

EDITED TRANSCRIPTION OF TESTIMONY
Interim Committee Training for New Legislators
Monday, September 26, 2011

Following is an edited transcript of the questions asked and answers given at the Interim Committee Training for New Legislators beginning at 6 p.m. on Monday, September 26, 2011.

Lorne J. Malkiewich, Director, Legislative Counsel Bureau (LCB), explained the purpose of the meeting, and gave an overview of the Interim Finance Committee and the Legislative Commission.

Assemblyman
Ira Hansen: If you have an NAC or any State regulation that comes to the Legislative Commission and we decide that it's not in compliance, what happens at that point? It's dead or is there a window that the regulatory agency, or whatever, has to comply with? How do they correct it?

Mr. Malkiewich: If an agency is proposing to adopt a regulation, they have a full procedure they need to follow under the Administrative Procedures Act. They have to give notice, submit the language to us for review; they get the language back from us; they have their public hearings; they adopt it; they take it to the Legislative Commission or the Committee to Review Regulations. The Commission determines whether the agency has the authority to adopt the regulation and whether the regulation carries out the intent of the Legislature in granting that authority. If the Legislative Commission or the subcommittee approve it, it's filed with the Secretary of State and takes effect. If the Commission or the subcommittee don't approve it, it doesn't take effect. It's returned to the agency and the agency has to try again. The agency needs to revise the regulation, or may revise and resubmit it either to the Legislative Commission or the Committee to Review Regulations. So, it does not take effect; no permanent regulation can take effect unless either the Commission or the subcommittee approves it. If there are already existing regulations on the book, they remain in effect. But any proposal by an agency to adopt a regulation must be approved by the Commission or the subcommittee.

Assemblyman
Pat Hickey: In the history of the IFC, has there ever been one of those emergency circumstances whereby something was approved without the nod of the IFC?

Mr. Malkiewich: It happens quite a bit. There are a number of times when the Governor determines that an emergency exists and something is approved. If you look at past agendas for the Interim Finance Committee, you'll see it's set out with the different subsections or different paragraphs of the applicable section. Those that took effect because they were declared an emergency which are just subject to informational review by IFC; those that took effect because of expeditious action with a 15-day review; and then those that are actually subject to review by the Interim Finance Committee and are action items. So, it's emergency or

the Governor determines that there is a danger that there would be a loss of life or property, and loss of property can be fairly broad.

Linda J. Eissmann, Principal Research Analyst, LCB, reviewed the purposes and types of interim committees.

Assemblyman Hickey: Do members ask the chairman if they can do a BDR or does the chairman typically assign a BDR to a member?

Ms. Eissmann: The committees operate something like they do during session, but also very differently. The final meeting is a work session meeting. And so staff, during the course of the interim, will be compiling recommendations that have been made. Recommendations may come in from the folks who are testifying, they may come up during conversation as the committee is deliberating. Generally there will be a defined list. A member may say, "Here is a recommendation I would like to have on the list." Staff will spend the interim making notes of recommendations that have come up during testimony, and then work with the chairman and put together a work session document for the final meeting that's mailed out to committee members as well as anybody on the mailing list, because these meetings are open to the public. Those documents will go out usually a couple weeks before the work session meeting so that everybody has had a chance to think about them. Then at the final meeting, the work session, we go through the work session document and we discuss the recommendations, and the committee votes which of that group to submit under its five or ten BDRs for the next legislative session. So, members can make recommendations to put in the work session document. Chairmen have some latitude as to how they deal with this, if they want to say, "Mr. Hickey, you get one BDR, Mr. Hansen, you get another BDR," et cetera. But I have not seen that very commonly. Usually it's an ongoing list of recommendations that go into a work session and then the committee at the end picks which ones to submit for its BDRs.

Assemblyman Hansen: Do nonlegislative committees have to present information to the Legislature or the Legislative Commission, or is it strictly between them and an Executive Branch agency?

Ms. Eissmann: I believe that some of the committees make reports straight to the departments that they are oriented towards or their legislation may specifically say that they will submit a report. I get a list of reports before the legislative session starts. Occasionally during session the committee chair will say, "This committee met during the interim. I would like to have the chair come in and tell us what they talked about because that's under our jurisdiction now as the standing committee during session." It varies on the topic and how it's set up.

Mr. Malkiewich: I did want to talk a little bit about the issue of BDRs submitted by these nonlegislative committees. Technically, the answer is it depends what the statute says. For example, a statute will set up a committee with 11 members including 2 legislators, one from each House, appointed by the Legislative Commission or by Leadership, or whatever. But that statute will also describe the duties of the committee, and many of them will say one of the things they are to do is to submit a report to the Legislature each session, by the start of session. And, while it is rare, I can't think of any offhand that have the ability to submit BDRs directly, there may be some. In general, the Executive Branch has the ability to submit bill draft requests by September 1st preceding session; those all go through the Budget Office and through the Governor and are submitted to the bill drafters by September 1st, and prefiled by December 20th. So one of the entities could come up with a proposal and submit it through the Budget Office. It is submitted as a BDR on behalf of that entity.

