

**MINUTES OF THE  
SENATE COMMITTEE ON LEGISLATIVE OPERATIONS AND ELECTIONS**

**Seventy-third Session  
May 31, 2005**

The Senate Committee on Legislative Operations and Elections was called to order by Chair Barbara Cegavske at 2:49 p.m. on Tuesday, May 31, 2005, in Room 2144 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4406, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator Barbara Cegavske, Chair  
Senator William J. Raggio, Vice Chair  
Senator Warren B. Hardy II  
Senator Bob Beers  
Senator Dina Titus  
Senator Bernice Mathews  
Senator Valerie Wiener

**GUEST LEGISLATORS PRESENT:**

Assemblywoman Chris Giunchigliani, Assembly District No. 9  
Assemblywoman Sheila Leslie, Assembly District No. 27  
Assemblyman David R. Parks, Assembly District No. 41

**STAFF MEMBERS PRESENT:**

Brenda J. Erdoes, Legislative Counsel  
Michael Stewart, Committee Policy Analyst  
Paul V. Townsend, Legislative Auditor  
Elisabeth Williams, Committee Secretary

**OTHERS PRESENT:**

Daniel J. Klaich, Nevada System of Higher Education  
Randall C. Robison, City of Mesquite  
Mary C. Walker, City of Carson City; Douglas County; Lyon County

Senate Committee on Legislative Operations and Elections  
May 31, 2005  
Page 2

Robert A. Ostrovsky, Cox Communications  
Michael R. Alastuey, Clark County  
John Slaughter, Washoe County  
Robert T. Gastonguay, Nevada State Cable Telecommunication Association  
James Wadhams, Attorney

CHAIR CEGAVSKE:  
I have a bill draft request (BDR) to introduce.

**BILL DRAFT REQUEST R-1444**: Supports repeal of Wright Amendment. (Later introduced as [Senate Concurrent Resolution 45](#).)

SENATOR BEERS MOVED TO INTRODUCE BDR R-1444.

SENATOR HARDY SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS RAGGIO AND TITUS WERE ABSENT FOR THE VOTE.)

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CHAIR CEGAVSKE:  
We need to decide whether to recede or not to recede on Assembly Bill (A.B.) 314.

**ASSEMBLY BILL 314 (2nd Reprint)**: Requires person appointed by Legislature, members of Legislature or Governor to public board to have resided in area pertaining to office for at least 6 months immediately preceding appointment. (BDR 24-436)

MICHAEL STEWART (Committee Policy Analyst):  
Committee, you will recall that A.B. 314 was brought to the Committee by Assemblyman McCleary. The original version of the bill addressed residency as it relates to candidacy. His bill talked about residency as it relates to the filling of vacancies and appointments. This Committee decided to go with residency requirements for candidates in Senate Bill (S.B.) 125 and the 6 months for appointments and vacancy filling in Assemblyman McCleary's bill, A.B. 314.

Senate Committee on Legislative Operations and Elections  
May 31, 2005  
Page 3

**SENATE BILL 125 (2nd Reprint)**: Make various changes to provisions governing eligibility for election and appointment to certain public positions and offices. (BDR 24-153)

MR. STEWART:

Senate Bill 125 was not processed in the Assembly; we still have this in play. Assembly Bill 314 and the Senate amendment was for 6 months' residency. Assembly Bill 314 would address the appointment and vacancy issue.

CHAIR CEGAVSKE:

Do we want to recede or not recede? We had proposed six months for both the residency and the appointments, and they are countering with three months for both. Senator Schneider and Assemblyman McCleary both wanted six months on their bills. Again, it came back for the second time for three months.

MR. STEWART:

If the Committee decides to recede, A.B. 314 would revert back to the first reprint as Mr. McCleary presented it. That bill did include the candidate portion. If you choose to not recede, it would trigger a conference committee.

CHAIR CEGAVSKE:

The first reprint of A.B. 314 would be for both the appointments and the residency.

SENATOR RAGGIO MOVED TO NOT RECEDE ON A.B. 314.

SENATOR BEERS SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS HARDY AND TITUS WERE ABSENT FOR THE VOTE.)

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CHAIR CEGAVSKE:

I open the hearing on A.B. 3.

