

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

**Seventy-fourth Session
April 12, 2007**

The Senate Committee on Legislative Operations and Elections was called to order by Chair Barbara K. Cegavske at 2:08 p.m. on Thursday, April 12, 2007, in Room 2144 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412E, 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 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

GUEST LEGISLATORS PRESENT:

Senator Michael A. Schneider, Clark County Senatorial District No. 11
Senator Dina Titus, Clark County Senatorial District No. 7

STAFF MEMBERS PRESENT:

Brenda J. Erdoes, Legislative Counsel
Kimberly Marsh Guinasso, Assembly Legal Counsel and Bill Drafting Adviser
Michelle L. Van Geel, Committee Policy Analyst
Brian Campolieti, Committee Secretary

OTHERS PRESENT:

Mary Bryant, Reno, Nevada Council on Developmental Disabilities
Diane Rossmann, People First of Nevada Reno/Sparks Chapter
Santa Perez, People First of Nevada
Ken Horn, People First of Nevada Fallon Chapter

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Matt Griffin, Deputy for Elections, Office of the Secretary of State
Craig Walton, Nevada Center for Public Ethics
Alfredo Alonso, Nevada Beer Wholesalers Association; Southern Wine and Spirits
Tony F. Sanchez, DeLuca Liquor and Wine, Limited
Janine Hansen, Nevada Eagle Forum
Tim Tetz, Executive Director, Office of Veterans' Services
Rick R. Hsu, Reno, Commission on Ethics
L. Patrick Hearn, Executive Director, Commission on Ethics
Dave Noble, Public Utilities Commission of Nevada

CHAIR CEGAVSKE:

I open this meeting with Senate Bill (S.B.) 491.

SENATE BILL 491: Establishes the preferred manner of referring to persons with disabilities in Nevada Revised Statutes. (BDR 17-297)

MICHELLE L. VAN GEEL (Committee Policy Analyst):

Senate Bill 491 was requested by the Legislative Committee on Persons with Disabilities. The Disability Committee worked closely with the Strategic Plan Accountability Committee to prepare recommendations to improve services for people who are disabled. One of the issues brought to the Disability Committee concerned identifying people first when referring to people with disabilities. Testimony indicated the acceptable language used to describe people with disabilities has changed over time. Instead of saying "disabled person," it is more acceptable to say "person with a disability." Senate Bill 491 establishes the preferred manner in referring to people with disabilities in *Nevada Revised Statutes* (NRS) by requiring the Legislative Counsel Bureau (LCB), to the extent practicable, to ensure that persons with physical, mental or cognitive disabilities are referred to in the NRS using language commonly viewed as respectful and sentence structure that refers to the person when referring to his disability. It was the intent of the Disabilities Committee to include this change in NRS and *Nevada Administrative Code* (NAC). On behalf of the Chair, the Disabilities Committee is requesting an amendment to S.B. 491 requiring the LCB to make these changes to NAC in the codification process.

MARY BRYANT (Reno, Nevada Council on Developmental Disabilities):

The Nevada Council on Developmental Disabilities is a consumer-driven council that supports Nevadans with developmental disabilities. Sixty percent of the

Council is composed of people with developmental disabilities and parents of children with developmental disabilities. The mission of the Council is to ensure individuals with developmental disabilities receive the services and supports they need to be full members of their community. One of the ways the Council carries out its mission is to provide information to policy makers. The Council views S.B. 491 as advantageous to people with disabilities. The bill supports language and demonstrates greater respect toward people with disabilities. While politically correct terms for certain disabilities change from year to year, it will always be politically correct and respectful to refer to the person first and the disability second.

DIANE ROSSMANN (People First of Nevada Reno/Sparks Chapter):

I represent 20 people in my chapter, and our slogan is "people with disabilities working together to create their own lives." We are trying to educate our family and friends that we are people first. We no longer wish to be called handicapped people; rather, we want to be known as people with disabilities. We appreciate the Committee's support of S.B. 491.