Assemblyman Hansen: If I have an idea, a recommendation, do I have to wait until the committee is going to hear that idea or can I submit it to you to then have it placed on the agenda as a potential action item? How does that work?

Ms. Eissmann: The typical way of doing that is to bring it up with the chairman. The chairman will often times communicate with committee members prior to the beginning of the committee meetings. They may send out a welcome letter and the welcome letter will ask you, what's your schedule for the first meeting, and are there any topics that you want to see addressed. That's generally the time that I have seen legislators then communicate either directly with the chair or through staff and say, "This is a topic that falls under this category that I would like to see addressed. Would you please put it on one of the agendas?" The chair and staff will work together. The interim is very different from session, as you can imagine. There are no bills that you are discussing, so it's more conceptual, topic oriented. It isn't specific words on a page that's going to go into law. So, it's more issue oriented. You can bring up an issue that you'd like to see addressed during the interim. Either do that through staff or directly with the chairman and ask them to have that on an agenda. I've not seen that chairmen are particularly receptive to the idea of members going to staff and putting it on a list. It has to be vetted and discussed before it can be brought up as a recommendation to be voted on at the end. If you have a recommendation based on discussion that's been occurring throughout the interim, certainly you can bring that to the chair, but the chair likes to know what's going to go into that work session document, and staff coordinates with the chair about that. Play it by ear and see how it goes. If it's a topic that you've not seen on an agenda, you can ask to put it on an agenda. That's the best way to go.

Assemblyman Hansen: It sounds like I should discuss it, if I have something, with the chairman and then he will discuss it with staff.

Ms. Eissmann: That seems to be the preferable way to do it. And I would also like to point out, in your folder you will see this brochure titled *Interim Study Handbook for Legislators*. If you go to the middle, you will see the full list of all the statutory committees, the interim study committees, as well as the nonlegislative committees, and that gives you an idea of the committees that are out there. And the overview that we're giving you tonight is covered in more depth in the first half of this brochure.

Marji Paslov Thomas, Principal Research Analyst, LCB, gave an overview of what the legislators could expect during the course of the interim studies.

Assemblywoman
Debbie Smith: I'm happy to be here today to talk to you about my thoughts serving in the interim. It's an interesting time for a legislator in the interim. And I would imagine that you all recognized during session, you probably said to yourself a few times, "Why didn't this happen before we got here?" or "Why are we just now trying to figure out the details of this?" and that's exactly the point, that in the interim it's your time. It is really your time to learn more about something that happened last time that you may want to work on again in this interim for next time to further that something. We have a couple of interim studies that are directly connected to bills or subject matters that didn't necessarily happen—the recyclable interim study, the K-12 and higher ed formula studies—they are all interim studies that were bills originally looking for something to happen in the last session and they morphed into a study because they often times take that amount of work or more than one session before anything can happen with them. So, I think it's just an incredible opportunity for legislators, and, especially in your role as new legislators, it's a great time to sort of get yourself established with people who you didn't have a chance to work with in the regular session and that you want to develop a relationship with on this particular subject you're working on in your committee.

One of the really important things in the interim on the committees is attendance. It's kind of hard sometimes when everyone is back to their day jobs and their regular lives and all of a sudden you start in to this mode again. It is a big time obligation and a lot of the committees will go all day. So, it's not something you pop into for a couple of hours and you leave. That does present a challenge, but attendance is what makes the success of an interim committee, both for you, personally, and for the committee itself. Nothing is worse than getting all the way to the end and then coming to the work session and asking, "What do you mean—we're thinking about doing this?" or "Wait a minute, I wanted to do that." It's hard too, because you are not in a fish bowl like you are during a legislative session where there's a big crowd every day, watching what you're doing and seeing who's in committee. It is a different environment, so there may be some tendency to think it's not as important for me to be there and for me to be there for the whole meeting. But let me tell you, it's critically important. It's important to your chairman. It's important to the staff because they get to know what's on your mind, know what your thoughts are on a

particular issue. Then for you, it helps you gather that information that people are taking the time to bring to you. I think the most important thing about the interim work is be there.

We do have some committees that have alternates, but most of the committees don't. If you're not there, you're not replaced by someone else from your caucus or from your House. If you're not there in most of the committees, it's just an empty seat. I really encourage you to make time. Also, let your chairman know if you can't be there so that the chairman can find out how you feel about a certain thing, or see what you need. The chairman will generally work with you or work with the committee on the scheduling, as staff said. If there are days that are obviously bad for some folks, the chairman will usually try to schedule around that. But it's always hard, as you can imagine, to find schedules that meet the needs of all the committee members. I just encourage you to talk to your chairman about that.

