-way test. He stated that the club believes the clock to be a significant and permanent gift to the people of Nevada.

Senator Raggio asked if the club already had the clock and if it had a particular significance. Mr. Reeves answered that it was to be a centennial clock to represent Rotary's 100 years of service to humanity.

Senator Raggio asked how the clock would operate. Dr. Walls responded they have identified three companies that produce the clocks and they are not made until ordered. The clocks are generally 8 feet to 16 feet tall and the cost would be \$6,000 to \$35,000. It will have a Global Positioning System to monitor and set time and reset for daylight savings time and backup power. Basically, the club would purchase the clock for installation as a gift to the citizens of Nevada. They are looking for "input" from the committee on what kind and size clock to order. Maintenance would be done by the staff of the legislature. In his discussions with the various companies as well as their references, the maintenance that had to be done was to change a light in the clock about every 2 to 5 years. It would be electric and power would have to be brought to it.

Mr. Reeves reiterated they are requesting conceptual agreement from the committee so they can move on to the next step which would be discussions with the LCB's Buildings and Grounds units.

Mr. Malkiewich said the club had not wanted to proceed too far in planning and preparation if there was no interest. If the committee indicates an interest, then staff would work with the Rotary Club to develop a more concrete proposal and bring it before the Legislative Commission indicating this committee gave approval in concept to the proposal.

Mr. Anderson asked if, on the installation itself, a concrete pad might need to be

created and would it be the legislature's responsibility in addition to the electrical installation, and who would determine the clock's location. He inquired if the illustration photo is where it would go in front and is that "set in stone?"

Mr. Reeves responded that nothing is "set in stone" but the club studied various locations and it felt the exposure in front of the legislature would be the best location. He said Don Payne, a Rotary Club member, looked into it and talked to LCB staff. There would have to be a concrete foundation as well as installation of electricity.

ASSEMBLYMAN HETTRICK MOVED TO ALLOW THE ROTARY CLUB TO WORK WITH THE LEGISLATIVE COUNSEL BUREAU AND COME UP WITH A FIRM SET OF PLANS AND COSTS TO BE REVIEWED BY THE LEGISLATIVE COMMISSION. MOTION SECONDED BY SENATOR RAGGIO AND CARRIED UNANIMOUSLY.

III. Review of Calendar for 2003 Legislative Session – Lorne J. Malkiewich, Director.

Chair Townsend stated he requested the director to provide the committee a copy of the 2003 Legislative Session 120-Day Calendar (included in the meeting packet) and a handout of the Tentative 2005 Legislative Session 120-Day Calendar for comparison. A copy of the calendar is attached as Exhibit D.

Mr. Malkiewich said he would review the 2005 Legislative Session 120-Day Calendar to show the dates and then go over proposals. He noted that this committee has always been responsible for the 120-day session planning. Before the first meeting of the committee, staff meets to prepare some proposals taking into consideration what worked or did not work in the previous session and then brings those ideas to the committee. He said he reviewed those proposals with the chair who added some other thoughts and all these things together are in the meeting packet or are handout materials. Basically, the present Tentative 2005 Legislative Session Calendar has no changes. As he presents the proposed changes, he will indicate the impact they have on the calendar.

Mr. Malkiewich said the deadlines since limited sessions started in 1999 have changed very little. The first proposal to finish in 120 days is to get all the bill drafts in earlier so that all the bills can get introduced. Legislators have deadlines of September 1 and December 15, 2004, for getting their bill drafts in. After the start of session, day 8 is the deadline for the final requests allowed legislators during session. As can be seen on the proposed calendar, session starts February 7, 2005, and ends June 6 or 1 a.m. June 7, 2005.

The first deadline on the calendar is legislators' bill draft requests on February 14. The next deadline is February 28 when the committees have to get in the 50 bills which they are allowed. The deadlines start in earnest with legislators' bill introductions March 21, day 43, and committee bill introductions on day 50. From day 50 through the end of session, there are only a handful of introductions. Most of the bills are introduced and the remaining 70 days are spent passing the proposed legislation. The bold and italicized deadlines shown on the handout are all budget targets. They are not in the rules as deadlines and will be discussed later.

