



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 second meeting of the Legislative Commission's Committee to Study the Structure and Operations of the Nevada Legislature was held on Wednesday, March 21, 2012, at 1 p.m. in Room 4412 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 Moises (Mo) Denis
Assemblyman Jason M. Frierson
Assemblyman Lynn D. Stewart

COMMITTEE MEMBER ABSENT:

Senator Greg Brower

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Donald O. Williams, Research Director, Research Division
Carol M. Stonefield, Supervising Principal Research Analyst, Research Division
Patrick Guinan, Senior Research Analyst, Research Division
Brenda J. Erdoes, Legislative Counsel, Legal Division
Matt Mundy, Deputy Legislative Counsel, Legal Division
Tammy Koon, Principal Account Clerk, Administrative Division
Natalie Pieretti, Senior Research Secretary, Research Division

OPENING REMARKS

- Chair Segerblom called the second meeting of the Legislative Commission's Committee to Study the Structure and Operations of the Nevada Legislature to order. He stated that with the resignation of Senator Sheila Leslie from the Nevada Legislature, a proposal to appoint Senator Mark A. Manendo will be presented at the Legislative Commission meeting on March 29, 2012.

Chair Segerblom noted the purpose of the Committee regarding compensation and legislative procedures. He stated he supports the elimination of biennial sessions. Chair Segerblom voiced his concerns regarding term limits.

PUBLIC COMMENT

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

APPROVAL OF MINUTES OF THE JANUARY 25, 2012, MEETING

The Committee **APPROVED THE FOLLOWING ACTION:**

ASSEMBLYMAN STEWART MOVED TO APPROVE THE MINUTES OF THE JANUARY 25, 2012, MEETING HELD IN LAS VEGAS, NEVADA. THE MOTION WAS SECONDED BY SENATOR DENIS AND PASSED.

DISCUSSION OF OPTIONS FOR LEGISLATIVE SESSIONS

- Patrick Guinan, Senior Research Analyst, Research Division, LCB, provided a table that listed all states' regular legislative sessions and pointed out the difference between annual and biennial sessions. He remarked that Nevada is one of four states that hold biennial sessions. Mr. Guinan recapped Nevada's Constitutional provisions relating to regular legislative sessions. He noted the following states implemented provisions regarding regular annual sessions that may be of interest to the Committee: Alabama, Hawaii, Kentucky, Minnesota, and North Dakota. Mr. Guinan discussed the options for legislative sessions and noted the distinctive differences between states' definition of a "calendar day" and "legislative day" to allow flexibility in the legislative process and meeting requirements. (Please see [Exhibit B-1](#) and [Exhibit B-2](#).)

Discussion ensued among Chair Segerblom, Mr. Guinan, and Angela Andrews, Policy Analyst, National Conference of State Legislators (NCSL), who joined the conversation via teleconference from Denver, Colorado, regarding clarification of the North Dakota legislative sessions. Mr. Guinan responded that the North Dakota legislature must start by January 11th but can designate their session of 80 natural days to be held anytime within the biennium. Ms. Andrews explained that North Dakota has the flexibility to meet two separate years in a biennium, but noted that the occurrence has never taken place.

There was discussion between Chair Segerblom and Mr. Guinan regarding the limitation of the length of session and how the days could be designated. Mr. Guinan shared an example utilizing the state of Alabama and explained that the legislature must meet for 30 legislative days within 105 calendar days annually. He commented that, if the terms “legislative day” and “calendar day” were compared, then Nevada’s 120-day calendar would be equal to many of the states’ 90 legislative days.

Discussion ensued among David A. Byerman, Secretary of the Senate, Nevada State Legislature, Mr. Guinan, and Ms. Andrews, regarding flexible biennial staffing whether those states that have flexible legislative days have a different profile of staff members to cater to the flexibility. Ms. Andrews explained that, if there is a flexible legislative session, days are designated in advance in order to maintain deadlines. She stated that, utilizing North Dakota as an example, staffing is based on a part-time basis if the legislature meets only in the first year. Mr. Guinan commented that in a flexible environment organizational sessions are held to deadlines created in advance of the legislative session. He commented that he would research this topic and provide specific information to the Committee.

