Minutes of the Nevada State Legislature Assembly Committee on Legislative Functions

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MEMBERS PRESENT:

Chairman Westall

Mr. May

Mr. Stewart

Mr. Rhoads

Mr. Rusk

MEMBERS EXCUSED:

Mr. Vergiels

Mr. Kovacs

Mr. Brady

GUESTS PRESENT:

Bob Gagner, SNEA Glenn DuBois, Governor's Management Task Force

LEGISLATORS AND STAFF PRESENT:

Senator Givson Senator Ford Senator Ashworth Senator Jacobsen Senator Close Mr. Palmer, Director LCB Mr. Crossley, Auditor, LCB

SCR 32 - Provides standing committees through interim to conduct studies.

Senator Gibson said SCR 32 was an effort to accomplish the structure and organization that could conduct the interim work in a manner that would promote continuity in the regular session. the past there have been attempts to utilize all of the legislators willing to serve on interim committees. During the last three interim sessions nearly all the legislators have been involved. problem has been in the follow-up of the work of the interim stud-In many cases the people involved with the studies were not on the committees that processed the legislation. Less was gained than should have been. This is an attempt to formulate an interim program of a continuation of the standing committees. The idea is that interim work would be assigned to a joint committee in the appropriate area that would process the legislation that came out of the studies. It is his opinion if this plan is successful, there is a possibility of actually shortening the session. A lot of key legislation is developed through interim studies but because it is not treated by the same committee members in the regular session, the process of securing information is repeated. Most of the time and expense of the witnesses, the legislators, and the staff is The standing committee must acquaint themselves with matters familiar to thoses on the interim committees that made the studies. If SCR 32 there will be little difference in costs.of studies as they are now being made. 88

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Senator Gibson continuing, said this would be a method of strengthening the legislature to cope with the other departments of government on an equal status. He urged support of SCR 32.

Chairman Westall asked the difference between this and the bill last session that dealt with the same subject.

Senator Gobson replied an effort had been made to trim down the committees; arbritrary language dealing with times of meetings and other things had been removed so this could be a flexible measure between the sessions.

Senator Close, speaking in support of SCR 32 said he was chairman last session of a gaming subcommittee that involved eight meetings, ten members and a cost of \$9000. Only one Senator and One Assemblyman remained with the standing committees that considered the recommendations. Extensive testimony had to be heard over again on matters that had been heard already. The people that gave the testimony felt that once was enough . The testimony obtained the second time was not nearly as detailed as the first instance. more of the committee members who had heard the testimony previously had participated in the decision making, much time and expense would have been saved. Many of the decisions made by the interim study . committee were rejected by the standing committee based upon the fact that they had not heard all the testimony. They did not have the time to go into the depth and detail as did the subcommittee. As a result they arrived at different conclusions. Those people involved with a particular subject during the session should be involved with the same subject during the interim. Committee members'will build expertise in their areas that will be extremely valuable.

Chairman Westall was of the opinion that the interim committees would be too large because they were joint committees. They would also be very expensive. She also asked that if someone had a particular interest in a certain area was there some mechanism by which they could serve on that interim committee.

Senator Gibson said the plan was flexible.

Senator Ford explained SCR 32

The major thrust begins on page 1, line 21 - "A continuation of work by standing committees ...

The provisions contained on page 2, the committee structure are basically the same as proposed last session. Line 29 indicates there would be no joint legislative functions committee during the session but the legislative commission would take that responsibility as there would not be a need for the type of legislative functions committee we now have during the regular session.

Senator Ford continued by explaining the table of committees contained on page 2 of SCR 32.

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Lines 32-37 gives the maximum flexibility necessary to deal with problems. The leadership would control make-up of the interim committees. The idea is to begin by the joining together of the committees specified in the bill, recognizing that some people do not want to serve. It calls for development of a master calendar of meetings whereby three committees might meet one day and three the The leadership would resolve any conflicts resulting from individual preferences. The basis of the committees would be the people that composed the standing committees of the session. If someone is interested in switching committee assignments, the leadership has the authority to do that. The leadership will appoint the chairman which gives the minority members an opportunity to be appointed and does not require the standing committees of either house or their chairman to continue to serve because it could be time consuming. There is maximum flexibility for the leadership to do whatever they choose.