The first significant deadline for action by the legislature is the committee passage deadline on April 15, day 68. Eleven days later, the non-exempt bills passed out of committee in the first house must be out of the first house. Approximately 25 days later is the committee passage in the second house on May 20, day 103, and the second house passage deadline is on day 110. There were 10 days at the end of session for finalizing business in 1999; it was cut to 7 days in 2001 and went back to 10 days in 2003. If nothing were to change, those would be the deadlines for next session.

Chair Townsend said when the time was set for this meeting, the agenda had not been finalized. There are a number of proposals that either came from committee members, legislators or the LCB and some of them require substantial discussion. The purpose of the proposals being on the agenda today is not to finalize them but to get them on the record for the purpose of allowing the committee to think about them, discuss them and work with them so members can have a legitimate dialogue at the next meeting. All of them do not need to be "fleshed out" on this day.

Mr. Malkiewich concurred with the chair as to the purpose of the meeting, and pointed out that no action is being taken on these proposals. He mentioned the work staff did in reviewing the deadlines and the rules and trying to figure out what could be done to ensure this session finishes on time. The purpose of this meeting is to get the committee members' ideas, find out what they think of the proposals, expand upon or find potential problems with them and come back at a later meeting and take action on proposals.

IV. Proposals and Discussion of Possible Changes for the 2005 Session – Lorne J. Malkiewich, Director

A. Presession Changes: Prefiling of Bills by State Agencies, Local Governments and Interim Studies.

Mr. Malkiewich said the first change would be prefiling of bills by state agencies, local governments and interim studies. In referring to the minutes from the last meeting, one of the things proposed last interim was to make a statutory change to allow prefiling of state agency and local government bills but that was not allowed last time. A statutory change was made which allows prefiling of agency bills which is encouraged. The statute allows encouraging state agencies to do so and the way to do that is to say that the legislative leadership has indicated they want to get started quickly. They want these bills prefiled so that on February 7 they will have bills already filed and can start getting those bills heard. Encouragement should be given to prefiling the interim study bills, to be submitted by July 1 and drafted in time for session. Appropriate committees for introduction should be identified and those bills should be prefiled. Some of the legislators' bills, especially those that are requested by the December 15, deadline will not be available right away. Those bills are going to be coming in closer to the deadline for committee action. Committees need things to work on the first few months. One of the basic principles of trying to make the 120-day session work well is to move work to the beginning of session. The more work that can be moved forward, the more can be done in the first 2 months, the easier the last 2 months will be.

Mr. Anderson said when there is a high volume committee such as Assembly

Judiciary, as well as it being a morning committee, the first day is going to be lost no matter how it is started. He asked if legislators are trying to put some emphasis to the state agencies to start sooner, would not it be advantageous to put an outside requirement of September 1 to get information to the bill drafters? He said that he thinks the "hang up" comes when they revise bills. They look at what comes out initially and they revise, and then revise it again. Then they do not want to be first into the loop because when you call them up to schedule for the first week, they say, 'we really wanted to wait for three bills to go at the same time and only two are drafted.' He opined if this is to be done there will have to be some guidelines before session for both state agencies and committees.

Mr. Malkiewich agreed noting that is exactly the point. There is a deadline of September 1 for state agencies to submit their bills. However, agencies do not want to go early. If they appear early in session, they get questions about whether the "the" should be an "a" instead of whether anybody has any major problem with the substance of the bill. Those evasive techniques will be employed to avoid getting heard early. The agency will ask for a redo over something like, "No, this is not quite what we wanted." That is why he would like something coming from leadership, coming from the Legislative Commission and the Committee to Consult with the Director saying, "We want your bills in early. If your bill was drafted early and you try stalling it, this is something chairs will not look kindly upon."

