

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON ELECTIONS, PROCEDURES, ETHICS, AND
CONSTITUTIONAL AMENDMENTS**

**Seventy-Third Session
March 24, 2005**

The Committee on Elections, Procedures, Ethics, and Constitutional Amendments was called to order at 3:45 p.m., on Thursday, March 24, 2005. Co-Chairwoman Ellen Koivisto presided in Room 3142 of the Legislative Building, Carson City, Nevada. [Exhibit A](#) is the Agenda. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Mrs. Ellen Koivisto, Co-Chairwoman
Mr. Harry Mortenson, Co-Chairman
Mr. Marcus Conklin, Co-Vice Chairman
Mr. Bob McCleary, Co-Vice Chairman
Mrs. Sharron Angle
Mr. Mo Denis
Mrs. Heidi S. Gansert
Ms. Chris Giunchigliani
Mr. Brooks Holcomb
Ms. Kathy McClain
Mr. Harvey J. Munford
Mr. Bob Seale
Mr. Scott Sibley

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Assemblyman John Carpenter, Assembly District No. 33, Elko County and Humboldt County (part)
Assemblyman Pete Goicoechea, Assembly District No. 35, Eureka, Pershing, and White Pine Counties; and, portions of Churchill, Humboldt, Lander and Washoe Counties

Assemblyman John Ocegüera, Assembly District No. 16, Clark County
(part)

STAFF MEMBERS PRESENT:

Michelle Van Geel, Committee Policy Analyst
Celeste Gunther, Committee Attaché

OTHERS PRESENT:

Stacy Jennings, Executive Director, Nevada Commission on Ethics

Co-Chairwoman Koivisto:

[Meeting called to order. Roll called.] Committee introductions.

- BDR C-1379: Revises constitutional provision governing qualifications of voters. (ASSEMBLY JOINT RESOLUTION 10)

ASSEMBLYMAN CONKLIN MOVED FOR COMMITTEE
INTRODUCTION OF BDR C-1379.

ASSEMBLYWOMAN GIUNCHIGLIANI SECONDED THE MOTION.

THE MOTION PASSED. (Ms. McClain and Mr. Munford were not
present for the vote.)

- BDR S-512: Revises provisions in city charters of certain cities to change their municipal election dates. (ASSEMBLY BILL 443)

ASSEMBLYWOMAN GIUNCHIGLIANI MOVED FOR COMMITTEE
INTRODUCTION OF BDR S-512.

ASSEMBLYMAN CONKLIN SECONDED THE MOTION.

THE MOTION PASSED. (Ms. McClain and Mr. Munford were not
present for the vote.)

Co-Chairwoman Koivisto:

Opened the hearing on A.B. 186. There is an amendment and then we can move it out.

Assembly Bill 186: Directs Legislative Commission to appoint committee to study issues relating to compensation paid under industrial insurance to certain injured employees and their dependents and authorizes onetime payment to certain injured employees and their dependents. (BDR S-251)

Assemblyman John Oceguera, Assembly District No. 16, Clark County (part):

I was the Vice Chair of the committee that looked at this in the interim. This bill was seeking to make corrections through an interim study. However, in the time since we asked for this bill, and now, the interested parties have gotten together and come up with a solution. So we don't necessarily need that study. What we'd like to do is amend out the study and re-refer this to the Committee on Commerce and Labor, so that we can make the appropriate fix ([Exhibit B](#)).

Co-Chairwoman Koivisto:

That would be to delete Sections 1 and 2 of the bill?

Assemblyman Oceguera:

Yes, ma'am.

Co-Chairwoman Koivisto:

So we want to amend out the portions of the bill dealing with the study, and re-refer the bill to Commerce and Labor. [Closed the hearing on [A.B. 186](#).]

ASSEMBLYWOMAN GIUNCHIGLIANI MOVED TO AMEND AND RE-REFER ASSEMBLY BILL 186 TO THE COMMITTEE ON COMMERCE AND LABOR.

ASSEMBLYMAN McCLEARY SECONDED THE MOTION.

THE MOTION CARRIED. (Ms. McClain was not present for the vote.)

Co-Chairwoman Koivisto:

Let's begin work session and take up [A.B. 64](#).

Assembly Bill 64: Exempts elected supervisor of conservation district from requirement to file statement of financial disclosure. (BDR 23-1079)

Assemblywoman Giunchigliani:

In working on A.B. 64 I didn't want to open up the Floor that we put in, years ago, to make sure that you had to file a financial disclosure. My recommendation is to leave the language as it was, but simply eliminate the year "2005" and make it "2004", so that we pick up those people retroactively. Stacy Jennings, did we decide to leave "annual" and "\$6,000"; because otherwise we open the floor and some individuals would not have to file?