Lines 38 to 40 page two provides for the commission to take control when the session is over. The only change would be instead of making up ad hoc committees, they will have guidelines for determining study referrals, but not specific provisions.

Lines 41 to 44 deals with agenda but does not mandate specific agenda items. The committees themselves cannot choose to conduct additional studies.

Lines 45 to 49 provide for the appointment of subcommittees of the interim study committees.

Page'3, subsection 2, deals with the master calendar, and needed studies determined. A number of meetings would be scheduled in the same time period and place to minimize travel and better utilization of time of the members.

Mrs. Westall said holding meetings in various locations was valuable in that it allowed closer contact with the people of the State.

Senator Ford said the commission could easily approve field hearings. It is not required that all meeting be held in Carson City. It suggests that some of them should be done in that manner.

Senator Gibson related his experiences in the legislator - the growth of the staff, the refining of procedures, elevation in stature, and plant improvements and enlargement since his first session in 1959. At that time the legislature was thought to be wasteful and it was not wished that this body should achieve an image as a real partner in government.

Senator Gibson added that he did not support annual sessions of the legislature because many good legislators could not serve. What remains of the citizen legislature would be lost. He thinks they are the best kind. The legislators do need to provide themselves with the tools that will allow them to function on the biennial basis. This is another step toward achieving co-equal status in government.

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This is an alternative to annual sessions and one which will allow increased knowledge and expertise in matters in which they must become involved. There are a few people who gain expertise in certain areas either through their natural interests or through their assignments, but many of those areas require serious decisive action. Oftentimes they rely on the guidance of a few. This is not an equitable situation but it is necessary because the legislators must necessarily rely on those knowledgeable in the area under consideration. This measure would provice an opportunity to elevate the general level of knowledge and understanding and comprehension, of the legislators to their responsibilities. would help to defuse the knowledge throughout the body. help but strengthen their ability to cope with the legislative pro-The people are best served by the strongest possible legislators. It would enable the legislature to function on a biennial basis and do a better job.

Mr. Rhoads said many times legislation was passed and the intent was lost in the implementation, if these proposed interim committees could be given oversight powers to correct situations it would be very valuable.

Senator Ford said the commission could easily grant that additional work to the committees.

Mr. Rhoads commented further that so often in sessions following problems encountered with previous legislation, rather than correcting, additional bills were enacted that often complicated rather than corrected the problems.

Senator Ford said the thrust of <u>SCR 32</u> was to more fully educate the committees in their particular areas to prevent or minimize "loose" legislation. There are levels of activities possible - that is - studies by staff, subcommittees and these study groups wouldn't have to be made up entirely of legislators.

Mr. Rhoads asked if studies unspecified in the regular session could be considered by the commission.

Senator Gibson answered in the affirmative. The commission can authorize the studies deemed necessary. He added, and this is in the bill, they will be able to make more administrative reviews. The legislators will be kept abreast of agency practices. This gives the legislature a status between sessions whereby they become an ongoing part of state government.

Mr. Rusk said he thought the direction of <u>SCR 32</u> was excellent. The ideas expressed could accomplish much. His concern was the potential for a proliferation of studies. It has previously been the concern of some that there were too many studies and there should be fewer.

Senator Gibson said he shared the concern. He thought perhaps many were necessary. Studies were the manifestation of symptom of unsureness as to how to cope with an issue that has arisen.

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These grow largely out of the legislators lack of knowledge and understanding of the function or process in question. The control of the activity involved between sessions would rest with the commission. When the commission is selected this is an area that must be considered.

