



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 fifth meeting and work session of the Legislative Commission's Committee to Study the Structure and Operations of the Nevada Legislature was held on Monday, August 20, 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 3138 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
Senator Mark A. Manendo
Assemblyman Jason M. Frierson
Assemblyman Lynn D. Stewart

COMMITTEE MEMBER PRESENT IN CARSON CITY:

Senator Greg Brower

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Richard S. Combs, Director, Legislative Counsel Bureau
Donald O. Williams, Research Director, Research Division
Carol M. Stonefield, Managing Principal Policy Analyst, Research Division
Patrick Guinan, Principal Research Analyst, Research Division
Brenda J. Erdoes, Legislative Counsel, Legal Division
Matthew Mundy, Deputy Legislative Counsel, Legal Division
Tracey L. Wineglass, Senior Research Secretary, Research Division

OPENING REMARKS

- Chair Segerblom called the final meeting and work session of the Committee to Study the Structure and Operations of the Nevada Legislature to order. He welcomed members and the public and provided instruction on protocol for the work session.

PUBLIC COMMENT

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

APPROVAL OF MINUTES OF THE MEETING HELD ON JULY 26, 2012, IN LAS VEGAS, NEVADA

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

ASSEMBLYMAN STEWART MOVED TO APPROVE THE MINUTES OF THE JULY 20, 2012, MEETING HELD IN LAS VEGAS, NEVADA. THE MOTION WAS SECONDED BY SENATOR DENIS AND PASSED UNANIMOUSLY.

PRESENTATION ON THE PUBLIC COMMISSION ON THE OREGON LEGISLATURE

- Gary Wilhelms, Co-Chair, Public Commission on the Oregon Legislature (PCOL), shared historical information regarding the planning and origin of the PCOL and the legislative structure of the Oregon Legislature. He identified Senate Bill 1084 (Chapter 680, *Oregon Laws 2005*) that authorized the establishment of the PCOL, its membership, reporting deadlines, budget, and staff. Mr. Wilhelms stated the operation of the Commission was efficient and dealt with anticipated suggestions; he noted that meetings were publicized and advertised via the legislative website. Mr. Wilhelms explained that the final report to the Legislature included several proposals, and suggested that written recommendations be prepared by Legislative Counsel to limit the number of recommendations that would not be accepted by the Legislature. He offered suggestions regarding different subject matters that could be addressed by a commission if one is created in Nevada, such as: compensation, membership, and public opinion polls. Mr. Wilhelms addressed the topic of legislators participating in the organization of a public commission and explained that the presentation to the public would require advance planning.

There was discussion between Chair Segerblom and Mr. Wilhelms regarding the length of session. Mr. Wilhelm stated there were concerns from lobbyists about the availability of time to present specific topics of concern. He explained that the purpose of the short Legislative Session was to address emergency issues and budget adjustments. The topic was reviewed and a solution to improve the management of the days of session was implemented.

- Assemblyman Stewart asked about forming the PCOL and the instructions that were devised by the Legislature for its implementation.

- Mr. Willhelms, responding to Assemblyman Stewart, shared that five committees within the Commission were developed. He said each suggestion made to the Commission was referred to one of the five committees. Mr. Willhelms explained that each of the Committees formed its own meetings to discuss the recommendations and present them to the full Commission. He noted that 140 recommendations were made to the Commission and that the PCOL could vote to accept or disregard the Committee's findings. If the Committee's recommendations were acceptable, they were submitted in the final report to the Legislature.

RECOMMENDATIONS ON THE STRUCTURE AND OPERATIONS OF THE NEVADA LEGISLATURE

- Randolph J. Townsend, former Nevada State Senator, introduced himself to the Committee and gave a brief history of his legislative career. He reviewed three components that the Committee was charged to complete regarding constitutional issues, statutes, and rules that govern the Senate and Assembly.