SANTA PEREZ (People First of Nevada):

I am a mother of a five-year-old child, and I have a disability. I told you I have a disability last because there is more to me than my disability. People First is a worldwide and statewide organization that teaches people with disabilities how to speak up for themselves and stand up for their rights. Respectful language is not just words on paper; it is a state of mind. It is important for society to receive people with disabilities as equal members of any community. We support S.B. 491.

CHAIR CEGAVSKE:

The Committee appreciates your help in finding proper language with regard to S.B. 491.

KEN HORN (People First of Nevada Fallon Chapter):

My disability is second to who I am. People need to recognize a disability is not a challenge to overcome; rather, it is a unique characteristic of a person. We would like people to be respectful when choosing words to address a person with disabilities. I encourage the Committee to pass S.B. 491.

CHAIR CEGAVSKE:

I will close the hearing on S.B. 491 and accept a motion.

SENATOR HARDY MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 491.

SENATOR BEERS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR CEGAUSKE:

I open the work session with S.B. 401. Amendments have been provided for all bills considered in the work session document ([Exhibit C](#), original is on file in the Research Library).

SENATE BILL 401: Eliminating the deadline for registering to vote in an election.
(BDR 24-248)

MS. VAN GEEL:

The amendment in [Exhibit C](#) for S.B. 401 was provided by Senator Horsford. Senator Beers had questions about some of the recording requirements regarding race and gender. The county clerks indicated that was not something they currently track.

SENATOR HORSFORD:

That provision was taken out. The language in the amendment requires the Secretary of State, through regulation, to develop the Voter Access, Participation and Protection Accountability Report. Many provisions are things county clerks maintain but are not required to report to the Secretary of State. That additional step will allow for further analysis to see if there are any issues and to give voters more information. The Secretary of State's Office indicated most of this information will be provided on their Website.

MATT GRIFFIN (Deputy for Elections, Office of the Secretary of State):

Much information included in S.B. 401 is currently provided to the counties. The Secretary of State's Office needs to put all the data together and make it available in one database for distribution to the Legislature with 30 days of the next session.

SENATOR RAGGIO:

I see the amendment in [Exhibit C](#) requires a form; does the Secretary of State have a fiscal note for S.B. 401 or are you able to do this within the Secretary of State's current staffing and budget?

MR. GRIFFIN:

There would not be a fiscal note attached to S.B. 401. The form would be universal for all counties.

SENATOR HARDY:

Will the Secretary of State require an explanation for discarded or otherwise not included ballots in the final tabulation along with an explanation for each ballot? It would be logistically challenging to have an explanation provided for every ballot.

MR. GRIFFIN:

That provision speaks primarily to absentee ballots to discern a pattern as to why they are not being counted.

SENATOR HARDY:

I like the idea that if a polling place is not open, someone needs be accountable.

KIMBERLY MARSH GUINASSO (Assembly Legal Counsel and Bill Drafting Adviser):
Election laws provide a procedure to carefully account for each ballot. If there is a spoiled ballot, county clerks are required to keep track of that. It appears S.B. 401 would not create any new burden.

CHAIR CEGAVSKE:

I will accept a motion on S.B. 401.

SENATOR BEERS MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 401.

SENATOR HORSFORD SECONDED THE MOTION.

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: Makes various changes relating to campaign practices.
(BDR 24-905)

MS. VAN GEEL:

The amendment in [Exhibit C](#) was discussed in the original hearing. The question was asked why other Constitutional Officers were restricted from NRS 294A.300. The amendment adds the other Constitutional Officers.

SENATOR RAGGIO:

I have no concern with the necessity for having something on legal defense funds. I will refer to the memorandum provided by the Secretary of State ([Exhibit D](#)). I will support S.B. 425 if the language from [Exhibit D](#) is inserted. We should not cover everyone's defense fund for matters that do not pertain to either the electoral or governmental process.

