

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

**Seventy-Fifth Session
February 10, 2009**

The Committee on Elections, Procedures, Ethics, and Constitutional Amendments was called to order by Chair Ellen Koivisto at 3:51 p.m. on Tuesday, February 10, 2009, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/75th2009/committees/. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblywoman Ellen Koivisto, Chair
Assemblyman Harry Mortenson, Vice Chair
Assemblyman Ty Cobb
Assemblyman Marcus Conklin
Assemblywoman Heidi S. Gansert
Assemblyman John Hambrick
Assemblyman William C. Horne
Assemblyman Ruben J. Kihuen
Assemblyman Harvey J. Munford
Assemblyman James Ohrenschall
Assemblyman Tick Segerblom
Assemblyman James A. Settelmeyer
Assemblywoman Debbie Smith

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Assemblywoman Sheila Leslie, Washoe County Assembly District No. 27

STAFF MEMBERS PRESENT:

Paul Townsend, Legislative Auditor, Audit Division
Jane Bailey, Audit Supervisor, Audit Division
Patrick Guinan, Committee Policy Analyst
Terry Horgan, Committee Secretary
Cheryl McClellan, Committee Assistant

OTHERS PRESENT:

Jim Endres, representing the Nevada League of Cities and Municipalities
Karen Storms, City Clerk, City of North Las Vegas, Nevada
Stacey Brownfield, Administrator, Passport and Administrative Services,
City of Henderson, Nevada

Chair Koivisto:

[Roll called.] If anyone has a cell phone, pager, or other kind of noise maker, please set it on silent or vibrate mode for the duration of the hearing.

We have two bills to hear this afternoon. Assembly Bill 79 is brought on behalf of the Nevada League of Cities and Municipalities, so please come forward and we will proceed.

Assembly Bill 79: Revises provisions concerning city elections. (BDR 24-486)

Jim Endres, representing the Nevada League of Cities and Municipalities:

The League is very pleased to bring forward Assembly Bill 79. As it is presented here this afternoon, the purpose of the bill is to improve voter turnout, improve voter participation, and save money. The city clerks' association is bringing the bill forward and will present it this afternoon.

Karen Storms, City Clerk, City of North Las Vegas, Nevada:

I am here representing the Nevada Municipal Clerks' Association regarding A.B. 79, which was submitted through the Nevada League of Cities. [She presented Committee members with a copy of a letter from the Las Vegas City Clerk in support of the bill ([Exhibit C](#)).] I would like to go through each section and give a brief explanation.

Section 1 of the bill allows a city to conduct an all-mail ballot election in limited circumstances. Such an election would involve only one ward or a single office or ballot question. Such an election could also take place if the governing body determined that an all-mail ballot election would be in the best interests of the city. With the cost savings we would realize and a larger percentage of voters increasingly voting prior to Election Day, this would be a win-win situation for the cities to have this ability under limited circumstances.

Section 3 of this bill provides that, if one candidate receives a majority of votes cast in the primary election, he must be declared elected to the office, and his name must not be placed on the general election ballot. This change would provide consistency among the cities so residents can know that, whether they are in Las Vegas, North Las Vegas, or Henderson, the election law pertaining to who is on which ballot is the same.

Section 4 of this bill allows any registered voter providing sufficient written notice to vote an absent ballot. Our goal, as always, is to increase voter participation by making it easier for voters to obtain a ballot.

Section 5 of the bill removes the antiquated requirement that election results be posted on the doors of the county facility or city hall and, instead, requires the results be posted on the Internet website maintained by the city. The requirements would still apply if the city does not have a website. Section 5 also removes the requirement that the results must be signed by the members of the counting board. With the widespread use of the Internet, as well as election results being broadcast on television approximately ten minutes after the votes are counted, this provision is outdated.

The last sections, 6 and 7, allow the city clerk to designate the vault location to store the election returns. In the case of North Las Vegas, we store our election results with the Clark County Registrar of Voters because we do not have room in our vault, nor do we have adequate security to provide the safeguarding. These portions of the proposed legislation would allow us to designate the location for the safekeeping of the election results.

Chair Koivisto:

In section 3, if there are more than two candidates running for the same office, how would that work? Is that still going to require that all except one are eliminated in the primary and that you do not have a general election, or will the remaining two go to the general election?