**ASSEMBLY BILL 3 (1st Reprint)**: Requires Legislative Auditor to conduct performance audits of College of Agriculture, Biotechnology and Natural Resources at University of Nevada, Reno, and School of Dental Medicine at University of Nevada, Las Vegas. (BDR S-493)

ASSEMBLYWOMAN SHEILA LESLIE (Assembly District No. 27):

Section 1 of A.B. 3 asks for an audit of the College of Agriculture at the University of Nevada, Reno (UNR). You have all seen the newspaper stories which started last December about performance problems with the research animals in this college. Despite reassurances from the administration that everything was fine, we now know, through the U.S. Department of Agriculture (USDA) investigation which concluded last week, that UNR was cited for 46 violations of the Federal Animal Welfare Act and Regulations.

I want to make it clear that my concern is not personally motivated. I am a graduate alumnus of UNR. I do not know anyone involved in the College of Agriculture, I do not know the dean, and I do not know any of the professors. I have no personal vendetta, but I have been contacted by many in the university community. I used to teach at UNR and still have strong ties to faculty. Other people in the community at large have asked for this audit. From what I know of the situation, I do believe an audit is warranted. I have been concerned about the problems with the animals which have now been substantiated by the USDA, as well as the treatment of the whistle-blowing professor, the secret camera episode and the university's reaction to legitimate community concern about these issues.

However, in speaking with the chancellor of the system, I have really been reassured. I have had an excellent conversation about the growing concern in our community about these issues. There is a concern in the community regarding substantial federal research funds that the college has attracted and how they flow through the university system into limited liability companies (LLCs). Some of those LLCs are controlled by the same professors in the College of Agriculture. The use of public-private partnerships in University research projects is common across the country. In our own College of Agriculture, Biotechnology and Natural Resources, the situation appears to be unusual because some of these LLCs have equity interest in the university and some do not. Since this situation is unusual, it needs to be looked at.

The chancellor indicated to me that he was most interested in conducting a performance audit of the college to put these and other questions to rest. He offered to pay for the audit within the system. In further discussions, we agreed it was best to have the Legislative Auditor conduct the audits because they are objective and independent. We have seen their audits, and they have a nice summary sheet that someone like me can understand. Therefore, we thought we could use this bill to request a legislative audit. The up-to-\$50,000 language you see in both these audits is just the standard Legislative Counsel Bureau amount. It probably will not cost that much.

I do believe the audit will clear up the questions about the particular college and how it operates. It will reassure us that procedures are in play and standards are being met. The hopeful outcome will be a clean audit. If there are problems, we need to know about them and fix them. I want to commend Chancellor Daniel J. Klaich and his office for their support and full disclosure in this matter. If the bill fails, I will be taking the chancellor up on his offer to conduct an audit. I just think a legislative audit would be a better way to do it.

CHAIR CEGAVSKE:

There were some findings this morning on the news. Do you want to talk a little about those?

DANIEL J. KLAICH (Nevada System of Higher Education):

Assemblywoman Leslie contacted the chancellor and me before any of these discussions started here in Carson City. We appreciate that courtesy. She has correctly represented every conversation we have had to this point. We will see this performance audit is done one way or the other. The Legislature could take the lead, if that is your desire.

With respect to the article you saw in the paper over the weekend, I will first tell you I have not read the report from the USDA, so I know what you know about it. Assemblywoman Leslie's comments, with respect to the audit report, are correct in that regard as well. I understand there are violations and then there are violations. The number here is not an insignificant number. Quite frankly, I do not know the gravity of these, but we take it very seriously.

CHAIR CEGAVSKE:

I wanted you to go into more detail because the bill was coming up and you

want an audit. I did not know to what extent the investigation was done. What was done? Is that investigation just an investigation or is it similar to an audit that would be performed?

MR. KLAICH:

I think not. The issues that the Assemblywoman, the chancellor and I have discussed concern broader issues that could also involve financial matters associated with the College of Agriculture and how it does business. Although this decision is ultimately made by the president, I believe the USDA investigation, with respect to the animal treatment violations, is closed. We will probably accept it and pay the fines.

