

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

**Seventy-fourth Session  
May 29, 2007**

The Senate Committee on Legislative Operations and Elections was called to order by Chair Barbara K. Cegavske at 3:37 p.m. on Tuesday, May 29, 2007, in Room 2144 of the Legislative Building, Carson City, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator Barbara K. Cegavske, Chair  
Senator William J. Raggio, Vice Chair  
Senator Warren B. Hardy II  
Senator Bob Beers  
Senator Bernice Mathews  
Senator Valerie Wiener  
Senator Steven A. Horsford

**STAFF MEMBERS PRESENT:**

Kimberly Marsh Guinasso, Assembly Legal Counsel and Bill Drafting Advisor  
H. Pepper Sturm, Chief Deputy Research Director, Research Division  
Michelle L. Van Geel, Committee Policy Analyst  
Donald O. Williams, Research Director, Research Division  
Brian Campolieti, Committee Secretary

CHAIR CEGAVSKE:

I open this meeting with a presentation from Research Division.

DONALD O. WILLIAMS (Research Director, Research Division):

I was asked to develop options allowing for establishing ongoing statutory committees with the least amount of impact to Legislators and the Legislative Counsel Bureau (LCB) personnel. I prepared a memo for the Committee titled Ongoing Statutory Committees ([Exhibit C](#)). [Exhibit C](#) lists the existing 15 ongoing statutory committees staffed by LCB. These are in addition to the Legislative Commission and the Interim Finance Committee. Page 2 of [Exhibit C](#) lists possible options to combine or eliminate certain committees. We also

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prepared a comprehensive Legislative Interim Committee Action Plan ([Exhibit D](#)). Some elements in [Exhibit D](#) are outlined on page 3 of [Exhibit C](#).

CHAIR CEGAVSKE:

We have Senate Bill (S.B.) 104 before this Committee which we can use for this. We can remove the contents of the bill and replace it with what the Committee desires.

**SENATE BILL 104**: Revises provisions relating to the effective date of certain legislation (BDR 17-481)

MR. WILLIAMS:

Whether or not you combine or eliminate any statutory committees, there are some options that will reduce the existing staffing requirements. One option is to continue the practice of requiring the Legislative Commission to approve the work programs of all the statutory committees. It is important the work programs be reviewed and approved by the Legislative Commission. This will help with regard to entities being created in the last minutes of a session. The Legislative Commission's authority and responsibility for approving work programs will help in controlling the impacts on staff and Legislators. You will find the rest of the options offered on page 3 of [Exhibit C](#). Additionally, we prepared a document entitled Measures Affecting or Creating Interim Committees—2007 ([Exhibit E](#)). You will see how many different measures are under consideration in the current session. These measures will add responsibilities to statutory committees.

CHAIR CEGAVSKE:

How many measures have been passed out from the Legislature?

H. PEPPER STURM (Chief Deputy Research Director, Research Division):  
Three have gone to the Governor.

CHAIR CEGAVSKE:

How many are pending?

MR. STURM:

There are a number in the works.

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CHAIR CEGAUSKE:

What are the three bills sent to the Governor?

MR. STURM:

Assembly Bill (A.B.) 278, A.B. 153 and S.B. 356.

SENATOR HARDY:

When you apply the proposed model to the 2005/2007 Legislative interim, you realize this is a good way to go. I appreciate this proposal and it will improve our legislative process.

MR. STURM:

There is an interesting option under item 9 on page 8 of [Exhibit D](#). I draw your attention to how the state of Kentucky uses language for each interim study measure that authorizes their equivalent of the Legislative Commission to redirect a study to another committee. That is another way to save money.

SENATOR MATHEWS:

I am looking at the options proposed and agree the Legislative Committee on Persons with Disabilities will be well served in the Legislative Committee on Health Care. However, how can I be assured people with disability issues do not get lost in a large committee like that? I also have concern with the Legislative Committee on Public Lands dealing with nuclear waste in Nevada. We need to have the Committee continue to survive independently.

SENATOR WIENER:

In the creation of a parallel structure between standing and statutory committees, how do you envision what that will look like?

MR. WILLIAMS:

The language in [Exhibit D](#) is conceptual, which is why we put "draft" on it. We are referring to the interim committees only. We do not anticipate changing the standing committees during session.

SENATOR WIENER:

The standing committees are sending studies to their similar statutory committees over the interim?

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MR. WILLIAMS:  
Yes, that is correct.