Do a little bit of research. Read the bills that got you to that committee. If the interim study was created by a bill, pull that bill up and look at it. Look at what its original intent was. On the higher ed study, look at the original higher ed bill so you can see what it was they were trying to accomplish. Or on the recycle bottle bill, for example. Read the original bill so you can see what the jumping-off point is for that committee. That will help you a lot.

If it's a statutory committee, go back a little bit and look at what has happened in the past on that committee and get your bearings with how that committee has been running in the past. Committees like Education, Health and Human Services, Public Lands, those committees have a long history of how they function. Public Lands is one of the most diverse and interesting committees out there and it's a huge time commitment because you meet in various locations and sometimes it involves some travel. I served on it, I think two interims ago. And, of course, it was meeting in more places then. We have since cut that back because of budget concerns. Some of those meetings were trimmed back. The committees can be very diverse—the information that comes before them. So, go back and read as much as you can before you get to the committee and talk to your chairman about what goals the chairman has and what the chairman would like to see, or how you can help the chairman. Because this is the other thing. The chairmen, just like you, are back to their daily lives and they're trying to make a living and be with family and do all the other things; it's hard to do in the interim with everything else we have to do. If you can take on a task for the chairman, that's also really helpful.

It will get harder once campaign season comes. Keep in mind that when you were new and you were running last cycle, you didn't have the added complexity of also serving as a legislator. And so you will find that after the first of the year, your life will become much more complicated with trying to

campaign and fulfill your role as a legislator on these interim committees. So, you're going to have to think ahead about that and how you balance all of those exciting moments.

One of the things that I think is most important about the interim and how you can be successful for the following session is working with groups that care about the issue in front of your committee. Sometimes I think there's not enough of that. The way we get things done is by making sure that in the interim we're talking to people, not just who think like we do, but also who think differently than we do, so that we can figure out if there are ways to improve what we are thinking about or figure out what the pitfalls are or who likes it, who doesn't like it. This is your moment to get that done.

The other thing I would encourage you to think about is there may be an issue that comes up in one of these committees that won't make it as a bill draft request from the committee, but it may be something you'd like to champion. If you're not thinking about that as you go through the committee work, you may lose an opportunity and you may also lose an opportunity to get to know a constituency group who is interested in working with you on a particular subject. One of the problems with interim committees is there is so much going on; there is so much need; there is so much information; there are so many requests out there from different groups who want you to do something. You have to be very mindful of the realities of how much one committee can do and how much information can move forward into a bill draft. It may be a perfect opportunity for you to seize something that you would like to personally champion. Even be a personal champion once the committee comes up with its recommendations.

One of the downsides for legislation that comes out of interim committees is that it usually doesn't have a natural champion. The BDRs come out of the committee in a bipartisan, bicameral basis. So, who is the champion? Chairmen, naturally, but the chairmen may not necessarily be that invested in an issue. So, if there is something in that committee that came out of there that you care a lot about, you can still take that on as something that you want to work on. When you get to session, the chairman will appreciate having some help moving those bills forward. Remember that everything you do in that committee that becomes a bill draft has to be moved through the session. The chairman, in addition to all the other work that individual has, is responsible for making sure that the committee's agenda starts moving. It's hard to do that alone. So, you can be helpful in that regard and you can learn a lot about issues that you care about and that may help you.

The other issue is watching other committees. Remember that there are many other meetings going on at the same time yours are and you may not have gotten on all the committees that you asked for or that you care a lot about. So, remember that you can also try to monitor those, as well. You can ask the

staff to help you to some degree to get minutes compiled, transcripts especially, before the actual minutes are done. If there is an issue you care about and you're not on that committee, call the staff and have them pop a DVD of the meeting into the mail that you could watch. Have them give you the work session, if you want to let a committee member know how you feel about something. There are going to be many issues out there in other committees that you may know something about and you may be able to help that committee. Something important to remember is that there is a whole lot of other work going on out there at the same time you're doing your work.

Interim Finance Committee, which I chair, is a committee that has alternates and you may periodically be asked to sit as an alternate. We have a white paper that our staff put together that gives an overview of how Interim Finance works. If you are asked to sit on that committee, you'll be provided with that document to help. That's a very overwhelming committee to sub on because there is a lot of information and it's a weird process until you get used to it. If you are asked to sit on that, please let me know and if you have any questions, staff will always be as helpful as they can be to you in getting prepared for those meetings.

I think it's a great time; it's a great opportunity. I just think the more information you can arm yourself with, the better, and the more available you can make yourself, the better. It will make us all have a more successful interim and, ultimately, a successful session in 2013.