- Carol M. Stonefield, Supervising Principal Research Analyst, Research Division, LCB, commented on the previous discussion regarding North Dakota’s flexible schedule. She stated that if all of the 80 legislative days are not used during a session they are placed in reserve because they are not required to meet consecutively. Ms. Stonefield shared that Minnesota does not adjourn during the first session “sine die,” the adjournment is to a date specified in the following year. She added that leadership establishes the calendar for the next session.
- Ms. Stonefield presented issues related to four types of limited sessions: (1) special sessions; (2) formal organizational sessions; (3) veto sessions; and (4) legislative sessions with limited scope. She referred to a document from NCSL that lists the states that can be called into special session in two ways: 16 states allow only the Governor to call a special session and 34 states permit a special session to be called by either the Governor or the legislature ([Exhibit C-1](#)). Ms. Stonefield noted that in 10 states only a majority is necessary to call the members into special session, in 15 states two-thirds of the members would need to indicate that they want to be called into a special session, five states require three-fifths of the membership, one state requires three-fourths, and in Connecticut and Florida there are two means to call a special session: (1) leadership; and (2) the Governor. She noted that some states require a proclamation to be presented to the secretary of state, others require a proclamation be presented to the Governor who must issue the call, and some states make a public proclamation that they are calling themselves into special session.

Ms. Stonefield referred to Assembly Joint Resolution No. 5 (File No. 46, *Statutes of Nevada 2009*) and explained that it will appear on the ballot this fall at the general election ([Exhibit C-2](#)). Assembly Joint Resolution No. 5 would empower the Legislature to convene on extraordinary occasions with a petition signed by two-thirds of the members of both houses, and then transmitted to the secretary of state. The secretary of state would notify all members of the Legislature and the Governor that there would be a

special session limited only to the issues specified in the petition. The special session takes precedence over any special session called by the Governor.

In response to Chair Segerblom's query if Oregon's law requires a reason to call for a special session, Ms. Stonefield responded she would research the topic and provide the information to the Committee.

Ms. Stonefield continued testimony regarding formal organizational sessions and stated that there are 17 states with specific provisions relating to organizational sessions: three meet in November, six meet in December, and eight meet in January ([Exhibit C-3](#)). She listed the activities that are permitted or required during the formal organization session that include:

- Administering the oath of office to members;
- Electing officers of each chamber;
- Appointing standing committees;
- Certifying the election results;
- Meeting in caucus;
- Adopting rules;
- Introducing legislation;
- Appointing certain employees;
- Presenting reports from interim committees;
- Receiving the budget and revenue forecast; and
- Conducting orientation of new members.

Ms. Stonefield testified about several states' requirements for formal organizational sessions, and stated that most states are restricted by the number of days to perform activities. She remarked these days do not count toward the regular session because they are not permitted to act on any legislation.

Ms. Stonefield stated that a veto session is established as an opportunity to override an executive veto. She reviewed a document from NCSL that highlights the veto session process in several states ([Exhibit C-4](#)). She provided examples of veto powers in several states and the measures in place to facilitate a veto session.

Discussion ensued between Chair Segerblom and Ms. Stonefield regarding the adoption of A.J.R. 5 and if it included a veto override. Ms. Stonefield explained that the proposed amendment to the *Nevada Constitution* does not specifically provide for veto sessions. She said that the language of the Legislative Counsel's digest mentions reconsideration of bills vetoed by the Governor after adjournment of a regular session, as an example of an extraordinary occasion when the Legislature might call itself into a special session.

Ms. Stonefield addressed legislative sessions with limited scope and referred to a NCSL document that describes the difference ([Exhibit C-5](#)). She reviewed those seven states that meet annually with a defined limited scope in the second session. Ms. Stonefield elaborated on the Oregon legislature which limits the number of bills in the short session to two for each legislator, five for each committee, five for the Governor, and five for the

court, totaling 300 bills. She explained that some members were of the opinion that it may be more than they could manage in the amount of time given. She shared that the NCSL document mentioned that the effectiveness of limited scope sessions have mixed reviews.

- Chair Segerblom commented that a limited scope session in Nevada for oversight of existing laws and hearings and to evaluate programs would be effective in an annual session environment.

There was discussion among Committee members and staff regarding a survey to measure the effects of an annual session on permanent and temporary staff availability. Mr. Byerman, previously mentioned, shared some of the limitations to hiring staff from southern Nevada for an annual session as opposed to the biennium. He noted an interest in marketing to the southern Nevada area for legislative staff during session. Chair Segerblom mentioned how Oregon has implemented a stipend program to assist legislators in the cost of managing staff within Oregon. Ms. Stonefield offered to work with the Secretary of Senate and the Chief Clerk of the Assembly to conduct a survey of the support staff addressing annual session availability.