Karen Storms:

This addresses the situation where one candidate receives 50 percent plus 1 of the votes. If no candidate receives a majority of the votes in a race, then the two highest vote getters would go to the general election, providing that there is no provision in the individual city's charter that has a different situation.

Assemblyman Mortenson:

I am looking at the provision that says we will not put physical notes out anymore saying who won; we will do it on the Internet. There are an awful lot of people, especially in the lower economic areas, who probably have an interest in the elections but do not have a computer. It probably costs 15 cents to post the results outside on a piece of paper. It rubs me a little bit wrong that you do not physically post them outside.

Karen Storms:

I can tell you my experience with this provision. The way it is written now, we conclude the board counting at the election department at 2 or 3 o'clock in the morning. I am typically driving myself to an empty city hall at 3 a.m. to post results that no one will see until the next morning, if they have not seen them on television already. From my personal experience, it is a safety issue. Perhaps we could have an amendment that says we will post results within ten minutes of opening city hall in the morning. I would certainly be willing to post anywhere at city hall. I have had a squad car take me over in the middle of the night to post the results.

Assemblyman Settlemeyer:

I am bothered by all the variances and different ideas. I am not sure the voters are going to know whether a system is appropriate or not or whether it is going to be a mail ballot or not, which is confusing and problematic. I really have a lot of problems with section 1(c), which states that "the governing body determines that conducting a city election in which all ballots must be cast by mail is in the best interest of the city." The city could do anything it wanted. It really bothers me that there are no parameters.

Karen Storms:

The goal of all city clerks is to enhance voter participation; our secondary goal is always to reduce costs. I can speak for myself, and I am sure I can speak for all the other clerks in the state, when I say that those are the situations where we would go to our city council saying, "This is an option we think will increase voter participation, and we think we can also save some money."

Assemblyman Hambrick:

Could you address the antifraud aspects of this? A lot of people have worried about voter fraud around the country and the different types of ballots. Are you taking that into consideration to avoid fraud in the mail-in ballots?

Karen Storms:

I would need to speak with the Clark County Registrar of Voters about that. I am not proficient enough in voter fraud issues to be able to answer that, but I can get back to you.

Assemblywoman Gansert:

Are you still providing for early voting? [Ms. Storms nodded, "Yes."] You are still doing that, which would be in person, so I am not quite sure how this is saving you a lot if you have early voting. The only change is that you mail things. I do not know if it has been proven whether there is a higher turnout in a mail precinct versus other precincts.

Also, in section 3, subsection 4, where it says that the person "must be declared elected to the office ...," I am not so sure that is what this paragraph was about because eventually people are declared elected to office. But now, you would have somebody being declared the winner at a primary date and everyone else, during a general election date. I do not know whether after the primary you are actually declared elected, or whether you should be declared elected with everyone else after all the ballots have been checked and the normal process, the auditing process, has been completed. I think there are numerous issues with the bill.

Karen Storms:

I do believe the all-mail ballot would eliminate the need for early voting, but I would have to check on that. Perhaps the speaker in Las Vegas can answer that question for you. I am not really sure about your second concern—being declared elected in the primary. That is how we do it in North Las Vegas now.

Chair Koivisto:

I believe that, if someone in the primary gets 50 percent plus 1 of the votes, he or she is declared elected.

Assemblyman Settlemeyer:

Could we have legal counsel look at that? I think they are declared elected at the date of the general election and not at the primary.

Assemblyman Munford:

Yes, they are.

Assemblyman Conklin:

There are two dates of interest here. There is the date on which you can declare them elected, which is the date they are declared the winners of that election process. That is not to be confused with the day they take office, and that is sometimes the confusion we have had this last session as well. People were declaring them the holder of the office at the time of election; and that certainly holds true for us as legislators, but to the best of my knowledge, we are the only office that does that. We just want to make sure it is clear that there is an appropriate time to declare them the winner of the election—that is one issue. But that should not have an impact on the date on which they assume office for that election. What we are talking about here is the date on which you can declare them the winner of that race, correct?

Karen Storms:

Yes, that is correct. For example, for the City of North Las Vegas all offices begin on July 1, so even if they were declared elected, that term would not start until July 1.

Assemblyman Conklin:

Okay, and is it standard practice already that, if someone wins in the primary, he or she is declared the winner of that race?