ASSEMBLYWOMAN CHRIS GIUNCHIGLIANI (Assembly District No. 9):

I echo the remarks made by my colleague. We worked together on section 1, subsection 1 and subsection 2. Section 1, subsection 3 concerns the audit of the School of Dental Medicine. I will not make any bones that I did not support the creation of the original dental school. We have been wrestling with budget closings. Through our discussions and the testimony we heard, the opportunity arose to put to rest what is happening regarding treatment and care, who is being seen, where our Medicaid dollars are going and whether we broadened the program beyond our intent. Dr. Harder assured me the audit of the dental school was acceptable to them, and they would welcome the performance audit. It is modeled after section 1, subsection 1 and subsection 2, regarding the Department of Agriculture. The cost of the audit could be up to \$50,000. A performance audit seems necessary based on a lot of the testimony and discussions we had in both Houses. We want to know what is going on; with this audit, we will have a comfort level as we deal with the School of Dental Medicine in the next Legislative Session.

SENATOR RAGGIO:

The curious thing is this bill started out as an audit of the Department of Wildlife, and at this point in time, I am not sure the Department of Wildlife is still the sponsor of the bill. Assembly Bill 3 requires that in addition to Wildlife, a couple parts of the University, which always seems to be the object of someone's criticism or concern, will be audited. This bill includes the College of Agriculture, Biotechnology and Natural Resources and the Dental School, which always seem to be a target. When are we going to stop?

ASSEMBLYWOMAN GIUNCHIGLIANI:

This will help put the issues to rest, and that is part of the reason for the audit request. We had a lot of discussion in the Assembly, as you have in the Senate, about what was going on in regard to treatment, the type of care, teeth being pulled and program expansions in the community. Once this performance audit is conducted, one way or another, we will have the facts and not be into rumors, innuendos or assumptions. That would help in the long run.

This bill from Assemblyman Jerry Claborn did contain an audit of the Department of Wildlife. We had been assured that by the time the bill came over to the Assembly Committee on Ways and Means, Paul Townsend already had that audit on their regular list of audits to conduct this summer, so there was no need for that legislation. The chair of the Assembly Committee on Natural Resources allowed us to bring this forward.

Regarding your concerns about the School of Agriculture, Assemblywoman Leslie was talking about more than what happened with the USDA. There are issues regarding the financing, the LLCs and the grant monies which need attention. This audit seeks to look into the administration and the financial matters.

SENATOR RAGGIO:

Obviously, the University system is in a situation where it would seem politically inappropriate for them to object to this. I appreciate the vice chancellor's comments, but how many audits are we asking the Legislative Auditor to perform this Session? Is the Legislative Auditor capable of doing all these audits? These are not regular audits being suggested, they are performance audits.

PAUL V. TOWNSEND (Legislative Auditor):

We currently have no other audits scheduled for the Nevada System of Higher Education. One other audit bill, A.B. 406, which requests an audit on the Las Vegas Monorail, is currently in the Assembly Committee on Ways and Means. Our current audit program would not be significantly impacted by the addition of these two audits.

SENATOR RAGGIO:

There is a measure on the audit of the Truckee Meadows Water Authority. Is that going to be done by a Legislative Auditor or someone else?

Senate Committee on Legislative Operations and Elections  
May 31, 2005  
Page 8

MR. TOWNSEND:

That audit is not being done by a Legislative Auditor.

MR. STEWART:

The Senate Committee on Government Affairs has A.B. 323 which requires the Bureau of Consumer Protection in the Office of the Attorney General to conduct an audit and investigation of rate-setting practices of Truckee Meadows Water Authority.

ASSEMBLY BILL 323 (1st Reprint): Requires Bureau of Consumer Protection in Office of Attorney General to conduct audit and investigation of rate-setting practices of Truckee Meadows Water Authority. (BDR S-137)

CHAIR CEGAUSKE:

I close the hearing on A.B. 314 and open the hearing on A.B. 498.

ASSEMBLY BILL 498 (1st Reprint): Makes various changes concerning the Legislative Committee for Local Government Taxes and Finance. (BDR S-421)

ASSEMBLYMAN DAVID R. PARKS (Assembly District No. 41):

I speak in support of A.B. 498. Almost everyone is familiar with the activities of the Legislative Committee for Local Government Taxes and Finance. It has been an ongoing committee. It has produced some good results, and I would hope it would be retained and continued in operation.

CHAIR CEGAUSKE:

Could you give the Committee a little background about the requirements of this legislation?