Senator Ford said there were layers of control:

- 1) the number of resolutions the legislature choose to pass during session. There should be a better way of relating Senate Legislative Functions Committee with the Assembly's so that there is better coordination and fewer studies approved.
- The commission assigns those studies (line 41). It is very clear. The agenda of the committee is those studies assigned to it by the commission. To study additional topics as directed by the commission and to review audit reports and administrative regulations. The study cannot do anything else unless they gain the authority from the commission.

Mr. May said that in order to take some of the pressure off the leadership, there should be a statute of limitations on the total membership of any committee because there is the potential for some very large unwieldy bodies. Also, as a study committee during the session gets into a sticky problem they may simply assign it to an interim study committee rather than attempting to resolve it.

Senator Gibson conceded this possibility and the suggestion pertaining to limitations on membership of committees had merit. If the Assembly Committee could arrive at parameters that would accomplish this objective, he would not object.

Senator Ford said she felt it was desirable to allow a larger number to be appointed than was anticipated would ever serve at any one committee meeting to allow for subcommittee work, the members determined by their geographic locations. Of the studies introduced in both houses this session, three relate to transportation; five relate to judiciary; two to commerce, one to government affairs; two or three are undecided as to the particular committee. Some committees would not meet at all. She submitted a list of studies and expenses, 1979-80.

EXHIBIT I

Senator Ashworth: Spoke in opposition to SCR 32. He conceded there may be some merit to the bill but opposed it because the measure proposed to involve nearly all the members of the two houses and many of them did not wish to devote that much time to the legislative process during the interims. Also a member may wish to be on a different committee than that which he served in the regular session. SCR 32 tends to stereotype individuals. Many of the committees may be so large they will be unwieldy. He saw no problem with the present system of studies. They do have emergency procedures that allow them flexibility to deal with unanticipated problems. He does not see the necessity for some of the committees proposed. If there is a committee work will be generated for that committee. The assembly committees are being forced to conform to the senate's and Senator Ashworth said he thought there perhaps should be differences in the committees. Above

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all the committees should be decreased in number. This may preclude various legislators from serving in areas of their particular interest.

Mr. May said the two taxation committees had worked closely together this session. This had been an advantage in that they have come to understand each other. People on concurrent committees are exposed to their fellow counterparts in the other house, thus developing good working relationships.

Senator Ashworth stated when the Senate is in leadership of the commission they appoint senators as chairmen and when the assembly is in control of the commission, assemblymen are appointed to the chairman-ships. Further, an interim committee assignment would have a tendency to become a permanent assignment because of the expertise that would be developed in that particular field. Many would prefer a more diverse pattern of experience. This is too much of a limitation for a legislator.

Mr. Rusk commented the leadership was subject to change every two years, and composition of the committees could change with it. This bill should also specify that only the committees that are needed for interim studies be formed.

Senator Ashworth said the work and the expenses for the interim committes would escalate and become not only very expensive but very burdensome.

Mrs. Westall requested comments on <u>SCR 20</u>.

SCR 20 - Amends Rule 11 regarding selection and representation of certain members of legislative commission.

Senator Ashworth said there had been problems on the commission obtaining alternates. Sometimes they are unavailable. They have difficulty getting members and/or their alternates. One house or the other now appoints alternates for the individuals. If neither is available there is a real problem. They need the latitude to allow the commission to appoint other persons to substitute for the absent member.

SB 266 - Removes incorrect reference to location of press room as it relates to bill books.

Senator Jacobsen, sponsor of <u>SB 266</u> said the press no longer had space in the legislative building but they are still entitled to the services received by them prior to the removal of the press room. They are entitled to four sets of bill books. Due to the fact there is no longer a room in this building to which the books can be delivered, specified in the existing statutes, this bill would allow four sets of books to be delivered to the capitol building at no charge to the press. This bill is merely a clarification that the same privileges are extended to the press as previously enjoyed when they were located in this building.

Arthur Palmer, Director of Legislative Counsel Bureau said he now

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had no authority to provide bill books at no charge to the press because statutes presently specify the books must be delivered to the press "in the legislative building".

Mr. May moved to Do Pass SB 266; Mr. Rhoads seconded the motion; motion carried unanimously.