Karen Storms:

It varies by city. That is the case for the cities of Las Vegas and Henderson.

Assemblyman Conklin:

Madam Chair, maybe we could get legal counsel's advice on whether there is some statute that clearly indicates the way it should be. If there is not, maybe there should be a provision so that all cities are the same. That would be helpful.

Assemblyman Ohrenschall:

I am familiar with how the municipal primaries work in Las Vegas, but can you explain to me how they currently work in Reno?

Karen Storms:

I cannot address that. I can find out for you.

Stacey Brownfield, Administrator, Passport and Administrative Services, City of Henderson, Nevada:

I am here on behalf of Henderson City Clerk Monica Martinez Simmons. We would like to submit a letter of support ([Exhibit D](#)) for the record.

Assemblyman Munford:

Do you feel that using this method and this idea will help to improve voter turnout? I know historically municipal elections always have a low turnout. The numbers are way down. Mailing it in means that no one goes to a poll or that type of thing, so it is all done through the mail. Again, do you think this will make people be more willing to participate? Is that one of the motivations behind this?

Karen Storms:

Our primary goal as city clerks, with relation to elections, is to increase voter turnout. Voters are increasingly not voting on Election Day because they are taking advantage of early voting and absentee voting. Our goal in this bill is to give the voters an option, under limited circumstances, so they can sit in their homes, fill out a ballot, and mail it in. Again, hopefully, this will increase voter turnout.

Assemblyman Mortenson:

When the voting results are posted, you scratched "and must be signed by the members of the counting board or the computer program and processing accuracy board." There must have been a good reason for that condition initially. I do not know why that language was in there, but maybe it is comforting to the people to know who did the counting and who has responsibility for the results of an election.

Karen Storms:

I would have to check with the Clark County Registrar of Voters. That is one of his requirements. I am not certain why that has been on the books, but I will certainly find out for you.

Chair Koivisto:

Are there any further questions from the Committee for these witnesses? [No answer.] Seeing none, I will close the hearing on A.B. 79 and bring it back to Committee. We will bring this back to a work session and see if we can give the Committee members who had some issues a little comfort with their questions.

Let us go to Assembly Bill 103.

Assembly Bill 103: Provides for the audit, inspection, review and survey of certain facilities for children. (BDR 17-102)

Assemblywoman Sheila Leslie, Washoe County Assembly District No. 27:

I would like to give you some background on this bill. You may remember that Assembly Bill No. 629 of the 74th Legislative Session mandated a performance audit of Nevada's child welfare agencies be conducted ([Exhibit E](#)) in response to many documented concerns regarding safety and civil rights. This action grew out of a federal civil rights investigation which began in December 2001. It was called the "CRIPA" investigation, and CRIPA stands for the Civil Rights of Institutionalized Persons Act. The investigation was conducted by the Department of Justice. There was a concern about our state institutions and one in particular—the Nevada Youth Training Center (NYTC) in Elko. The concerns centered around the following:

- Excessive force
- Inadequate grievance system
- Lack of procedural due process
- Imposition of seclusion and time-out
- Improper screening of mail for statements critical of the facility
- Inadequate mental health care and safety
- Unsafe transportation of youth

When we received the initial CRIPA report, I took it home and read it. It made me sick to my stomach. I read the reports of state staff using excessive force against the youth in that facility, including the following:

- Punching youth in the chest
- Kicking their legs
- Grabbing shirts and shoving youth against lockers and walls
- Dipping or throwing youths to the floor
- Slapping them in the face
- Smashing youths' heads in doors
- Pulling youth from their beds to the floor

The investigators found that the triggers for these actions, for the use of force, were because the youth were disobeying or failing to follow directions. It was not that the kids were posing an immediate threat of harm to themselves or others.

The youth were also subjected to verbal abuse in which their race, family, physical appearance and stature, intelligence, or perceived sexual orientation

were aggressively attacked. It was clear to the investigators that some staff used verbal abuse to provoke the youth into physical confrontations to provide a pretext for the use of force.

The investigators also found evidence that many of these incidents were treated as horseplay or otherwise trivialized, and that the same staff person was identified in multiple incidents without significant intervention. The reporting system for complaints was clearly not adequate, nor was staff training.