SENATOR BEERS:

I am trying to figure out the logistics of S.B. 425. Legislators' deliberations are clearly defined in the 120-day session and 30 days before and after. It is simple to police. How would one keep track of how this would work for local government?

SENATOR HARDY:

I do not disagree with the concept of what we are trying to accomplish. My concern is using this as a political weapon if it is not clearly delineated.

SENATOR DINA TITUS (Clark County Senatorial District No. 7):

It is not a problem to determine when something is pending before a board. It could be difficult to do it 30 days before it is pending. It is easier with Legislators because we are here for defined time. However, we must do something about a pay-to-play provision at the local level. We recognized it as a problem, and we have done it for Legislators. Is there something we can do on the local level?

SENATOR HARDY:

When local officers do their disclosure reports, are they the same as ours?

Ms. GUINASSO:

Are you talking about the campaign contribution forms or the financial disclosure forms?

SENATOR HARDY:

We are talking about the campaign contribution forms. Do they list the date they received a contribution in local government reporting?

Ms. GUINASSO:

Campaign contribution forms are the same for state and local officers. The requirements are to set forth the amount of the contribution, date received and who it was from.

SENATOR HARDY:

It requires more work, but someone can currently establish an officer voted on something and received a contribution. You can find out about corruption if you do research to look back on all county commission votes and contributions dates.

CHAIR CEGAVSKE:

We were struggling with that in the language. When we worked with staff, we tried to find a way to get at it. That has been the hardest issue along with limited liability companies and political action committees. It seems they are guarded; it is hard to get our arms around those and legislate something. Our frustration is in figuring how we can do this.

SENATOR TITUS:

People have suggested you limit the time a person can raise money to the election year.

CHAIR CEGAVSKE:

We tried that as well as several other ways. We are in agreement with what you want; the process is our issue right now.

SENATOR RAGGIO:

Sometimes, we pass something that sounds good, and it becomes an onerous provision. When we adopted this, we intended it to apply to those involved in the legislative process. Then we added the Governor and Lieutenant Governor because they are involved in the legislative process. The law applies to

restricting contributions to periods before and after elections and adequately covers all the issues raised in S.B. 425 through disclosures. I have a problem with putting all this in and creating an additional minefield for people in public office. All Legislators receive contributions. It is not a crime to solicit, it is a necessity. I wish we did not have to receive contributions.

SENATOR TITUS:

Why do we think Legislators are susceptible to pressure and need this limitation but local officials are not? We put more restrictions on Legislators than others.

SENATOR RAGGIO:

I am willing to support a provision similar to the one for Legislators as to election dates but not throughout their entire term.

Ms. GUINASSO:

The old campaign reporting requirements used to be on a calendar. A remnant of that is in NRS with respect to campaign dates. All candidates for office in the state follow that same calendar. All elected officials are required to report their campaign contributions according to that schedule. The blackout period set forth in NRS 294A.300 applies only to the Legislature, Lieutenant Governor, Lieutenant Governor-elect, Governor and Governor-elect.

SENATOR RAGGIO:

I will support a similar provision for the legislative bodies of a city or county but only for a limited time.

CHAIR CEGAVSKE:

We tried to deal with the fact that local officials are in office year-round.

SENATOR TITUS:

This is not a total blackout of contributions. You could not accept a contribution from someone who has an application pending. That is the closest equivalent we could get to the legislative session when we have bills pending before us. You can take contributions from a dozen people who do not have applications pending; if someone has a pending zoning change, you should not be able to accept a contribution from that person. It is a blackout only on the basis of an individual, not on the basis of time frame.

SENATOR BEERS:

The list of people you are prohibited from taking contributions constantly changes as people cycle in and out of the blackout period. The logistics of tracking would be difficult.

