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Policy Making in the Nevada Legislature: How Interest Groups Make the Difference

Madison Frazee-Bench

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Abstract

This paper examines the structure of the Nevada legislature and how interest groups influence the policy making process. In particular, this paper aims to answer the questions of how interest groups are able to make a difference in the legislative process and how those groups are able to gain access to the political environment in the state. By understanding how interest groups advocate for certain policies, the best methods to engage citizens in the political process can be understood. By utilizing SB179 as the case study for this analysis, the processes of the legislature can be examined. Through moving to a full-time legislature and increasing legislator pay interest groups will have more access to the Nevada legislature.

Executive Summary

- Research Question
- Theory
- State of Play in Nevada
- Recommendations for Policy
- Discussion and Policy Implications

Research Question

Nevada is a unique state when it comes to governing structures. The makeup and the structure of the legislature makes this state particularly interesting when investigating the legislative process and the ability for interest groups to participate in the process.

This research focuses on which aspects of the Nevada legislature create barriers to effective governance. Part of this discussion includes what it takes to get a seat at the table within the Nevada Legislature. The focus is on what attributes or qualifications someone may need to have their voice heard in a meaningful way at the level of the state government. In a similar vein, this study seeks to identify what barriers exist that prevent access to the legislature. The primary goal of this research is to answer two questions: how to individuals/groups get a seat at the policy making table?, and How to increase access to those discussions? By examining the literature and utilizing SB179 as a case study, the answers to these questions can be understood.

The United States is behind other similar nations when comparing voter participation and knowledge of the political system. Lack of access to the political sphere and a lack of knowledge of how systems operate is not a state problem, but a national failing. The lack of national leadership on this issue results in statewide

elections having abysmal voter turnout rates. In the 2020 election, 77.2 percent of registered voters turned out to vote. This number is considerably higher than previous non-presidential election year totals where in 2018 62.4 percent of *registered* voters voted (“Silver State 2020 Election Results,” 2020).

One of the most important, but often overlooked, areas in public policy are the narratives that drive both decision-making and policy outcomes. This can be seen by using the “Trust Nevada Women Act” as a case study for narratives and the role of interest groups in the Nevada legislature (“Minutes of the Senate Committee on Health and Human Services,” 2019, p. 18). To inform this research testimony from interest groups, legislators, and reporters will be utilized to define the political processes of the state. Meeting minutes from the NELIS website will be utilized to understand the narratives that arise during the various legislative sessions and how interest groups propagate those narratives.

Theory

The ability for citizens to have access to the legislature is incredibly important. Each citizen carries with them a wealth of knowledge of their experiences and their worldview, the more access to share their stories with those who govern the state is an essential part of the democratic process which is often understated. Interest groups feed into narrative policy making through filling information gaps and becoming the bridge for everyday Nevadan’s to access policymaking.

The literature indicates that elites play a pivotal role in creating policy agendas and drumming up support for specific policies (Sabatier, 1988, p. 130,131). Elites within local political processes work with communities in an effort to put forward policies that address key issues. Policy subsystems describe various groups, individuals, and governing bodies that play fundamental roles in the policy process. It is nearly impossible to look at governance through a single actor, rather policy making occurs as a result of various groups coming together to create a solution to a perceived

problem. Sabatier notes that policies rarely change in short periods of time: suggesting that 10 years is the minimum time frame needed to understand how policies come to fruition. The time frame is notable when considering the impact that advocacy groups and individuals have in the policy making process, because those interested in the outcome of a particular policy must dedicate years to their advocacy. (Sabatier, 1988, p. 130-131). This long-term view exposes the difficulty in having citizens be represented in policy making, as most citizens simply do not have 10 years to dedicate to advocacy. This is where interest groups can bridge the gap between citizens and elected officials. Interest groups and other forms of lobbying are often met with adversity, as they can hold too much power in decision making. However, when interest groups are done correctly, and represent the views of the people they can be an incredible tool in sparking real change within governance.

Research shows that non-government organizations play a pivotal role in activating citizens into the democratic process (Kurtz, 1997). This means that interest groups and working coalitions play an outsized role in election outcomes and advocacy for policies. The engagement of these groups within the political process is pivotal. Interest groups have the resources, connections, and time to reach out to voters that individual lawmakers may not have access to. Nevada State Senator Cancela finds that interest groups can fill in the gaps for individuals who are unable to participate in the policy making process. “Often, the individuals who would benefit most from certain policies are the least able to advocate for those policies” (Cancela, 2020). Interest groups can be the mediators in this situation and advocate for policy changes that everyday individuals may not have the capacity to do themselves.