As a result of the CRIPA report and the threat of a federal consent decree where they would take over our institutions, a few of us took a field trip out to Elko. Assemblyman Carpenter, Assemblyman Anderson, and Assemblywoman Giunchigliani were there too. I also went by myself to Caliente, because I had never visited our other state youth institution.

One of the most chilling moments of my legislative career was when I was in Elko. We were standing with the nurse, and I was asking her about the kids coming from our county detention facilities who were seriously emotionally disturbed. I inquired how their psychotropic drugs were being administered, and she said to me, "Oh, yes. A lot of them have them when they come here, but we wean them off those drugs within a couple of weeks." I remember being horrified by that reaction. That was the session when we vastly increased our mental health resources and our training of staff, and we did a lot of work to improve the services that we provide to kids who are under the state's care in those institutions.

Since that time, things have improved. When you flip through the audit, you can read what the auditors found about NYTC, and you will see that things have improved. We have made some progress, and the CRIPA findings were actually resolved without federal intervention, which is a credit. At least we recognized our mistakes. It took a lot of work and money to make that institution better.

Many of us became more and more concerned about whether other state and private institutions within our state were meeting the basic health and safety guidelines. This bill is before you because I do not want any other legislator ever to have to read a report like that, about one of our state institutions, without having had any warning signs that there might be problems. I would remind the Committee that the state is constitutionally required to take reasonable measures to guarantee the safety of inmates in all our institutions.

Last session, we included funding in A.B. No. 629 of the 74th Legislative Session to have the Legislative Auditor do a performance audit of institutions in our state that house children. It is not the typical audit that our legislative auditors do; however, they were willing to take on the task and are here to tell you about the results of the performance audit before you that was mandated last session. I think you will find the information quite interesting. It includes the county detention facilities, so you can look up the ones in your own communities and read their findings. Assembly Bill 103 simply puts this function into the statute and directs the Legislative Auditor to provide for the audit, inspection, review, and survey of these facilities on an ongoing basis.

Paul Townsend, Legislative Auditor, Audit Division:

You should all have a copy of the review we did. As Assemblywoman Leslie mentioned, this is a little different than the normal audits we do. It does involve multiple facilities instead of a single oversight body, so we do not have just one response to the audit; we have many individual responses to each of the weaknesses we identified. With your permission, I will ask Jane Bailey, the Audit Supervisor who has a very detailed knowledge of the review we did, to give you a quick overview of the report.

Jane Bailey, Audit Supervisor, Audit Division:

I would like to begin my presentation of our review of governmental and private facilities for children with the introduction on page 1 [of ([Exhibit E](#))]. This report includes the results of our work as of December 2008 as required by Assembly Bill No. 629 of the 74th Legislative Session. It includes the results of reviews of 13 children's facilities and unannounced site visits to 10 facilities. The bill requires the Legislative Auditor to conduct reviews, audits, and unannounced site visits of both governmental and private residential facilities for children. On page 2, we report that we identified a total of 57 governmental and private facilities for children that fall under the requirements of the bill. Forty-three of these facilities are located within the State of Nevada and fourteen are located in other states that house children from Nevada. Exhibit 1 on that page lists the types and numbers of facilities within the state, their maximum capacity, and average population and staffing levels for calendar year 2007.

On page 3, we discuss complaints and grievances from the 43 facilities located within the state. Assembly Bill No. 629 of the 74th Legislative Session requires that facilities forward to the Legislative Auditor copies of any complaint filed by a child under their custody, or by any other person on behalf of a child. During the 13-month period from July 1, 2007, through July 31, 2008, we received 1,709 complaints from the 43 facilities. The most common type of complaint was related to welfare. Welfare complaints can include punishments for rule

violations, complaints about school, or complaints about medical treatment, like the length of time it took to see a facility nurse.

Exhibit 2 on page 4 shows the number and type of complaints received by the type of facility. The number and type of complaints received from a facility can depend on several factors, including the type of youth served, the type of facility, or the length of time spent at a facility.

Our scope objective and methodology are given on page 5. These reviews were not conducted in accordance with generally accepted government auditing standards. The purpose of the reviews was to determine if the facilities adequately protect the health, safety, and welfare of the children in the facilities, and whether they respect the civil and other rights of the children in their care.

