



**NEVADA LEGISLATURE**  
**LEGISLATIVE COMMISSION'S COMMITTEE TO**  
**CONSULT WITH THE DIRECTOR**  
*(Nevada Revised Statutes 218E.225)*

**SUMMARY MINUTES AND ACTION REPORT**

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The third meeting of the Committee to Consult with the Director was held on December 6, 2010, at 10 a.m. in Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. The meeting was videoconferenced to Room 4100 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. A copy of this set of "Summary Minutes and Action Report," including the "Meeting Notice and Agenda" ([Exhibit A](#)) and other substantive exhibits, is available on the Nevada Legislature's website at <http://www.leg.state.nv.us/interim/75th2009/committee/>. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (e-mail: [publications@lcb.state.nv.us](mailto:publications@lcb.state.nv.us); telephone: 775/684-6835).

**COMMITTEE MEMBERS PRESENT IN CARSON CITY:**

Senator William J. Raggio  
Assemblyman Pete Goicoechea  
Assemblywoman Debbie Smith

**COMMITTEE MEMBERS PRESENT IN LAS VEGAS:**

Assemblyman John Ocegüera, Chair  
Senator Steven A. Horsford, Vice Chair  
Senator Joyce Woodhouse  
Assemblyman Tick Segerblom

**COMMITTEE MEMBERS ABSENT:**

Senator John J. Lee  
Assemblyman Marcus Conklin

**LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:**

Lorne J. Malkiewich, Director

Brenda J. Erdoes, Legislative Counsel

Donald O. Williams, Research Director, Research Division

H. Pepper Sturm, Chief Deputy Research Director, Research Division

Jeanne Peyton, Senior Research Secretary, Research Division

## **OPENING REMARKS**

- Chair Ocegüera called the meeting to order and asked for a motion to approve the minutes from the August 27, 2010, meeting.

## **APPROVAL OF MINUTES OF THE MEETING HELD ON AUGUST 27, 2010, IN LAS VEGAS, NEVADA**

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

VICE CHAIR HORSFORD MOVED TO APPROVE THE "SUMMARY MINUTES AND ACTION REPORT" OF THE AUGUST 27, 2010, MEETING HELD IN LAS VEGAS, NEVADA. THE MOTION WAS SECONDED BY ASSEMBLYMAN SEGERBLOM AND PASSED UNANIMOUSLY.

## **REPORT ON PREPARATIONS FOR THE 2011 LEGISLATIVE SESSION**

- Lorne J. Malkiewich, Director, Legislative Counsel Bureau (LCB), noted that one of the functions of the Committee to Consult with the Director is to review preparations for the next session ([Exhibit B](#) and [Exhibit C](#)). Mr. Malkiewich's presentation included a review of:
  1. Training for new legislators;
  2. Preparation for reapportionment and redistricting;
  3. Lobbyist registration;
  4. Bill draft requests (BDR);
  5. Building preparation; and
  6. Computer programming.
- Chair Ocegüera thanked Mr. Malkiewich and his staff on the training process provided to new members for redistricting and reapportionment. He indicated that he has met with the four new staff hired by the Information Technology Services Unit, LCB, to assist the caucuses and noted that they are all knowledgeable of the hardware and software that will be used during the 2011 Session. Chair Ocegüera further thanked the General Services Unit staff for the excellent job they are doing moving offices for the large number of legislators in preparation for the 2011 Session.
- Responding to Assemblyman Segerblom's question about whether there were complaints from any lobbyists about the increase in fees, Mr. Malkiewich said that he is not aware of any.

## REVIEW AND APPROVAL OF RECOMMENDATIONS TO THE 76TH SESSION OF THE NEVADA LEGISLATURE FOR CHANGES TO THE INTERIM COMMITTEE PROCESS

- Lorne J. Malkiewich, Director, LCB, discussed the possible actions that would have to be taken by the Committee to make changes to the interim committee process to create joint interim committees with jurisdictions that parallel the standing committees ([Exhibit D](#) and [Exhibit E](#)). He explained that each component of the BDR would have to be reviewed by the Committee to direct staff on how to proceed with drafting the bill ([Exhibit F](#)).
- **Recommendation No. 1**—Mr. Malkiewich explained that the Committee would have to request a BDR to create a joint interim committee structure to replace the current system of statutory committees and interim committees.
- Chair Ocegüera called for a motion.
- The Committee **APPROVED THE FOLLOWING ACTION:**

VICE CHAIR HORSFORD MOVED TO REQUEST A BDR TO CREATE JOINT INTERIM COMMITTEES. THE MOTION WAS SECONDED BY ASSEMBLYMAN SEGERBLOM AND PASSED UNANIMOUSLY.

