

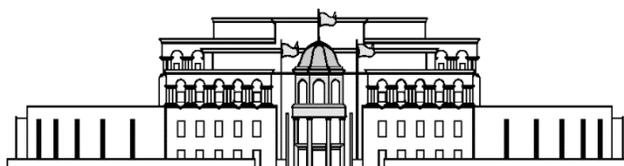
# Structure and Operations of the Nevada Legislature



**Bulletin No. 13-03**

*Legislative Counsel  
Bureau*

**January 2013**





**STRUCTURE AND OPERATIONS OF  
THE NEVADA LEGISLATURE**

**BULLETIN NO. 13-03**

**JANUARY 2013**



## TABLE OF CONTENTS

	<u>Page</u>
Summary of Recommendation .....	iii
Report to the 77th Session of the Nevada Legislature by the Legislative Commission’s Committee to Study the Structure and Operations of the Nevada Legislature .....	1
I.    Introduction .....	1
II.   Background.....	2
A. Previous Studies of the Nevada Legislature .....	2
1. <i>Prospect for Greatness</i> (1974), Citizens Conference on State Legislatures .....	2
2. <i>Blue Ribbon Commission on Legislative Process</i> (1988), Bulletin No. 89-7 .....	3
B. Structure and Operations of Other State Legislatures .....	4
III. Review of Major Issues and Committee Activities .....	5
A. Sessions of the Legislature .....	5
1. Annual Sessions .....	5
2. Limited Sessions .....	6
a. <i>Limited scope sessions</i> .....	6
b. <i>Organizational sessions</i> .....	6
c. <i>Special sessions called by the legislature</i> .....	7
d. <i>Veto sessions</i> .....	7
B. Legislative Compensation.....	7
1. Legislative Compensation in Nevada .....	7
2. Legislative Compensation in Other States .....	9

C.	Interim Committee Structure .....	9
1.	History of the Interim Committee Structure in Nevada .....	9
2.	Survey of 50 States on Interim Committee Structures, 2005 .....	10
3.	Assembly Bill 578 ( <i>Statutes of Nevada 2011</i> ).....	10
4.	Interim Committee Days and Meetings in Las Vegas .....	11
D.	Official Records of the Legislature.....	11
E.	Legislative Staff Structures in Annual Sessions .....	12
1.	Legal Division, Nevada Legislative Counsel Bureau .....	12
2.	Fiscal Analysis Division, Nevada Legislative Counsel Bureau .....	12
3.	Structure and Operations of the Utah State Legislature .....	13
F.	Oregon State Legislature .....	13
1.	Annual Sessions .....	13
2.	Staff Structure .....	15
G.	Suggestions and Observations Regarding Changes to the Nevada Legislature .....	15
1.	Alan Rosenthal .....	15
2.	Randolph J. Townsend.....	16
IV.	Recommendations.....	17
V.	Acknowledgements .....	18
VI.	Appendices .....	19

SUMMARY OF RECOMMENDATION

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

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

At its meeting on August 20, 2012, the Legislative Commission's Committee to Study the Structure and Operations of the Nevada Legislature adopted the following recommendation. The following bill draft request (BDR) will be submitted to the 77th Session of the Nevada Legislature:

- Request a bill draft of a concurrent resolution to provide for the establishment of a public commission to study the Nevada Legislature. **(BDR -407)**



**REPORT TO THE 77TH SESSION OF THE NEVADA LEGISLATURE BY  
THE LEGISLATIVE COMMISSION'S COMMITTEE TO STUDY  
THE STRUCTURE AND OPERATIONS  
OF THE NEVADA LEGISLATURE**

**I. INTRODUCTION**

The 2011 Nevada Legislature enacted Assembly Concurrent Resolution No. 12 (File No. 45, *Statutes of Nevada*) to create the Legislative Commission's Committee to Study the Structure and Operations of the Nevada Legislature. The Committee was charged with examining: (1) the timing, frequency, and length of regular sessions, as well as the efficiency and effectiveness of annual regular legislative sessions; (2) legislative procedures and related matters; and (3) the appropriate compensation of legislators. (For a copy of A.C.R. 12, see Appendix A.)

The Legislative Commission appointed six members to the Committee, which held five meetings during the 2011-2012 Interim. The Committee received reports and presentations on: the structure and operations of the legislative branch in other states, previous studies of the Nevada Legislature, the various types of limited legislative sessions, the compensation of legislators, the interim committee structure, and legislative staff structures in Nevada and other selected states.

**Members**

The following legislators served on the Committee to Study the Structure and Operations of the Nevada Legislature during the 2011-2012 Interim:

Assemblyman Tick Segerblom, Chair  
Senator Greg Brower  
Senator Moises (Mo) Denis  
Senator Sheila Leslie (resigned)  
Senator Mark A. Manendo  
Assemblyman Jason M. Frierson  
Assemblyman Lynn D. Stewart

**Staff**

The following Legislative Counsel Bureau (LCB) staff members provided support for the Committee:

Research Division:  
Carol M. Stonefield, Managing Principal Policy Analyst  
Donald O. Williams, Research Director  
Patrick Guinan, Principal Research Analyst

Tracey Wineglass, Senior Research Secretary

Legal Division:

Brenda J. Erdoes, Legislative Counsel

Matthew Mundy, Deputy Legislative Counsel

Director's Office:

Lorne J. Malkiewich, Director, LCB (resigned)

Rick Combs, Director, LCB (current)

In addition to its scheduled meetings, several members of the Committee expended their own funds to visit the Oregon State Legislature during its first annual session following the passage of a constitutional amendment which established annual sessions. During this visit, members met with leadership of the four caucuses of the Oregon State Legislature and others who participated in the transition from biennial to annual sessions. At its final meeting, the Committee received a presentation from one of the co-chairs of the Public Commission on the Oregon Legislature (PCOL), which has studied and proposed numerous changes to the structure and operations of the Oregon State Legislature. The Committee also received recommendations and observations about the Nevada Legislature from a former Nevada legislator.

During its work session, Committee members adopted one recommendation with regard to the structure and operations of the Nevada Legislature. The members voted to request a bill draft for a concurrent resolution to provide for the establishment of a commission to be composed of both legislators and nonlegislators to study the Nevada Legislature.

## II. BACKGROUND

### A. Previous Studies of the Nevada Legislature

#### 1. *Prospect for Greatness* (1974), Citizens Conference on State Legislatures

In 1971, the Citizens Conference on State Legislatures issued its study of the 50 state legislatures, entitled *The Sometime Governments*. The objective of the Citizens Conference was to examine each state's legislature for strengths and weaknesses and recommend changes that might lead to a more effective and responsive legislative branch of government in each state.

Subsequently, the Nevada Legislature passed Senate Concurrent Resolution No. 23 (File No. 123, *Statutes of Nevada 1973*) to direct the Legislative Commission to study the organization, procedures, and operations of the Legislature and the LCB. The Commission appointed the Subcommittee on Counsel Bureau Organization and Legislative Procedure to conduct the study. As part of its investigation, the Subcommittee contracted with the

Citizens Conference to conduct an independent analysis of the Nevada Legislature. The Citizens Conference issued a report titled *Prospect for Greatness*. The Subcommittee adopted most of the report's recommendations and included them in its own report to the 1975 Legislature (Bulletin No. 114, 1974).