On page 5, we report on the results of our reviews. Based on the procedures performed and except as otherwise noted, the policies, procedures, and processes in place at the 13 facilities provide reasonable assurance that the facilities: (1) adequately protect the health, safety, and welfare of the youth in the facilities, and (2) respect the civil and other rights of the youth in their care. In addition, during the ten unannounced site visits, we did not note anything that caused us to question the health, safety, welfare, or protection of rights of the children in those facilities.

We did note a common problem among the facilities. Facilities sometimes allow newly-hired employees to have direct contact with youth prior to receiving results of both state and federal background checks. Management at some of the facilities did state the staff was supervised and not allowed to be alone with the youth until the background checks were received. We found it took from 2 to 15 weeks for facilities to receive the results of both the state and federal background checks. After discussing this issue with staff at the Records and Identification Services Bureau in the Department of Public Safety, and with management at the Division of Child and Family Services (DCFS), we determined the facilities may be able to receive the results of both state and federal background checks in about a week, at no additional cost, by having new employees fingerprinted by an agency that uses a scanner and electronically submits the fingerprints to the Records Bureau. However, some facilities may not be located close to an agency with a scanner. According to staff at the Records Bureau, some sheriff's offices have scanners and some do not. On page 7, we made two recommendations to all children's facilities in the state regarding background checks.

I would now like to present a brief summary of the most common observations of the 13 facilities. On page 7, we report that policies and procedures were not developed or needed to be updated at 11 facilities. On page 8, we note that complaint forms were not readily available to youth at some facilities. Youth files did not always contain evidence of a youth's acknowledgment of his right to file a complaint. Some complaint policies were not clear, were inconsistent, or were not followed at the facilities.

On pages 8 and 9, we report that the documentation of medication administered needed improvement at many facilities. These facilities either did not properly document the medication that was administered, did not document medication that was refused by youth, or did not document that staff forgot to administer the medication. Also, standing order forms were sometimes out-of-date. Standing order forms are physician-approved, over-the-counter medications that a facility may administer. In addition, we found that staff did not check for "cheeking" at three facilities. Cheeking is a method used to conceal the medication that was given to the youth.

On page 9, we report that several facilities did not post a list of items considered contraband. In 5 of 13 facilities, a list of items considered contraband was not developed or updated. Youth were not searched for contraband or items considered contraband were found at 4 of 13 facilities. Contraband is any item that is not permitted at a facility. Posting a list of these items lets youth, visitors, and staff know what cannot be brought into a facility.

Exhibit 3, page 10, includes a map of the locations of the 13 facilities we reviewed. Pages 11 through 60 provide more detail on the issues noted at each facility as well as each facility's response. For example, on page 11, we discussed the Caliente Youth Center, beginning with some background information, followed by the purpose of our review, our observations, and the facility's response to each observation.

The report also includes an Appendix D on pages 67 and 68 that gives more details on the complaints that were received from the facilities during the period July 1, 2007, through July 31, 2008. Appendix E on pages 69 and 70 provides some background information on Nevada facilities, and Appendix G, starting on page 72, lists the efforts we took to fulfill the requirements of A.B. No. 629 of the 74th Legislative Session.

Assemblyman Hambrick:

As a note of disclosure, I am Chairman of the State of Nevada Juvenile Justice Commission. Early last year, the federal authorities did a statewide audit. Did

you have access to that audit? They visited each site, other than law enforcement sites, that housed or had the potential to house children. Also, did DCFS have an opportunity to assist in the audit? Their specialist was one of my staff.

Jane Bailey:

I will answer your second question first. We did work with DCFS; we did discuss several issues with their person who reviews some facilities, although we did not look at her specific results. Some of the items she looks at are different from what we look at, although some items are the same. She did help facilitate our work because she knew who to talk to at different facilities and assisted our becoming acquainted with them.

As for your first question, we did not review that audit. We were aware it was going on, but it was not available to us when we went out and did these reviews. We did review the CRIPA report, and we did review the follow-up to that, as far as what was done in Elko to clear up those problems.

Assemblyman Munford:

Assemblywoman Leslie said that what she saw when she went into these facilities was disgusting and appalling. Who oversees the 13 sites you visited? Is the local county government supposed to provide oversight to make sure these facilities are run properly? Who has that oversight authority to check on them on a regular basis?