B. Early Session Changes:

1. Revise Opening Day.

Mr. Malkiewich said the next set of changes concern early session. The first change is a proposal to revise opening day. When the chair discussed this item with him, he was not aware of NRS 218.100 which provides that the Secretary of State convenes the Assembly at noon on opening day. A statutory change would be needed. The idea is to consider changing opening day and possibly moving up the starting time so the ceremonial activity was taken care of in the morning and some committee work could be done in the afternoon. It would mean on the second day legislators would be able to get down to business, have all the committees formed and various other things like that. It is a bit of a problem for the Assembly because of the statute but perhaps it is something to consider for future sessions.

2. Encourage Early Action on Bills.

Mr. Malkiewich said the second change is to encourage early action on bills. This is related to a point that Mr. Anderson mentioned about people not wanting to have their bills heard early. One of the things staff would like to do is move work towards the beginning of the session to try and get as much work done as soon as possible. What staff has seen happen in the past is, even when bills are heard early in session, committees will not act on them. Many times there are very good reasons, such as the bill being complicated, or committees needing to wait for another bill so they can act on them together, but other times there is no reason why a bill heard early cannot be acted upon early. Staff suggested a soft deadline to say that when a bill is heard early in session it should be acted on within a week or at least the amendment requested at that point. Staff is trying to avoid a situation between day 65 and day 80 every session in which all the "amend and do

pass" motions from committee come in the last week before the deadline for committee passage. The bills that are passed early in session are the "do passes." As it gets closer to the deadline, what happens is that there are 200-250 amendments, just an incredible number of amendments, and bill drafters get desperate. Every amendment that comes in before day 60 is going to help. If the committee has heard a bill and knows it is going to act on it, it knows it is going to "amend and do pass." If the committee can get that amendment to drafting within the week or so after the bill is heard, it is going to help with the work load and help with the flow of work in the Legal Division so it is not going to be working 20-hour days towards the end.

Mr. Anderson said he is very sensitive on this issue, and the committee has already heard him "going on" about it before, but the Assembly Judiciary Committee had 112 Assembly pieces introduced. When April 11 arrived, it had already passed 66 of those and were awaiting 16 amendments at that particular moment in time. It did not work the last 2 days on Assembly bills. It had already "moved on" to Senate bills by that time, so it really was not a major problem. The 10 calendar days, even as a soft deadline, does create a bit of a problem for him because it counts Saturdays and Sundays, and the committee is not usually working on those days, so they are lost days. The committees get off to a relatively slow start, because they are trying to get organized. Prior to session there are committee hearings and various orientation which is not done for the morning committees. He said 10 days, even as a soft deadline, creates a problem since the Assembly chairmen are required to inform the Speaker where all the bills stand on a weekly basis, that way he knows the status of every piece of legislation in every committee. He stated there would be no problem with a 10-day rule in the second half when the committees are dealing with bills that have already had a hearing on the Senate side. He said for an initial hearing of a bill, if it has to be heard and worked in the first house, 10 days is just not reasonable if committees spend all their time hearing bills and not allowing work sessions.

Mr. Malkiewicz said the Assembly Judiciary Committee did very well last session as did the Senate Judiciary Committee: both had very little trouble with their first house deadline even though they have a high volume of bills. The staff wants to see more amendments pushed out of committee so that a majority of bills are acted upon by the deadlines. Whether it is 7 days or 2 weeks, whether it is all of the bills or just those which have no opposition, the point of this proposal is to process and move as many bills as possible. He said staff also discussed having informational sessions for all chairs concerning the direction the committee decides upon for next session.

Chair Townsend said he wanted to give some perspective on this proposal. He said there are chairs who choose to manage their committees where they have work sessions closer to the deadline. How committee chairs run their committees is certainly up to them and their leadership. The goal is to decide if the bill needs a second hearing and if it does then it should be announced. He said all this is for is to try to make the workload manageable for staff.

Mr. Malkiewicz said in that light, the bill would not need to be sent to the floor. For example, sometimes with an amendment request, committees will not look at the amendment because it may be very complicated and they want to bring it back.