ASSEMBLYMAN PARKS:

The Legislative Committee for Local Government Taxes and Finance has been an ongoing committee. I believe it was initially called the S.B. 40 Committee, then it was renamed when subsequent legislation was passed to the S.B. 267 Committee. Finally it became the S.B. 557 Committee for S.B. No. 557 of the 71st Session sponsored by former Senator Ann O'Connell. We have looked at a lot of different revenue programs of the State. We have also been fortunate to have an advisory committee which did the majority of the work and made worthwhile recommendations to the Committee. That



committee included Guy Hobbs, Marvin Leavitt, Michael Alastuey and Bob Anderson. It has had the director of the Department of Taxation on the Committee. William Horn, John Sherman, Claudette Springmeyer, Philip Stoeckinger, Dawn Stout and Terri Thomas have previously served on the Committee and done an outstanding job in a number of different areas.

CHAIR CEGAVSKE:

Section 3 of this bill is the interim study of taxation of real property. Section 4 says this committee will conduct an interim study concerning the feasibility of consolidating local government entities and services within the urbanized areas of the county. We have heard from a gentleman, Mr. William Freed, who wanted a study done. This bill will take care of his questions.

RANDALL C. ROBISON (City of Mesquite):

We support the bill, and we also want to present a proposed amendment ([Exhibit C](#)). The amendment concerns the gas tax distribution form, which the committee has reviewed in the past. Councilwoman Donna Fairchild presented a letter to the committee during the interim and asked that they review this form. With the Chair's indulgence, I would like to read a brief excerpt from that letter to explain the issue. This letter is dated August 17 from Councilwoman Donna Fairchild from the City of Mesquite. "I am asking that you recommend the committee study further the issue of using actual lane miles rather than central lane miles as the basis of the gas tax distribution formula." She goes on to cite an example of the issue at hand:

The city recently assumed 2.84 center line miles from the Nevada Department of Transportation. However, two traffic lanes in each direction, a parking lane on each side and a continuous turning lane that run the length of the roadway equate to seven lanes or seven times the 2.84 center line miles for a total of 19.88 actual lane miles. As you can see, basing a funding distribution on the artificial 2.84 centerline miles rather than that 19.88 actual lane miles results in a serious shortfall of the funds necessary to provide even the most basic kinds of road maintenance for residents and visitors to our city.

She concludes,

This same issue affects other cities across the State. I also know it can be a difficult issue to equitably address. Nonetheless, I respectfully ask that you recommend the Committee revisit the issue with an eye toward a more equitable solution during the 2005 Session and the ensuing interim period.

The distributed amendment, [Exhibit C](#), simply asks that this be one of the issues they take up to study for this next interim period, should this bill proceed and this committee be extended.

MARY C. WALKER (City of Carson City; Douglas County; Lyon County):

I support A.B. 498. I want to thank Chairman Parks for advancing this bill; it is important. I represent some of the rural communities. Sometimes, complex problems arise during the course of the interim that we cannot deal with. This has been an excellent tool to bring those problems forward and work with people. A talented group of people serve on that committee. It is important to monitor the taxation, particularly the new property tax cap, and make sure everything works smoothly.

ROBERT A. OSTROVSKY (Cox Communications):

We propose an amendment ([Exhibit D](#)). It was our original intent to introduce a bill agreed to by the leadership in both the Senate and the Assembly. We have actively supported the Committee in this bill. When we found this bill alive and well, we felt that rather than ask for another study committee, we would just ask the committee in the bill to take a look at an issue I have talked about to a number of local governments.

As you know, Cox Communications has been to the Legislature for the last two Sessions regarding its problems in competitive marketplaces with satellite broadcasters. Local governments suffer when customers are lost to a satellite broadcaster or a satellite master antenna television. They also suffer when customers are lost to traditional telephone companies, which are going to provide video service soon. Local governments have seen a continuing drain on the revenue they receive from franchise fees. Many governments have had increasing amounts of franchise fee income, but the actual income is down by over 22 percent because of the loss of those market dollars.

In the past, this Committee has taken a look at competitive issues within the telecommunications area. We are asking the Committee to hold a subcommittee to look into the concerns about how taxes and fees on telecommunications and video providers are collected, examine their role in local and state governments and give recommendations "to keep local governments in this State whole coming into the future as those are changing." At the federal level, there is a real possibility of a new telecommunications act within the next year. We have all heard the talk about trying to eliminate franchise fees for local governments. We are not here to do that. We are here to look at how we can make the franchise fee or taxing system work for local governments and allow competitors to compete in this marketplace.