Stacy Jennings, Executive Director, Nevada Commission on Ethics:

I think you're confusing the discussion we had on appointed offices and candidates. You wanted to delete the "\$6,000" for candidates.

Assemblywoman Giunchigliani:

As it is in your work session document ([Exhibit C](#)) then. Ms. Jennings has an additional amendment that Assemblyman Carpenter said was acceptable to put on this bill.

Stacy Jennings:

[Refer to Tab A in [Exhibit C](#)]. We have a situation where, right now, the statute that creates our commission counsel position only addresses what we should do if our commission counsel were to have a conflict under *Nevada Revised Statutes* (NRS) 281.501; that would require them to abstain from participating as our counsel in a matter. Now we have no counsel at all. My counsel has been on leave for 10 weeks. Currently if there is a conflict, we can ask the AG [Attorney General] to represent us. We have been working with the AG and they have been helping us out in this situation. However, we would like to change the statute to say that if our commission counsel is prohibited from participating, in any matter, we could ask the AG's office to represent us. If they did not want to, we could employ outside counsel. Assemblyman Carpenter agreed to allow us to put it on this bill because it is an urgent, pressing issue for us, because there are issues as to if anyone challenges the AG representing us, if that's permissible under statute.

Assemblyman Conklin:

In the removal of the annual compensation of \$6,000, I'm concerned how that clarifies the situation for those folks that brought this bill before us. It seems like we're including everybody who makes a penny, and then exempting out the conservation district supervisors. Was that the intent of this amendment?

Stacy Jennings:

The language that she's amending only applies to candidates for public office. These people would still be exempt.

Assemblyman Conklin:

So now every candidate for public office will have to file one, regardless of whether they receive compensation?

Stacy Jennings:

The way I read it, in the language that's proposed it would say: "Each candidate for public office who would be entitled to receive compensation, would have to..." There are candidates for public office who don't receive compensation.

Assemblyman Conklin:

So if you receive \$1 of compensation, you have to fill it out.

Stacy Jennings:

That's correct.

Co-Chairwoman Koivisto:

Should we think about changing compensation to "salary" so that per diem doesn't get dragged into the mix? Or is that not something we have to be concerned with?

Stacy Jennings:

I just read the financial disclosure statement instructions yesterday, and compensation according to the instructions—and it could be in statute as well, but I'm not sure—does not include per diem. It's strictly salary, that's the way we've always interpreted it. You could change it if you want to, but we've never interpreted any kind of reimbursement for travel as a salary.

ASSEMBLYWOMAN GIUNCHIGLIANI MOVED TO AMEND AND DO
PASS ASSEMBLY BILL 64 WITH THE AMENDMENTS IN
([EXHIBIT C](#)), INCLUDING THE AMENDMENTS REGARDING THE
ATTORNEY GENERAL.

ASSEMBLYMAN SEALE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

Co-Chairwoman Koivisto:

Let's work on A.B. 89.

Assembly Bill 89: Authorizes county clerks and city clerks to designate alternate or additional facilities at which electors may register to vote. (BDR 24-508)

Michelle Van Geel, Committee Policy Analyst, Legislative Counsel Bureau:

Assembly Bill 89 was heard by the Committee on March 8, 2005. It was brought by the City of North Las Vegas through the Nevada League of Cities and Municipalities. The measure would authorize the city clerk to designate an alternate or additional facility at which electors may register to vote and prescribes the manner of operation of such a facility. The only item that was discussed for a possible amendment at the hearing was to amend the bill to also allow the county clerks or registrars to designate that alternate or additional facility.

Co-Chairwoman Koivisto:

The bill only allows the clerks to designate an alternate or additional facility. It doesn't require them to do so. There was discussion about including the county clerks and registrars of voters, so if they don't want to do it now, they don't have to, but at sometime in the future they might want to. This way they won't have to come to the Legislature and request permission, it'll already be there for them.

Assemblyman Conklin:

On page 3, Section 2, subsection 2, paragraph (a), I'm concerned about the word "alternate." I'd much prefer to see that as "an additional municipal facility" so the facility people have been going to for years always remains the place to go; but if each municipality wants to open an additional one in another location, that would be fine.

Assemblywoman Giunchigliani:

The concern was that this could become restrictive, rather than enlarged. The intent is to increase access. If the Committee has the same concern, in Section 2, subsection 1, line 3, you could say, "the city clerk may designate, in addition to A-D as noted in 293.504" and list those additional buildings. So it refers back to the original Section 1 of those items and makes it clear that it's in addition to those.