- **Recommendation No. 2**—Mr. Malkiewich suggested that the proposal provides for five Assembly members and three Senate members to serve on each committee with a requirement that a majority of the members of each house approve any legislation recommended by the committee. He also suggested appointing a number of alternates.
- The Committee **APPROVED THE FOLLOWING ACTION:**

VICE CHAIR HORSFORD MOVED TO APPROVE THE APPOINTMENT OF MEMBERS TO EACH JOINT INTERIM COMMITTEE AS DESCRIBED BY MR. MALKIEWICH. THE MOTION WAS SECONDED BY ASSEMBLYMAN SEGERBLOM AND PASSED UNANIMOUSLY.

Responding to Senator Raggio's question that the intent of the motion included a dual majority requirement, Chair Ocegüera said that was correct.

- **Recommendation No. 3**—Mr. Malkiewich asked the Committee to determine if a joint Legislative Operations and Elections Committee should be established. He suggested that this committee should be created because of the numerous issues relating to elections that may not be appropriate for the Legislative Commission to handle. Mr. Malkiewich also recommended a second option of establishing a joint Interim Committee on Elections.

- Vice Chair Horsford said that a vote was not necessary because it has already been determined that all interim committee, including Legislative Operations and Elections would be joint interim committees.

Chair Ocegüera concurred.

- **Recommendation No. 4**—Mr. Malkiewicz asked the Committee to determine whether the members, chairs, vice chairs, and alternates of the joint interim committees should be appointed by leadership or the Legislative Commission. He suggested providing that the chair be appointed from one house and the vice chair from the other house, with the chairs rotating between houses each interim, and the chairs of the committees split evenly between the houses.
- The Committee **TOOK THE FOLLOWING ACTION:**

VICE CHAIR HORSFORD MOVED TO HAVE LEADERSHIP APPOINT THE MEMBERS AND THE LEGISLATIVE COMMISSION APPOINT THE CHAIRS AND VICE CHAIRS; TO HAVE A MEMBER OF ONE HOUSE SERVE AS THE CHAIR AND A MEMBER OF THE OTHER HOUSE AS THE VICE CHAIR, WITH THE CHAIRS AND VICE CHAIRS ROTATING BETWEEN HOUSES EACH INTERIM.

Responding to Assemblywoman Smith's question about the chairs being split between Houses, Mr. Malkiewicz said that over the past a committee has been created and then it is determined how the chairmanship is set up. He added that in general, the Interim Finance Committee and the Legislative Commission are in opposite Houses. Mr. Malkiewicz noted that a benefit of creating all the committees at one time is that the committee chairs and vice chairs could be balanced to allow for equal responsibility between the Houses.

Chair Ocegüera called for a second on the motion

THE MOTION WAS SECONDED BY ASSEMBLYMAN SEGERBLOM AND PASSED UNANIMOUSLY.

- **Recommendation No. 5**—Mr. Malkiewicz noted that the Committee should determine whether the members should be limited to members of the corresponding standing committee. He explained that the benefit of having the same members would be that they have the experience and knowledge in the area; however, he noted that Senator Lee had previously pointed out that the interim may also be a good time to allow members the opportunity to become familiar with new committees.
- Chair Ocegüera discussed whether a vote is necessary on this item since leadership would most generally put the members of the standing committee on the corresponding interim committee. He mentioned that some members do not return and new members would have to be appointed.

No action was taken by the Committee on Recommendation No. 5.

- **Recommendation No. 6**—Mr. Malkiewicz explained that this item relates to who will be designated to control the budgets of the committees. He noted that initial budgets: (1) a hybrid could establish initial budgets during session that could be revised by the Legislative Commission; or (2) the Legislative Commission could have an amount held in reserve for allocation to address unforeseen issues that arise during the interim.
- Chair Ocegüera noted that a hybrid might work where a specific amount is given to each committee; however, the volume of a committee is usually known ahead of time. In his opinion, the Commission would want to have the ability to allocate the larger amounts to the committees with more work during the interim.

Discussion ensued between Chair Ocegüera and Mr. Malkiewicz regarding the hybrid proposal.