Discussion ensued among Chair Segerblom, Senator Denis, Brenda Erdoes, Legislative Counsel, Legal Division, LCB, and Ms. Stonefield, regarding a shorter second session being held in Las Vegas, and the availability of voting over the Internet. Ms. Stonefield stated that per the *Nevada Constitution* official acts can only take place in the State capitol. She added that in 1991 and 1993 the Legislature convened committees in Las Vegas for several weeks and explained that this will be addressed in more detail at the next Committee meeting. Ms. Erdoes explained committees can meet in Las Vegas, but would need to hold floor sessions in Carson City. She acknowledged that voting could take place over the Internet.

DISCUSSION OF LEGISLATIVE COMPENSATION

- Donald O. Williams, Research Director, LCB, offered information regarding legislative compensation and reviewed the historical provisions regarding the structure and operations of the Legislature. He noted Article 4, Section 33, of the *Nevada Constitution* governing compensation, and the provision that compensation is fixed by law not to exceed 60 days during any regular session or 20 days during any special session. He pointed out S.J.R. 11 (File No. 87, *Statutes of Nevada 2003*) that was not approved by the voters in 2006, which would have removed the 60 day and 20 day provisions, and \$60 limit on postage and other items, and allowed the Legislature to have flexibility in the law to adopt a salary in the statute. Mr. Williams addressed the historical issues of compensation over the years and provided examples of those amounts. He shared 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 60 days of the 120-day calendar. Mr. Williams referenced a packet of information titled “2011-2012 Legislative Compensation in Nevada” that lists a summary of compensation for the average legislator ([Exhibit D-1](#)).

There was discussion between Chair Segerblom and Mr. Williams regarding if there was a possible oversight to allow for only 60 days of compensation when the 120-day session was implemented. Mr. Williams remarked there was discussion of changing the 60 days of compensation to 120 days but the request was not adopted in the proposal.

Discussion ensued between David Byerman, previously identified, and Tammy Koon, Principal Account Clerk, LCB, regarding if the amounts noted in [Exhibit D-1](#) are reflective of the pay cuts placed in A.C.R. 2 (File No. 5, *Statutes of Nevada 2011*). Ms. Koon stated that the \$146.29 is the full daily amount and explained the reduction was only for session salary. She commented that there was a 4.6 percent reduction in salaries to match the requirements by state employees.

Mr. Williams reviewed background information on the Commission to Review Compensation which was created by S.B. 221 (Chapter 628, *Statutes of Nevada 1993*). He shared that in 1993 the Commission voted to: (1) increase legislators' salaries during legislative session from \$7,800 to \$11,000; (2) repeal the daily salary provided to legislators during special sessions; and (3) provide an allowance to each legislator of \$350 per month when the Legislature is not in session, to reimburse for miscellaneous expenses related to representational duties ([Exhibit D-2](#)). Mr. Williams presented information regarding additional studies on legislator compensation and salaries from 1987 to 2001. He stated that the studies representing recommendations of salaries of legislators included: (1) A.B. 678 of the 64th Session (1987); (2) S.B. 154 and A.B. 332, of the 65th Session (1989); and (3) the Governor's Task Force (2000). (Please see [Exhibit D-3](#).)

There was discussion between Chair Segerblom and Brenda Erdoes, previously identified, regarding whether a combined action to propose a constitutional amendment on annual sessions could be included in a request to change legislative compensation. Ms. Erdoes explained these two items would be considered as one topic. She shared the concern that the Supreme Court has narrowed the single subject rule.

Mr. Williams provided a table that listed the legislative compensation in selected part-time or hybrid legislatures. The table provides information in seven states, including Nevada regarding: (1) 2010 Census State Rank; (2) Senate/House Members; (3) Length of Session; (4) Average Total Compensation; (5) Legislator Annual Salaries; (6) Per Diem; (7) Travel; and (8) Other. (Please see [Exhibit D-4](#).)