The Citizens Conference made recommendations relating to the interim, pre-session, and session. Recommendations were also made regarding relations with the Executive Branch and the participation of citizens in the legislative process. Some of the suggestions that have been accomplished, in whole or in part since that time, include:

- A joint legislative committee to provide management and coordination of interim activities;
- A coordinator for the LCB;
- An administrative division of the LCB;
- Professional full-time staff support assigned to individual joint interim committees;
- Detailed records of interim committee meetings;
- Pre-session orientation;
- Parallel standing session committees;
- A calendar with well-defined deadlines;
- Electronic roll call machines; and
- Measures requiring disclosure of lobbying activities, conflict of interest, and campaign finance reporting.

A number of recommendations made by the Commission in 1974, that have not been implemented by the Nevada Legislature, include the following:

- Standing committees of the Senate and the Assembly should form joint interim committees for the purpose of conducting policy studies;
- A pre-session organizational session of the Legislature should be authorized;
- The Legislature should have a biennial session with the flexibility to convene, recess, and reconvene at any time it deems necessary;
- The Legislature should be authorized to call itself into special session by petition of a majority in each house and should be authorized to expand the agenda of a special session called by the Governor by a majority vote in each house (see Endnote);
- An automatic veto session should be authorized to consider vetoed legislation; and
- Salaries paid to legislators should be commensurate with the responsibilities entailed. The specific salary should be established by statute and paid in equal monthly installments throughout the term of office. Expenses should be paid by a voucher system.

## 2. *Blue Ribbon Commission on Legislative Process* (1988), Bulletin No. 89-7

The 1987 Legislature enacted Assembly Bill 678 (Chapter 811, *Statutes of Nevada*) to create the Blue Ribbon Commission on the Legislative Process. The Commission was composed of 11 members, including representatives of the general public as well as current or former

legislators. The Commission made recommendations regarding: the continuation of a citizen legislature; session schedules and operations; the budget review process; and committee structure, compensation, and procedures.

A number of the Commission's recommendations have been implemented, including the following:

- A constitutional amendment to limit the length of the session, and a provision declaring any legislation enacted after that day to be void;
- Modified budget review procedures, consisting of submission of the *Executive Budget* a specified number of days prior to the convening of the Legislature, and establishment of joint appropriations subcommittees;
- Provision of an LCB office in southern Nevada;
- Limitations on the number of bill draft requests (BDRs) by legislators;
- Requirements placed on State agencies and local governments with regard to BDRs; and
- Establishment of deadlines for actions on bills.

In addition to these recommendations, the Commission also suggested the following, which have not been implemented by the Nevada Legislature:

- Provide for the financial remuneration of legislators as follows:
  - A salary for the biennial session;
  - An expense allowance per month to reimburse legislators for expenses associated with representational duties;
  - A voucher system for expenses such as travel, per diem, and telephone up to the statutory limits during the session; and
- Establish a compensation commission to recommend salaries and expense allowances for legislators and compensation for other elected State and local officials whose salaries are set by the Legislature.

## **B. Structure and Operations of Other State Legislatures**

At its meeting on January 25, 2012, the Committee received a presentation from Karl Kurtz, Director, Trust for Representative Democracy, National Conference of State Legislatures (NCSL), on the structure and operations of state legislatures. Mr. Kurtz testified that the NCSL has grouped the state legislatures, on the basis of capacity and length of session, into:

- Full-time professional legislatures with high salaries and large staffs;
- Part-time citizen legislatures with low pay and small staffs; and
- Hybrid legislatures with some characteristics of either full-time or part-time legislatures.

Based on a survey of legislators, he also reported that the NCSL found that members of professional legislatures estimated their legislative service is equivalent to approximately 80 percent of a full-time job, while members of hybrid legislatures estimated their service is

equivalent to about 50 percent, and citizen legislators estimated their service at less than 40 percent. Even though Nevada is classified by the NCSL as a part-time citizen legislature, Nevada legislators estimated their service to be equivalent to somewhat less than 60 percent of a full-time job. The amount of legislator compensation and size of legislative staff also reflect these classifications of state legislatures; as the professionalization of the legislature increases, so does the amount of compensation and the number of staff members.

Mr. Kurtz identified the effects of professionalization of a legislature to include:

- Greater capacity;
- Ability to make decisions independent of the executive branch and lobbyists; and
- Stable membership.

Professional legislatures, however, experience more fragmentation and greater gridlock. According to Mr. Kurtz, recent “deprofessionalizing forces” include:

- Term limits;
- Limitations on taxing and spending authority;
- Staff reductions; and
- An overall decline in the reputation of government.

Mr. Kurtz observed that governors tend to gain power in states with legislative term limits. (For a copy of Mr. Kurtz’s Microsoft PowerPoint presentation titled “The Diversity of American Legislatures: The Nevada Legislature in Comparative Perspective,” see the minutes of the January 25, 2012, meeting of the Committee, Exhibit B, at <http://www.leg.state.nv.us/Interim/76th2011/Minutes/Legislature//IM-Legislature-032112-10556.pdf>.)

### **III. REVIEW OF MAJOR ISSUES AND COMMITTEE ACTIVITIES**

#### **A. Sessions of the Legislature**

At its meeting on March 21, 2012, the Committee received information on annual legislative sessions convened in other states, in addition to four types of limited sessions: limited scope, organizational, special, and veto.

##### **1. Annual Sessions**

Nevada is one of four states that hold biennial regular sessions; the other states with biennial sessions are Montana, North Dakota, and Texas. All other states convene in annual regular sessions. Some states are not limited on the length of session, once convened, while others may be limited by either “legislative days” or “calendar days.” While calendar days are limited to consecutive days, only the days that a legislature is called to order, either in floor

sessions or committees, are typically counted as legislative days. Sessions that are defined by legislative days provide more flexibility to organize and control legislative business.

Patrick Guinan, Principal Research Analyst, Research Division, LCB, and Angela Andrews, Policy Analyst, NCSL, presented information to the Committee on the length of session and the constitutional provisions controlling legislative sessions in the 50 states. (For copies of “Legislative Sessions: Legal Provisions,” The Council of State Governments, *The Book of the States 2011*, and “Provisions Relating to Regular Legislative Sessions,” NCSL, see the minutes of the March 21, 2012, meeting of the Committee, Exhibit B-1 and Exhibit B-2, at <http://www.leg.state.nv.us/Interim/76th2011/Minutes/Legislature//IM-Legislature-032112-10556.pdf>.)

## 2. Limited Sessions

All legislatures can be called into session at a time other than the regular session. In addition to special sessions called by governors, many legislatures have other limited sessions authorized in their state constitutions available to them. Carol Stonefield, Managing Principal Policy Analyst, Research Division, LCB, presented information on the various types of limited and extraordinary legislative sessions at the Committee’s meeting on March 21, 2012.

These extraordinary or limited sessions generally fall into one of four types:

### *a. Limited scope sessions*

Of the 46 states with annual regular legislative sessions, 39 legislatures consider all types of legislation every year. In the remaining seven legislatures, the session is limited to specific types of legislation in one year of the biennium; the most common restriction is to the budget and related issues. Some legislatures limit the number of bills that may be introduced. Others restrict the second session of the biennium to issues identified as set out in the adjournment resolution of the first session of the biennium. In most of these legislatures with limited scope sessions, the second regular session of the biennium is shorter than the first regular session. (For a copy of “Legislative Sessions with Limited Scope,” NCSL, see the minutes of the March 21, 2012, meeting of the Committee, Exhibit C-5, at <http://www.leg.state.nv.us/Interim/76th2011/Minutes/Legislature//IM-Legislature-032112-10556.pdf>.)