Assemblyman Hansen: On the interim committees, you mentioned some of them go all day. Do some of them go longer than one day?

Assemblywoman Smith: Generally, not.

Assemblyman Hansen: Typically, one day is about maximum?

Assemblywoman Smith: Public Lands is probably one of the longest because they always have a big agenda and then, especially if they're in another location, they take advantage of being there all day. So, one day is the longest I've experienced any meeting lasting.

Assemblyman Richard (Skip) Daly: Can you give a little bit more background on your general rule about the first meeting and being in the same room as the chairman. I know you always say that at the first committee meeting you should be where the chairman is.

Assemblywoman Smith: I have a personal opinion about where you should be, but the other side is the fiscal side of it. I'm assuming that our policy is that you are only going to get paid for your local location. So, for the ease of legislators, we videoconference.

We have a different rule for Interim Finance because we're always voting and we've historically always been in one location. Beyond that, we meet in both locations. I have said to some of my colleagues in the past that, for me personally, I like to be where the chairman is for certain meetings, but I take responsibility for that myself if I make that decision to travel wherever that may be. I usually gauge each situation separately to decide where I should be. Work session is different and you will find that the members are asked to be in one location because it is very difficult to vote when you're in two different locations. So, I have my personal preferences about trying to be where the chairman is. Sometimes you get a different feel for the meeting.

Ms. Eissmann: I'd just like to follow up with one thing that occurred to me as you were talking. The interim committees also have webpages. Particularly on the statutory committees that have existed before, you're welcome to go to the webpage for that committee, and you can look back at the work session document from last interim, the interim before, and see the recommendations and the topics that have come up. You can look at the minutes. Sometimes the staff will post other documents on there that are relevant to the committee. Unlike the session committees, during the interim each committee does have a webpage with the members, the agendas, and so forth. You can also read the minutes, as well as the Summary of Recommendations that were finally approved by the committee. When you look at the work session documents, you will often times see a lot more recommendations than what were forwarded to the Legislature in a BDR. Occasionally the committees will combine recommendations into a single BDR if they are appropriate to be combined.

Assemblywoman Smith: Let me just mention one more thing about attendance and information that will be in the work session document. It is so critical if you miss a meeting that you get back in touch with the chairman and find out what happened because that may be your only opportunity to know anything about that particular subject. Do make sure you catch up on that meeting so that when it comes time to work session you know what's coming and why. You might want to get in touch with people who testified.

By looking at prior information you can see the people who follow these committees because there's an identified group that follows the different committees. The Public Lands Committee has its groupies and the Education Committee has its groupies. They're pretty consistent and so you'll be able to see who testified at previous interim committees and familiarize yourself with those folks. Get in touch with them and ask them what they are thinking about in the interim because you are going to have some hard choices to make. A lot of big decisions to make at the end will result in legislation that moves forward.

Michael J. Stewart, Supervising Principal Research Analyst, LCB, reviewed Nevada's Open Meeting Law and its application during the legislative interim.

Assemblyman
Daly: Can you give us an explanation regarding what constitutes a quorum and what actually constitutes a public meeting?

Mr. Stewart: In general, a quorum is a majority of the members in the interim for the committees. You need to be careful not to have a certain number of legislators off to the side having a discussion regarding committee information. You have to be very cautious of that. The Legislature is exempt from the Open Meeting Law, but we do adhere to it. So, be careful when you're in your outside discussions, make sure that you're not discussing in large groups of legislators policies that would otherwise come before a committee.

Abstaining on a vote usually happens during work sessions. It's the same as during the legislative session. When abstaining, a legislator should consider conflict of interest and whether that conflict of interest impedes the independence of judgment and the legislator's interest; whether the legislator's interest is greater than the interest of an entire class of similarly situated persons. With regard to a quorum, if a legislator abstains, the quorum to act upon and the number of votes necessary to act upon the matter is reduced, as though the legislator were not a member of the committee.

Tammy Koon, Principal Account Clerk, Human Resources/Accounting, Unit, Administrative Division, LCB, discussed the legislators' salary and how to submit claims for payment.

Donald O. Williams, Research Director, LCB, reviewed the staff services available to legislators during the interim.

Brenda J. Erdoes, Legislative Counsel, Legal Division, LCB, described the Legal Services Division and the services they provide to the legislators.

Sara L. Partida, Principal Deputy Legislative Counsel, Legal Division, LCB, described what the Legal Division does during the interim and their duties in preparing for the next legislative session.

Assemblyman
Hansen: If I have a question on an interpretation of an existing law, should I always, as an Assemblyman, go through the House advisor or do I just generically send it to Brenda? Is there a chain of command that you want us to follow?