VICE CHAIR HORSFORD MOVED TO CREATE A HYBRID APPROACH BY INITIALLY ALLOCATING A MINIMAL AMOUNT TO EACH JOINT INTERIM COMMITTEE AND PROVIDING THE LEGISLATIVE COMMISSION THE AUTHORITY TO AUTHORIZE ADDITIONAL FUNDING WHEN NECESSARY. THE MOTION WAS SECONDED BY ASSEMBLYMAN SEGERBLOM AND PASSED UNANIMOUSLY.

- **Recommendation Nos. 7 and 8**—Mr. Malkiewicz said that Recommendation No. 7 addresses the workload of the joint interim committees. He noted that the Committee will need to determine if the workload and studies should be controlled by the Legislative Commission, assigned by the Legislature, or chosen by the Committee itself. Mr. Malkiewicz explained that Recommendation No. 8 addresses whether studies requested during session should be reworded as recommendations to the Legislative Commission or to the appropriate joint interim committee. He suggested passing a resolution stating that either the Legislative Commission or the related joint committee is encouraged to review the issue to determine which items should be studied during the interim. If the recommendations went to the Legislative Commission after the session was over, the Commission could review all the resolutions and determine which issues should be studied.
- Vice Chair Horsford said that with the goal in mind to streamline and reduce duplication of effort in order to utilize the limited resources of staff, he recommended the Legislative Commission should be able to vet which studies should be approved. He suggested having direction from the Legislative Commission to the joint committees, but language that the joint committees have some latitude with approval of the Legislative Commission. Vice Chair Horsford also concurred that having resolutions adopted by the Legislature urging the Commission to consider certain issues is also appropriate.

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

SENATOR HORSFORD MOVED TO REQUIRE THAT THE WORKLOAD AND STUDIES ASSIGNED TO INTERIM COMMITTEES BE DIRECTED BY THE LEGISLATIVE COMMISSION WITH LANGUAGE ALLOWING FOR SOME FLEXIBILITY FOR THE COMMITTEE TO TAKE ON ISSUES WITH APPROVAL OF THE LEGISLATIVE COMMISSION. FURTHER, TO ALLOW THE LEGISLATURE TO PASS RESOLUTIONS DURING SESSION URGING THE LEGISLATIVE COMMISSION TO TAKE ON A CERTAIN STUDY. THE MOTION WAS SECONDED BY ASSEMBLYMAN SEGERBLOM AND PASSED UNANIMOUSLY.

- **Recommendation No. 9**—Mr. Malkiewicz commented on the meeting timelines presently used for interim studies and statutory committees. He suggested using the guidelines that are currently used for statutory committees, and to begin all interim committees no earlier than November 1 to allow staff the time to finalize after session projects and end the interim committees by August 31 to provide staff the time to prepare for the upcoming session. Mr. Malkiewicz also noted that the Legislative Commission could have the ability to approve an exception.
- Senator Woodhouse concurred with Mr. Malkiewicz to follow the guidelines presently used for statutory committees
- The Committee **APPROVED THE FOLLOWING ACTION:**

SENATOR WOODHOUSE MOVED THAT ALL INTERIM COMMITTEES WOULD MEET FROM NOVEMBER 1 TO AUGUST 31, FURTHER ALLOWING THE LEGISLATIVE COMMISSION THE ABILITY TO APPROVE EXCEPTIONS. THE MOTION WAS SECONDED BY ASSEMBLYMAN SEGERBLOM AND PASSED UNANIMOUSLY.

- **Recommendation No. 10**—In response to Mr. Malkiewicz's question whether there were additional elements the Committee wanted to include in the BDR, the Committee had none.
- **Recommendation No. 11**—Mr. Malkiewicz explained that this issue did not require a vote and related to the rules adopted for session. (Please see Exhibit F)

## **REVIEW AND APPROVAL OF RECOMMENDATIONS TO THE 76TH SESSION OF THE NEVADA LEGISLATURE FOR CHANGES CONCERNING BILL DRAFT REQUESTS**

- Mr. Malkiewicz, previously identified, outlined the following issues concerning changes to BDRs ([Exhibit G](#)):
  1. Secondary deadlines; and
  2. The number of BDRs allowed by requestors.