### *b. Organizational sessions*

Seventeen states specifically provide the opportunity for legislatures to meet prior to the start of the regular session for the purpose of organizing. Examples of activities that these legislatures are permitted or required to do include: administering the oath of office, electing officers, appointing standing committees, certifying election results, introducing legislation, receiving budget and revenue forecasts, and conducting the orientation of new members.

These organizational sessions may be limited in length and do not count toward the limitations placed on the length of the regular session. Since the legislature is not considered to be in session, it is prohibited from undertaking any final action on a measure or other official business. (For a copy of “Formal Organizational Sessions,” NCSL, see the minutes of the March 21, 2012, meeting of the Committee, Exhibit 3, at <http://www.leg.state.nv.us/Interim/76th2011/Minutes/Legislature//IM-Legislature-032112-10556.pdf>.)

*c. Special sessions called by the legislature*

In 16 states, including Nevada, only the governor may call the legislature into a special session (see Endnote). In 34 states, a special session can be called by either the governor or the legislature. Most of the states require the assent of a supermajority of legislators to call a special session.

In Nevada, ten special sessions were called from 2001 through 2010. Four of these were called immediately following the regular session to address uncompleted work. (For copies of “Special Sessions,” NCSL, and “The Special Sessions of the Nevada Legislature—2001 through 2010,” LCB, see the minutes of the March 21, 2012, meeting of the Committee, Exhibit C-1, at <http://www.leg.state.nv.us/Interim/76th2011/Minutes/Legislature//IM-Legislature-032112-10556.pdf>.)

*d. Veto sessions*

A veto session is established to provide a reasonable opportunity to override an executive veto. The legislature reconvenes for a specified amount of time after the regular session to consider bills vetoed by the governor. In states with veto sessions, the constitutional provisions may stipulate a date to reconvene in order to consider vetoed bills, or it may provide an interval within which the legislature must be reconvened for that purpose. Legislatures with the flexibility of legislative days or an unlimited session may reconsider vetoed bills at their convenience.

Article 4, Section 35 of the *Nevada Constitution* provides that the Legislature shall reconsider vetoed bills at the next session. (For a copy of “Veto Sessions,” NCSL, see the minutes of the March 21, 2012, meeting of the Committee, Exhibit C-4, at <http://www.leg.state.nv.us/Interim/76th2011/Minutes/Legislature/IM-Legislature-032112-10556.pdf>.)

## **B. Legislative Compensation**

### **1. Legislative Compensation in Nevada**

At its meeting on March 21, 2012, Donald O. Williams, Research Director, Research Division, LCB, offered information to the Committee concerning legislative

compensation. He reviewed the historical provisions regarding the structure and operations of the Legislature. Article 4, Section 33, of the *Nevada Constitution* governs legislator compensation, providing that the amount of compensation is to be fixed by law, not to exceed 60 days during any regular session or 20 days during any special session.

Mr. Williams addressed the historical issues of compensation over the years and provided examples of those amounts. He stated that in 2005, the Legislature tied future increases of salary for legislators to the increases of salaries of classified State employees, and today the legislators are paid \$146.29 for the first 60 days of the 120-day calendar. Mr. Williams referenced a packet of information entitled “2011-2012 Legislative Compensation in Nevada,” which lists a summary of compensation for the average legislator. (For a copy of the packet, see the minutes of the March 21, 2012, meeting of the Committee, Exhibit D-1, at <http://www.leg.state.nv.us/Interim/76th2011/Minutes/Legislature//IM-Legislature-032112-10556.pdf>.)

He also reviewed background information on the Commission to Review the Compensation of Constitutional Officers, Legislators, Supreme Court Justices, District Judges, and Elected Officers, which was created by S.B. 221 (Chapter 628, *Statutes of Nevada 1993*). The Commission voted to recommend: (a) increasing legislators’ salaries during legislative sessions from \$7,800 to \$11,000; (b) repealing the daily salary provided to legislators during special sessions; and (c) providing an allowance to each legislator of \$350 per month when the Legislature is not in session, as reimbursement for miscellaneous expenses related to representational duties. The 1995 Legislature did not adopt these recommendations. (For a copy of the background information on the Commission to Review Compensation, see the minutes of the March 21, 2012, meeting of the Committee, Exhibit D-2, at <http://www.leg.state.nv.us/Interim/76th2011/Minutes/Legislature//IM-Legislature-032112-10556.pdf>.)

Mr. Williams presented information regarding additional studies on Nevada legislator compensation and salaries from 1987 through 2001. The studies included: (a) A.B. 678 (Chapter 811, *Statutes of Nevada 1987*) of the 64th Session; (b) S.B. 154 (Chapter 875, *Statutes of Nevada 1989*) and A.B. 322 (Chapter 304, *Statutes of Nevada 1989*) of the 65th Session and (c) the Governor’s Task Force (2000). He also provided comparative salary information in selected part-time or hybrid legislatures. (For a copy of the document entitled “Additional Studies on Legislator Compensation and Salaries, 1987-2001,” see the minutes of the March 21, 2012, meeting of the Committee, Exhibit D-3, at <http://www.leg.state.nv.us/Interim/76th2011/Minutes/Legislature/IM-Legislature-032112-10556.pdf>.)

In response to a request from Chair Segerblom, Committee staff conducted a survey of Nevada legislators, asking them to estimate the percentage of a full-time job that they considered their legislative service to be, averaged over an entire year. Mr. Williams reported that approximately 80 percent of those who responded estimated they devoted 50 percent or more of a full-time job to their legislative duties. (For a copy of the survey results, see the minutes

of the March 21, 2012 meeting of the Committee, Exhibit D-6, at <http://www.leg.state.nv.us/Interim/76th2011/Minutes/Legislature/IM-Legislature-032112-10556.pdf>.)

Knight Allen, a private citizen from Las Vegas, Nevada, presented an update to a proposal he offered to Governor Guinn's Compensation Task Force in December 2000. He suggested that legislative compensation should be tied to the average private sector wage in Nevada. (For a copy of Mr. Allen's proposal, see the minutes of the March 21, 2012, meeting of the Committee, Exhibit E, at <http://www.leg.state.nv.us/Interim/76th2011/Minutes/Legislature/IM-Legislature-032112-10556.pdf>.)

## 2. Legislative Compensation in Other States

Mr. Williams also provided comparative salary information in selected part-time or hybrid legislatures, including the Nevada Legislature. The categories of compensation included salaries, per diem, and travel. (For a copy of the document entitled "Legislative Compensation in Selected Part-Time or Hybrid Legislatures," LCB, see the minutes of the March 21, 2012, meeting of the Committee, Exhibit D-4, at <http://www.leg.state.nv.us/Interim/76th2011/Minutes/Legislature/IM-Legislature-032112-10556.pdf>.)

Morgan Cullen, Policy Analyst, NCSL, stated that a provision regarding salaries is typically included in a state's constitution. Some states provide a compensation commission that may recommend compensation levels that the legislature would approve or establish an independent commission that sets salaries for the legislature. Mr. Cullen said some states tie salaries to an index so that salaries are comparable to those of state employees or provide a cost of living increase, which allows the compensation to adjust automatically. (For a copy of an article entitled "Pay Problem," *State Legislatures*, January 2011, NCSL, see the minutes of the March 21, 2012, meeting of the Committee, Exhibit D-5, at <http://www.leg.state.nv.us/Interim/76th2011/Minutes/Legislature/IM-Legislature-032112-10556.pdf>.)