SENATOR HARDY:

I do not see a definition of the person giving the contribution. Is this individual the owner of a company, a lobbyist, lawyer or cousin? This could be used for mischief as well if we do not get that clearly defined. I am wide open to any suggestions offered, but I am nervous this could be used as a political weapon. Can we adopt an amendment that puts the legal defense language in as Senator Raggio articulated and keep working on this?

CRAIG WALTON (Nevada Center for Public Ethics):

It is possible to use computer tracking as city clerks create the agenda. Tracking corruption could be worked.

SENATOR BEERS:

Have you gathered cost estimates from local governments to change computers to do that?

MR. WALTON:

We do not have a cost estimate for that.

CHAIR CEGAVSKE:

Senator Titus, could you accept Senator Hardy's suggestions?

SENATOR TITUS:

I will continue to work on this issue. I would like to see us put language in about the legal defense funds. Additionally, I want to be sure the blackout period covering campaign contributions also covers contributions to defense funds.

SENATOR RAGGIO:

I support what is written in [Exhibit D](#). There is life outside the Legislature. What if I am sued for something that does not pertain to my electoral or governmental situation?

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Ms. GUINASSO:

Senate Bill 425 addresses contributions for any political purpose. Is the Committee considering adding a legal defense fund law? Is the legal defense fund being discussed with regard to political activity?

SENATOR RAGGIO:

Someone should be able to create a legal defense fund for purposes other than electoral or governmental processes.

SENATOR TITUS:

We need a blackout period for legal defense funds because even if the case is not politically related, you could be getting money from lobbyists.

CHAIR CEGAVSKE:

I will accept a motion.

SENATOR RAGGIO:

I would make a motion to amend S.B. 425 to include the portion pertaining to a legal defense fund based on [Exhibit D](#).

Ms. GUINASSO:

The bill would address legal defense funds dealing with legal defense only rising out of the electoral or governmental process.

CHAIR CEGAVSKE:

That would delete the rest of the language in the bill.

SENATOR RAGGIO MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 425.

SENATOR BEERS SECONDED THE MOTION.

SENATOR HORSFORD:

I will reluctantly support the motion although I do not understand why the language in section 1 of S.B. 425 did not suffice to address the local government issue brought about by Senator Titus. I agree with Senator Raggio that we do not need to include other statewide constitutional offices. Most problems around campaign violations with regard to pay to play happen at the

local level. I hope at some point we can all agree to address the issues with campaign finance at the local level.

CHAIR CEGAVSKE:

I agree with you. If you can come up with an idea today, we will take it.

SENATOR HORSFORD:

I never heard testimony against provisions in section 1 of S.B. 425 as written. Why is a blackout period of 30 days before and 30 days after not sufficient? This is not about compliance, this is about ethics.

SENATOR HARDY:

My concern comes from the definition of who is prohibited from giving the contribution. I submit the local government officials in prison today show the system is not completely broken.

SENATOR RAGGIO:

A person will not know 30 days beforehand whether someone will file an application. An official may not know an application will be filed. If we go too far with this, our system will become completely unworkable.

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. 430.

SENATE BILL 430: Authorizes the Director of the Legislative Counsel Bureau to include the sale of souvenir wine in the Legislative Gift Shop.
(BDR 17-1283)

MS. VAN GEEL:

Two amendments to S.B. 430 are provided in [Exhibit C](#).

MS. GUINASSO:

I see the bill amended by removing section 3 as well as sections 2 and 4. Those exempt the LCB from obtaining licenses necessary to sell liquor. Section 1 needs further amending in the proper appropriation language so proceeds from

souvenir wine may be expended for production materials to discourage underage drinking.

SENATOR MICHAEL A. SCHNEIDER (Clark County Senatorial District No. 11):
I did not know we had to buy a liquor license. It seemed to me the State did not have to get a license.

SENATOR RAGGIO:
I agree, we should not have to get a liquor license, but LCB must go through the licensing process as well as the three-tier process.

Ms. GUINASSO:
We are not under the impression the LCB is obligated to get a liquor license.

