



**NEVADA LEGISLATURE
LEGISLATIVE COMMISSION'S COMMITTEE TO
STUDY THE STRUCTURE AND OPERATIONS
OF THE NEVADA LEGISLATURE
(Assembly Concurrent Resolution No. 12, File No. 45, *Statutes of Nevada 2011*)**

SUMMARY MINUTES AND ACTION REPORT

The first meeting of the Legislative Commission's Committee to Study the Structure and Operations of the Nevada Legislature was held on Wednesday, January 25, 2012, at 1 p.m. in Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. The meeting was videoconferenced to Room 3137 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. A copy of this set of "Summary Minutes and Action Report," including the "Meeting Notice and Agenda" ([Exhibit A](#)) and other substantive exhibits, is available on the Nevada Legislature's website at <http://www.leg.state.nv.us/interim/76th2011/committee/>. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's (LCB's) Publications Office (e-mail: publications@lcb.state.nv.us; telephone: 775/684-6835).

COMMITTEE MEMBERS PRESENT IN LAS VEGAS:

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

OTHER LEGISLATORS PRESENT:

Senator David R. Parks
Assemblyman Paul Aizley

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Lorne J. Malkiewich, Director, Administrative Division
Donald O. Williams, Research Director, Research Division
Carol M. Stonefield, Supervising Principal Research Analyst, Research Division
Tracey L. Wineglass, Senior Research Secretary, Research Division

OPENING REMARKS

- Chair Segerblom called the meeting to order. He welcomed testifiers, presenters, and members of the public to the first meeting of the Legislative Commission's Committee to Study the Structure and Operations of the Nevada Legislature.

PUBLIC COMMENT

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

PRESENTATION ON THE STRUCTURE AND OPERATIONS OF THE LEGISLATIVE BRANCH OF GOVERNMENT IN OTHER STATES

- Karl Kurtz, Director, Trust for Representative Democracy, National Conference of State Legislatures (NCSL), Denver, Colorado, testified regarding the diversity of American legislatures. He outlined six common features of American legislatures: (1) separation of powers; (2) bicameralism; (3) periodic elections; (4) leadership roles; (5) committee system; and (6) two-party system. Mr. Kurtz discussed common aspects of legislatures including: time on the job; compensation; and staffing. He reported the findings and compared those criteria to Congress, other state legislatures, and Nevada.

Mr. Kurtz noted forces occurring to professionalize state legislatures: greater capacity; the ability to make decisions independent of the executive branch; lobbyists; stable membership; decentralization and fragmentation; and policy gridlock. Most recently opposing forces have exerted to deprofessionalize state legislatures. These include: term limits; limits on taxing and spending authority; staff reductions; ethics/campaign finance laws; anti-government attitudes; and decline in trust. He provided a brief summary of findings and outlined observations regarding the effects of term limits. Mr. Kurtz stated that the biggest impact of term limits is the loss of experienced legislators. (Please see [Exhibit B](#).)

Discussion ensued among the members and Mr. Kurtz regarding the effectiveness of a biennial legislature versus an annual legislature and a comparison of the four states with biennial legislatures. He explained that most states have moved to annual legislative sessions, and of those states, eight limit the scope of the second session. Mr. Kurtz opined that effectiveness is based on the ability of the state legislature to balance the powers and authority of the executive branch. He shared that Nevada is one of four states with a biennial Legislature and reported on the attempts of the remaining biennial states to convert to annual sessions.

PRESENTATION ON CONSTITUTIONAL PROVISIONS GOVERNING THE STRUCTURE AND OPERATIONS OF THE NEVADA LEGISLATURE

- Lorne J. Malkiewich, Director, LCB, presented historical data regarding the approval of the current 120 calendar-day regular session, and discussed the provisions

in the *Constitution of the State of Nevada* that govern the structure and operations of the Nevada Legislature. (Please see [Exhibit C.](#))

Mr. Malkiewich updated the Committee on Assembly Joint Resolution No. 5 of the 75th Session (2009), relating to the governing, convening, and conducting of special sessions, which is currently pending voter approval.

Responding to Senator Brower's query regarding the voter-approved 1960 Regular Session, Mr. Malkiewich provided a brief history of the Legislature's attempts to implement an annual session. He clarified that, at the 1960 General Election, voters immediately repealed the constitutional amendment that created annual sessions and stated that sessions have remained biennial since that time.

Discussion ensued among Committee members regarding the 60-day limit for compensation during the regular session. Mr. Malkiewich pointed out Article 4, Section 33 of the Constitution concerning compensation of members of the Legislature. He stated that the Legislature could not increase compensation during the terms to which members have been elected, and could only increase the daily salary for the first 60 days of a regular session.

REVIEW OF PREVIOUS STUDIES OF THE NEVADA LEGISLATURE

- Carol M. Stonefield, Supervising Principal Research Analyst, Research Division, LCB, mentioned the resources available through the Research Library and discussed previous studies and recommendations, including:
 1. *Prospect for Greatness: Recommendations for the Organization and Operation of the Nevada Legislature and the Nevada Legislative Counsel Bureau*, Citizens Conference on State Legislatures (January 1974);
 2. "Blue Ribbon Commission on Legislative Process (1988)," Bulletin No. 89-7;
 3. "Structure and Functioning of the Legislative Counsel Bureau (1994)," Bulletin No. 95-15; and
 4. "Implementing a Limited Legislative Session: Methods to Speed Up the Process (1997)," Background Paper 97-9. (Please see [Exhibit D.](#))
- Mr. Kurtz presented an article from *State Legislatures* titled "What Legislatures Need Now" that details current challenges facing legislatures across the country. He discussed the possibility of a national study to be conducted by the NCSL. (Please see [Exhibit E.](#))
- Brian L. Davie, Legislative Services Officer, Las Vegas Office, Administrative Division, LCB, shared information pertaining to the Blue Ribbon Commission including its membership and recommendations. He highlighted a recommendation of the Commission to establish a Compensation Commission to recommend salaries and expense allowances for elected State and local government officers whose salaries are determined by the Legislature. (Please see [Exhibit F.](#))