## C. **Interim Committee Structure**

### 1. History of the Interim Committee Structure in Nevada

At the Committee's meeting on April 25, 2012, Donald O. Williams, Research Director, Research Division, LCB, provided a brief historical overview of the interim committee structure and legislative support staff requirements prior to the creation of the LCB in 1945. Mr. Williams explained that with the expansion of LCB interim studies, LCB staffing was increased. He stated that most interim studies were led by interim committees or subcommittees created by bills, resolutions, or actions of the Legislative Commission. He shared a recommendation from the 1974 Citizens Conference report entitled *Prospect for Greatness*, that states joint interim committees be initiators of legislation to formulate legislative proposals. He noted that the primary advantage of maintaining the membership of committees from session to the interim is continuity and providing more informed consideration of legislation.

Mr. Williams remarked that most interim studies are currently conducted by ongoing statutory committees, some of which were created as long ago as the 1970s, for the purpose of focusing on specific policy topics, and he provided a list of the 2011-2012 Interim Committees. Mr. Williams also explained that ongoing statutory committee membership is set by statute and requires the appointment of an equal number of members from each house appointed by their respective leaders. (For a copy of a chart detailing the legislative history of the establishment of statutory committees, the statute that identifies each committee's authority, the year the committee was established, the legislation that created the committee, and the effective date, see the minutes of the April 25, 2012, meeting of the Committee, Exhibit B-2, at <http://www.leg.state.nv.us/Interim/76th2011/Minutes/Legislature//IM-Legislature-042512-10556.pdf>.)

## 2. Survey of 50 States on Interim Committee Structures, 2005

At the April 25, 2012, meeting of the Committee, H. Pepper Sturm, Chief Deputy Research Director, Research Division, LCB, compared background information and the results of a survey of the 50 states conducted in 2005 by the Research Division of the LCB, with findings from a current 2012 survey, also conducted by the Research Division. Mr. Sturm explained that the survey examined common structures that many states use to create the interim study process.

Mr. Sturm indicated that from 1997 through 2005, the number of interim studies and the number of meetings held nearly doubled. He identified the following concerns about the increasing number of interim studies: (a) the availability of part-time legislators; and (b) available resources. Recommendations from the study, adopted by the Legislative Commission, include: the Commission approve the budget and work program for each interim committee; interim committees be required to meet bill draft request deadlines; and an interim study handbook for legislators be created. (For a copy of the report entitled *States Surveyed for 2005 Interim Study Proposal*, LCB, see the minutes of the April 25, 2012, meeting of the Committee, Exhibit C, at <http://www.leg.state.nv.us/Interim/76th2011/Minutes/Legislature//IM-Legislature-042512-10556.pdf>.)

## 3. Assembly Bill 578 (*Statutes of Nevada 2011*)

At the April 25, 2012, meeting of the Committee, Mr. Sturm noted that additional recommendations, based on the 2005 survey of the 50 states, related to using standing session committees for interim studies. These were approved by the Legislative Commission in 2010 and were included in A.B. 578 of the 2011 Session. (For a section summary of A.B. 578, see the minutes of the April 25, 2012, meeting of the Committee, Exhibit D-2, at <http://www.leg.state.nv.us/Interim/76th2011/Minutes/Legislature//IM-Legislature-042512-10556.pdf>.)

The measure passed both houses of the Legislature but was vetoed by Governor Brian Sandoval after the 2011 Legislature had adjourned *sine die*. (For a copy

of Governor Sandoval's letter vetoing A.B. 578, see the minutes of the April 25, 2012, meeting of the Committee, Exhibit D-3, at <http://www.leg.state.nv.us/Interim/76th2011/Minutes/Legislature//IM-Legislature-042512-10556.pdf>.)

#### 4. Interim Committee Days and Meetings in Las Vegas

At its April 25, 2012, meeting, Carol M. Stonefield, Supervising Principal Research Analyst (currently Managing Principal Policy Analyst), Research Division, LCB, provided the Committee with information regarding committee days as established by the Oregon State Legislature. Ms. Stonefield reported that the presiding officers of the Oregon Senate and House of Representatives agree upon the dates and coordinate the calendars so that all standing session committees in each house meet at the Oregon State Capitol in Salem during a three-day block each calendar quarter. At times, session committees with parallel jurisdictions will meet jointly, but they are not established as joint interim committees. (For a copy of a memorandum addressed to Chair Segerblom of the Committee, detailing interim committee structures in the Oregon Legislature and options available to the Nevada Legislature, see the minutes of the April 25, 2012, meeting of the Committee, Exhibit E-1, at <http://www.leg.state.nv.us/Interim/76th2011/Minutes/Legislature//IM-Legislature-042512-10556.pdf>.)

Brenda J. Erdoes, Legislative Counsel, Legal Division, LCB, stated that current statutes allow for flexibility in organizing committees. If a request similar in structure to Oregon's committee days was presented to the Legislative Commission, she opined that the request could be implemented in Nevada. She explained that the details would have to be presented and reviewed by the Legislative Counsel.

At the Committee's meeting on March 21, 2012, Ms. Erdoes explained that legislative committees have the flexibility to meet at sites away from the capital, but all official acts, including the convening of sessions of each house, must be conducted in Carson City, pursuant to the provisions of Article 4, Section 1, of the *Nevada Constitution*.

#### **D. Official Records of the Legislature**

Matthew Mundy, Deputy Legislative Counsel, Legal Division, LCB, testified at the Committee's meeting on July 26, 2012, regarding official records of the Legislature, including: journals, daily histories, and audio/written recordings of public meetings, and their role in expressing legislative intent. He provided a list of legislation that enacts the types of official records maintained by the Legislature in different capacities and the process of statutory interpretation in Nevada including the historical use of legislative histories from pre-Civil War to the present by the United States. Mr. Mundy explained that the courts use legislative history to determine legislative intent for reliability. (For a copy of Mr. Mundy's presentation, see the minutes of the July 26, 2012, meeting of the Committee, Exhibit D, at <http://www.leg.state.nv.us/Interim/76th2011/Minutes/Legislature//IM-Legislature-072612-10556.pdf>.)

Brenda J. Erdoes, Legislative Counsel, Legal Division, LCB, advised the Committee that it is the opinion of the Attorney General's Office, the Legislative Counsel, and the courts that quoting legislators in legislative meetings is evidence of intent. Mr. Mundy explained that the primary consideration of the courts is the reliability of the evidence and not the form in which it is compiled. Ms. Erdoes stated that, upon request by a court, a court reporter or member of the legislative staff could transcribe the proceedings of a meeting that has been video-recorded.

## **E. Legislative Staff Structures in Annual Sessions**

### **1. Legal Division, Nevada Legislative Counsel Bureau**

At the Committee's meeting on April 25, 2012, Brenda J. Erdoes, Legislative Counsel, Legal Division, LCB, summarized the bill draft process and the effects that an annual legislative session would have on the Legal Division of the LCB. The Legal Division drafts all bills requested by legislators, the Executive Branch, and the Nevada Supreme Court. In addition, bills requested are drafted on behalf of State constitutional officers, local governments, school districts, and other groups. Ms. Erdoes explained that during session, the Legal Division continues to prepare BDRs, write the budget bills, draft amendments and opinions, and provide legal counsel to session committees. After session, the Division begins the process of codifying the new statutes and drafting administrative regulations, opinions, and annotations in the *Nevada Revised Statutes*.