ALFREDO ALONSO (Nevada Beer Wholesalers Association; Southern Wine and Spirits):
The LCB cannot exempt itself from a liquor license. The only issue for us was to keep the three-tier system intact. We have concern for the State exempting itself from the system. Therefore, others would try to exempt themselves as well.

CHAIR CEGAVSKE:
I want to be sure everything is legal.

TONY F. SANCHEZ (DeLuca Liquor and Wine, Limited):
It was never our intent to have LCB licensed. The only request we had concerning S.B. 430 was that the LCB use a distributor. We do not think LCB should be licensed.

Ms. GUINASSO:
Section 3, addressing the three-tier system, was to be eliminated.

SENATOR SCHNEIDER:
You can withdraw the amendment.

CHAIR CEGAVSKE:
I will accept a motion.

SENATOR BEERS MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 430.

SENATOR RAGGIO SECONDED THE MOTION.

SENATOR RAGGIO:

I disclose Mr. Sanchez is a law partner in the law firm of which I am a member.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR CEGAUSKE:

I close the hearing on S.B. 430 and open the hearing on S.B. 489.

SENATE BILL 489: Prohibits threatening or intimidating persons who are gathering signatures on petitions. (BDR 24-178)

Ms. VAN GEEL:

The proposed amendments for S.B. 489 are in [Exhibit C](#).

JANINE HANSEN (Nevada Eagle Forum):

We had some discussion on S.B. 489 about taking the Secretary of State out and providing for a private cause of action. The amendment in [Exhibit C](#) will remove the state from the responsibility of administering the law against people who violate petitioners' rights. It gets too complicated when the Secretary of State is involved.

SENATOR RAGGIO:

Directing the court to hold a hearing within three days of the complaint may or may not be accommodated. I would not put a three-day requirement in S.B. 489.

Ms. HANSEN:

I agree with you. We are not worried about the extension of time as we are with the individual cause of action.

SENATOR BEERS:

I am concerned about extending the time because the deadline is based on the requirement that the clerks get the ballots prepared.

Ms. HANSEN:

This gives the opportunity to have an injunction and a private cause of action. Those are the two most critical issues.

SENATOR BEERS:

We should incorporate the language from the amendments provided by Joel F. Hansen in [Exhibit C](#) with the exclusion of the language addressing a hearing to be held within three days.

SENATOR BEERS MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 489.

SENATOR RAGGIO SECONDED THE MOTION.

Ms. HANSEN:

Does that mean the expedited proceeding, injunction and private cause of action will be in S.B. 489?

CHAIR CEGAVSKE:

Yes, they will be in S.B. 489.

SENATOR WIENER:

I have concerns with the language in section 1, subsection 1 in S.B. 489. I am struggling with the unintended consequence of a chill factor.

JANINE HANSEN:

I refer you to NRS 293.710 which defines those issues. It is unlawful for any person in connection with any election or petition to use or threaten to use force, coercion, violence, restraint and undue influence.

SENATOR RAGGIO:

Senator Wiener has a point. Suppose you are gathering signatures and someone stands next to you and tells everyone not to sign your petition. That person has the right to do that. That is free speech. The term "preventing" is obvious, but the term "discouraging" might not be the best word.

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SENATOR WIENER:

I am struggling with the word "intent" as well. We need to protect freedoms, and I am looking for a balance. I do not know what language would prevent a chilling effect on free speech.

THE MOTION CARRIED. (SENATOR WIENER VOTED NO.)

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CHAIR CEGAVSKE:

I close the hearing on S.B. 489 and open the hearing on S.B. 493.

SENATE BILL 493: Makes various changes to voter registration and voting procedures for certain members of the Armed Forces of the United States and their family members and certain other voters who reside outside the United States. (BDR 24-811)

MS. VAN GEEL:

Amendments offered for S.B. 493 are in Exhibit C. Tim Tetz provided a memorandum on page 9 of Exhibit C which describes the changes to the bill.