Ms. Erdoes: It's pretty much up to you. We don't have an absolute for anything. The benefit to going routinely to your House advisor is that that person keeps a file of all the things that you've asked her and works with you in terms of that continuing relationship. We're always happy to help you, whoever is there, but going back to your advisor will get you that continuity of service that we try for.

Paul T. Mouritsen, Manager, Constituent Services Unit, Research Division, LCB, talked about the services the Constituent Services Unit can provide during the interim.

Assemblyman Hansen: I've been trying to get the homework done on a problem myself. Is that something I should have delegated to you?

Mr. Mouritsen: Just call us. We'll start right from scratch. There are very few questions that are completely unique. We can usually do it a lot faster.

Assemblyman Hansen: I guess you not only take the question, but you come up with the solution. You don't just provide me with information to turn over to them.

Mr. Mouritsen: Right, and we'll draft correspondence for you. We'll call them back if you want us to talk to them about it. Get the details on their situation. However you want us to handle it. I think, though, that you'll probably find we can do it a little faster than you can just because we've met most of these issues before.

Assemblywoman Smith: I'll just follow up and add that this is exactly right. When the staff does a response it's always so thorough and so complete that it just makes you look great. That's the nice thing about having them respond to your constituent either via hard copy letter or an e-mail. They often times send links for the constituent to go to; they list the statute, maybe link to a bill. They are so thorough and so right-on all the time that it really is good to let them respond. I always find it's nice, if possible, to do a hard copy response to your constituents because people really appreciate receiving a letter in the mail on your official letterhead. And the staff can sign that on your behalf. They have your electronic signature once you authorize the letter to go out. It really does make a difference to people.

The other thing I would suggest to you is making sure you set up some kind of a tracking system because the more you become known, after you solve a few problems for people, they will come back to you or somebody they know will come to you. As it gets busier, you will have a harder time keeping up with what you have out there. So, set up a little spreadsheet of some kind when you send it off. I keep a folder in my Outlook in-box and any time I send something to them for a request, I slide that request into a folder so that I can remind myself that it's out there and then I set up an internal tracking system, as well. Even though I know I can go to the Research person I'm used to working with, I always try to send it through the generic e-mail box so that they can assign it, they can track it, and it goes through their system the proper way. I very rarely go right to the analyst, even though I know who probably is going to wind up with it. That way, you have someone assigned who's available. You may end up e-mailing somebody who is sick or on vacation or something like that and it delays the process a little bit. If I just follow that process of going right to the generic Research box, it helps everybody track things better.

Assemblyman Hansen: And do they do that, also? Do you guys send something back if I put an issue off to you that I got from a constituent? Do you let me know when it's handled?

Mr. Mouritsen: We'll do it however you like. If you want to have a response come from you and you give us your permission, we'll send it from your e-mail box and then you'll see it also in your e-mail box, or we'll copy you with it, or whatever you want on that. If you have a question about how that request is proceeding, just give us a call. We'll tell you we've done this and this, and we've contacted the following people, this is where we are at. Happy to keep you up to date.

Assemblywoman Smith: When you get these requests from people that have copied everybody in the Legislature, or sometimes they have but you can't see it because people are blind copied, I try to figure out if they are my constituent or not and then respond accordingly. Or if I see that it's something really critical, if someone really is needing some help, I may respond back and say, "Assemblyman Hansen is your legislator. I am sure he will be in touch with you" or whatever. We sometimes send it on to Research and just say, "want to make sure someone has contacted you about this and you're working on it." That's one thing to be cognizant of. You want to make sure that staff isn't doing multiple requests without you calling that to their attention.

Mr. Mouritsen: Yes, on controversial issues we're happy to, if you give us a little bit of direction on where you want to go with the response, we're happy to tailor it to your style and your viewpoint.

Mr. Malkiewich: I would like to follow up on just a few things. I think this discussion the last few minutes points out one of the great benefits of a central Constituent Services Unit. You go to some states and legislators have budgets to set up district and Capitol staff, and every legislator has their CSU person, basically. In Nevada, we have a small unit that's able to provide services to all 63 legislators and, I believe, much more efficiently because as Paul indicates they get the same questions over and over. They can respond to them very well.

You heard Sara indicate your second set of BDR requests are due December 10th. Agency bills are prefiled December 20th. Those dates used to both be December 15th, which was not good for Legal. So, we split those up. Prefiling is December 20th. Assemblywoman Smith mentioned the problem of interim study committee bills maybe not really having a proponent. One of the problems is anything that is not requested by an individual legislator must be introduced by committee. All of the bills that come out of interim study committees or statutory committees are not going to be introduced by the chair or by a legislator who is a proponent. They will be introduced by rule, by a committee. That's why it's good to get a legislator to at least help shepherd it.

Finally, as Tammy from Accounting indicated, you can decline salary. I would advise any of you who are State or local government employees who are claiming salary on the same day you are paid by the local government, to please check with Legal. There are serious legal issues involved there before you claim salary.