Ms. Erdoes stated that if the Legislature implemented an annual session, the Legal Division would require increased staffing for drafting and reviewing regulations, and the Legislative Commission would need to adjust the timeline process for bill draft requests. She explained that it is not advantageous to the Legal Division to hire attorneys for session because the learning curve is so steep. The Division hires administrative and printing staff to ensure bill processing in a timely manner.

### **2. Fiscal Analysis Division, Nevada Legislative Counsel Bureau**

At the April 25, 2012, meeting of the Committee, Rick Combs, Assembly Fiscal Analyst, Fiscal Analysis Division, LCB (currently the Director of LCB), summarized the process of preparing the biennial budget. (For a summary of Nevada's budget process, see the minutes of the April 25, 2012, meeting of the Committee, Exhibit G, at <http://www.leg.state.nv.us/Interim/76th2011/Minutes/Legislature/IM-Legislature-042512-10556.pdf>.)

Mr. Combs stated that if the Legislature were to meet in annual sessions, the impact on the workload of the Fiscal Analysis Division would depend on the nature of the budget. If a biennial budget is maintained, he speculated that revisions could be made relatively easily. If an annual budget is adopted, the amount of work performed by the staff in a biennium would double. In the current biennial session, the Fiscal Analysis Division staff accrue a significant amount of overtime. He projected that under an annual session structure, no staff increases would be made until the nature of the budget was determined.

Like the Legal Division, Mr. Combs said that the Fiscal Analysis Division does not hire many temporary staff for session. He also noted that the interim workload for the Division has increased in recent years. If annual sessions are implemented, Mr. Combs suggested that the Legislature might want to consider limiting the number of studies that are assigned to the Fiscal Analysis Division as lead staff.

### 3. Structure and Operations of the Utah State Legislature

At the Committee's meeting on July 26, 2012, Michael E. Christensen, Director, Office of Legislative Research and General Counsel, gave an overview of the staff structure and function of the Utah State Legislature, including the three professional staff offices and their responsibilities.

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

Mr. Christensen said that there are statutes in place that require the Governor's Office to present its budget to the Legislature in December for the Legislative Fiscal Analyst Office to process. He explained that each legislator is a member of an appropriations subcommittee that will study the portion of the budget assigned to that subcommittee. The appropriations subcommittees recommend their findings to the Executive Appropriations Committee, which is made up of leadership from both houses and both parties. The appropriations subcommittees meet twice during the interim, but the Executive Appropriations Committee meets on the third Tuesday of each month during the interim.

Mr. Christensen reported that 1,100 bill requests were received in 2011, and approximately 850 bills were drafted and 400 bills passed.

## **F. Oregon State Legislature**

### 1. Annual Sessions

On February 19 and February 20, 2012, certain members of the Committee visited the Oregon State Legislature, at their own expense, during its first annual session since amending its constitution in 2010. The members met with legislative leaders of both parties and both houses to discuss the background of the constitutional amendment and the transition from biennial to annual sessions.

At the Committee's meeting on March 21, 2012, Carol M. Stonefield, Supervising Principal Research Analyst (currently Managing Principal Policy Analyst), Research Division, LCB, provided information on Oregon Ballot Measure 71, which requires legislative sessions to be held annually for 160 days in odd-numbered years and 35 days in even-numbered years, and allows for five-day extensions by a two-thirds vote of the members of each house. (For a copy of Ballot Measure 71, see the minutes of the March 21, 2012, meeting of the Committee, Exhibit F-1, at <http://www.leg.state.nv.us/Interim/76th2011/Minutes/Legislature//IM-Legislature-032112-10556.pdf>.)

Ms. Stonefield reported that in 2005, the Oregon State Legislature passed Senate Bill 1084 (Chapter 680, *Oregon Laws 2005*), which created the Public Commission on the Oregon Legislature (PCOL). The Commission was directed to conduct a review of and make recommendations on all aspects of the Legislative Branch, including: the timing, frequency, and length of legislative sessions; legislative procedures; and the adequacy of legislative facilities and staffing. The Commission consisted of 4 legislators and 26 members of the public, and it met in full nine times. Four subcommittees were formed, each meeting according to their own schedules as well.

Gary Wilhelms, Co-Chair of the PCOL, presented additional information to the Committee at its meeting on August 20, 2012. According to Mr. Wilhelms, the meetings of the PCOL were publicized and advertised via the legislative website. Each recommendation made by a member of the public to the Commission was referred to one of the four subcommittees for consideration. The PCOL members voted to accept or disregard the findings of each subcommittee. If a subcommittee's recommendation was accepted by the full Commission, it was included in the final report. In 2006, the PCOL stated its findings and recommendations to the Legislature in its report entitled *A Blueprint for a 21<sup>st</sup> Century Legislature*. It identified major problems facing the Oregon State Legislature and made recommendations in four broad categories: fundamental reform; institutional reform; improvements to legislative operations; and improvements to facilities. (A copy of the report can be accessed at <http://www.leg.state.or.us/pcol/home.htm>. For a copy of the Executive Summary of *A Blueprint for a 21<sup>st</sup> Century Legislature*, see Appendix B of this bulletin.)

Mr. Wilhelms said that the PCOL specifically suggested that the legislature experiment with annual sessions, including the timing and structure, before voters were asked to incorporate specific requirements into the Oregon Constitution. Starting in 2008, the legislature exercised its authority to call itself into a special session that lasted approximately two and one-half weeks. The legislature repeated the short special session in 2010, meeting for approximately 24 days. In both sessions the focus was placed on revising the biennial budget. Mr. Wilhelms explained that the purpose of the short legislative session was to address emergency issues and budget adjustments, although, concerns from lobbyists about the availability of time to present specific topics have been voiced.

## 2. Staff Structure

At the Committee's meeting on July 26, 2012, Rick Berkobien, Manager, Office of Committee Services, Legislative Administration, discussed the staff structure of the Oregon State Legislature which includes the following offices: Legislative Counsel, Legislative Revenue, Legislative Fiscal, Legislative Assembly, and Legislative Administration.

Mr. Berkobien reviewed the budget for personnel expenses. He noted that, during the long sessions of 160 days or more, average monthly session personnel expenses are estimated to be double or triple the average monthly interim personnel expenses. During the short sessions, consisting of approximately 30 days, personnel expenses increase by roughly only 25 percent because the full-time continuing staff have covered the increased workload, making the hiring of temporary staff unnecessary. He noted that as the legislature has more experience with annual sessions, these staffing patterns may change. (For copies of Mr. Berkobien's budget information, see the minutes of the July 26, 2012 meeting of the Committee, Exhibit B-2 and Exhibit B-3 at <http://www.leg.state.nv.us/Interim/76th2011/Minutes/Legislature//IM-Legislature-072612-10556.pdf>.)

Mr. Berkobien provided a copy of the 2011 through 2013 annual calendars which included session days, interim legislative days, and specific deadline dates. Mr. Berkobien offered scenarios of legislative tasks and explained that they continue to work on coordinating work hours, planning efficiencies, and minimizing travel and lodging. (For copies of the Oregon State Legislature's annual calendars and staffing structures, see the minutes of the July 26, 2012, meeting of the Committee, Exhibit B-1, Exhibit B-4, and Exhibit B-5 at <http://www.leg.state.nv.us/Interim/76th2011/Minutes/Legislature//IM-Legislature-072612-10556.pdf>.)