Senator Townsend shared his insight on:

1. annual sessions;
2. the authority of the Legislature to propose changes to the *Nevada Constitution*;
3. interpreting statutes and regulating legislative intent;
4. utilizing the LCB staff to monitor, review, and analyze legislation;
5. reestablishing and enhancing the travel budget to encourage legislators and staff to attend training in order to gain exposure to alternative legislative options;
6. granting authority to the Director of the LCB to approve specific changes to the building and its infrastructure, and staff resources;
7. enhancing the role of professional nonpartisan staff;
8. utilizing staff resources when developing public policy; and
9. using legislative staff on behalf of constituents to enhance the stature of the Legislature as the people's branch of government.

He discussed ideas to assist in better management of legislative days and staff time, which included clarification of bill draft request topics and intent for legislative staff, budget review issues, and streamlining floor sessions to address only legislative business. Senator Townsend suggested that compensation should be reviewed to include pay for each day of service by each legislator. He proposed that during every quarter of the interim, each committee meets for three days similar to the structure during session, and 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 opined that term limits are not helpful to the institution. He proposed that legislative sessions begin in even-numbered years rather than in odd-numbered years. This would enable legislators to become more knowledgeable about the topics they would be required to legislate, and to create an effective and efficient process for the public.

There was discussion between Chair Segerblom and Senator Townsend regarding the public's perception of the Legislature and its significance to the leadership of the State compared to the executive and judicial branches. Senator Townsend commented that it is

important for legislators to reach out to the executive agencies and constituents during the interim to ensure that new laws and regulations are being administered in the proper manner.

- Senator Brower opined that part-time Legislature does not allow time to oversee the executive branch.
- Assemblyman Frierson expressed his appreciation to Senator Townsend for his passion for the Legislative institution. He asked him to elaborate on the idea of even-year sessions.

Responding to Assemblyman Frierson, Senator Townsend suggested that the session start date be moved one year later in order to provide the newly elected legislators adequate time to become familiar with the legislative process, gain knowledge of the issues affecting their constituents, and to improve upon the formation of laws.

WORK SESSION—DISCUSSION AND POSSIBLE ACTION RELATING TO:

- A. Public Commission to Study the Nevada Legislature
 - B. Compensation Provided to Nevada Legislators
 - C. Interim Committees of the Nevada Legislature
 - D. Other Issues Relating to the Structure and Operations of the Nevada Legislature
- (Please see [Exhibit B](#).)

RECOMMENDATIONS RELATING TO A PUBLIC COMMISSION TO STUDY THE NEVADA LEGISLATURE

1. **Request the drafting of a concurrent resolution** to provide for the establishment of a public commission to study the Nevada Legislature. The Committee might consider the following provisions:
 - a) Membership of the public commission:
 - i) Number of members, including current and former legislators and representatives of the public;
 - ii) Qualifications or other selection criteria, including a knowledge of the legislative branch;
 - iii) Appointing authorities, including a process for selection of commission members; and
 - iv) Chair or co-chairs, including a process for appointment.
 - b) Charge to the commission:
 - i) Issues for review; and
 - ii) Report of findings and recommendations, including whether the commission would be allowed its own bill draft requests.
 - c) Organization of the commission:
 - i) Formation of subcommittees;
 - ii) Approval of acts and recommendations;

- iii) Time and location of meetings;
- iv) Staffing and budget;
- v) Adoption of rules; and
- vi) Filling of vacancies.

Source: Discussed at the March 21, 2012, and the July 26, 2012, meetings of the Committee.

- Chair Segerblom called for an explanation of Recommendation No. 1.
- Carol M. Stonefield, Managing Principal Policy Analyst, Research Division, LCB, explained recommendation No. 1 as it relates to the creation of a public commission to study the Nevada Legislature.

A discussion ensued between Chair Segerblom and Brenda J. Erdoes, Legislative Counsel, Legal Division, LCB, regarding the creation of a public commission with the passage of a concurrent resolution and options available for funding the study. Ms. Erdoes responded that a concurrent resolution would not require the signature of the Governor. She further explained that the study could be funded through the approval of the Legislative Commission's budget process.

There was a discussion among Committee members regarding the objectives of a public commission to study the Nevada Legislature. Chair Segerblom was designated to work with the bill drafter on provisions of the concurrent resolution. Committee members offered their suggestions of topics for the public commission to research.