Since Nevada has such a small population, legislators themselves are more accessible than they would be in more populous states. Danna Lovell, from EMERGE Nevada, notes that the unique aspect about interest groups in Nevada is that once someone has a seat at the table, they tend to stay connected with key leaders in the state. It appears that the issue is not necessarily a legislator’s ability to access the people, but rather, the people’s ability to access the legislature (Lovell, 2020). Interest Groups

such as EMERGE Nevada work to train democratic women on how to run for office and provide guidance on how to navigate government processes. EMERGE has played a pivotal role in helping create the first female legislative majority in the country, a goal that was achieved by the outreach programs that connect communities and government (Lovell, 2020). “Interest groups are successful when they are willing to meet people where they are, and work with community members to push for policies that reflect the interest of the community” (Lovell, 2020). This bottom-up approach to policy making is essential in connecting legislative action to citizen interest.

When thinking about the work that interest groups do to push forward policy changes, it is important that those interest groups represent what the population wants. One criticism of interest groups is that they may not actually represent the views of the population, but they have far more influence in the policy making process (Lovell, 2019). Regardless of if interest groups reflect the views of the general public, they have a crucial role in the policy making process.

The literature begins to outline what aspects of an advocacy group make for more effective outcomes than others. Overall, access to the political sphere is often defined by a person’s income, race, and social class (Sabatier, 1988, p. 135). Those who are disenfranchised by the current political system will have to work much harder—and wait much longer to see the changes that they are advocating for (Sabatier, 1988, p. 135). The role of interest groups is to engage individual’s and their ideas in the political process even if individuals lack the capacity to be engaged themselves.

Case Study

Senate Bill 179, also known as the “Trust Nevada Women Act,” is a piece of legislation sponsored by Senator Cancela in the 2019 Legislative session. The purpose of this bill is to revise provisions relating to informed consent for abortions as well as repealing criminal penalties for abortion procedures (“Minutes of the Senate Committee on Health and Human Services,” 2019, p. 11,12). As a result of the controversial nature

of this legislation, the testimony on the floor of the Nevada Senate was filled with individuals and interest groups advocating for their worldview (“Minutes of the Senate Committee on Health and Human Services,” 2019, p. 14,15).

It is important to note that this bill does not legalize abortion in Nevada. The bill is intended to only change the language surrounding patient-doctor procedure and prevents women from being prosecuted for an abortion under antiquated laws. This policy seems to reflect attitudes towards abortions in Nevada. The Pew Research Center found that in 2014, 62 percent of Nevadans believe abortion should be legal in all or most cases, while only 34 percent believe it should be illegal in all or most cases (“Views about Abortion by State,” 2014). This discrepancy is exactly why narratives and interest groups are so relevant in the policy making process. The process of curating and enacting policy is not a process of direct democracy, but instead is a complicated machine with many moving parts to determine a policy outcome. So even though a strong majority of Nevadans had pro-choice viewpoints in 2014, the legislature was not responsive to that position until 2019. Both behind the scenes and in the Legislative testimony, interest groups played a pivotal role in shaping the narratives, arguments, and outcome of the bill itself. Notably, SB179 passed on party lines within both statehouses (“Minutes of the Senate Committee on Health and Human Services,” 2019).

One of the interest groups that played a role in the success of SB179 is NARAL Pro-Choice Nevada. This group is a subsidiary of the national NARAL Pro-Choice America group; which focuses fundraising and campaigning efforts to support a woman’s right to choose in various states. On the other side of the aisle, Nevada Right to Life is an interest group that lobbies on behalf of pro-life views. Both interest groups work to build a coalition that can get their bills across the finish line.

SB179 is just one example of the impact interest groups can have on bill testimony as well as policy outcomes. Interest groups in the Nevada legislature routinely are engaged in the political process to fill information gaps for representatives, reach out

to citizens, and to increase support for certain initiatives.

The State of Play in Nevada

Interest groups play a pivotal role in legislative outcomes. By dissecting the structure of the Nevada Legislature, the ability for interest groups to exert their influence can be understood. There are a variety of barriers to getting elected and serving in the Nevada Legislature. One of the main concerns is the idea of a “citizen-legislature.” Although this system is designed to give more freedom to legislators, there is a variety of barriers that prevent everyday citizens from governing.

The majority of Nevadans are excluded from voicing their opinions on the state legislature solely as result of the location of the Nevada state legislature. The State Legislature is located seven hours away from the most populated region in the state. This discrepancy gives rural individuals a heightened ability to be involved in the political process.

Nevada as an Example

Although there are certainly barriers to governance in Nevada, there are many areas where the state is doing incredibly well compared to other states.