Mr. Berkobien reported that in an evaluation of the first annual session of the Oregon State Legislature, each legislative office offered suggestions to leadership for review. He said the substantive issues included managing subject matter to improve effectiveness and enhancing the availability of information to the public for improved transparency.

## **G. Suggestions and Observations Regarding Changes to the Nevada Legislature**

### 1. Alan Rosenthal

At the Committee's meeting on July 26, 2012, Alan Rosenthal, Professor of Public Policy and Political Science, Eagleton Institute of Politics, Rutgers, The State University of New Jersey, testified in support of annual sessions and suggested that Nevada would have the opportunity to improve upon the constitutional authority of its Legislature to:

- a. Represent constituents and constituencies;
- b. Engage in lawmaking;

- c. Balance the power of the Executive Branch; and
- d. Provide for the well-being of the Legislature as an institution.

Mr. Rosenthal explained that the length of time between sessions impedes the ability of a legislature to address constituent issues efficiently and effectively. He noted that legislators need the ability to act on the economic issues facing their state in a timely manner. Mr. Rosenthal noted the advantages to annual reviews of a state's budget and aligning interim committees with those committees that meet during session.

Because of the limited tenure of legislators as leaders, Mr. Rosenthal stated a disproportionate advantage of influence and power falls to the governor. He stated that an annual session would give legislators the opportunity to fine-tune their leadership skills and be more effective in the legislative process. Mr. Rosenthal supported the Oregon model with regard to educating the public about the legislative process and the need for annual sessions. He encouraged the Committee to work toward a campaign to familiarize the public about an annual citizen legislature.

Mr. Rosenthal said that criticism of state legislatures is due to frustration with the legislative branch of government. He opined that changing the minds of the public will require a strong campaign of education.

It was suggested by Mr. Rosenthal that the Legislature's workload would increase if Nevada implemented annual sessions and would require a greater amount of effort to construct quality legislation. He stated that constituent services would not be any greater because the need to support constituents is a continuous duty. (For a copy of Mr. Rosenthal's prepared remarks, see the minutes of the July 26, 2012, meeting of the Committee, Exhibit C-2 at <http://www.leg.state.nv.us/Interim/76th2011/Minutes/Legislature//IM-Legislature-072612-10556.pdf>.)

## 2. Randolph J. Townsend

At the Committee's meeting on August 20, 2012, Randolph J. Townsend, former Nevada State Senator, offered his support for establishing a public commission to study the Nevada Legislature, especially if it will be a means to educate the public on the importance of the Legislature as the central component of the democratic process.

Senator Townsend also made the following suggestions or observations:

- a. Restore the Legislature as a vital branch of Nevada government because term limits have resulted in a number of negative effects, including a disinterest in the Legislature as a viable institution;
- b. Be wary of encroachments on the power of the Legislature by the other branches of State government;

- c. Reestablish the Legislature as a laboratory of ideas including restoration of funding for national conferences;
- d. Establish more effective coordination among key components of the Legislature;
- e. Enhance the role of the professional nonpartisan staff;
- f. Make full use of legislative staff resources when developing public policy; and
- g. Make full use of legislative staff on behalf of constituents.

Senator Townsend suggested that compensation should be reviewed to include pay for each day of service by each legislator. He supported the Oregon model which established quarterly interim committee days. He recommended that terms of service be adjusted to reflect an Assembly member's service equal to four years, and a Senate member's service equal to six years. Senator Townsend proposed that legislative sessions begin in even-numbered years rather than odd-numbered years, which would enable legislators to become more knowledgeable about the topics they would be required to legislate, and would create an effective and efficient process for the public.

Senator Townsend suggested that legislators reach out to the Executive Branch agencies and constituents during the interim to ensure that new laws and regulations are being administered in the proper manner. (For a written copy of Senator Townsend's remarks, see Appendix C of this bulletin.)

#### **IV. RECOMMENDATIONS**

The Legislative Commission granted the Committee an extension of the deadline for completion of work by interim study committees, as set forth in *Nevada Revised Statutes* 218E.205. Subsequently, it held its work session on August 20, 2012, to consider recommendations relating to further study of the Legislature by a public commission, compensation for legislators, and the Legislature's interim committee structure.

Following a discussion of the proposed recommendations, members of the Committee adopted one proposal to forward to the 77th Session of the Legislature:

Introduce a concurrent resolution to provide for the establishment of a commission, composed of both legislators and nonlegislators, to study the Nevada Legislature.

The Committee further agreed to include, within the purview of the commission, a review of legislator compensation and the Legislature's interim committee structure.

## V. ACKNOWLEDGEMENTS

The members and staff of the Legislative Commission's Committee to Study the Structure and Operations of the Nevada Legislature wish to thank the members and staff of the Oregon State Legislature for their hospitality and generosity as the Committee conducted its study. The Committee also wishes to extend its gratitude to the staff of the National Conference of State Legislatures for assistance throughout the course of its investigation. The members appreciate the time and expertise of those who contributed to this study.

### Endnote

*On November 6, 2012, voters approved Ballot Question No. 1, an amendment to the Nevada Constitution authorizing the Legislature to call itself into a special session upon a petition signed by two-thirds of the members of each house. With the passage of this constitutional amendment, Nevada joins 34 other states wherein a special session may be called by either the Governor or the Legislature.*

**VI. APPENDICES**

	<u>Page</u>
Appendix A	
Assembly Concurrent Resolution No. 12 (File No. 45, <i>Statutes of Nevada 2011</i> ) .....	21
Appendix B	
“Executive Summary,” <i>A Blueprint for a 21st Century Legislature</i> , Public Commission on the Oregon Legislature, November 2006 .....	25
Appendix C	
Remarks of Former Senator Randolph Townsend to the Legislative Commission’s Committee to Study the Structure and Operations of the Nevada Legislature (ACR 12) <i>August 20, 2012</i> .....	33
Appendix D	
Suggested Legislation .....	41



**APPENDIX A**

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



Assembly Concurrent Resolution No. 12—Committee  
on Legislative Operations and Elections

FILE NUMBER 45

ASSEMBLY CONCURRENT RESOLUTION—Directing the Legislative Commission to conduct an interim study concerning the structure and operations of the Nevada Legislature.

WHEREAS, The Nevada Legislature is the branch of State Government closest to the people and is responsible for enacting the laws of this State and creating the instruments to carry out such enactments; and

WHEREAS, It has been more than 20 years since a comprehensive review has taken place with respect to the Nevada Legislature as an institution of this State, and the needs of the Legislators and the residents of this State have changed during that time; and

WHEREAS, A review of the structure and operations of the Nevada Legislature, including, without limitation, the timing, frequency and length of regular legislative sessions and the compensation of Legislators, should be conducted to ensure that the Legislature continues to serve the residents of this State efficiently and effectively; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Legislative Commission is hereby directed to appoint an interim committee to conduct a study concerning the structure and operations of the Nevada Legislature; and be it further

RESOLVED, That the interim committee must be composed of six members selected as follows:

1. Three members from the Assembly; and
2. Three members from the Senate; and be it further

RESOLVED, That the study must include, without limitation, an examination of:

1. The timing, frequency and length of regular legislative sessions, including, without limitation, an examination of the efficiency and effectiveness of annual regular legislative sessions;
2. Legislative procedures and matters relating thereto; and
3. The appropriate compensation of Legislators; and be it further

RESOLVED, That any recommended legislation proposed by the interim committee must be approved by a majority of the members of the Assembly and a majority of the members of the Senate appointed to the interim committee; and be it further

RESOLVED, That the Legislative Commission shall submit a report of the results of the study and any recommendations for legislation to the 77th Session of the Nevada Legislature.