But if you get the request in, then perhaps as the deadline nears what needs to be done is a minor replacement amendment which is a lot easier than doing the whole thing. If committees are working with a work session document that has many different concepts and an amendment comes in on the last day, that may cause a problem. If staff receives a proposed amendment well in advance and are just "cleaning that up" at the end, that could help. The point would not be to require chairmen to act on bills before they are ready but rather to try and help out the bill drafting staff by getting things to them early enough so they can get some of the less contentious work out of the way.

C. Changes in Deadlines for Session:

1. Deadline for Committees to Request Bills.

Mr. Malkiewich said the heart of this matter is the deadlines for session. The first one is the deadline for committees to request bills. Currently it is shown on the calendar as February 28, day 22, and it is proposed to change it to February 22, day 16. He said one reason for this earlier deadline would mean committees are more likely to work on bills in the first 2 weeks. He said early in session tends to be when legislators have the least work to do and this would be something to specifically target for those early weeks. Another benefit is once the deadline is moved up, it allows day 16 through 68, the deadline for committee passage, where all committees will be considering is testimony for bills and actions on bills.

Senator Raggio said the proposal "sounds good" but in the first week legislators try not to waste time. There are budget meetings 2 weeks prior to session so they can "hit the ground running" on the budget. After the State of the State Address by the Governor, it allows approximately 2 full weeks for committees to get their bill draft requests in. If a week is cut, he does not think the committees are going to have the time to sort out a lot of the issues that really ought to be subject to committee introduction. He thinks it may be too ambitious, although he is not "closing the door" on it. From his standpoint, he believes a committee needs a couple of weeks to sort out concepts and, as a committee, decide on bill drafts.

Mr. Malkiewich emphasized these are just ideas and said this one is certainly not one of the major proposals. He said he is glad Senator Raggio mentioned the budget and the State of the State Address because of the very late start of session, February 7. The Governor is required to deliver the budget two weeks before the start of session and about half the time, that means the budget is delivered on the Dr. Martin Luther King, Jr. Holiday. The holiday is the fourth Monday in January. The budget will be delivered on January 24, 2 weeks before session starts, and he assumes the Governor will give the State of the State Address that evening. The "money" committees could start on January 25 with the budget hearings.

2. Deadline for Committees to Introduce Bills.

Mr. Malkiewich said the next proposal is moving the committee bill introduction from day 50 to day 51. Referring to the calendar (previously identified as Exhibit D), he said March 28, day 50, is the committee bill introduction and March 27, day 49, is Easter Sunday. Sometimes bills need last minute revisions and it is more likely for staff to get calls for revisions on March 28, day 50, than on Easter Sunday.

He said by moving that deadline to day 51, it might resolve some of the problems with day 50.

3. Budget Deadlines.

Mr. Malkiewich said the third change in this area is by far the most significant. In the past there have been budget targets but not deadlines because it is very difficult to set a budget deadline. One of the biggest problems is what to do if a sanction is not met when the budget still needs to be closed. He said staff believes one of the things to do is get away from pushing the budget closing closer and closer to day 120. If the budget was closed earlier and the budget bills are, in fact, introduced well before the end of session, it would avert one of the major obstacles to closing on time. Therefore, staff proposes setting some budget deadlines. He said the target for finishing budget differences in the past was day 106 and we actually finish closer to day 117 or 118. The proposal is to move from day 106 to day 109, and the idea would be to finish business by that time. He said closing the budget and getting bills out of the second house would leave the last 10 days to process the budget bills and the bills that have passed both houses, the concur or not concur actions and conference committees. If the major decisions on the budget are done by then, "rolling out" the last 10 days would be much easier and there would not be any problems with finishing on time. He said staff proposes introducing the budget bills by day 115 – the former target was day 113. Last session, some bills were not introduced until day 119 which is not early enough to make sure a bill with a major appropriation does not have a minor mistake in the text which could have major consequences. With all the bills in by day 115, there would be plenty of time to make sure that there are adequate hearings and everything is correct.