Senator Jacobsen, addressing SCR 20 said he agreed with Senator Ashworth. The staff is becoming overlarge and overburdensome. These proposed joint interim committees will create additional staff time, increased travel costs and the committee memberships of the numbers anticipated may increase, costs four to five times what they are now. Some of the present interim committee members are not legislators but are professionals in the field being studied and are very valuable additions. Not all legislators want to serve on interim committees. The work done by the interim committees is often not productive because it is obsolete by the time the general session convenes.

SB 299 Transfers accounting function from audit division to and redesignates service division as administrative division of legislative counsel bureau.

Arthur Palmer, Director of Legislative Counsel Bureau spoke in support of SB 299 as his bureau had requested the measure. This is an effort to structure the Legislative Counsel into a more efficient The measure changes the name of the "service division" to the "administrative division" to reflect the addition of an accounting operation which is now in the audit division and places it in the service division, renaming that to the "division of administration". They are trying to take any elements common throughout the entire operation of the legislative counsel bureau and place them under administrative operations. The change is brought about by the transfer of responsibility for the plant from Building and Grounds to the LCB. Lines 3, 4, and 5 of page 3 make a change in the responsibilites of the Director. He is no longer required to serve as the chief of a division of the LCB. The measure does not have an impact on the budget nor require any change of duty of any personnel.

John R. Crossley, Legislative Auditor, said the manner in which the Bureau had grown - the grounds, the size and diversity of operations, the increased staff - called for a business operation, and it should not be spread through two or three divisions. Moving the accounting into the administration division would result in an efficient operation. It brings the services together that should be controlled by one entity. The change will enhance the overall operations of the Counsel Bureau.

Mr. May, addressing <u>SCR 20</u>, page 2 suggested that in line 4, put a period after the word "alternate" and delete the balance of line four and all of lines 5 and 6, that would resolve the partisan problems. <u>EXHIBIT II</u>.

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Mr. May moved to amend and Do Pass SCR 20.

AMENDMENT: Section 3.4, lines 1-4, page 2, would read:

"If for any reason a member is or will be absent from a meeting and there are no alternates available, the chairman of the commission may appoint a member of the same house and political party to attend the meeting as an alternate."

Mr. Stewart seconded the motion; motion carried unanimously.

AB 528 - Creates legislative committee to study state personnel system.

Bob Gagner, Executive Director of State of Nevada Employees Association, said that their organization had been urging such a study for a number of years. There were three separate studies being proposed of the various parts of the personnel system. AB 528 combines all the studies. He said they thought it would be an excellent study and also the manner in which the interim committee would be set up would be very good because it would involve the people who are involved with this subject during the session.

Mr. Stewart asked if <u>SCR 32</u> passed, would that measure supersede other studies.

Chairman Westall answered in the affirmative.

Mr. May said there were several bills in government affairs that were being held pending the outcome of the resolution.

Mr. Rusk questioned the relative merits and cost of the study proposed in AB 528 to the studies listed in EXHIBIT I and questioned the vast differences in cost.

Chairman Westall said this would be an in depth study and would therefore cost a great deal more money. This measure will have to go to Ways and Means for their consideration.

Mr. Gagnor said this was not unprecedented. In the early 70's a bill similar to this was passed with a \$100,000 appropriation to study the State Retirement System. Out of that study came all the improvements that have led to the actuari soundness of the system. The intent of AB 528 is to spend most of that money to bring people in to provide expert testimony, people to provide consulting services.

Glen DuBois, Implementation Director for the Governor's Management Task Force, speaking on behalf of the task force which represents the business community as opposed to the administration, supported the study committee. He suggested looking at studies that had already been done. There have been a number. One was made by the Management Task Force. There were a number of areas they were not able to review in depth. Those are the areas they hope will be addressed by the interim committee. One of the areas is incentives, or merit pay; the development of a structure of incentives to state employees as opposed to longevity pay.

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The incentive applies to the training of supervisors, the training of people in performance of appraisals,. That reflects in many different areas some of the problems in state government operations.