Jane Bailey:

The 13 facilities are quite different. There were several state-run facilities that are under the Division of Child and Family Services. There were county-run facilities, such as some of the detention centers. There were private facilities; there were regional facilities where several counties have combined to provide services. Those are basically resource centers or detention centers. So, I guess the answer is "all of the above."

Assemblyman Munford:

Who has the authority to come down on them? Can they be charged? They should be penalized, but who has that authority? How can they get away with this? Ms. Leslie, you said you went in there, you saw it, and you walked away sick to your stomach. How is that going to be turned around? I know you are asking us for legislation.

Assemblywoman Leslie:

What made me sick was the federal investigation of our state facility. We, the Legislators, really are the ultimate oversight of our three state institutions. As Ms. Bailey said, the counties run their own juvenile detention facilities.

The CRIPA investigation came about because there were complaints made directly to the Department of Justice, which looked into them and determined there were some problems in Nevada. So, ultimately, it was the Department of Justice who came into our state, and of course, that is never a good thing. That was how serious the civil rights violations were and why I felt it was really important to have some kind of state oversight mechanism. Clearly, what we had in place at that time was not working. We did not know these things were going on in our state. I certainly did not know, and I do not think other legislators knew either that things were as bad as they were.

This whole effort, to have our state auditors get involved and now to put it into statute as an ongoing mechanism, is designed to have more state oversight, so the feds do not have to come in and say, "You are violating people's civil rights." The ultimate penalty, as I understood it, would be what they have done in other states and are doing today in Texas. They can take over our state institutions on the basis of civil rights violations, and we do not want that. Our kids deserve better. That is the crux of the reason I am bringing this bill forward.

Assemblywoman Gansert:

I appreciate this report; it is very thorough, as always. I would not have thought of having the accountants go in and look at something like this, but it is very well organized. I did not see where there was a time frame. Is this whenever the Legislative Commission decides we need an audit? Is it not on a regular audit period?

Paul Townsend:

There are two components to this. One addresses performance audits, which is pretty much the overview. For us, however, a performance audit would be a little more detailed than what you are seeing here. If we identified a problem through one of these reviews, we would go to the Legislative Commission and have a performance audit requested. Then, we would go in and really do a very thorough examination of the facility. Right now, these reviews are moving along pretty fast, but they are not quite as comprehensive as an audit would be. I wanted to note that this process is only halfway through. We are continuing to work on another report that will be out in the fall; in fact, today staff is at a Clark County juvenile detention center working on a review. So, the reviews

would be continuous to get the kind of product you are getting here. If we had any serious problems with a particular facility, then we would have a more focused effort.

Assemblywoman Gansert:

Have you had to add staff to be able to do this, or were you able to work with in-house staff?

Paul Townsend:

We worked with who we had in-house. Our audits are fairly versatile; we do focus on performance audits. We are used to looking at processes, procedures, and compliance issues and going on-site and evaluating those things. I felt it was best to use in-house staff, and the staff now is trained and getting better all the time.

Chair Koivisto:

The people from the Legislative Auditor's Office do not advocate either for or against legislation; they are simply doing their jobs.

Assemblywoman Smith:

I look at the background-check issue and ask, "How did we get to this point where so many of these locations were in the same boat, and nobody figured out a better way to do it?" I am just amazed at that. I guess that is the perfect reason for doing something like this. Something as simple as figuring out a streamlined way to do background checks is so logical. We do not want to wait 90 days or more to have the staff in these buildings checked out. I am also frustrated that it took this to happen to recognize that problem.

Chair Koivisto:

That seems to be a problem we have with some of our schools, too.

Assemblyman Settlemeyer:

I am surprised we do not just run a background check through the National Instant Criminal Background Check System (NICS), the same type of check run when someone buys a gun. That check notes if there are mental problems or felony charges. It would take only a few seconds, and I do not know why that process has not been considered.

Chair Koivisto:

That is a good question, but it is the money issue.

Are there any other questions from the Committee? [No answer.] To clarify, all this bill does is put this audit on the schedule of regular audits.

Assemblywoman Leslie:

Thank you for clarifying, Madam Chair, that the representatives from the Audit Division are not here advocating in favor of my bill.

Yes, it places the function of this audit under their jurisdiction, and they will proceed as Paul outlined and as they normally do with any other audit. It does codify the intent permanently into statute so that this work can continue.