Mr. Malkiewich said the exempt bills from committee item was put in as a target last time. The idea was if the budgets are closed by day 106, the exempt bills that are sitting in the "money" committees in the first house should be able to move by then. Once the budget is closed, there is no longer any reason to hold those bills. Exempt bills have come out of various committees or even been initially referred to Senate Finance or Assembly Ways and Means Committees but have money in them. They are exempt from the deadlines because they have a fiscal impact and cannot be moved until it is known whether they are included in the budget. They are exempt but once the budget is closed it is known whether the bills can be moved. Under the proposed deadlines, the budget would be closed by day 109 and by day 115 the deadline would merely require action in committee in the first house. Staff is not saying it has to pass the house; the bill just needs to start moving and have the Assembly Ways and Means and Senate Finance Committees decide by that day whether they will be moved out of committee. Six days earlier, the budget will have been closed. On that day, action needs to be taken on the exempt bills that are sitting in the "money" committees, and the budget bills would need to be introduced. Again, that would leave about 5 days to finish the remainder of the session. If the budget targets are hit, he did not believe there would be any problem in finishing the session by day 120.

D. Changes in Rules for Session:

1. Treatment of Joint Resolutions in the Same Manner as

Bills.

Mr. Malkiewicz said this item concerns the rules for session and proposes several changes. The first is treating joint resolutions in the same manner as bills. He said by having a blanket exemption in the past, a constitutional amendment or major action concerning the federal government would come in through a joint resolution and perhaps tie up a committee at a time when that committee needed to be busy getting its work session done and finishing up the bills that are in its house. Joint resolutions require a constitutional majority and are similar to bills that way. They are generally more significant action-wise than concurrent and simple resolutions so the proposal is giving them the same treatment as bills for the purposes of the deadlines.

2. Limit and Clarify Exemption for Legislative Business.

Mr. Malkiewicz said there were some problems with bills that had studies included which made them exempt but asked "at what point does a bill get the legislative exemption?" There was nothing noted on the face of these bills and staff felt it should be clarified on the bill itself. He said since last session, the LCB acquired the State Printing Office. Therefore, it will try to make sure that a legislative exemption is noted on the face of the bill and also clarify what it covers. He said the proposal is a starting point for discussion. The rules provide an exemption for measures that the Secretary of the Senate, the Chief Clerk of Assembly or the Legislative Counsel request to carry out their duties which are legislative business and so first those should be exempt. Secondly, if a bill does nothing other than create an interim study then it is legislative business. He said the other part of the proposal is to try and make sure that the committees of jurisdiction, Senate Legislative Affairs and Operations and Assembly Elections, Procedures and Ethics Committees, have those matters before them. If a bill proposes a study, it should be referred to those committees. If the bill has the exemption, there is not going to be a problem with the timeline. The bill can be included with the resolutions that are being considered for interim studies.

Mr. Anderson said he really liked the idea of the committee of jurisdiction having an opportunity to listen to some of the arguments for why an interim study should take place. He asked if the bill would have to pass the committee that has legislative statutory control over the issue before it goes to the Assembly Elections, Procedures and Ethics Committee, before final recommendation for it to be included as a study? Mr. Malkiewicz explained that actually was not the proposal. He said the staff was just considering the situation where a bill starts in committee, then it becomes a study and would subsequently need to go to the Assembly Elections, Procedures and Ethics Committees. He stated if Mr. Anderson wants to make sure the studies have the support of the substantive committees as well, now is the appropriate time to make that recommendation. He said staff is more concerned with a bill with numerous sections which creates an interim study as well. He commented that all of a sudden there are 15 studies from various committee bills. The concern is, does putting a study in the bill make it exempt as legislative business, and is it something to avoid? If it is only a study, it gets the exemption. Otherwise, the bill needs to be processed within the time limits.