**APPENDIX B**

“Executive Summary,” *A Blueprint for a 21st Century Legislature*,  
Public Commission on the Oregon Legislature  
November 2006



# **A BLUEPRINT FOR A 21<sup>ST</sup> CENTURY LEGISLATURE**

**REPORT OF THE  
PUBLIC COMMISSION ON THE  
OREGON LEGISLATURE  
TO  
THE SEVENTY-FOURTH LEGISLATIVE ASSEMBLY**



**In Accordance with Senate Bill 1084 (2005)  
November 2006**

## EXECUTIVE SUMMARY

Oregon faces many difficult and complex challenges in the coming years. As the policy-making branch of state government, the Oregon Legislative Assembly must address these challenges and become a more efficient, effective institution.

The Public Commission on the Oregon Legislature (PCOL) concludes that many policies and practices prevent the legislature from being fully effective. Moreover, these policies and practices have diminished public respect and confidence in the legislative process; diminished the credibility of the legislature; and discouraged thoughtful and civic-minded individuals from running for and serving in the legislature.

During the course of its discussions and deliberations, the PCOL identified and agreed upon seven major problems facing the Oregon Legislative Assembly. These are:

- **Loss of public confidence** in the legislative process and in the legislature as an institution. For some, the legislature is no longer viewed as a place where an ordinary citizen can “make a difference” for Oregon.
- **Reduction of legislative independence and authority** due to an increase in the influence of state agencies and the lobby, significant consequences of the initiative process, and conditions imposed on states by the federal government.
- **Increasing complexity of the state’s funding obligations** and the attendant legislative tasks stemming from those obligations. Initiative measures and federal rules and laws frequently demand complicated legislative decisions to craft funding and policy solutions that are both difficult to create and to communicate. Measures 5 and 11 are but two examples.
- **Excessive partisanship** at the expense of collaboration and creative problem solving. The public perception is that non-constructive partisanship erodes public faith in the legislature and its ability to find reasonable compromise.
- **Escalating costs of election campaigns** tempt office seekers to put the need to raise money ahead of resolving issues and adds to the perception of undue influence by self interested groups.
- **Decline of the citizen legislature.** Oregon’s proud tradition of a citizen legislature does not coincide with today’s extensive time demands on legislators.
- **Adapting to 21<sup>st</sup> Century demands for institutional responsiveness.** Advances in technology, changing demographics, and increasing citizen expectations require a thorough understanding of these dramatic changes and an appropriate set of thoughtful responses.

The PCOL believes that the following key recommendations will, if enacted by the 74<sup>th</sup> Legislative Assembly, increase the credibility and effectiveness of the legislature in the 21<sup>st</sup> Century. They will address the seven problem policies and practices identified above, and begin rebuilding citizen confidence in the legislature.

**FREQUENCY AND LENGTH OF LEGISLATIVE SESSIONS:** The PCOL believes that an effective legislature addresses problems in a timely fashion. These recommendations provide innovative and meaningful solutions to the problems listed above, and will rebuild citizen confidence in the legislature.

Therefore, the PCOL recommends that the 74<sup>th</sup> Legislative Assembly:

- Make substantial changes in the timing and operation of the 2007 session
- Determine how and whether it is desirable to have annual sessions beginning with the 2009 session

**PARTISANSHIP:** The PCOL recognizes that partisan campaigns, elections, and organizations play a critical and constructive role in the formation of public policy. However, the commission strongly believes that an effective legislature encourages partisanship to be set aside for the best interests of the state. The PCOL also believes that extreme partisanship discourages many qualified candidates from running for legislative office.

Therefore, the PCOL recommends that the 74<sup>th</sup> Legislative Assembly:

- Adopt legislation creating an “open” primary election, where all registered voters in Oregon are allowed to vote for all candidates
- Consider legislation to make the office of State Representative and State Senator nonpartisan offices
- Enact legislation creating a State Controller to manage, administer and oversee state elections and election policy, campaign finance administration, investigations including elections and ethics issues, and legislative redistricting

The PCOL also concludes that some rules and practices of the legislature promote excessive partisanship and prevent problems from being addressed efficiently and effectively. Accordingly, the commission recommends that the 74<sup>th</sup> Legislative Assembly adopt rules to:

- Empower leadership of the minority party to select minority representatives on legislative committees
- Require that Vice-Chairs of legislative committees be from minority parties
- Allow measures with demonstrable evidence of a majority of members of the chamber in support, move to the floor for debate and vote

Further, the PCOL urges that the Rules of the House and Senate not be used to prevent consideration of significant policy issues. Presiding officers should represent the body as a whole and not use their authority to prevent debate on policy matters. Majority and minority leadership also should develop a more collaborative environment for discussing legislative priorities and establish collaborative processes that include the minority in session management.

**INITIATIVE PETITION:** The PCOL believes that an effective legislature is a full partner in Oregon’s lawmaking system, a system that includes the initiative, referendum and referral process.

Therefore, the PCOL recommends that the 74<sup>th</sup> Legislative Assembly:

- Adopt legislation making a number of changes to the initiative process that the commission believes will better ensure its integrity

**LEGISLATOR COMPENSATION:** The PCOL believes that the current salary paid to legislators does not reflect the duties of the office and is not sufficient to attract citizens of the highest quality to public service.

Therefore, the PCOL recommends that the 74<sup>th</sup> Legislative Assembly:

- Revive the Public Officials Compensation Commission, which will be charged with establishing salaries for the state’s elected officials
- Discuss legislator compensation in conjunction with the commission’s recommendations regarding ethics and integrity

**ETHICS AND INTEGRITY:** The PCOL believes that an effective legislature earns the trust and respect of the public through high ethical standards of legislators and the fairness and integrity of the legislative process. The commission notes that a number of widely reported incidents during the 73<sup>rd</sup> Legislative

Assembly reduced public trust in the legislature. The PCOL also believes that the increasing costs of campaigns and the reliance by legislators on campaign contributions from special interests fuels public cynicism about the legislative process and inhibits independent decision making by legislators.

Therefore, the PCOL recommends that the 74<sup>th</sup> Legislative Assembly:

- Enact legislation creating a Commission on Campaign Finance Reform to examine the role of campaign finance in legislative decision making
- Enact legislation prohibiting candidates for political office and elected officials from using campaign contributions to pay for personal expenses
- Consider legislation that would reduce the length and cost of campaigns by moving the primary election from the current fourth Tuesday in May to a later date

The PCOL also notes an inherent conflict in the fact that the Legislative Assembly approves the budget of the Oregon Government Standards and Practices Commission (GSPC), which is charged with ethical oversight of the Legislative Assembly. The PCOL recommends that the 74<sup>th</sup> Legislative Assembly identify, develop and implement a dedicated and stable source of funding for the GSPC that is as independent of legislative approval as legally possible.

**PUBLIC ACCESS:** The PCOL believes that an effective legislature is open and accessible to the public.

Therefore, the PCOL recommends that the 74<sup>th</sup> Legislative Assembly:

- Continue and expand policies and practices that have led the Oregon legislature to earn a reputation for accessibility and openness
- Authorize state funding for a pilot program that will provide comprehensive, unedited coverage of legislative sessions

**IMPROVEMENTS TO THE OREGON STATE CAPITOL:** The PCOL believes that an effective legislature operates in a safe, up-to-date facility.