Mr. Malkiewicz noted that to request a BDR providing for secondary deadlines in statute would make the procedure stronger, and if a BDR was not requested by the secondary deadline, it would not be worked on. He noted that the Committee would have to determine: (1) whether it wants to request the Legislative Commission to put in a BDR to establish secondary deadlines for those BDRs that are authorized by statute; (2) the schedule to be followed for secondary deadlines; and (3) the consequences for not meeting a deadline.

In response to Senator Raggio's query about whether the assigned bill drafter would notify the requestor that additional information was needed, Brenda Erdoes, Legislative Counsel, Legal Division, LCB, replied that the bill drafter would be in contact with the requestor on a regular basis, by phone or in writing, to ensure the proper wording is provided to complete a bill draft prior to the deadline.

- Assemblyman Goicoechea recommended having two secondary deadlines in place such as September 1 and December 1. He also mentioned that it is difficult to get all the information needed in a timely manner on requested bills.
- Chair Ocegüera said that although it is sometimes difficult to obtain all the information, if a deadline is not set, it is difficult for staff to know when the BDR must be completed. .
- Assemblywoman Smith further commented that deadlines are important. She mentioned that it was discussed in the past if a BDR was not submitted in time, it would be placed at the bottom of the drafting priority list for staff. Ms. Smith concurred that a secondary deadline was necessary.

In response to Chair Ocegüera's query regarding what would work best for the Legal Division, Ms. Erdoes, previously identified, noted that in order to serve the legislators better, it is helpful to have all the details ahead of time; however, the Legal Division will work with whatever is put in statute. She requested that whatever is decided upon by the Committee be absolute so that the Legal Division is clear of what rules to follow.



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

VICE CHAIR HORSFORD MOVED TO ADOPT: (1) SECONDARY DEADLINES FOR BDRS AUTHORIZED BY STATUTE THAT WOULD APPLY FOR 2013; AND (2) SECONDARY DEADLINES FOR BDRS AUTHORIZED DURING SESSION IN THE JOINT RULES FOR THE 2011 SESSION. THE MOTION WAS SECONDED BY ASSEMBLYMAN SEGERBLOM AND PASSED UNANIMOUSLY.

Responding to Assemblyman Goicoechea, Mr. Malkiewich clarified that the joint rules provide that legislators may request a certain number of bills during the first eight days of session.

Mr. Malkiewich discussed the number of bills allowed each legislator, the various deadlines, whether the bills are subject to joint rules, and explained that:

1. A BDR requested by a legislator during the first eight days of session would be subject to the joint rules.
2. Since the statute cannot be changed immediately, the December 15 deadline prior to session was adopted as a policy of leadership. It was approved at the last meeting of the Committee to Consult with the Director, for all measures requested by December 15, the secondary deadline will be January 15. As a practical matter, if January 15 is the secondary deadline for all December 15 measures, the Legal Division will work on all the bills that have priority from January 15 until February 15. Since the statute has not been formally changed yet, the bill would still get drafted later.
3. A proposal could be included in the *Standing Rules of the Senate and Assembly* changing the deadline for measures submitted prior to the start of session, making it earlier than the March 1 deadline.

The Committee **APPROVED THE FOLLOWING ACTION:**

SENATOR HORSFORD MOVED TO FURTHER INCLUDE A PROPOSAL IN THE *STANDING RULES OF THE SENATE AND ASSEMBLY* CHANGING THE DEADLINE FOR MEASURES SUBMITTED PRIOR TO THE START OF SESSION TO A DATE EARLIER THAN THE MARCH 1 DEADLINE. THE MOTION WAS SECONDED BY ASSEMBLYMAN SEGERBLOM AND PASSED UNANIMOUSLY.

- Mr. Malkiewich, previously identified, referred to a chart ([Exhibit H](#)) outlining the number of legislative measures that may be requested for drafting by entity. He noted that he did not recommend any changes; however, if the Committee could request a

BDR to adjust any of the totals for the number of BDRs that can be submitted by any of the requesting entities.

- Chair Ocegüera proposed that no action be taken on this agenda item.

Discussion ensued among Committee members and Mr. Malkiewicz regarding the number of measures allowed for various entities and the distribution to the committees during session. During the interim, *Nevada Revised Statutes* 218D.150 provides that each committee is allowed one BDR for every 15 referred to a committee during the prior session.

- Ms. Erdoes, previously identified, added that in the past because of the requirement that the number of BDRs allowed per committee be based on the 15 measures heard by the committee during session to one BDR allowed in the interim. The 15 to 1 ratio was split equally when a committee was split such as Health and Education. Ms. Erdoes added that under this formula the number of BDRs allocated to a new committee would still have to be determined by leadership.