E. Miscellaneous Changes:

1. Schedule Days off in Advance.

Mr. Malkiewicz said some of the changes under Miscellaneous Changes vary from insignificant to huge. He said the first change would be to schedule days off in advance and addresses, as much as anything, the staffs' mental health. One of the things discussed was what could be done about the stress level, the burn out, and the fact that people are exhausted and totally drained at the end of session. He said staff cannot control what is going to happen at the end of session but perhaps some of the stress could be alleviated by building in some breaks. He said, for instance, at the beginning of sessions leadership could schedule three Fridays off and say, "on March 4 we will not be having the legislature in session." That date is still well before the deadlines and before things get too busy. It could just be announced this day is going to be "off." April 1 could also be scheduled off, which is well in advance of the committee passage deadline and after a long day on committee bill introductions a few days earlier. Another 28 days later, on April 29, shortly after first house passage which is a very difficult time, that Friday could be taken off. If those days are announced in advance, first, the legislators from Las Vegas could plan on leaving Thursday knowing there would be no floor sessions on that Friday. Second, the staff would know they are going to have a break and it would be something to look forward to. He said the dates he mentioned are about 28 days apart but there is nothing magical about those particular dates. The emphasis here is to schedule them in advance, to sit down with leadership at the start of session and designate the scheduled days off. He stated this is the fourth session with the 120-day calendar; it is known when the busy times are and when it is possible to take a time off. It was suggested they be built into the calendar.

Mr. Anderson said he knows legislators from Las Vegas like to get home but he is concerned about giving the staff and legislators days off and then have to turn around and reschedule committee meetings the following week to try and make deadlines. His concern would be the large volume, 3-day a week committees like Assembly Commerce and Labor Committee and the need to double up the morning committees with an evening session. Fridays are often the opportunity to do this.

Mr. Malkiewicz responded that first, there is nothing magical about the days mentioned. The idea is to schedule those days in advance and steering for days when the workload is light and historically those committees might have taken off that Friday anyway. Even if there is no floor session that day but a committee wants to meet, perhaps the legislators could fly home Thursday night and video conference the meeting with some members in Las Vegas and some in Carson City.

Mr. Malkiewicz said it will be much better for the morale that day. Even if a few legislators are back for a committee that needs to meet that day, just the fact that there is no floor session means the workload is going to be less that day and he thinks it would be helpful. Mr. Malkiewicz commented perhaps some committees would schedule and some would not.

Continuing, Mr. Malkiewicz said during session there are number of times when the committees are busier than the floor and the floor sessions are irregular. He thinks the idea here is staff knows from day 90 to day 120 no one is going to sleep and no one is going to be having any free time. This is an attempt to make sure, prior to the point where things are totally chaotic, to build in some breaks for the mental health of the staff and the legislators.

2. Establish Legislative Budget Office.

Mr. Malkiewicz said the next item concerns establishing a Legislative Budget Office.

Senator Raggio pointed out some of the legislators felt this was a vital issue and one which should be considered. He stated many states have budget offices and their legislatures prepare their own initial budget. He said it would be an improvement if, in addition to receiving the executive budget, the legislature could prepare its own budget for the operation of state government ahead of time which would require having a budget office. This would authorize the executive branch agencies to share their information and their requests. Presently, the legislature is allowed only to examine the executive budget and then make modifications at which point it is "late in the game" to start looking at changes because of the various agency requests. He said as a practical matter, he does not know whether that could ever be achieved. This has been attempted before but each Governor, no matter what political affiliation, is going to veto the bill as a practical matter if it comes out of the legislature. A legislative budget office may not occur until legislators possibly have a veto-proof vote in the legislature. He said this may not happen in the near future but he does think it would be a great improvement and would make the budget process more meaningful. It would mean the legislature could create its own legislative budget and compare it with the executive budget.

Mr. Malkiewicz said he wanted to thank Senator Raggio for presenting so effectively exactly what is the concern. He said one issue is having a legislative budget and not being totally reliant upon what comes from the executive branch and the Governor – having something to look at instead of saying "we're still waiting to close this budget because we do not have the details on this." If the legislators developed their own budget and did not receive further details from agencies, they could close those budgets with their own figures.