Therefore, the PCOL recommends that the 74<sup>th</sup> Legislative Assembly:

- Take steps to ensure the security of the Oregon State Capitol
- Develop a comprehensive plan addressing necessary renovations of the Oregon State Capitol
- Create a wireless network in the capitol

**STAFFING OF LEGISLATIVE OFFICES:** The PCOL believes that an effective legislature requires and has a professional, dedicated and well-qualified staff to facilitate the legislative process. This is especially true if the legislature moves to annual sessions, as the commission recommends.

Therefore, the PCOL recommends that the 74<sup>th</sup> Legislative Assembly:

- Conduct a thorough review of the Legislative Counsel, Legislative Fiscal, and Legislative Revenue Offices to ensure that staffing levels are adequate to serve the needs of the legislature
- Insulate committee staff from partisanship
- Adopt rules requiring legislators who hire spouses or other relatives as employees in their legislative office to file with the Chief Clerk of the House or Secretary of the Senate a statement that he or she has hired a relative and specifying the salary of that individual
- Require the Chief Clerk of the House or Secretary of the Senate to certify that the salary, and any subsequent salary increases, are within the range acceptable for that position

**LEGISLATIVE CONSIDERATION OF PCOL RECOMMENDATIONS:** To ensure that the recommendations of the commission receive full and fair consideration by the 74<sup>th</sup> Legislative Assembly, the PCOL strongly recommends that the 74<sup>th</sup> Legislative Assembly:

- Consider this report as a package of recommendations and that each recommendation not stand alone. The recommendations are meant to be seen as a coherent whole even though they address different issues. The recommendations should be treated respectfully and with a burden of persuasion already adopted by virtue of approval by the commission.
- Create a Joint Committee to consider all bills introduced by the commission
- Instruct the joint committee to meet during the 2007-2008 interim to monitor implementation of commission recommendations as well as to continue work on other legislative improvements
- Create a new legislative improvement commission no later than 2016
- Report on implementation of commission recommendations, comparing recommendations vs. implementation, by July 1, 2007 or two weeks after Sine Die



**APPENDIX C**

Remarks of Former Senator Randolph Townsend to the  
Legislative Commission's Committee to Study  
the Structure and Operations of the  
Nevada Legislature (ACR 12)  
*August 20, 2012*



**Remarks of Former Senator Randolph Townsend  
to the Legislative Commission's Committee to Study the  
Structure and Operations of the Nevada Legislature (ACR 12)**

*August 20, 2012*

**Restore the Legislature as a vital branch of Nevada government.**

- Term limits have resulted in a number of negative side effects, the most significant being a disinterest in the Legislature as a viable institution.
- There may be a tendency to use the office as a springboard to other positions, and there has been a narrowing of vision for short-term political gains versus adopting policies that can only operate successfully in the long-term. Begin the process of repealing term limits via constitutional amendment.

**Be wary of encroachments on the power of the Legislature by the coordinate branches of government.**

- After all the time and effort legislators, staff and interested parties devote to determining sound public policy, legislators should zealously safeguard their work product and the integrity of the legislative process.
- Encroachments can occur in a variety of ways: disregarding legislative intent when promulgating regulations or implementing legislative programs; refusing to adopt regulations or inordinate delay in adopting

them [e.g., Executive Order 2011-01 Establishing a Freeze on Proposed Regulations]; lax enforcement of statutes or regulations; judicial interpretations of statutes or regulations that depart from legislative intent.

- When courts interpret cases contrary to the legislative intent and the Legislature subsequently meets, the courts assume the Legislature has consented to the courts' interpretations unless the Legislature takes affirmative action to correct the courts' interpretations. The same principle is applied to administrative agency interpretations of statutes.
- Once legislation is enacted, utilize the full range of legislative staff [not just the Legal Division] to closely monitor the regulation adoption process and policy implementation by coordinate branches of government to ensure legislative intent is accurately embodied and carried out.
- Assign legislative staff to review and analyze these programs for continued compliance with legislative intent and feedback regarding the efficacy of the legislation and potential future adjustments.
- Always insist on receiving periodic updates regarding legislatively mandated programs administered by coordinate branches.

### **Reestablish the Legislature as a laboratory of ideas.**

- National legislative conferences concerning policy topics of concern to legislatures are a primary driver for innovation and the crosspollination of

ideas. Exposure to alternative options expands critical thinking, enlarges personal horizons and opens minds to possible new approaches superior to a “this is how things have always been done” attitude within the state.

- The Legislature should restore and enhance travel budgets and encourage legislators and staff to attend and take leadership positions in NCSL, ALEC, and CSG-West.

**Establish more effective coordination among key components of the Legislature.**

- Currently the Legislative Counsel Bureau Director has only minimal control of non-session, building-related issues involving the chambers, especially in matters affecting the staff and resources of Legislative Counsel Bureau divisions. This disconnect violates a basic principle of management—those with responsibility be granted sufficient authority.
- The Director needs specific authority to approve and direct changes to the building and its infrastructure. For example, planned rollouts of new technology or systems could be timed to allow for sufficient training of staff that have to utilize the system. Other examples include remodeling requests and changes to session staffing structures.

## **Enhance the role of professional nonpartisan staff.**

- The increased reliance upon political staff may lead to a marginalization of professional nonpartisan staff. The Legislative Counsel Bureau needs to attract the best and the brightest.
- In addition to restoring salaries that compete with other branches of government (especially local government and the NSHE), increased training opportunities for professional staff, including participation at national subject-specific conferences (juvenile justice, education, et cetera) will help enhance staff expertise.
- Most businesses in the private sector find that identifying, training, “cultivating,” and retaining star performers is a prudent cost of doing business, resulting in overall savings and increased efficiency. This strategy also serves to strengthen the organization and improve client services.
- Incentives are the primary vehicle to motivate and retain key employees, especially in high-stress, high-productivity positions. The Legislature should consider granting senior professional staff who have been with the Nevada Legislature for more than three sessions professional retention pay during the session period, amounting to a 5 per cent salary increase over their existing step in the salary scale. This could be structured to apply only February through May of session years, and be done with the approval of each Division chief.

**Make full use of legislative staff resources when developing public policy.**

- Encourage legislative staff to survey on an ongoing basis other jurisdictions and subject matter literature for legislation or concepts consistent with your areas of interest, based on directions from you. This will provide you with potential ideas or solutions to current issues and keep you informed of trends or policy developments that may be of interest to you. Since staff are nonpartisan and therefore do not advocate for or against issues or positions, staff need your direction and authorization to engage in such information gathering on your behalf.

**Make full use of legislative staff on behalf of your constituents.**

- Staff generally has great expertise in knowing which statutes, programs, or remedies may be available to assist citizens and which officials or public employees can most readily address issues or problems your constituents are facing.
- Staff can provide this information to you or, at your direction, work directly with your constituents. Reliance on legislative staff to assist constituents not only benefits Nevada citizens, it enhances the stature of the Legislature as the people's branch of government.



## APPENDIX D

### Suggested Legislation

**The following bill draft request will be available during the 2013 Legislative Session, or can be accessed after “Introduction” at the following website: <http://www.leg.state.nv.us/Session/77th2013/BDRList/page.cfm?showAll=1>.**

BDR - 407 \_CR: Provides for the establishment of a public commission to study the Nevada Legislature.