SENATOR HARDY:

Is this a consensus amendment?

CHAIR CEGAVSKE:

We received a concern from Larry Lomax on the language.

SENATOR HORSFORD:

The provision we have a problem with is in section 6 of S.B. 493. Larry Lomax stated he did not have enough information as a county clerk but said he would follow federal protocol. If the Committee is not comfortable with section 7, it can omit the section. However, other provisions in the bill are necessary for military personnel to be eligible to vote.

TIM TETZ (Executive Director, Office of Veterans' Services):

Larry Lomax has two concerns: first is military personnel being asked for their identification, second is they could register and vote at the same time. The amendment offered does not allow them to register to vote with the federal

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write-in ballot except for federal offices. They cannot apply to become a voter and vote at the same time as addressed in section 7, subsection 3.

MR. GRIFFIN:

The Secretary of State's Office is in support of S.B. 493.

SENATOR BEERS:

We should remove section 7 of S.B. 493 to make sure it survives our Committee passage deadline.

SENATOR HORSFORD:

I will delete sections 7, 12 and 13 of S.B. 493.

MR. TETZ:

If you delete all of section 7, you delete the ability for military personnel to request an absentee ballot. If they request an absentee ballot for an election and do not receive it, they are no longer allowed to vote for any of those offices. If all of section 13 is deleted, you eliminate their opportunity to file additional paperwork through electronic means.

SENATOR HORSFORD:

Our issue here is to move the bill. There are subsections of sections 7 and 12 with which the Committee is not comfortable. We cannot discriminate between those subsections. For the benefit of keeping the bill, we will have to take them out.

SENATOR RAGGIO:

We will pass the bill out without recommendation. That will give us time next week to work on it.

CHAIR CEGAVSKE:

We want to make sure we give S.B. 493 proper attention.

SENATOR HORSFORD MOVED TO AMEND WITHOUT
RECOMMENDATION S.B. 493.

SENATOR BEERS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR CEGAVSKE:

I close the hearing on S.B. 493 and open the hearing on S.B. 495.

SENATE BILL 495: Makes various changes relating to ethics in government.
(BDR 23-566)

MS. VAN GEEL:

Senate Bill 495 was proposed by the Commission on Ethics. We chose to list what was proposed in the bill. The listing of amendments is in [Exhibit C](#).

SENATOR HARDY:

We are shifting the burden from the company owner not to hire someone to the employee not to accept a position. The burden is left with the employer. The burden more appropriately should be left with the employee.

BRENDA J. ERDOES (Legislative Counsel):

That would be a policy choice.

SENATOR HARDY:

This simply puts the burden on the employee instead of the employer, which is appropriate to me.

SENATOR BEERS:

Section 1 prevents me from using my certified public accountant (CPA) license once I am no longer an elected official.

MS. ERDOES:

Section 1 does not apply to Legislators. It only applies if you are in the Executive Branch of government.

SENATOR BEERS:

In that case, CPAs are appointed by the Governor to serve on the Nevada State Board of Accountancy. As an Executive Branch position, at the conclusion of one's term, he or she would no longer be able to work in that industry.

MS. ERDOES:

Do you want to exempt licensing boards where that is a prevalent occurrence?

SENATOR BEERS:

What example fitting this language would we want to prohibit?

MS. ERDOES:

An example would be an insurance commissioner going to work for a private insurance company after leaving the Division of Insurance.

SENATOR BEERS:

The concern there is the insurance commissioner giving special dispensation to their future employer. That is the anti-ethical behavior we are trying to prevent.

SENATOR HARDY:

The only way to fix this is to replace the word "industry" with "a business that seeks to influence the policy." An industry seeking to influence a policy could be construed to mean anyone who hires a lobbyist. If an accountant hires a lobbyist to influence policy through the Executive Branch, he or she could not work for that lobbying firm.

SENATOR BEERS:

Most board members who come from the industry do not stop participation in the industry while sitting on a board.