Mr. Rhoads said that to pass individual pieces of legislation for studying, and putting price tags on them was circumventing original purpose of <u>SCR 32</u>. He added he could not support <u>AB 528</u> for that reason. If it went another route he could support the study.

Mr. DuBois said he was urging a review of the personnel system under whatever measure it was considered. He also offered files developed by the task force.

Chairman Westall said the plan was to use the studies that have been made in the past. The legislators have never before been involved in the studies and that is one of the problems. The plan is to bring together all the studies under the legislator's purview.

Mr. May moved to Do Pass AB 528; Mr. Stewart seconded the motion; motion carried unanimously.

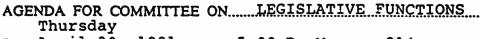
Chairman Westall adjourned the meeting at 6:35 P. M.

Respectfully submitted:

Marjorie D. Robertson Committee Secretary

(Committee Minutes)

ASSEMBLY



Date APRIL 30, 1981 Time 5:00 P. M. Room 214

Bills or Resolutions to be considered

Subject

Counsel requested*

THIS AGENDA CANCELS AND SUPERSEDES PREVIOUS AGENDA DATED April 29, 1981

ACR 29	Directs legislative commission to study operation and practices of justices' courts and municipal courts in adjudicating traffic offenses.
SB 266	Removes incorrect reference to location of press room as it relates to bill books.
SB 299	Transfers accounting functions from audit division to, and redesignates service division as, administrative division of legislative counsel bureau.
SCR 32	Continues standing committees through interim to conduct studies.
AB 528	Creates legislative committee to study state personnel system.

61ST NEVADA LEGISLATURE

ASSEMBLY LEGISLATIVE FUNCTIONS COMMITTEE

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ATTACHED TO MINUTES April 30,81

61ST NEVADA LEGISLATURE

ASSEMBLY LEGISLATIVE FUNCTIONS COMMITTEE

LEGISLATION ACTION

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ASSEMBLY LEGISLATIVE FUNCTIONS COMMITTEE

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ATTACHED TO MINUTES Apr 30,81

EXH. BIT I

LEGISLATIVE COUNSEL BUREAU COMMITTEE AND SUBCOMMITTEE EXPENSES 1979-80

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		e _t tor	Numbe: Meetings	r of Members	Total Cost	Budgeted
	STUDY	SUBCOMMITTEES		· Kalloc Ed		_ Cost
	ACR-3	Problems of Owners and Renters of Mobile Homes	7	6	\$ 5,108	\$ 10,150
	ACR-21	Data Processing	5	5	5,403	7,710
	ACR-22	Public Service Commission	5	<u> </u>	3,796	6,550
	ACR-29	Motor Vehicle Insurance Rates and Rating Practices	9	7	9,112	<u>8,904</u>
	ACR-30	Maintenance of State Highways	4	5	2,707	4,610
	ACR-34	Juvenile Crime and Abuse of Alcohol	5	7	2,845	6,020
	ACR-37	Access of Sportsmen to Public Land over Private Land	6	5	3,961	<u>5,938</u>
	ACR-41	Nevada Prison System and Alternatives to Incarceration	8	7	7,039	8,300
	ACR-42	Means of Employing Continuous Recipients of Welfare	4	5	2,679	6,465
	ACR-46	Water Problems	7	6	6,999	8,000
	ACR-51	Private Providers of Care	3	6	998	2,500
	ACR-62	Transportation and Disposal of Radioactive Material	6	7	5,623	6,900
	SCR-14	Use of Federal Money in State and Local Programs	2	6	1,128	2,664
	SCR-17	Study Child Abuse and State and Local Efforts to Prevent it and Protect Children	5	5	3,183	5,515
		Alternatives for Organization and Financing of Judicial Services Involving Juveniles	6	5	3,473	5,300
		Develop Statewide Master Plan for Fire Protection and Control	7	2	4,140	5,348
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LEGISLATIVE COUNSEL BUREAU COMMITTEE AND SUBCOMMITTEE EXPENSES 1979-80 (continued)