- ASSEMBLYMAN FRIERSON MOVED TO REQUEST A DRAFTING OF A CONCURRENT RESOLUTION TO PROVIDE FOR THE ESTABLISHMENT OF A PUBLIC COMMISSION TO STUDY THE NEVADA LEGISLATURE. THE MOTION WAS SECONDED BY SENATOR DENIS.

There was discussion on the motion. Committee members delegated Assemblyman Stewart to represent the minority party in working with Chair Segerblom and the bill drafter on provisions of the concurrent resolution.

- Senator Brower mentioned he is not convinced that a public commission is necessary. He offered to study the resolution and make a decision.
- The Committee **APPROVED THE FOLLOWING ACTION:**
- THE MOTION AS STATED BY ASSEMBLYMAN FRIERSON AND SECONDED BY SENATOR DENIS PASSED UNANIMOUSLY.

RECOMMENDATIONS RELATING TO LEGISLATOR COMPENSATION

2. Level of Compensation

- A. **Request a bill draft** to amend the NRS (primarily at NRS 281.157 *et seq.*) to provide for a commission to review compensation of legislators, determine the level of compensation for legislators, and submit that determination to the Legislature for approval.

OR

- B. **Refer the review of legislator compensation** to the public commission to study the Nevada Legislature, if the Committee adopts the recommendation under Item 1.

Source: Discussed at the March 21, 2012, and the July 26, 2012, meetings of the Committee.

3. **Request the drafting of a joint resolution** to amend the *Nevada Constitution* to provide for the payment of compensation to the members of the Legislature

- A. To provide for the payment of compensation to the members of the Legislature for each day of service during the regular and special sessions.

OR

- B. To provide for the payment of compensation to the members of the Legislature on a monthly basis.

AND/OR

- C. To provide for the payment of reasonable allowances to such members for postage, express charges, newspapers, telecommunications and stationary.

Source: Discussed at the March 21, 2012, and the July 26, 2012, meetings of the Committee.

- Chair Segerblom called for an explanation of the recommendations.
- Carol Stonefield explained that Recommendation Nos. 2 and 3 both relate to legislator compensation.
- Chair Segerblom requested that Recommendation Nos. 2 and 3 regarding legislator compensation be included in Recommendation No. 1 for the public commission to review.

(As directed by Chair Segerblom, Recommendation Nos. 7 and 8 were taken out of order.)

RECOMMENDATIONS RELATING TO INTERIM COMMITTEES

7. **Request a bill draft** to provide for the establishment of a new interim committee structure for the Legislature.

Option 1

The enrolled version of Assembly Bill 578 of the 2011 Legislature could serve as a model for this recommendation. The following provisions are set forth in A.B. 578:

- a) Creates nine joint standing policy committees;
- b) Establishes membership on each committee at eight (five Assembly members and three Senate members) appointed by the Majority Leader of the Senate and the Speaker of the Assembly;
- c) Provides that the Legislative Commission shall designate the chair and vice chair, which shall alternate each biennium between the two houses;
- d) Sets the meeting schedules and requires a majority of members of each house to approve recommended legislation;
- e) Provides that the Legislative Commission may assign study issues;
- f) Determines the number of BDRs available to each committee by type of committee; and
- g) Transfers responsibilities of existing statutory interim committees to the standing policy committees created by the bill.

Option 2

The interim committee structure used by the Oregon State Legislature could serve as a model to provide that the full session committees of each house form the interim committees. The Oregon State Legislature adopted quarterly committee days following the 2009 Session. The meeting days are not provided by statute or rule. Instead, the presiding officers of the Senate and the House of Representatives agree upon the dates and coordinate the calendars so that all session standing committees in each house meet at the Oregon State Capitol in Salem during a three-day block each calendar quarter. At times, committees with parallel jurisdictions will meet jointly, but they are not established as joint interim committees.

NOTE for both Option 1 and Option 2: If the Committee chooses to request a bill draft, the legislation might take the form of either:

- A bill to amend the NRS, which could include a new structure and provisions to repeal existing statutes establishing certain interim committees.