MS. ERDOES:

The prohibitions are on the employer. Although a partnership may not hire you because of the language in S.B. 495, it would not stop you from working in the field as a sole proprietor.

SENATOR HARDY:

The issue of working in the industry at the same time is addressed with the language of accepting any employment. If you continue to serve, you are not accepting new employment.

RICK R. HSU (Reno, Commission on Ethics):

Statutorily, a licensing board must be composed of people who are licensed. Perhaps there is a way to state that this provision does not apply to any regulatory agency or public official who is statutorily required to hold a license. There may be a way to exempt people from these provisions.

SENATOR HARDY:

It is already difficult for State government to attract workers. It will be more challenging to attract these workers if it is problematic for them to return to their industries.

Ms. ERDOES:

The influence situation is addressed in NRS 281.481.

SENATOR BEERS:

Is it possible to add an exception for people whose positions statutorily require a license in the area regulated? We should delete page 3, lines 14 through 33 of S.B. 495. We need to accommodate normal activity of the regulatory statutes.

SENATOR HORSFORD:

There is no agreement to move forward in section 1. However, the other sections important to the Commission on Ethics need to move forward. Is the Commission open to taking out section 1 now and processing the other noncontroversial provisions? Otherwise, I have to vote against the entire bill, which I prefer not to do because the other provisions are important.

L. PATRICK HEARN (Executive Director, Commission on Ethics):

The Commission on Ethics is amendable to that. However, section 1, subsection 1 of S.B. 495 was requested by the Public Utilities Commission of Nevada.

SENATOR HORSFORD:

We need to find better language that addresses the intent without the consequences of prohibiting public service.

SENATOR MATHEWS:

I worked on the State Board of Nursing, and they require a license as well.

Ms. VAN GEEL:

Amendment 2 in [Exhibit C](#) moves the deadline for the annual filing of a disclosure of agency representation from January 10 to January 15.

SENATOR BEERS:

Regarding Amendment 1 in [Exhibit C](#), could we create a new chapter in NRS that specifically gives the Commission on Ethics its authority?

MS. ERDOES:

We could create a new chapter in the codification process.

MR. HSU:

In terms of codification and numbering, the only problem is with our line of cases under the current codification system. Those would have to be transferred so people could understand NRS 281A used to be NRS 281.411 and so on.

MS. ERDOES:

We move the annotations under the cases and assign a new citation.

MS. VAN GEEL:

Amendment 3 in [Exhibit C](#) retains part of section 14 of S.B. 495.

MS. ERDOES:

This is a case where the provision applied when the benefit was for someone else but not when the benefit was for the individual. This section makes the prohibition apply when the benefit is for the officer.

SENATOR BEERS:

Legislators regularly vote on items that impact us financially but not differently than anyone else in the same situation. Is there a conflict with this language?

MS. ERDOES:

It is when there is a violation of ethics laws.

SENATOR BEERS:

If this language were to pass, would we start to violate ethics laws? Senate Bill 495 does not provide an exception when the advantage I gain is no different than that of the other 14,000 state employees.

MS. ERDOES:

It is only if you violate ethics laws. Then the question is whether you benefited.

SENATOR BEERS:

Are we not defining a violation of ethics laws in section 14 of S.B. 495?

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MS. ERDOES:
That is correct.

MR. HSU:
This provision addresses penalties if there is a violation.

MS. VAN GEEL:
The final provision to retain in S.B. 495 is section 16, which removes the criminal penalty of a gross misdemeanor associated with accepting and receiving an honorarium and makes the punishment a civil penalty.

CHAIR CEGAVSKE:
There was talk about changing NRS chapters in section 1.

SENATOR BEERS:
We would not process the first amendment suggested in [Exhibit C](#) because NRS 281.411 through NRS 281.581 would become NRS 281A.411 through NRS 281A.581. We would leave in references to this chapter in order to save work down the road.

MS. ERDOES:
They may not retain the same number on the right side of the decimal point when we put it in a new chapter.