Groups in Nevada such as EMERGE, play a critical role in engaging individuals in the political process on the ground level. They stress the importance of electing leaders that look like the community and are responsive to the needs of the community. Danna Lovell explains that community outreach is an imperative part of the political process. Emerge candidates in Nevada focus on issues that have an impact on the community such as the food deserts in North Las Vegas. This group stresses the importance of maintaining contact with the community all the time, not just during election season (Lovell, 2020). Lovell believes that the best way to make change is to talk to people on the ground. She emphasizes that when interest groups

reach out to individuals, they should do the work of talking to citizens all the time, not just when they are trying to win votes in an election. Creating these community relations not only helps interest groups gain support but helps interest groups to understand what issues Nevadans are concerned about. Further, Danna believes that we should elect leaders that look like the communities they serve (Lovell, 2020).

One of the greatest barriers to women running for office is that they simply do not know how (Lovell, 2020). Government processes, regardless of gender, can be incredibly complex for an outsider to understand, let alone navigate as a candidate. Interest groups on both sides of the political aisle play an understated role in preparing candidates to run for office and giving them the tools necessary to make their candidacy possible.

There are also new roadblocks to consider with the emergence of COVID-19. The lack of in person contact due to the Coronavirus makes old methods of communication with voters nearly impossible. With the emergence of this virus, interest groups and politicians alike have had to find new ways to reach constituents and make the connections in a COVID-safe environment.

Structural Barriers to Governance

One of the most prevalent issues surrounding representation can be seen with income (Messerly and Rindels, 2019). Nevada's hybrid model of full-time and part-time governance provides legislators the freedom to be active citizens in their communities instead of being full-time legislators. This idea is good in theory, but it dictates that those who do not have disposable income are excluded from this process. In 2018, legislators in Nevada made \$159.89 a day. For parents, lower-income individuals, and those who rely on their full-time occupation for income, this system is incredibly difficult to navigate. For regional context, Arizona representatives make \$24,000 a year while California representatives make \$110,459 ("Comparison of State," 2020). The struggle to govern as a private citizen is best encapsulated by former

Assemblyman Justin Watkins, “unfortunately I think what has become of the citizen Legislature ... [is] only people who have the ability to serve, versus maybe the most qualified to serve” (Messerly and Rindels, 2019). Former legislators believe that their job could more effectively be done if it were a full-time position versus the part-time position that it is now. Although the citizen-legislature was designed to increase citizen access to the legislature, it is still incredibly difficult for individuals to be both a private citizen and a part-time legislator.

The reason a part-time legislature was ideal during the founding of the state is as a result of the small population and rural nature of the state. Since the creation of the Nevada Constitution, the state has experienced exponential growth, primarily in the Southern region and the government has far more responsibility now than it did almost 200 years ago. New policies should be enacted to reflect the influx in population—and the distinct needs of a larger population (Damore, 2019).

Another issue that hinders access to the legislature, especially for individuals living in Clark County, is relocating to Carson City for 120 days every two years. Private citizens play a crucial role in the policy making process through voting and advocacy. It is much more difficult for those who reside in Southern Nevada to make their voices heard on important issues in the Capitol. Notably, nearly 7 out of 10 legislators live in the Las Vegas Metropolitan Area, while the capital is a seven-hour drive from the majority of the state’s population (Messerly and Rindels, 2019).

Finally, a hurdle that lawmakers must overcome is that the legislature meets biennially—one of only four state legislatures in the nation to do so (Messerly and Rindels, 2019). Former legislators acknowledged the difficulty to balance their careers along with serving as a member of the Legislature (Messerly and Rindels, 2019). As a result of these policies, there is a high turnover rate in the legislature which creates problems for retaining institutional knowledge and professional connections within the statehouses (Messerly and Rindels, 2019).

Recommendations for Policy

Interest groups will be able to access the legislature more easily through policy change. The following policies can be adopted in unison or they can be implemented as individual policies. By extending the time that the legislature meets, increasing the staffing, and moving legislative meetings interest groups will be able to access the legislature in a way that they previously could not. Ideally, major structural changes would be passed in the legislature, however, the political capital for these changes may not exist especially when COVID-19 is at the forefront of the conversation.

Structural Changes

One of the most effective ways to increase access to the legislature would be to increase the amount of session days. This change can occur in two possible ways. The first would be to move from a part-time legislature to a full-time legislature. By transitioning from a citizen-legislature to a full-time legislature, it would be much easier for everyday citizens to run for office and be able to support themselves once they are in office. Rather than moving to a full-time legislature, the legislature could change the language from 120 calendar day sessions to 120 working day sessions.