SENATOR MATHEWS:  
Are we taking action on this subject today or is this a study?

CHAIR CEGAVSKE:  
If we decide to do something about this, we need to take action today. We have S.B. 104 so we will need to amend and do pass as amended.

SENATOR HARDY MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 104.

SENATOR RAGGIO SECONDED THE MOTION.

SENATOR HARDY:  
According to Mr. Sturm, the Legislative Commission can make adjustments if necessary.

SENATOR WIENER:  
In one of the suggestions offered, you stated staff will work with Legislators to conduct a study. How will that work?

MR. WILLIAMS:  
There have been different models. During the 1980s, the Legislative Commission directed a staff study on corrections. They did not appoint a subcommittee of Legislators; they directed the Research Division to conduct a staff study. In addition to the Legislative Commission directing that, individual Legislators could ask for a more in-depth research product than a normal memorandum.

SENATOR WIENER:  
If you are working with a Legislator who is engaged in this in lieu of a subcommittee, can that Legislator use the personalized study for the subcommittee?

MR. WILLIAMS:

Yes, a staff study is flexible because they can work with certain groups of constituents or interested parties. That can be used as part of the subcommittee.

SENATOR MATHEWS:

The public is involved in a number of these committees. Will limiting the locations of committees outside Carson City, Reno and Las Vegas limit the public from participating?

MR. WILLIAMS:

I agree with your concern and I am unsure of the impact.

SENATOR MATHEWS:

We can discuss this further in the mock-up. The other issue I have is this will be a large bill.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR CEGAVSKE:

I close the hearing on S.B. 104 and open the hearing on S.B. 401.

**SENATE BILL 401 (2nd Reprint)**: Requiring the Secretary of State and the county clerks to provide certain reports concerning elections to the Legislature. (BDR 24-248)

MICHELLE L. VAN GEEL (Committee Policy Analyst):

This House passed S.B. 401 and the Assembly amended a provision requiring the Secretary of State and county clerks to study the feasibility of changing the deadline to register to vote.

SENATOR RAGGIO MOVED TO NOT CONCUR WITH  
AMENDMENT NO. 926 TO S.B. 401.

SENATOR BEERS SECONDED THE MOTION.

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SENATOR HORSFORD:

I understand the provision added is similar to one I created to enact it, not study it. Amendment No. 926 directs the Secretary of State to study it and bring it back to the Legislature, not implement the policy.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR CEGAVSKE:

I close the hearing on S.B. 401 and open the hearing on S.B. 425.

**SENATE BILL 425 (2nd Reprint)**: Makes various changes relating to campaign practices. (BDR 24-905)

SENATOR RAGGIO MOVED TO CONCUR WITH  
AMENDMENT NO. 863 TO S.B. 425.

SENATOR BEERS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR CEGAVSKE:

I close the hearing on S.B. 425 and open the hearing on S.B. 548.

**SENATE BILL 548 (2nd Reprint)**: Revises various provisions relating to public offices. (BDR 23-1434)

SENATOR RAGGIO MOVED TO CONCUR WITH  
AMENDMENT NO. 864 TO S.B. 548.

SENATOR HARDY SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR CEGAUSKE:

I close the hearing on S.B. 548 and open the hearing on S.B. 549.

**SENATE BILL 549 (2nd Reprint)**: Makes various changes to provisions governing certain petitions. (BDR 24-1382)

SENATOR HARDY MOVED TO CONCUR WITH  
AMENDMENT NO. 687 TO S.B. 549.

SENATOR RAGGIO SECONDED THE MOTION.

SENATOR HORSFORD:

Can I have an explanation of the provision relating to the *Constitution of the State of Nevada* within Amendment No. 687?

KIMBERLY MARSH GUINASSO (Assembly Legal Counsel and Bill Drafting Advisor):

The amendment relates to the *Constitution of the State of Nevada* in order to clarify the language. This is an explanation of the constitutional provisions and cases addressing those provisions that drove the drafting of the bill, which is statutory in nature.

SENATOR HORSFORD:

Then, it is 10 percent of the voters statewide multiplied by the population percentage for that county. What does this provision do as far as ensuring equal representation throughout the state?