Kay Graves, Research Analyst, CSU, Research Division, LCB, described the legislators' Back-to-School Program, which she coordinates.

Assemblyman Hickey: Can your office, Constituent Services, help us send out a form letter to schools within our districts? Would we have to identify what those schools might be and can you help us with the invitation process?

Ms. Graves: Absolutely, we could help you do that, draft a form letter for you and get that mailed out.

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Interim Committee Training for Chairs and Vice Chairs
Monday, September 26, 2011

Following is an edited transcript of the questions asked and answers given at the Interim Committee Training for Chairs and Vice Chairs beginning at 8 p.m. on Monday, September 26, 2011.

Linda J. Eissmann, Principal Research Analyst, Legislative Counsel Bureau (LCB), and Michael J. Stewart, Supervising Principal Research Analyst, LCB, gave a Microsoft PowerPoint presentation titled "Interim Committee Training for Chairs and Vice Chairs."

Senator Valerie Wiener: You seem to suggest having public comments before the general topic and then we would do our consideration. Is it possible to have it after the body has considered it so the public comments on what we've discussed?

Mr. Stewart: The goal is to make sure that, when we have the agendas posted, they have the choices that are set forth in A.B. 257, at least that the agenda shows public comment at the beginning and public comment at the end, or the other option is before each action item. Now, that doesn't preclude the chair from doing something else. Where you could, if you wanted to, invite someone up for additional public comment. There's flexibility in that regard. I think just as long as that you have listed on the agenda the requirements in A.B. 257, and then if there are other public comment periods you'd like to insert along the way, I think that would be perfectly acceptable.

We have done this in the past with some flexibility with regard to work sessions, for example. We have had a public comment period prior to the start of a work session to make sure you get input from people. Maybe someone wants to remind you on a particular recommendation that you do x, y, and z, instead of a, b, c. As chairs, you're pretty free to call people up for clarification at any time. There's no restrictions on that at all.

Ms. Erdoes: I would just confirm what you said. The requirements are the minimum requirements and you do need those posted. But the chairs are free at any point to call up public comment, in addition to that.

Mr. Stewart continued with the PowerPoint presentation.

Assemblywoman Smith: I just wanted to remind the chairmen and the members that we won't have NELIS during the interim like we did during session. We got quickly spoiled with the way NELIS worked and having instant access to handouts and information. The handouts will eventually be put on the committee's website, if I am not mistaken, but it won't be real time like we were used to during session. Maybe we'll get there at some point, but not for this interim. Please know that and make sure that your members know that.

I think in the beginning of your process, one of the important things I would stress is getting familiar with your committee members. You're going to be working with people now from the other House and so there will be people you haven't worked with necessarily during session, or don't have a relationship with. It helps to know what their interests are, and what their schedules are like.

Attendance is critically important in the interim process to get our work done and to have an understanding of what's going to be happening moving forward. It is so important that our members be present at meetings and, if they are not, that we catch everyone up, because then you get to work session in a very rapid pace and you have people who may not be in the loop on what's going on. Understanding that's important, and making sure that you thoroughly understand the creation of your committee. We have all the varieties of committees—the statutory committees, interim studies, the nonlegislative committees—and every committee has a different structure. So, make sure you understand the structure of your committee.

We have some committees with alternates and that is a huge help. If you can't get all of your members there, having those alternates is really important, but only a few of the committees have that. Last week we had a last-minute struggle because we had a member who got held up at work and couldn't get there. We were trying to get the committee organized at its first meeting, and we had to do some last-minute juggling to make sure we could get everything done that morning. So, working with your members and knowing what your limitations are is really important.

I think in the beginning notifying your constituency groups that will follow your committee is really important. I call them the groupies, that follow the different subject matter from session to session and interim to interim, and they will want to know what work you're doing and may want to meet with you. For the statutory committees, the Health and Human Services, Public Lands, and Education, it's really hard because there is such a vast array of information that you could and would want to be able to study and consider. But your time is so limited and trying to make everything work in a short period of time is incredibly hard, so I think you have the greatest challenges. The interim study committees have one subject and it's a little easier to manage, but for those statutory committees I think it's a real challenge to pull all that information together in an even shorter period of time than what we're used to. You'll have to decide whether you want to have long meetings, all-day meetings. I'm a big fan of that because I think I'd rather have longer meetings and be able to hear everything we want to hear and make sure that we have given everybody an opportunity for input. That's hard, too, because you have people who are having to leave work and take time off from work to come and participate in

these meeting. It's a hard call to make and I think that the use of the time in those committees will be one of your biggest challenges.