Moving to a full-time legislature would give legislators the time and tools that they need to enact policies and interact with their constituents. However, one concern for moving to a full-time legislature is the likelihood that such a change would pass. The main reason this change is so difficult to implement is because a move to a full-time legislature would require an amendment to the Nevada Constitution. Since the change requires an amendment to the Nevada Constitution, it must pass in consecutive years in both houses two times (Goodman, 2019). Further, once the amendment passes both chambers twice, the amendment becomes a ballot question and goes to the people for a vote (Ballotpedia, 2020). Legislation to move to a full-

time legislature has been introduced four times since 2011 and has failed to gain enough support each time (Goodman, 2019). Senate Joint Resolution 11 in the 79th session provides the last time the amendment received a vote in a legislative chamber. The resolution passed on partisan lines with Democratic support in the Senate and did not receive a vote in the Assembly (SJR11, 2017). Arguments against the resolution given during Senate testimony present fears about government bloat, higher taxes, and frivolous government spending (“Minutes of the Senate Committee on Legislative Operations and Elections,” 2017, p. 16). To pass this critical piece of legislation in future sessions, it is imperative that legislators and interest groups can curb the fears associated with big government and present more reasons for how a full-time legislature would improve governance.

Moving to a full-time legislature would give flexibility not only with time, but also with compensation. Former State Senator Elliot Anderson believes that a base pay of \$60,000 a year would give legislators the financial freedom they need to meaningfully engage in the legislative process (Messerly and Rindels, 2019).

An alternative to a full-time legislature would be to change the wording from calendar days to session days. This change would result in excluding weekends and holidays from the 120-day limit. Congress would still meet for 120 days, but there would be more days where legislators could be present in the capitol building to collaborate on policies. Currently, it is estimated that legislators are only in Carson City 88 out of the 120 days in each session. This makes collaboration and research on legislation much more difficult than in other statehouses (Goodman, 2019). Originally the 120-day limit was enshrined in law in 1999. This limit on the legislature has had a negative time constraint on the outcomes of the legislature. Remarkably, “ten special sessions were called from 2001 to 2010,” suggesting that the 120-day limit does not provide legislators enough time to govern (“Structure and Operations,” 2013, p. 7).

The COVID-19 pandemic highlights the exact reason why Congress needs more time

to deliberate. Special sessions should be a band-aid solution to specific policy problems and not used to make up for how short the legislative session is. When legislation is rushed, it is far more likely that individuals cannot fully understand the bills and their impact or address large scale problems with the attention they deserve.

Additionally, State Assembly members could be much more productive if they each had a full-time staff member working with them. This staff member could take care of procedural issues such as managing meeting requests, taking care of administrative matters, and devoting time to researching bills. In the current structure of the legislature, legislators have to be both the managers of their office and policy makers. By removing the administrative burden from legislators, they would be able to devote more time to researching and collaborating on bills that would make a difference in Nevadan's lives (Cancela, 2020).

A third way to increase the ability for interest groups to access the legislature would be to remove term limits. The institutional knowledge that is lost when an assemblyman terms out is a significant burden on the legislature and requires outside actors to fill in the knowledge gap. A constitutional amendment to remove term limits could instantly solve the brain drain experienced within the Nevada Legislature ("Structure and Operations," 2013, p. 35). Term limits approved by voters in 1998 have resulted in an influx of freshmen legislators. Although this change has increased the diversity of the legislature, the loss of experienced legislators makes governing much more difficult (Messerly and Rindels, 2019).

Finally, since the vast majority of the population resides in Southern Nevada, access to the legislature is limited through the physical location of the legislature. For citizens to be present in the policy making process they need to have the time and resources to travel to Carson City to make their voice heard. One way to solve this problem would be to have the Nevada legislature meet in Las Vegas every alternate session. This would ensure that everyone in the state has more equitable access to the legislature.

One of the reasons Nevada is in the position it is in today is a result of the massive growth of the state. The old ways of governing worked for a small state, but Nevada is now home to one of the largest Metropolitan areas in the country and the legislature should reflect that. By implementing all (or even some) of these policy recommendations Nevada's legislature can be much more effective.

Discussion and Policy Implications

By turning the legislature from part-time to full-time, interest groups and interested individuals will have more access to the legislature, more research can go into the bills before they are enacted, and legislators will have more freedom to devote time to their new positions (Goodman, 2019). Although increasing the number of days in the legislative session would ultimately make governing easier in the Nevada Legislature, there are plenty of barriers to enacting this policy. For starters, this change has been proposed multiple times and has failed to pass each time. It is unclear if there is the political motivation to support such a change. Therefore, changing the structure from calendar days to working days presents itself as an alternative. Increasing the number of days elected officials can be in office and collaborating on outcomes would be an asset to the legislative process.

In 2019, Nevada became the first female majority legislature in the nation, holding a majority in both the House and Senate. More diverse and candidates and women in the legislative process help to focus legislation on issues that their constituents face. When elected officials look like the people they represent, the need for interest groups to advocate on behalf of everyday citizens becomes less salient. Overall, interest groups in Nevada serve an important role in bridging the gap between citizens and elected officials. By implementing the aforementioned policies, the Nevada legislature can increase access to the policy making process and create a legislature that is more responsive to its constituents.

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