OR

- A concurrent resolution, which would provide that the Legislative Commission establish the new interim committee structure.

Source: Discussed at the April 25, 2012, meeting of the Committee.

OR

8. **Recommend to the Legislative Commission** that it establish a new interim committee structure. Draft a letter to the Legislative Commission to recommend one of the following options:

Option 1

- Joint interim committees, based upon the model provided in A.B. 578 (eight member committees composed of members of the corresponding session policy committees).

Option 2

- House interim committees, based upon the Oregon model (full session policy committees).

Source: Discussed at the April 25, 2012, meeting of the Committee.

- Ms. Stonefield explained that Recommendation Nos. 7 and 8 relating to interim committee structure identified two models: (1) a bill draft request to establish a new committee structure, or (2) a recommendation to the Legislative Commission to establish a new committee structure.
- Brenda J. Erdoes, previously identified, testified regarding whether a bill to enact a new interim committee structure was necessary. She noted that Section 6, Article 4 of the *Constitution* allows for the application of discretionary language which states that the Legislative Commission has authority to determine the structure of the interim committees.

Discussion ensued among members regarding whether a separate bill draft request should be drafted that would allow for committees to meet as appointed by the Legislative Commission. Committee members agreed that Recommendation Nos. 2 through 9 listed in the “Work Session Document” should be included in the study by the public commission under Recommendation No. 1.

4. **Request a bill draft** to amend the NRS (primarily at NRS 218A.630) to provide for a level of compensation calculated on the basis of the average private sector wage in Nevada, as determined by Nevada's Department of Employment, Training, and Rehabilitation.

*Source: Proposed by Knight Allen in public testimony on March 21, 2012,
and in a letter to the Committee on April 25, 2012.*

5. Allowance for Personal Staff

- A. **Request a bill draft** to amend the NRS to provide an allowance for each legislator to employ personal staff for the session.

AND/OR

- B. **Request a bill draft** to amend the NRS to provide an allowance for each legislator to employ personal staff for the interim.

Source: Discussed at the March 21, 2012, meeting of the Committee.

6. Reimbursement for Legislator Expenses

- A. **Recommend to the Legislative Commission** that a travel policy for legislators attending meetings of national organizations be adopted to provide each legislator with reimbursement for reasonable travel expenses to attend national and regional conferences and meetings related to official legislative business.

AND/OR

- B. **Recommend to the Legislative Commission** that each legislator be provided reimbursement for services and supplies necessary to conduct legislative business during the interim.

Source: Discussed at the July 26, 2012, meeting of the Committee.

Meeting Days and Locations

9. **Recommend to the Legislative Commission** that it establish quarterly interim committee meeting days. Draft a letter to the Legislative Commission to recommend all interim policy committees would meet on the same days in each calendar quarter.

NOTES:

- The number of days necessary to enable all interim policy committees to meet would depend upon the interim committee structure.
- This proposal would not include meetings of the Legislative Commission or of the Interim Finance Committee.
- Estimated costs will vary depending upon the interim committee structure adopted and the number of days necessary in each quarter for meetings, as well as the number of calendar quarters in which interim committee meetings are held.

- Videoconferencing of meetings will reduce the costs associated with travel and lodging.

Source: Discussed at the April 25, 2012, meeting of the Committee.

PUBLIC COMMENT

- Chair Segerblom called for public comment; however, no testimony was provided.
- Senator Denis thanked Chair Segerblom for his leadership and staff for their hard work.
- Chair Segerblom mentioned that term limits have affected the image of the Legislature and that he looks forward to improving the professionalism and authority of the Legislature.
- Assemblyman Stewart added his appreciation to the Committee and Chair Segerblom.

ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 3:03 p.m.

Respectfully submitted,

Tracey L. Wineglass
Senior Research Secretary

Carol M. Stonefield
Managing Principal Policy Analyst

APPROVED BY:

Assemblyman Tick Segerblom, Chair

Date: _____

LIST OF EXHIBITS

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

[Exhibit B](#) is the “Work Session Document”, dated August 20, 2012, prepared by Carol M. Stonefield, Managing Principal Policy 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.