The vice chairs can be a huge help to the chairmen in connecting with the members and having conversations with the members if the chairman can't make all those calls, or if you want to have some conversations about goals, and what you'd like to see. Of course, the staff is always so great about making those connections for you, as well. Using the vice chairman in this particular place will be really critical to you. Assigning the vice chairman to specific subject areas or getting a working group together will save you a lot of time.

The constituency groups, just like during session, can be meeting outside of your meetings and helping you get speakers together and help shape the things that you want to discuss. Again, I think for the statutory committees where you have also been directed to study some particular things out of session in addition to the variety of things you could study is a greater challenge for you. I know that Health and Human Services, for example, will have a group that is trying to develop a State plan for Alzheimer's. That's a big assignment within your normal committee work. I encourage you to tap your committee members, especially if they have a particular interest in something, and let them help you get that work accomplished.

On the Open Meeting Law, you can think through what makes the most sense for you and what works for you on the public comment. As the chairman of Interim Finance, I chose to take public comment before every action. And so it was a big change and I had to put a Post-it on my mike button so that I would remember to take that public comment before every vote. I felt that, if we are trying to get to the point of hearing from the public before we make decisions, for me it made sense that we took public comment before the committee made a decision. In Interim Finance it is hard because every single agenda item is an action item. But it went fine, it flowed well after we got used to it. You can think through what makes more sense and figure it out by agenda, if you need to do that.

It's important for you to figure out who on your committee can help champion either a bill when you get to the end or a piece within a bill draft. When you get to session, you have your own bills. If you are a committee chairman then, it's hard to be able to move all that legislation without help. Within your committee, you're going to see those people who are the natural champions of a particular issue and you'll need to rely on them to help you. It is much harder to move your interim legislation because you have people from both parties and both houses and everybody ends up with their own issues.

The last piece of advice I have, especially with the statutory committees, is about managing your committee time because there's so much to consider. You're going to have to prioritize and work with staff and figure out, based on

what came out of the last session and what you see as the priorities for this State, what you want to concentrate on. Health and Human Services, Education, Child Welfare, Public Lands will all have so much on their plates that you're going to find that more than ever you have to figure out how to manage your committee time. At least during session, we can go to 11 o'clock at night if we want to. You're not going to have people wanting to hang around till 11 o'clock at night. Figuring out those priorities is hard, but important. And then when you get down to work session and taking public input, you are going to have to find that while we are not used to limiting people's time, you'll have to do something about that or you'll end up with some subjects getting a lot of time, and some getting almost none. And then our Legal staff ends up having to try to draft bills based on what amounted to very little discussion, or the committee having to vote based on what amounts to very little discussion. The whole time management piece for the chairman and the vice chairman is the most critical piece of what you'll have to face and have to deal with.

Assemblywoman
Teresa
Benitez-Thompson:

So, with the statutory committees having up to eight meetings, do they typically take all eight, or do they tend to run six?

Assemblywoman
Smith:

I don't know that I have ever seen them use fewer meetings than they have coming to them, just because there is so much information.

Ms. Erdoes:

I have just a couple things to add. One is if you're thinking of forming a subcommittee, remember that when you do it officially, then you have now brought in the Open Meeting Law for that subcommittee. So, if you say the words, "I am going to create a subcommittee and appoint these people," then we need to follow the Open Meeting Law for that subcommittee meeting. You need minutes, and that involves additional staff. So, it's something to talk with your staff about before you do that, if you can. Some things can be accomplished by just assigning one person, for example, to work with others and do something a little bit more unofficial. But we can certainly work it out, however you need to. I just want to make sure that you know that would happen.

On a BDR from a committee if you're not able to give all the details at the time that you need to request the BDR, another option for you is to designate some member of the committee, the chair or anyone else who might know about the bill, that could work with the Legal Division to flesh out the rest of that bill and then generally it would be sent out to the committee with the rest of the BDRs. So people would have a chance to see that.

I want to explain the way that the BDRs get split up during session. The Executive Branch BDRs and the subcommittee BDRs are split. The Executive Branch BDRs are split, the rules say randomly, and so we try to do that a little bit less than randomly so that each of the topics get covered in a different

committee and all of the committees, if possible, get some BDRs. Those decisions are made early on, and there's a master list if you ever need to see that, a list of where those bills are going to go. With the committee bills, we work with the chairmen usually, and the vice chairmen if they are part of it, to determine where those BDRs should be delivered in each House, to split them, also.

Ms. Partida described the Legal Division's role in staffing the committees during the interim.

Senator Wiener: Does every statutory committee have an assigned attorney, as well. Whether or not they are there all the time, is there an attorney assigned to each statutory committee?

Ms. Partida: Brenda is saying "yes."

EDITED TRANSCRIPTION OF TESTIMONY
Interim Committee Training for New Legislators
Tuesday, September 27, 2011

Following is an edited transcript of the questions asked and answers given at the Interim Committee Training for New Legislators beginning at 1:30 p.m. on Tuesday, September 27, 2011.