Chair Townsend asked Mr. Malkiewicz if he was prepared to bring to the next meeting a proposal of how long it would take to develop a budget office and how much it would cost.

Mr. Malkiewicz answered that could be done. He thought it was not practical to pursue a legislative budget office for the 2005 session but if the legislature were to pass authorizing legislation in 2005, it could possibly have one in 2007. With the election of a new Governor in 2006 it is particularly important because a new Governor comes in and has about 15 minutes after being elected before needing to start making budget decisions. It is almost impossible between November of 2006 and the end of January 2007 to develop a budget. Perhaps that session would be the best one to have a legislative budget in place and have something to work with during the session. He pointed out that Senator Raggio also mentioned the issue of cooperation from the executive branch which goes back a long time and is a constant struggle between the "money" committees and the budget office trying to get information and details. If the legislature develops its own budget, it is more likely to get those details because the agencies know there is a good chance the legislature is going to go with their own budget recommendations instead of the Governor and his budget office. Consequently, the agencies are going to make sure the legislature has the information it needs to develop their budget properly.

Ms. Buckley commented that she would like to look at this proposal very seriously. She said it is very frustrating, especially when legislators are working with the LCB's great Fiscal Analysis staff, financial details are needed and staff cannot get them. Even during the interim when a matter comes before the Interim Finance Committee, staff has not been able to get the needed details.

Chair Townsend requested that Mr. Malkiewicz develop a proposal for the committee and as soon as that proposal is ready, get it to the committee members to review before the next meeting. The chair said if the committee members have any specific ideas they would like "fleshed out," submit those to Mr. Malkiewicz to get the answers.

Senator Raggio said he wanted to comment on the fact that this has been tried in the past and it has always run into political considerations. If it is going to work at all, there has to be the realization that it is a three branch system of government. The legislative branch is co-equal and does not have anything to do with the Governor's function, which is often the argument.

Mr. Malkiewicz said Senator Raggio raised a very good point about the separation and balance of powers. When he was speaking to a college class about the legislative process, the professor talked about how weak the legislature is in Nevada. His point was that it meets biennially, is limited to 120 days and cannot call itself into special session. It is totally at the mercy of the Governor to be called into special session. Mr. Malkiewicz stated where you have a state with a legislative budget, the legislature has the authority to call itself into special session, meets year round – those legislatures have far more power overall and he thinks this is something that would address the balance between the legislative and the executive branches.

3. Revise Procedure for Ceremonial Business.

Mr. Malkiewicz said the next item is the revised procedure for ceremonial business. He referred to a handout, "Examples of Procedures Implemented to Save Time on, or Reduce Use of, Personal or Congratulatory Resolutions," (a copy is attached as Exhibit E), which shows examples of procedures implemented to save time and has information from other states, which this committee discusses almost every time – what to do with the ceremonial business such as the time taking pictures and speeches. Staff has been working on trying to speed the process up. He pointed out that Nevada is one of the states that has addressed this problem with black out dates which assures not too many of these are brought forward at times near the deadlines. The idea is to consider whether something else could be done. He said there are a number of proposals in Exhibit E and other suggestions have been made like changing the time. There are no specific suggestions, but this is an area that always comes up for discussion as where time is lost.

Chair Townsend requested the committee members, as they think through this item, to offer some specific examples to try to be helpful. He said the Assembly, because of its mere size, needs a substantially greater amount of time for debate. When the Senate sends something over and they have to go through the ceremonial acknowledgment process, it must cut into their days and legislators need to be conscious of the time all of the parties need to conduct legislative business. It does not in any way discount the value of these ceremonies, it just means with 120 days it

is different than it used to be. He hoped people would bring some constructive and narrowly defined ideas to the next meeting.