We have an amendment, [Exhibit D](#), which would create a specific assignment for a subcommittee to look at those issues, including any of the wireless methods. The old taxation systems set up years ago are ineffective and continue to erode local government revenues. This can assure us a steady revenue field for local governments and a steady competitive market environment for all providers. We would ask the amendment be put into this bill.

MICHAEL R. ALASTUEY (Clark County):

I am here in support of the bill. Earlier this Session, I testified with Assemblyman Parks in favor of the continuation of this Committee. This Committee has had a long life for good reason. Each and every interim, at least one or two BDRs pass both Houses as a result of the diligent work of this Committee. I have been privileged to serve a number of years as a technical advisor to the committee.

I have a couple of observations on section 4 of [A.B. 498](#), the section which studies the feasibility of consolidating local governmental entities. This might be somewhat the case in Washoe County and Clark County. Often, the cacophony of news accounts might give people the impression that cities and counties provide the same services and are somewhat duplicative in their roles. That is not the case. Most opportunities for elimination of duplication and achieving consolidation have already been implemented as in all human services; county medical care, and in the case of county hospitals, juvenile justice facilities and services; elected services of the district attorneys, county assessors, recorders, treasurers, district courts and justice courts. If you ever die under suspicious circumstances, you will find the same coroner offices regardless of whether you

lived in the city or county. Finally, when you embark from southern Nevada to fly up to northern Nevada, you depart from a county-operated airport serving all the citizens in Clark County.

In addition, we have taken advantage with your enabling legislation to form a metropolitan police department which consolidates police services. Most of the public works dollars go into road and transit systems, and those in effect are regionalized under the Regional Transportation Commissions. What might be considered for consolidation are land-based services or those particular to an area. These include parks, recreation and culture, business licensing, building permitting, fining and zoning, and fire protection, depending on the configuration of fire districts. Those services comprise a miniscule part of the outlays in the county budget. As you deliberate, the opportunities you might sense are out there for consolidation are not there because cities and counties really do provide different services at different times and places, and it is not in duplication. Having said that, we support the continuation of the committee.

JOHN SLAUGHTER (Washoe County):

I am here to indicate Washoe County's support of the continuation of the Committee.

ROBERT T. GASTONGUAY (Nevada State Cable Telecommunication Association):

I would like to give my support for this piece of legislation, especially the amendment brought by Mr. Ostrovsky. There is change coming on the federal level. I will be in Washington, D.C. next week to attend a national conference. We will be doing Capitol Hill visits, and one of the major topics of conversation will be the rewrite of the Telecommunications Act of 1996. Placing a subcommittee within this Committee and corresponding with the subsequent federal legislation would be an asset.

SENATOR RAGGIO:

All the proposed amendments are worthwhile. I am not sure there needs to be a subcommittee. The subjects for study could be done in the Committee. The amendment in [Exhibit D](#) is drafted appropriately. It does not suggest a subcommittee. That was suggested along with the amendment proposed by Mr. Robison to be added to section 4 of [A.B. 498](#).

SENATOR WIENER:

I want to make sure I have clarity on one of the points on [Exhibit D](#). Paragraph (d) on page 1 says, "Consider individually the different types of services provided and manner of providing those services and determine which level of government is most appropriate for the administration of those services." I am getting the impression this would be a government service, but I do not think that is what you are trying to address.

MR. OSTROVSKY:

We were trying to address clear court decisions which already say local governments can collect franchise fees from certain types of providers. Court cases also say only the state can collect similar fees from other kinds of providers. The real issue is how to create a tax structure where everyone is taxed appropriately at the local and state level, or do you consolidate and redistribute the money back to the locals? If you just look at local taxation, there is no way to get at some of the providers. Some of it has to be done at the state. They were suggesting the state would redistribute it back to its county of origin. We just want to make sure none of that gets passed over, and the charge to the Committee is broad enough so we can discuss all of these matters without objections. We are not married to this language.

ASSEMBLYMAN PARKS:

I would like to comment on some of the amendments and talk about the recommendations from the City of Mesquite. There is a bill which has passed through the Legislature this Session. The recommendation was the distribution formula for the second tier distribution of gasoline tax with the 2.35-cent levy. The distribution did change how the local governments would receive their revenues. It took the State-maintained roads out of the formula, which we felt was the better way to do it. Mesquite was one of those cities which lost a bit of revenue in the range of less than 1 percent, but not a significant amount of revenue.