Lorne J. Malkiewich, Director, Legislative Counsel Bureau (LCB), explained the purpose of the meeting, and gave an overview of the Interim Finance Committee and the Legislative Commission.

Assemblyman Peter Livermore: Regarding a funding request before the Interim Finance Committee, is there any cap to the amount of money that could be requested?

Mr. Malkiewich: As far as the contingency fund requests, the limit is the amount that's been appropriated to the Contingency Fund, and Interim Finance is careful about guarding that amount, trying to be careful that there is always enough in there for whatever emergency might arise down the road. Though the limit would be the amount that's in the Contingency Fund, as a practical matter, much, much smaller amounts are allocated. There is currently about \$7 million in the Contingency Fund.

Assemblyman Livermore: Work Programs. Those are work programs that have been authorized by the Legislature or those work programs that the Executive Branch has created, or Congress passed down to us?

Mr. Malkiewich: The work programs are part of the whole budget process. The entire budget process is subject to Chapter 353 of NRS, the State Budget Act. It provides for creating of the budget with work programs. So, each agency submits its budget and they have all work programs submitted through the Governor's proposed budget. The Ways and Means and Finance Committees review those budgets, close the budgets, and then generate total dollar numbers. In the Appropriations and Authorized Expenditures Act are total amounts that an agency can spend in each of the different categories, and total amounts that they are authorized for expenditure for purposes other than appropriations. But the Appropriations Act specifically says that the amounts that are appropriated must be spent in accordance with those work programs that were in the budget that was approved and any adjustments must be made in accordance with the State Budget Act, which means that those changes could only be made through the Board of Examiners and the Interim Finance Committee.

Linda J. Eissmann, Principal Research Analyst, Research Division, LCB, reviewed the purposes and types of interim committees.

Assemblyman Livermore: The bill drafts that the committees have are subject to the study at hand?

Ms. Eissmann: Yes.

Assemblyman Livermore: Is that stipulated by NRS or was that just an understanding of the legislative committees' rulings?

Mr. Malkiewich: I believe that it is right in the statute that it says that each interim study is allowed to request five measures within the jurisdiction of the committee. For the standing committees that are allowed to request bills in the interim, it says within the jurisdiction of the committee. It would be a vote of the committee to request legislation. As a practical matter, a committee studying a particular issue is going to request bill drafts in that area.

Marji Paslov Thomas, Principal Research Analyst, LCB, discussed what to expect during the interim committee process.

Assemblyman Livermore: Are previous minutes of those meetings also on the webpage?

Ms. Paslov Thomas: They are.

Mr. Malkiewich reviewed the points discussed by Assemblywoman Debbie Smith at the previous Interim Committee Training meetings regarding interim committees and their importance, since Assemblywoman Smith was unable to be present at this training meeting.

Assemblyman Livermore: A study committee presents its reports to the Assembly or the Senate, as a whole. Am I correct?

Mr. Malkiewich: The study committee presents its report to the Legislative Commission which oversees all these. So they report to the Commission. The report is then transmitted to the Legislature along with the bills.

Assemblyman Livermore: And they're presented by the chairperson?

Mr. Malkiewich: As a general rule, the chair is the one who will be responsible, but sometimes the chair doesn't return. Sometimes the chair is busy with other issues and one of the members of the committee or one of the members of the House who is very interested in the issue will take the lead. The chair is the one who should try and make sure that those bills are taken care of, though.

Michael J. Stewart, Supervising Principal Research Analyst, LCB, reviewed Nevada's Open Meeting Law and its application during the legislative interim.

Tammy Koon, Principal Account Clerk, Human Resources/Accounting Unit, Administrative Division, LCB, discussed legislators' compensation.

Donald O. Williams, Research Director, LCB, reviewed the staff services available to legislators during the interim.

Brenda J. Erdoes, Legislative Counsel, Legal Division, LCB, outlined the Legal Services Division and the services it provides to the legislators.

Sara L. Partida, Principal Deputy Legislative Counsel, Legal Division, LCB, discussed the Legal Division's duties during the interim to prepare for the next legislative session.

Paul T. Mouritsen, Manager, Constituent Services Unit, Research Division, LCB, outlined how the Constituent Services Unit can assist legislators during the interim.

Kay Graves, Research Analyst, CSU, Research Division, LCB, reviewed the Legislators' Back-to-School Program, which she coordinates.

Assemblyman
Livermore:

Mr. Malkiewich, I don't have any questions. Just a couple of statements. You know, from my very first day of orientation through the three cycles that you took us through, to interim committees right now, I find the legislative staff to be very informative, and very available and I appreciate that from my perspective as a legislator. So, I just want to compliment you and the staff that participated in this training today. It was very informative to me.

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