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**BRIEF OPENING STATEMENT FOR
ASSEMBLYMAN BERNIE ANDERSON
REGARDING ASSEMBLY BILL 292**

Assembly Committee on Elections, Procedures, and Ethics

March 27, 2003

3:45 p.m.

GOOD AFTERNOON MADAM CHAIR AND MEMBERS OF THE COMMITTEE. FOR THE RECORD, I AM BERNIE ANDERSON, ASSEMBLYMAN FROM DISTRICT NO. 31. I AM HERE TODAY TO PRESENT A MOST IMPORTANT AND SENSIBLE PIECE OF LEGISLATION — ASSEMBLY BILL 292.

THIS BILL RESPONDS TO RECENT CASES WHEREBY LOCAL GOVERNMENTS EXPENDED PUBLIC MONEY TO CHALLENGE THE MERITS OF AN INITIATIVE PETITION. INDEED, WE KNOW THAT THIS HAPPENED IN RENO REGARDING THE TRAIN TRENCH PETITION, WHEN THE CITY OF RENO ARGUED THAT THE INITIATIVE PETITION SHOULD NOT BE PLACED ON THE BALLOT. IN ADDITION, A SIMILAR ACTION INVOLVING LOCAL GOVERNMENT TOOK PLACE HERE IN CARSON CITY

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ASSEMBLY ELECTIONS, PROCEDURES, & ETHICS
DATE: 3-27-03 ROOM: 3138 EXHIBIT C
SUBMITTED BY: Bernie Anderson

REGARDING AN INITIATIVE PETITION TO PRESERVE FUJI PARK AND THE CARSON CITY FAIRGROUNDS. THE USE OF TAXPAYER MONEY TO CHALLENGE INITIATIVE PETITIONS, OR ANY OTHER PETITION FOR THAT MATTER, SIMPLY BECAUSE REPRESENTATIVES OF LOCAL GOVERNMENT DISAGREE WITH THE PETITION'S CONTENT IS NOT A FAIR USE OF PUBLIC FUNDS. THIS BILL — A.B. 292 — WOULD PROHIBIT THIS ACTIVITY.

IF I MAY, MADAM CHAIR, I WOULD LIKE TO QUICKLY EXPLAIN THE PROVISIONS OF A.B. 292. THIS MEASURE SEEKS TO AMEND NRS 293.725. YOU MAY RECALL THAT THIS STATUTE WAS CREATED LAST SESSION BY A.B. 443, A BILL SPONSORED BY FORMER ASSEMBLYWOMAN VIVIAN FREEMAN. NRS 293.725 SPECIFIES THAT STATE AND LOCAL GOVERNMENT SHALL NOT INCUR AN EXPENSE OR MAKE AN EXPENDITURE TO SUPPORT OR OPPOSE A BALLOT QUESTION OR CANDIDATE. ASSEMBLY BILL 292 EXPANDS ON THIS CONCEPT BY PROHIBITING A LOCAL GOVERNMENT OR AN AGENCY

THEREOF FROM COMMENCING A LEGAL ACTION OR ANY OTHER ACTION TO CHALLENGE AN INITIATIVE, REFERENDUM, OR RECALL PETITION BEFORE THAT PETITION IS PRESENTED TO THE VOTERS AS A BALLOT QUESTION. THAT BEING SAID, THERE ARE, AS YOU KNOW, PROVISIONS IN TITLE 24 OF THE NRS ADDRESSING THE FORMAT OF PETITIONS AND THE SIGNATURE REQUIREMENTS. THIS BILL (AT THE TOP OF PAGE TWO) MAKES AN EXCEPTION FOR CHALLENGES BROUGHT BY A LOCAL GOVERNMENT REGARDING SIGNATURE REQUIREMENTS, PETITION FORMAT, OR OTHER PROCEDURAL ISSUES RELATING TO THE INCORRECT PREPARATION OF THE PETITION.

THE INTENT OF A.B. 292 IS TO MERELY PREVENT A LOCAL GOVERNMENT FROM USING PUBLIC MONEY TO INFLUENCE THE WILL OF THE PUBLIC BY COMMENCING A CHALLENGE TO A PETITION ON ANYTHING OTHER THAN FORMAT AND SIGNATURE MATTERS.

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WITH THAT, MADAM CHAIR, I WOULD URGE THE COMMITTEE' S SUPPORT OF THIS IMPORTANT MEASURE AND WOULD INVITE, IF I MAY, THE OTHER PROPONENTS TO SPEAK ON THIS MEASURE.

THANK YOU.

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