We still want to continue looking at gasoline tax and the distribution. We do want to make sure any distribution is done in an appropriate manner in the best interest of all entities. The counties had the most projected loss in revenue because of this redistribution formula, but the bill managed to keep everyone whole until the increase in revenue caught up.

One thing the Committee members do at the first meeting of the Committee is look at what happened in the preceding legislative session. They look at the primary issues, and from that they develop a menu of the activities they want to pursue. With the support of the 11-member committee or all volunteers to the legislative standing committee, they come up with a recommendations of the bill drafts for the next legislative session and what work to accomplish during the interim.

I am certain the Committee would be happy to look at the area of telecommunications. We did have an interim study in the past interim which looked at telecommunication services, but not from a financial perspective. That could certainly be accommodated. I do not know if all the recommendations in the proposed amendment need to be part of A.B. 498, but it certainly is an area worthy of consideration.

CHAIR CEGAVSKE:  
Do you support both amendments?

ASSEMBLYMAN PARKS:  
Yes, I do support them from a general perspective.

SENATOR HARDY:  
My understanding is they changed the formula, but not the basis upon which the formula is based. They did not change the centerline versus actual miles.

ASSEMBLYMAN PARKS:  
Yes, we did use a revised distribution formula.

MS. WALKER:  
What they did was take out state road miles. State road miles, in a lot of cases, would be the larger roads. That was the major change in this formula. It did not address whether it should be centerline miles or lane miles. We addressed that in past legislative sessions where we kept the center lane miles. The only thing this time is we took out the state road miles.

SENATOR HARDY:  
I would hate to take that off the table. It is certainly something worth looking at again if Assemblyman Parks does not have an objection to his bill being used as a vehicle.

Senate Committee on Legislative Operations and Elections  
May 31, 2005  
Page 15

CHAIR CEGAUSKE:

I close the hearing on A.B. 498. Now the Committee must review what bills we want to concur or not concur with.

MR. STEWART:

The packet ([Exhibit E](#), original is on file at the Research Library) contains the bills the Committee must concur or not concur with. Senate Bill 224 is on page 1.

**SENATE BILL 224 (2nd Reprint)**: Makes various changes relating to elections.  
(BDR 24-698)

MR. STEWART:

You will recall this bill is from Senator Randolph J. Townsend. One of the amendments from the Assembly added Assemblywoman Gansert as a sponsor because she brought over a similar bill that related to single subjects. I have included in [Exhibit E](#) a summary of the bill as adopted by the Senate and the summary of the bill as adopted by the Assembly. The Assembly added substantial portions to the bill.

The amendment does five things. First, it adds provisions from the first reprint of A.B. 497, which concerned initiative petitions.

**ASSEMBLY BILL 497 (3rd Reprint)**: Revises provisions relating to registering to vote and provisions relating to initiatives and referenda. (BDR 24-442)

MR. STEWART:

When the Senate heard A.B. 497, some provisions were removed in the Senate amendment. Second, it creates ballot measure committees. The intent was to close a loophole in existing law where some groups that advocated for ballot questions did not have to follow the filing requirements under the ballot question advocacy group filing or the political action committee filing of campaign contribution and expenses reports. Third, it clarifies procedures for gathering signatures at public buildings; it requires areas designated at each public building and a list of those locations made available to the public. Fourth, the amendment adds language to require the title of a petition for initiative or referendum to reflect the content of the petition. This Committee discussed that issue in this bill, Assemblywoman Gansert's bill, and to some extent, in

Senate Committee on Legislative Operations and Elections  
May 31, 2005  
Page 16

A.B. 497. Finally, as I noted earlier, the fifth thing the amendment does is add Assemblywoman Gansert as a sponsor.

The copy of the Assembly amendment starts on page 4 of [Exhibit E](#). We have also received a proposed amendment from Lucille Lusk, which begins on page 53 of [Exhibit E](#). They are proposed changes, should the Committee decide to take this to conference or not.

SENATOR HARDY:

There are some outstanding concerns and questions on S.B. 224.

SENATOR HARDY MOVED TO NOT CONCUR WITH AMENDMENT NO. 1102 TO S.B. 224.

SENATOR MATHEWS SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS BEERS, RAGGIO AND TITUS WERE ABSENT FOR THE VOTE.)

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MR. STEWART:

Committee members, you will recall S.B. 386 is a bill which makes various changes governing elections.