IDENTIFICATION OF OTHER STATE LEGISLATURES FOR COMPARATIVE STUDY OF STRUCTURE AND OPERATIONS

- Donald O. Williams, Research Director, Research Division, LCB, provided a table titled “Selected Part-Time or Hybrid Legislatures With Annual Sessions,” which highlighted six states that have legislative characteristics common to Nevada. Mr. Williams reviewed the: (1) 2010 Census State Rank; (2) number of Senate/House members; (3) year of the first annual session; (4) length of session; (5) legislator annual salary; (6) number of session standing committees; (7) total staff during the 2009 Session; and (8) primary permanent staffing structure. He explained the definitions of part-time and hybrid legislatures, and noted the states in each category. (Please see [Exhibit G](#) and [Exhibit G-1](#).)

There was discussion among the Committee members regarding partisan and non-partisan staff. Mr. Williams explained that partisan staff persons in Nevada are mostly hired by the individual caucus and not paid from taxpayer dollars. He noted that in other states the individual legislators are able to hire personal or partisan staff by using budgets funded by their taxpayers.

Responding to Senator Denis regarding the process for determining the legislative calendar, Mr. Williams stated that the 120-day calendar became effective in the 1999 Legislative Session. He explained that many elements were mirrored after Colorado’s legislative calendar.

Discussion ensued among members and Chair Segerblom regarding the opportunity to visit the Oregon State Legislature and speak with legislators concerning the impact of the recent change to their constitution to allow for annual sessions.

APPROVAL OF THE COMMITTEE WORK PLAN AND MEETING SCHEDULE AND POSSIBLE REQUEST FOR EXTENSION OF DEADLINE, PURSUANT TO NEVADA REVISED STATUTES 218E.205

- Carol M. Stonefield, previously identified, provided an overview of the Committee’s proposed work plan, suggested topics for the Committee to consider ([Exhibit H](#)), and offered a tentative meeting schedule ([Exhibit I](#)). She shared that the Legislative Commission must approve the request to convene the final meeting of the Committee after June 30, 2012.

In response to Ms. Stonefield’s overview of Committee scheduling, Chair Segerblom commented that the proposed Oregon tour would be paid through personal campaign funds, not out of the Committee’s budget. Committee members agreed to move forward with the Oregon tour. Senator Leslie commented she agreed with the prepared work plan.

- Lorne J. Malkiewich, previously identified, recommended he present the request for the Committee to convene its last meeting after the June 30th deadline to the Legislative Commission at their meeting on February 15, 2012.

PUBLIC COMMENT

- Sam King, President, League of Women Voters of Nevada, shared her support of the legislative process and the Committee's proposed work plan.

ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 4:15 p.m.

Respectfully submitted,

Tracey L. Wineglass
Senior Research Secretary

Carol M. Stonefield
Supervising Principal Research Analyst

APPROVED BY:

Assemblyman Tick Segerblom, Chair

Date: _____

LIST OF EXHIBITS

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

Exhibit B is a Microsoft PowerPoint presentation dated January 25, 2012, titled “The Diversity of American Legislatures, The Nevada Legislature in Comparative Perspective,” offered by Karl Kurtz, Director, Trust for Representative Democracy, National Conference of State Legislatures (NCSL), Denver, Colorado.

Exhibit C is a document titled “Constitutional Provisions Governing the Structure and Operations of the Nevada Legislature,” submitted by Lorne J. Malkiewich, Director, LCB.

Exhibit D is a document titled “Review of Previous Studies of the Nevada Legislature,” prepared by Carol M. Stonefield, Supervising Principal Research Analyst, Research Division, LCB.

Exhibit E is a copy of an article from *State Legislatures, July/August 2010*, titled “What Legislatures Need Now,” offered by Karl Kurtz, Director, Trust for Representative Democracy, NCSL.

Exhibit F is a memorandum dated January 31, 2012, to the Chairman and Members, Legislative Commission’s Committee to Study the Structure and Operations of the Nevada Legislature, from Brian L. Davie, Legislative Services Officer, Las Vegas Office, Administrative Division, LCB, regarding “Summary Materials From the Blue Ribbon Commission on the Legislative Process” with enclosures:

- Cover page of Bulletin No. 89-7, Blue Ribbon Commission on Legislative Process, September 1988;
- Summary Report from Bulletin No. 89-7, Blue Ribbon Commission on Legislative Process, September 1988;
- List of Recommendations from Bulletin No. 89-7, Blue Ribbon Commission on Legislative Process, September 1988; and
- A list of members of the Blue Ribbon Commission on Legislative Process.

Exhibit G is a table titled “Selected Part-Time or Hybrid Legislatures With Annual Sessions,” submitted by Donald O. Williams, Research Director, Research Division, LCB.

Exhibit G-1 is a document from *The Council of State Governments, March 2011*, titled “The Book of States 2011” presented by Donald O. Williams, Research Director, Research Division, LCB.

[Exhibit H](#) is a document titled “Proposed Work Plan” prepared by Carol M. Stonefield, Supervising Principal Research Analyst, Research Division, LCB.

[Exhibit I](#) is a table titled “Tentative Meeting Schedule Interim 2011-2012,” provided by Carol M. Stonefield, Supervising Principal Research Analyst, Research Division, LCB.

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