SENATOR BEERS:
Could we make them retain the same numbers?

MS. ERDOES:
We probably could. We have never done that before.

SENATOR WIENER:
What are we voting on regarding section 1? Are we not doing the substantive work in section 1, only the codification?

MS. ERDOES:
Because the Committee does not have to take action to get the codification changed, you could delete section 1 if you like.

SENATOR HORSFORD MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 495.

SENATOR BEERS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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SENATOR MATHEWS:

When S.B. 495 gets to the Senate Floor, I reserve the right to vote no because I am unclear on all of this.

DAVE NOBLE (Public Utilities Commission of Nevada):

Section 1, subsection 1 of S.B. 495 is language we have struggled over with regard to retaining employees. That is something we will work with as S.B. 495 progresses.

CHAIR CEGAVSKE:

I close the hearing on S.B. 495 and open the hearing on S.B. 549. Staff has provided signature calculations ([Exhibit E](#) and [Exhibit F](#)).

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

MS. ERDOES:

[Exhibit E](#) and [Exhibit F](#) are mock-ups for S.B. 549. We researched the 13 Counties Rule and found the most defensible plan to require signatures from a certain percentage across the state and all 17 counties. [Exhibit E](#) and [Exhibit F](#) give the total of signatures needed to get an initiative on a ballot. In addition, the amendment to S.B. 549 is in [Exhibit C](#).

SENATOR HORSFORD MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 549.

SENATOR BEERS:

Do you still have to get signatures of registered voters only?

MS. ERDOES:

Yes, but the percentage requirement is of the population stated in the decennial census. The people signing the petition must be registered voters, but the numbers in [Exhibit E](#) and [Exhibit F](#) correspond to the total population within each county.

SENATOR BEERS:

I am wondering if this will change the workload of county clerks.

SENATOR HARDY SECONDED THE MOTION.

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: Proposes to amend the Nevada Constitution to revise provisions relating to signature requirements for initiative petitions.
(BDR C-260)

MS. ERDOES:

Senate Joint Resolution 3 does the same as S.B. 549 except by putting the provisions in the *Constitution of the State of Nevada*. The idea behind this bill was that the *Constitution of the State of Nevada* creates a conflict with the provisions in S.B. 549.

SENATOR HARDY MOVED TO AMEND AND DO PASS AS AMENDED 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 S.J.R. 4.

SENATE JOINT RESOLUTION 4: Proposes to amend the Nevada Constitution to require the Legislature to provide for the organization and duties of the Board of Regents and the appointment of its members by the Governor. (BDR C-1087)

SENATOR BEERS MOVED TO DO PASS S.J.R. 4.

SENATOR HARDY SECONDED THE MOTION.

SENATOR HARDY:

I have consistently opposed this bill throughout my legislative career. However, in my dealings with the Board of Regents, I found members to be qualified and competent. The Legislature needs to ensure we have a qualified Board of Regents in order to deliver quality education for our children.

SENATOR MATHEWS:

I will reluctantly vote no on this bill because Board of Regents members are constitutionally elected by voters. Through the election process, we can deal with the inequalities between north and south in Nevada.

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

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CHAIR CEGAVSKE:

Ms. Erdoes handed out an amendment to S.B. 149 ([Exhibit G](#)) which was passed by this Committee earlier this Session.

MS. ERDOES:

It took us about a month to get [Exhibit G](#) to Committee members. Representatives from the City of Las Vegas indicated they did not approve of the terms agreed to by this Committee. They asked us to create a different amendment, and we created [Exhibit G](#).

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CHAIR CEGAVSKE:

If there is nothing else before this Committee, I adjourn the Senate Committee on Legislative Operations and Elections at 5:17 p.m.

RESPECTFULLY SUBMITTED:

Brian Campolieti,
Committee Secretary

APPROVED BY:

Senator Barbara K. Cegavske, Chair

DATE: _____