Assemblyman Conklin:

That would be fine with me.

Co-Chairwoman Koivisto:

The point of what we're trying to do is make it easier for people to register to vote. I think that's a good suggestion.

ASSEMBLYWOMAN GIUNCHIGLIANI MOVED TO AMEND AND DO PASS ASSEMBLY BILL 89 BY AMENDING SECTION 2, SUBSECTION 1 AND INSERTING "THE CITY CLERK MAY DESIGNATE IN ADDITION TO A THROUGH D IN NRS 293.504."

ASSEMBLYMAN CONKLIN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

Co-Chairwoman Koivisto:

We will move to A.J.R. 3. [Exhibit D](#) is a work session document, provided by Michelle Van Geel, Committee Policy Analyst.

Assembly Joint Resolution 3: Proposes to amend Nevada Constitution to revise provisions governing certain constitutional officers. (BDR C-947)

Assemblyman Seale:

As the bill was written it eliminated the Office of the State Controller and transferred the duties into the Office of the State Treasurer. This amendment eliminates the offices of Treasurer and Controller and transfers those duties to a new, elected Secretary of Finance. That Secretary of Finance "shall appoint a treasurer and a controller with the appropriate credentials." Then it added language that says this will be effective at the end of the next election cycle, so in January 2011. So whoever is elected in 2006 will serve his full term, and then will have the ability to run for this new office.

Assemblywoman Gansert:

This would be a constitutional officer. So they would still have the term limits?

Assemblyman Seale:

Yes.

Assemblyman Seale:

We have a Secretary of State. Other states have secretaries of finance.

Assemblywoman Giunchigliani:

I appreciate Assemblyman Seale's additional change. We worked when it was "officer" but it was too choppy. It gives a comfort level. It's still a constitutional officer, but the duties we were talking about are antiquated and don't belong in the *Constitution* and yet we didn't want to lose the job responsibilities. This would allow the Legislature to establish the "qualifications" as well, which is another positive which is not contained in statute at this time.

Assemblyman Conklin:

I'm very pleased with the bill. What I like about this amendment is the addition, on the last page, that the Secretary of Finance "shall appoint the deputies." Because that, again, gives this office more checks and balances over the other divisions within the Executive Branch.

Assemblyman Seale:

I appreciate that. I also thought it was important because I was running into some questions, should the Controller survive or should the Treasurer survive. They both survive, in effect. What's interesting is that we already have those people in place. We have a chief deputy controller, who has the appropriate credentials to be a controller. In fact, that's the job that she's really doing. We have a chief deputy treasurer now in place, who has the credentials to be the treasurer, if you will. We still have the contact with the public and the accountability to the public through an elected officer.

Co-Chairwoman Koivisto:

I like it too. It makes sense.

Assemblyman Denis:

I am assuming that the rest of what you presented on this, as far as savings, et cetera, will remain the same?

Assemblyman Seale:

Yes, those don't change.

ASSEMBLYWOMAN McCLAIN MOVED TO AMEND AND DO PASS
ASSEMBLY JOINT RESOLUTION 3 WITH THE AMENDMENTS
SUGGESTED IN [EXHIBIT D](#).

ASSEMBLYMAN CONKLIN SECONDED THE MOTION.

THE MOTION CARRIED WITH ASSEMBLYWOMAN ANGLE AND
ASSEMBLYMAN MUNFORD VOTING NO.

Co-Chairwoman Koivisto:

We're adjourned [at 4:14 p.m.].

RESPECTFULLY SUBMITTED:

Sarah Gibson
Transcribing Attaché

APPROVED BY:

Assemblywoman Ellen Koivisto, Co-Chairwoman

DATE: _____

EXHIBITS

Committee Name: Elections, Procedures, Ethics, and Constitutional Amendments

Date: March 24, 2005

Time of Meeting: 3:45 p.m.

Bill	Exhibit	Witness / Agency	Description
***	A	*****	Agenda
<u>A. B.</u> <u>186</u>	B	Rusty McAllister, Professional Firefighters of Nevada	Proposed amendment to A.B. 186
***	C	Michelle Van Geel, Committee Policy Analyst, Legislative Counsel Bureau	Work session document on <u>A.B. 64</u> and <u>A.B. 89</u>
<u>A.J.R.</u> <u>3</u>	D	Michelle Van Geel, Committee Policy Analyst, Legislative Counsel Bureau	Work session document