Responding to Chair Ocegüera's query about what happens to BDRs requested by a nonreturning member, Mr. Malkiewicz said that the Legal Division will not draft a request of a nonreturning member unless another member has agreed to assume the BDR. He noted that the request does not count against the legislator's quota of requests, but would be charged to the original requestor.

- Chair Ocegüera noted that in his opinion those requests should be counted against the allocation of the member taking on the BDR.

Discussion ensued between Vice Chair Horsford and Mr. Malkiewicz regarding changing the allocation of measures to legislators. Mr. Malkiewicz suggested language stating that if an active legislator picks up a BDR of a nonreturning member, the request would count against the active legislator's allocation of measures.

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

VICE CHAIR HORSFORD MOVED TO REQUEST A BDR USING THE LANGUAGE PROPOSED BY MR. MALKIEWICH, PROVIDING THAT MEASURES PICKED UP FROM NONRETURNING LEGISLATORS ARE ALLOCATED TO THE MEMBERS OF THE LEGISLATURE WHO PICK THEM UP. THE MOTION WAS SECONDED BY ASSEMBLYMAN SEGERBLOM.

Responding to Assemblyman Goicoechea's request whether the motion would change the rules for the 2011 Session, Mr. Malkiewicz said the rules would not change until the 2013 Session.

THE MOTION PASSED UNANIMOUSLY.

In reply to Vice Chair Horsford whether there was a way that legislation requested by one legislator that is not confidential could be opened up to other members in order to minimize the duplication of bills, Mr. Malkiewich said there are already statutes in place for Legislative Counsel to discuss duplicated issues. He further noted that in some cases the legislator may want to proceed with the duplication because it may be related to a campaign promise or it may be slightly different than the other request. Continuing, Mr. Malkiewich noted that Legislative Counsel will let it be known that similar legislation has already been requested and the member can decide whether to move forward with his or her request. He also said that it would provide more direction to the Legislative Counsel if at the time of the request the member makes Counsel aware that he or she would be willing to work with other legislators on the same issue and share information.

- Assemblyman Segerblom asked if it could be noted by a member when requesting a bill draft that the member is open to co-sponsors.
- Ms Erdoes, previously identified, pointed out that because the issue of confidentiality and duplication is already in statute, the idea of a member stating that they are open to co-sponsors when requesting a bill draft would be beneficial to the Legal Division. She explained that duplication issues are difficult for the Legal Division because usually there are not enough details to know if a BDR is clearly a duplicate.
- Chair Ocegüera noted that this is an issue that could be considered during the 2011 Session.

## **PUBLIC COMMENT**

- No one came forward under this agenda item.

## **ADJOURNMENT**

There being no further business to come before the Committee, the meeting was adjourned at 11:37 a.m.

Respectfully submitted,

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Jeanne Peyton  
Senior Research Secretary

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Lorne J. Malkiewich  
Director

APPROVED BY:

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Assemblyman John Ocegüera, Chair

Date: \_\_\_\_\_

## LIST OF EXHIBITS

The following is a list of exhibits provided by Lorne J. Malkiewich, Director, Legislative Counsel Bureau:

[Exhibit A](#) is the “Meeting Notice and Agenda,” provided by Lorne J. Malkiewich, Director.

[Exhibit B](#) is an outline titled “Report on Preparations for the 2011 Legislative Session.”

[Exhibit C](#) is an outline titled “Presession Orientation Program for New Legislators 2011, Briefings on Selected Policy Issues, November 30 and December 7, 2010, Revised: November 29, 2010.”

[Exhibit D](#) is a document titled “Membership and Voting Options—Joint Interim Committees.”

[Exhibit E](#) is a chart titled “Possible Committee Scenarios and Estimated Costs 2011-2012 Interim,” dated December 2, 2010.

[Exhibit F](#) is an outline titled “Review and Approval of Recommendations to the 76th Session of the Nevada Legislature for Changes to the Interim Committee Process.”

[Exhibit G](#) is an outline titled “Review and Approval of Recommendations to the 76th Session of the Nevada Legislature for Changes Concerning Bill Draft Requests.”

[Exhibit H](#) is a chart titled “Number of Legislative Measures that May be Requested for Drafting by Entity, Nevada Legislature—2011 Regular Legislative Session,” dated April 2010.

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