[SENATE BILL 386 \(2nd Reprint\)](#): Makes various changes relating to public office. (BDR 24-311)

MR. STEWART:

This bill was brought to the Committee on behalf of Mr. Larry Lomax. It addresses things such as voting systems and poll books. It corrects antiquated language and removes some provisions regarding paper ballots. There were a couple of amendments proposed to S.B. 386 from the Assembly, which begins on page 62 of [Exhibit E](#). One was Amendment No. 931 removing provisions in the bill restricting poll workers, requiring 24-hour notice before gathering signatures on petitions at public buildings, prohibiting candidates or relatives of candidates from assisting certain voters from marking a ballot, prohibiting voters from voting a provisional ballot if he or she was at the wrong polling place and adding new language concerning electioneering. Second, the amendment



clarifies both the State and county central committees may request and receive a list of registered voters. Third, it adds provisions to require the Secretary of State to prescribe regulations concerning paper records created from mechanical voting systems. Finally, it removes provisions requiring the Secretary of State to prepare an information pamphlet pertaining to circulating petitions.

Amendment No. 1002 incorporates several provisions from A.B. 419, which this Committee considered.

**ASSEMBLY BILL 419 (1st Reprint)**: Makes various changes relating to public officers and employees. (BDR 23-1020)

MR. STEWART:

The amendment increases the maximum fines for ethics violations, discusses open meeting law violations and adds language similar to what Legislators have in terms of accepting contributions before and after session. It applies those similar restrictions on a person elected to a county, city or township office.

SENATOR HARDY:

I do not see a lot of problems, but it does appear they have legitimized paper ballots again. I am not sure that was their intent.

SENATOR HARDY MOVED TO NOT CONCUR WITH AMENDMENTS NO. 931 AND NO. 1002 TO S.B. 386.

SENATOR MATHEWS SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS BEERS, RAGGIO AND TITUS WERE ABSENT FOR THE VOTE.)

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MR. STEWART:

Senate Bill 428 discusses administrative proceedings and administrative hearings.

**SENATE BILL 428 (1st Reprint)**: Prohibits admission of certain persons as parties to certain administrative proceedings. (BDR 18-987)

JAMES WADHAMS (Attorney):

The Assembly added an amendment as explained on page 80 of [Exhibit E](#) that adds an additional phrase in the section concerning petitions for judicial review referring to a contested case. I do not have any disrespect for the Assembly committee. However, the Assembly committee which heard the bill generally hears open meeting questions rather than public hearings on contested cases. The committee felt this amendment tightened the bill to make sure it only applies in those contested cases. I think it is redundant, but I support this completely. Other than that, it is the exact bill you saw.

SENATOR HARDY MOVED TO CONCUR WITH AMENDMENT NO. 911  
TO S.B. 428.

SENATOR WIENER SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS BEERS, RAGGIO AND TITUS WERE  
ABSENT FOR THE VOTE.)

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MR. STEWART:

Senate Bill 477 was brought to this Committee on behalf of the Legislative Commission.

[SENATE BILL 477 \(2nd Reprint\)](#): Makes various changes relating to Legislature and Legislative Counsel Bureau. (BDR 17-371)

This is one of the standard bills the Legislative Commission brings to the legislative operations committees each session. The amendment as explained on page 82 of [Exhibit E](#) removes provisions in the bill that would have exempted projects undertaken by the Legislature or the Legislative Counsel Bureau from the procedural requirements for public works. This might have been an issue Senator Mathews questioned when we heard the bill earlier this Session.

SENATOR HARDY MOVED TO CONCUR WITH AMENDMENT NO. 902  
TO S.B. 477.

SENATOR WIENER SECONDED THE MOTION.

Senate Committee on Legislative Operations and Elections  
May 31, 2005  
Page 19

CHAIR CEGAVSKE:

For discussion purposes, I would like to indicate we did talk to Lorne Malkiewich and Brenda Erdoes, and they did indicate this amendment was fine.

THE MOTION CARRIED. (SENATOR BEERS, RAGGIO AND TITUS WERE ABSENT FOR THE VOTE.)

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CHAIR CEGAVSKE:

There being no further business, I adjourn this meeting of the Senate Committee on Legislative Operations and Elections at 3:45 p.m.

RESPECTFULLY SUBMITTED:

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Elisabeth Williams,  
Committee Secretary

APPROVED BY:

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Senator Barbara Cegavske, Chair

DATE: \_\_\_\_\_