Responding to Assemblyman Stewart's inquiry regarding flexible salaries that can be altered without Constitutional changes in other states, Morgan Cullen, Policy Analyst, NCSL, who joined the conversation via teleconference in Denver, Colorado, stated that there is normally a provision in state constitutions regarding salaries. He remarked it does not mandate a specific amount. Mr. Cullen stated that sometimes states provide a compensation commission that makes recommendations that the Legislature would approve, or an independent commission that sets salaries for the Legislature. Mr. Cullen shared that some states tie salaries to an index so that salaries are comparable to state employees, and provided examples of other states whose legislative salaries are tied to an index, such as a cost of living increase, which allows the compensation to adjust automatically. He offered examples

of states with stringent constitutional provisions like New Hampshire that pays its legislators \$100 per session.

- Chair Segerblom requested that Mr. Cullen provide examples of language that has been considered for a commission that makes legislative recommendations regarding compensation and language that is binding from an independent commission. Mr. Cullen referred to an article that gives an overall perspective on legislator compensation and implications involved in raising salaries ([Exhibit D-5](#)). He shared examples of many commissions and their authority to recommend compensation changes and stated he will provide additional information regarding sample language to the Committee.

Responding to Chair Segerblom's inquiry regarding issues with legislators receiving a full-time legislative salary in addition to a full-time career outside the Legislature, Mr. Cullen replied that he is not aware of any state that precludes a full-time legislator from receiving a salary from a career outside the Legislature.

Mr. Williams addressed the survey of Nevada Legislators Percentage of a Full-Time Job which asked each legislator "Averaged over an entire year and taking into account session time, interim work, and constituent service, what proportion of a full-time job is your legislative work?" Mr. Williams shared that: (1) three estimated 90 percent or more; (2) eight estimated 70-90 percent; (3) nine estimated 50-70 percent; (4) four estimated 30-50 percent; and (5) one estimated less than 30 percent. (Please see [Exhibit D-6](#).)

- Assemblyman Stewart commented that it is difficult to separate political activities from legislative activities because they intertwine.

In response to Assemblyman Stewart, Mr. Williams shared that the NCSL conducted a similar survey of legislators in all states several years ago and asked legislators to include both political activities and legislative activities when they estimated the amount of time they spent on legislative work. He commented that the results of the Nevada survey could be considered as underreporting actual time spent on legislative business.

- Chair Segerblom asked for public comment on this agenda item.
- Knight Allen, private citizen, Las Vegas, Nevada, presented an update to a proposal he offered to Governor Guinn's Compensation Task Force on December 5, 2000. He is of the opinion that legislative compensation should be tied to the average private sector wage. (Please see [Exhibit E](#).)

REVIEW AND DISCUSSION OF THE STRUCTURE AND OPERATIONS OF THE OREGON STATE LEGISLATURE

- Carol M. Stonefield, previously identified, addressed Ballot Measure 71 from Oregon which requires legislative sessions to be held annually for 160 days in odd-numbered years and 35 days in even-numbered years, and allows five-day extensions by two-thirds vote of the members of each house that includes different organizations' arguments in

support of the ballot measure ([Exhibit F-1](#)). She provided a copy of Section 10 and 10a from the *Constitution of Oregon*-2011 Edition regarding regular annual sessions and emergency sessions ([Exhibit F-2](#)) and a copy of the report from the Public Commission on the Oregon Legislature titled A Blueprint for the 21st Century Legislature, which includes details of the background, executive summary, and conclusion ([Exhibit F-3](#)). Ms. Stonefield outlined the structure of the commission and listed seven problems facing the Oregon legislature identified by the commission members, and the recommendations proposed by the commission. She provided the 2011, 2012, and 2013 Oregon Legislative Calendars which identified: interim committee days and key session dates ([Exhibit F-4](#)). Ms. Stonefield reviewed background information about the Oregon State Legislature focusing on sessions, committees, and staffing ([Exhibit F-5](#)).

There were comments from Committee members regarding their experiences on the Oregon tour.

Committee members congratulated Lorne J. Malkiewich, Director, LCB, on his retirement and expressed appreciation for his years of service to the Legislature and his leadership of the LCB.

Discussion ensued among the Committee regarding recommendations to consider at future Committee meetings. Chair Segerblom commented that he is interested in reviewing A.B. 578 of the 76th Session (2011) that revises the interim committee structure. Senator Denis expressed an interest in defining committee days and the process for implementing them in Nevada. Mr. Byerman suggested the executive branch report to the Committee on the budget process. Assemblyman Frierson and Assemblyman Stewart requested additional information on the creation of an independent commission that would be appointed by the Governor to establish legislative salaries.