4. Revise Method of Establishing Interim Committees and Studies.

Mr. Malkiewich referred the committee to a handout, "Interim Committees Grouped by Corresponding Legislative Standing Committee," (a copy is attached as Exhibit F). The number of interim studies each session has been limited. However, with the number of statutory committees and subcommittees of the statutory committees, the amount of interim work has geometrically progressed, if past sessions are reviewed. The handout shows one manner that is similar to what Utah does – which is to return and have the standing committees handle the interim workload. He is not suggesting that is necessarily the "way to go," but if Nevada were to do something like that, it shows how the interim committees over the last three interims could be grouped under the standing committees and they could then be assigned the workload. Another possibility is to take advantage of the statutory committees that exist and maybe even add a couple and not do interim studies. The proposal is not a particular method of doing this. He said he knows Assemblywoman Chris Giunchigliani and others in the Assembly, in the last few sessions, have been interested in "sunsetting" some of these statutory committees. He said perhaps a better way needs to be found to organize how to assign the interim studies to ensure that the appropriate staff and expertise is assigned to the committees. He would like the committee members to look at this for the coming session as a way to revise the manner in which interim studies are assigned and, perhaps, the manner in which statutory legislative committees are established.

5. Planning for Future of the Legislative Counsel Bureau.

Mr. Malkiewich said he started working at the LCB in 1981. In the period from 1975 to 1985, a number of the people who are the heads of the various divisions, their chief deputies and principal deputies all started in that period. Seven key employees have either retired or will be retiring this interim and there are another fifteen or so who will be retiring by the end of the decade. The LCB could lose a large number of employees out of the Fiscal Analysis Division because a number its top people are eligible to retire. In planning for this, the LCB will be doing management training for mid-level staff. There are enough professional employees in each division that a "farm team" can be developed – people who will be able to move into those positions. As well as the management training, they will get more involved in work with the legislators. This process would be to encourage the legislature and the legislative leadership to work with a broader range of employees. For instance, if a legislator suddenly has one of the other program analysts assigned to a project, the legislator could work with that person recognizing that it helps that individual, and also the future of the LCB. This will also address the workload at the top level. There is a huge concentration of work at the top in part because that is how it has always been done, not because of extensive management training. He said right now the LCB is going to have people coming up through the ranks who are going to take a look at the work that division heads are doing and saying, "I do not want that job. I do not want to work 19 hour days for two months straight at the end of session. So, if I get a good job somewhere else, I am going to take it." Mr. Malkiewich said he wants to make those jobs desirable and one of the ways to do it is to spread the workload out

to ensure that the Legislative Counsel and the Fiscal Analysts in particular, but other division chiefs as well, get more people in their division involved so when they leave, someone will be ready to step in. The LCB is not going to be able to address the fact that there is always a lot of work to do but one thing it can do is try and help out to make sure that in the future when it is ready to move the next generation of leaders in, that they have had the opportunity to work with the legislators and the legislators have had the opportunity to get to know them and are comfortable with the fact that they are going to be able to do the job.

Chair Townsend said he hoped Mr. Malkiewicz could come back to the committee with at least a sketch of how he thinks that could best be done that would benefit the LCB in working with leadership as well as the committee chairs. The chair said he thinks it goes without saying that the legislature, particularly members of this committee, the Legislative Commission, the finance committees and leadership have a very deep appreciation for the remarkable amount of work that they have seen everyone do. He said this has been a most unique time since the legislators not only had two special sessions regarding budget issues but also the amount of litigation it has faced and on behalf of all the legislators, Mr. Malkiewicz and his staff should know how much they do appreciate all the work staff is doing for the public.

The chair said if committee members would let Mr. Malkiewicz know if they would prefer to meet morning or afternoon, that would be accommodated. He emphasized that the committee should be prepared to discuss all of these issues at some length so the LCB will know the direction in which members would like to send them. If the committee members have specific ideas, get those to Mr. Malkiewicz who will send that information to all the committee members so they can be prepared and informed at the next meeting.

V. Public Comment.

There being no public comment or further comments from the committee, the meeting was adjourned at 4:24 p.m.

Respectfully submitted,

Sylvia A. Wiese
Executive Assistant

Senator Randolph J. Townsend, Chair
Committee to Consult with the Director