	Number Meetings	of Members	Total Cost	Budgeted Cost
SCR-26 Libraries and Other Systems for Storing Information	5	5	\$ 5,989	\$ 5,800
SCR-40 Obtaining Greater Efficiency and Economy in State Public Works	5	5	3,877	9,880
SCR-42 Tax Relief Measures Passed by 60th Session of Legislature	5	7	3,871	5,071
SCR-49 Study Gaming Industry	8	10	9,279	18,600
SCR-58 Apportionment of Costs of Las				=
Vegas Metropolitan Police Department	<u> </u>	5	475	23,970
SCR-45 Special and Local Acts (staff)	1	4	327	500
SCR-54 Nevada's Laws Relating to Local Government Bonding (staff)	1_	5	686	2,150
Total		132	\$ 92,698	\$166,845
OTHER COMMITTEES	5.			
NRS 286.113 Interim Retirement	1	6	\$ 689	\$ 5,440
SCR-5 Public Lands	11	7	21,706	31,881
AB-523 Sunset	7	5	3,681	7,000
AB-653 Federal Regulation	7	5	1,954	6,444
Total	<u>26</u>	23	\$ 28,030	\$ 50,765

LEGISLATIVE COUNSEL BUREAU COMMITTEE AND SUBCOMMITTEE EXPENSES 1979-80 (continued)

	Numbe Meetings	Number of Meetings Members		
Interim Finance (Includes cost only 6 meetings of the subcommittee on the Prison (5 members) and 1 meeting of the subcommitte on Industrial Development (5 members))	15	18	<u>\$ 35,363</u>	
Legislative Commission Meetings	10	12	<u>\$ 27,000</u>	
Special Subcommittees of the Commission:				
MX Missile	10	8	\$ 9,298	
Geothermal Study	3	5	\$ 1,183	
Totals	179	198	<u>\$193,572</u>	

Notes

- Does not include ACR-32 Reapportionment.
 SCR-58, L.V. Metro policy subcommittee did not meet due to court action.

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In response to Mr. Rusk's request the basic agenda, or as much of it as could be recalled, of the last meeting of the committee was supplied by Mr. Bennett. The agenda covered some of the parameters of the judicial study that concerned federal rules and regulations as applied to the retirement system. The committee authorized a study to determine the liability of the system; they determined the necessary contribution rate to put an uncontributing group on a funded basis; and considered other recommendations of their actuary. Another item on the agenda was cost of living increases for the legislative session the product of which is AB 154 (their bill for cost of living increases). Proposed general legislation was also discussed.

SCR 20 - Amends Joint Rule 11 regarding selection and representation of certain members of the legislative commission.

Chairman Westall noted the substantive change in the proposal was contained in lines 1 through 6, as follows:

"If for any reason a member is or will be absent from a meeting and there are not alternates available, the chairman of the commission may appoint a member of the same house and political party to attend the meeting as an alternate. If there is no one available from the same political party, the chairman may appoint any member of the house to which the absent member belongs."

A discussion among the members of the committee followed.

Chairman Westall said this provision would in effect make the entire body eligible as a third alternate.

Mr. Brady did not like the last sentence. He feared the possibility of abuse on a partisan basis.

Chairman Westall was of the opinion that <u>SCR 20</u> was a good bill.

Mr. Rhoads suggested requesting an amendment that would delete the last sentence, "If there is no one available from the same political party, the chairman may appoint any member of the house to which the absent member belongs," and then ask for an endorsement before the full committee.

Mr. Brady moved to amend <u>SCR-20</u> by deleting the last sentence of paragraph 4; Mr. Rusk seconded the motion; motion carried unanimously.

Mr. Rhoads moved to do pass AB 287; Mr. Kovacs seconded the motion; motion carried unanimously.

AR-15 - Specifies jurisdiction of assembly standing committees.

Mr. Hickey, Assemblyman, speaking in support of the measure said the purpose was to specify, based on the NRS number, the