PUBLIC COMMENT

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

ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 3:13 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-1](#) is a table from *The Council of State Governments*, The Book of the States March 2011, titled “Legislative Sessions: Legal Provisions,” presented by Patrick Guinan, Senior Research Analyst, Research Division, LCB.

[Exhibit B-2](#) is a document from the National Conference of State Legislators (NCSL), titled “Provisions Relating To Regular Legislative Sessions updated December 21, 2010,” submitted by Patrick Guinan, Senior Research Analyst, Research Division, LCB.

[Exhibit C-1](#) is a document from NCSL, titled “Special Sessions,” presented by Carol M. Stonefield, Supervising Principal Research Analyst, Research Division, LCB.

[Exhibit C-2](#) is a copy of a floor statement from the 76th Regular Session of the Nevada State Legislature, titled Assembly Joint Resolution No. 5 (Enrolled) of the 75th Session,” submitted by Carol M. Stonefield, Supervising Principal Research Analyst, Research Division, LCB.

[Exhibit C-3](#) is a document from NCSL, titled “Formal Organizational Sessions,” presented by Carol M. Stonefield, Supervising Principal Research Analyst, Research Division, LCB.

[Exhibit C-4](#) is a document from NCSL, titled “Veto Sessions,” submitted by Carol M. Stonefield, Supervising Principal Research Analyst, Research Division, LCB.

[Exhibit C-5](#) is a document from NCSL, titled “Legislative Sessions with Limited Scope,” presented by Carol M. Stonefield, Supervising Principal Research Analyst, Research Division, LCB.

[Exhibit D-1](#) is a document prepared by the LCB, Administrative Division, titled “2011-2012 Legislative Compensation in Nevada,” offered by Donald O. Williams, Research Director, Research Division, LCB.

[Exhibit D-2](#) is a document titled “Commission to Review the Compensation of Constitutional Officers, Legislators, Supreme Court Justices, District Judges and Elected County Officers, NRS 281.157,” submitted by Donald O. Williams, Research Director, Research Division, LCB.

[Exhibit D-3](#) is a document titled “Additional Studies on Legislator Compensation and Salaries 1987-2001,” submitted by Donald O. Williams, Research Director, Research Division, LCB.

[Exhibit D-4](#) is a table titled “Legislative Compensation in Selected Part-Time or Hybrid Legislatures,” presented by Donald O. Williams, Research Director, Research Division, LCB.

[Exhibit D-5](#) is an article from *State Legislatures*, January 2011, titled “Pay Problem,” offered by Morgan Cullen, Policy Analyst, NCSL.

[Exhibit D-6](#) is a survey dated March 20, 2012, titled “Survey of Nevada Legislators Percentage of a Full-Time Job,” submitted by Donald O. Williams, Research Director, Research Division, LCB.

[Exhibit E](#) is the written testimony of Knight Allen, private citizen, Las Vegas, Nevada.

[Exhibit F-1](#) is a copy of the *Official 2010 General Election Voters’ Pamphlet*, titled “Ballot 71, Amends Constitution: Requires Legislature to meet annually; limits length of legislative sessions; provides exceptions,” presented by Carol M. Stonefield, Supervising Principal Research Analyst, Research Division, LCB.

[Exhibit F-2](#) is a copy of the *Constitution of Oregon-2011 Edition*, titled “Article IV Legislative Department,” submitted by Carol M. Stonefield, Supervising Principal Research Analyst, Research Division, LCB.

[Exhibit F-3](#) is a report titled “A Blueprint For a 21st Century Legislature, Report of the Public Commission on the Oregon Legislature to the Seventy-Fourth Legislative Assembly,” dated November 2006, presented by Carol M. Stonefield, Supervising Principal Research Analyst, Research Division, LCB.

[Exhibit F-4](#) is a calendar from the Oregon State Legislature that identifies the 2011, 2012, and 2013 holidays, interim committee days and furloughs, key election dates, and key session dates, submitted by Carol M. Stonefield, Supervising Principal Research Analyst, Research Division, LCB.

[Exhibit F-5](#) is a document titled “Review and Discussion of the Structure and Operations of the Oregon State Legislature,” presented 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.