Assemblyman Segerblom:

What authority do we have to go into these private locations, such as the home in Yerington?

Paul Townsend:

The bill does specify that all of these facilities are required to cooperate with us and to give us access.

Assemblyman Segerblom:

But, what gives us the authority to require that?

Assemblywoman Leslie:

I think it is the fact that we place children there.

Assemblyman Segerblom:

So, we are subsidizing children; we are paying them to take care of our ...

Assemblywoman Leslie:

Right, we pay for the placement of children in those private institutions. They could say that they do not want our money or our kids or an audit. Jane, could you remind me how many private institutions there were?

Jane Bailey:

Right now, we have 25 private institutions within the state.

Assemblywoman Leslie:

The point is that we want to make sure that the kids who are placed there by the state or county have the same grievance and complaint procedures, and that their civil rights are protected, as well. If there are kids under the custody of the county or the state, we are responsible for them. That is why this language is rather extensive. It specifies that we can perform unannounced site

visits and includes very specific language that gives the Legislative Auditor the authority to continue this work, because it is different than the normal audits they do.

Chair Koivisto:

Will this also cover children we have in out-of-state placements?

Paul Townsend:

Yes, it does. One thing we have been doing is identifying those children—which is not easy, we are finding. There is a certain listing through DCFS, but if a local jurisdiction or a court sends a child out of state, there is no central databank on that. In a way, we are starting to develop that ourselves through our inquiries of local governments as well as DCFS.

Chair Koivisto:

At this point, I think we will take a motion.

ASSEMBLYMAN CONKLIN MOVED TO DO PASS
ASSEMBLY BILL 103.

ASSEMBLYMAN OHRENSCHALL SECONDED THE MOTION.

Is there any discussion? [No answer.] Is there anyone else who would like to testify before we proceed? [No answer.] I see Kevin Schiller from Washoe County Social Services. We would be happy to take your testimony. [No answer.] Does anyone else want to come up and testify? [No answer.]

THE MOTION PASSED UNANIMOUSLY.

Is this the first bill passed?

Assemblywoman Leslie:

I hope it is the first bill passed. It would be awesome to have this be the first bill out, so thank you very much.

Chair Koivisto:

Is there anything else to come before the Committee? I am going to remind you that you received a report last Tuesday from the Secretary of State's Office on the election results. That report is very detailed and gives a lot of information and statistics. It is a result of Senate Bill No. 401 of the 74th Legislative Session, so when you have a chance to look at it, there is a lot of really good information in it. Also, you should all have received a two-page response

([Exhibit F](#)) to questions about the Association of Community Organizations for Reform Now (ACORN). We had a lot of questions about ACORN for Larry Lomax, Clark County Registrar of Voters, at the meeting last week when he presented his information.

Assemblyman Conklin:

I would like to mention A.B. 79. I have been thinking about the process. Several of the larger cities have their elections in off-cycle election periods, but they are still run by the county clerks. Then there is a certification process. Mrs. Gansert and I were discussing it, and I think that certification process happens only once and is two weeks after the general election. There is a question about when candidates are declared elected. Someone must be declared the winner of the primary, but there is no actual canvass or certification of the result, which adds to the confusion of that language "declared elected." To the extent that we could clear that up, I think it would be helpful.

Chair Koivisto:

All right; is there anything else to come before the Committee? [No answer.] We are adjourned [at 4:42 p.m.].

RESPECTFULLY SUBMITTED:

Terry Horgan
Committee Secretary

APPROVED BY:

Assemblywoman Ellen Koivisto, Chair

DATE: _____

EXHIBITS

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

Date: February 10, 2009

Time of Meeting: 3:51 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Guest List
A.B. 79	C	Karen Storms, City Clerk, City of North Las Vegas	Letter in support from Beverly Bridges, Las Vegas City Clerk
A.B. 79	D	Stacey Brownfield, Administrator, Passport and Admin. Services, City of Henderson	Letter in support from Monica Martinez Simmons, Henderson City Clerk
A.B. 103	E	Assemblywoman Sheila Leslie	Copy of report entitled "Review of Governmental and Private Facilities for Children 2008"
	F	Patrick Guinan, Committee Policy Analyst	Two-page document entitled "Response to Questions About ACORN" from Larry Lomax, Clark County Registrar of Voters