Ms. GUINASSO:

We eliminated the reference in section 1 of S.B. 549 to the three-tiered population calculation. First is the determination of the population of the entire state, second is the 4 percent of total population we are eliminating. There was an either-or calculation in the previous version of the bill. The calculation is 10 percent of the voters who voted in the entire state in the last general election. We achieve a number and apportion that number among the counties in the state. For example, if Clark County has 90 percent of the population and 100,000 voters voted in the last election, then 90,000 signatures must be gathered from Clark County.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR CEGAVSKE:

I close the hearing on S.B. 549 and open the hearing on Senate Joint Resolution (S.J.R.) 3.

**SENATE JOINT RESOLUTION 3 (2nd Reprint)**: Proposes to amend the Nevada Constitution to revise certain provisions relating to elections. (BDR C-260)

SENATOR HARDY MOVED TO CONCUR WITH  
AMENDMENT NO. 923 TO S.J.R. 3.

SENATOR RAGGIO SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR CEGAVSKE:

I close the hearing on S.J.R. 3 and open the hearing on A.B. 142.

**ASSEMBLY BILL 142 (2nd Reprint)**: Makes various changes concerning ethics in government. (BDR 23-169)

SENATOR RAGGIO MOVED TO NOT RECEDE FROM  
AMENDMENT NO. 800 TO A.B. 142.

SENATOR BEERS SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS HORSFORD, MATHEWS AND  
WIENER VOTED NO.)

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CHAIR CEGAVSKE:

I close the hearing on A.B. 142 and open the hearing on A.B. 335.



**ASSEMBLY BILL 335 (2nd Reprint)**: Makes various changes relating to public office. (BDR 17-1195)

SENATOR HARDY MOVED TO NOT RECEDE FROM  
AMENDMENT NO. 1014 TO A.B. 335.

SENATOR RAGGIO SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS HORSFORD AND  
WIENER VOTED NO.)

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CHAIR CEGAVSKE:

I close the hearing on A.B. 335 and open the hearing on A.B. 604. This was a bill sent to this Committee of which I had the pleasure of working with Assemblyman Marcus Conklin. I am deeply disappointed in what occurred with regard to this subject. The Senate supported having all cities go along with the counties for an election. The reason we decided to do that is because it saved over a million dollars of taxpayer funds. What disappoints me is that some of you went to the Assembly and voiced objection to this without saying anything in this House. I am disappointed in how the rumors got started and what was said. For the record, I want everyone to know Senator Dennis Nolan had nothing to do with attaching this amendment, other than asking to have the bill held so both amendments could be on at the same time. I apologize to Senator Nolan for things said about him and what has gone on with regard to his involvement. That said, I do not want to do anything to harm A.B. 604. The cities are being irresponsible by not complying with the amendment we sent over. To save the people of Nevada over \$1 million every election is the right thing to do.

**ASSEMBLY BILL 604 (3rd Reprint)**: Revises provisions governing elections. (BDR 24-1396)

SENATOR HARDY:

I appreciate your frustration and agree nothing is more frustrating when that happens. Decisions of government are best made at the level closest to the people. Whatever we do with this bill, we need to allow those who do not want to be included an escape. Is the issue with the City of Henderson and their judicial elections impacted by the amendment as well?

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Ms. VAN GEEL:

That was in the amendment, not the bill.

SENATOR HARDY:

Will a motion to recede take care of Mesquite, Boulder City and Henderson?

Ms. VAN GEEL:

Yes, it will. If we receded from that amendment, it will leave the provisions relating to initiative issues and election deadlines.

SENATOR RAGGIO MOVED TO NOT RECEDE FROM  
AMENDMENT NO. 987 TO A.B. 604.

SENATOR BEERS SECONDED THE MOTION.

SENATOR HORSFORD:

I have a concern about attaching the provision to this particular bill because it required much stakeholder work. Is there not another vehicle where the provisions relating to the election cycle can also be considered without jeopardizing the bill?

CHAIR CEGAVSKE:

I appreciate your comments. I did not know what bill we were submitting. I asked staff to find something germane and this was the one chosen. Since the bill was passed by the Senate without opposition, I did not anticipate any problems from the Assembly.

SENATOR HARDY:

Sometimes, the pace of the session does not match well with local governments and their boards. I admonish the boards for trying to fix that.

THE MOTION CARRIED. (SENATOR HARDY VOTED NO.)

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CHAIR CEGAVSKE:

If there is nothing else to come before this Committee, I adjourn the Senate Committee on Legislative Operations and Elections at 4:30 p.m.

RESPECTFULLY SUBMITTED:

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Brian Campolieti,  
Committee Secretary

APPROVED BY:

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Senator Barbara K. Cegavske, Chair

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