

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON LEGISLATIVE OPERATIONS AND ELECTIONS**

**Seventy-Sixth Session
April 28, 2011**

The Committee on Legislative Operations and Elections was called to order by Chair Tick Segerblom at 1:41 p.m. on Thursday, April 28, 2011, 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/76th2011/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:

Assemblyman Tick Segerblom, Chair
Assemblyman Marcus Conklin
Assemblyman Richard (Skip) Daly
Assemblyman Pete Goicoechea
Assemblyman Tom Grady
Assemblyman Crescent Hardy
Assemblyman Pat Hickey
Assemblyman Richard McArthur
Assemblyman John Ocegüera
Assemblywoman Debbie Smith

COMMITTEE MEMBERS ABSENT:

Assemblywoman Lucy Flores, Vice Chair (excused)
Assemblyman William C. Horne (excused)
Assemblywoman Marilyn K. Kirkpatrick (excused)
Assemblyman James Ohrenschall (excused)
Assemblyman Lynn D. Stewart (excused)

GUEST LEGISLATORS PRESENT:

Senator Valerie Wiener, Clark County Senatorial District No. 3
Senator Ben Kieckhefer, Washoe County Senatorial District No. 4

STAFF MEMBERS PRESENT:

Patrick Guinan, Committee Policy Analyst
Terry Horgan, Committee Secretary

OTHERS PRESENT:

Scott Gilles, Deputy for Elections, Office of the Secretary of State
Trevor Hayes, representing the Nevada Press Association

Chair Segerblom:

[Roll was taken.] This afternoon, we have a presentation by Senator Wiener on Senate Bill 157.

Senate Bill 157: Revises provisions governing the donation of unspent campaign contributions. (BDR 24-6)

Senator Valerie Wiener, Clark County Senatorial District No. 3:

Before you is Senate Bill 157, which deals with donations of unspent campaign contributions. Last session, one of my colleagues brought an amendment to the Secretary of State's bill that would allow people holding office to give some of their unspent dollars to schools. At that time, I realized that there are other governmental entities that might also benefit, so I proposed another amendment to that bill that would allow gifts to governmental entities or programs. We would also be able to specify where our donated money would go, and that is the substance of the bill before you. I believe S.B. 157 is a good government bill. At a time when many legislators are terming out, whatever resources we may have at the end of our terms of office could be contributed toward things like school libraries, senior citizen programs, scholarships, or whatever. Passage of this bill would allow us to do that because, under current law, you may give to campaigns, schools, special programs, political parties, or nonprofits, but government is not a nonprofit. This would allow us to share whatever funds might be left over, or we could also donate while we still hold office. We could donate to special programs that are meaningful to us at a time when resources are very, very scarce. I thought this would be a great way for us to use whatever is unspent in our campaign coffers, and that is the essence of S.B. 157.

I am not sure that I will have any leftover campaign funds, but if I do, I would like to have the opportunity to spend it in areas I support. I donate to schools and the Nevada Youth Legislature among other things I have been involved with through the years, and this would allow us to legally do that.

Chair Segerblom:

Do you still go to every school in your district?

Senator Wiener:

It has expanded; I go to those that will welcome me, which is most of them, and any that ask me. Each year, as part of Nevada's Legislators Back to School Program, I visit at least 3,000 children in about 20 schools.

Chair Segerblom:

That is fantastic. Are there any questions for Senator Wiener?

Assemblyman McArthur:

Is there any definition for government entity?

Senator Wiener:

Not specifically in this bill, but it may be referenced somewhere else in statute. My thought is that it would not be limited to the state; it could be any level of government or any program in government.

Assemblyman McArthur:

I understand the intent, but I did not see or hear a reference.

Senator Wiener:

That had not crossed my mind. Possibly legal counsel could be consulted. This not only allows us to give to an entity, but if that entity is able to accept the money, we could specify certain projects. Someone in the Senate asked what would happen if the entity did not want to accept a particular donation. I replied that the entity would not have to accept the donation, but the offer could be made.

Assemblyman Hickey:

Is there a reporting mechanism, which we would have to comply with, that would acknowledge whom the money was donated to?

Senator Wiener:

It would be the same kind of reporting as we make for any other expenditure of our money.

Assemblyman Hardy:

I would like to be really clear. When you are talking about governmental entities, would they include water districts, municipalities, counties, and any type of government entity?

Senator Wiener:

Each of us has special interests. I probably could come up with the name of a program or project that would be meaningful, as could you. For a water project, maybe you could help sponsor an education program for children.

Chair Segerblom:

Is there a time limit? Would you keep your campaign account open forever?

Senator Wiener:

That is something the Secretary of State could explain. There are already legal requirements concerning what we do with our campaign accounts once we are out of office. This does not mean you have to wait until you are out of office, but that was what I had been thinking of, because I will be termed out in 2012. It could be done at any time, but if you look at the statute right now, we cannot legally give to a government program. The provisions are only for gifts to nonprofits, and I wanted to acknowledge that there may be programs we could miss because they are not part of that language in statute.

Chair Segerblom:

We have similar language in Assembly Bill 82, which we just passed. I would like Mr. Gilles, who is in the audience, to see if there is a way to merge the two. If we could amend your bill and pass it, we would know one of the bills with the same language is going to make it.

Senator Wiener:

You are right; you know how the Legislature works. I had a bill last session that I amended with similar language that did not make it to the end of the process.

Scott Gilles, Deputy for Elections, Office of the Secretary of State:

The language in our bill, Assembly Bill 82, is in section 50 and is nearly identical to the Senator's language. In our bill, we remove the reference to donating the money to ballot advocacy groups (BAGs), because we are getting rid of BAGs altogether, as they will be subsumed by the definition of political action committees (PACs).

Again, we almost have identical language. We just state that the government entity or fund of the state or political subdivision must be authorized to receive

the donations. It is my understanding, after talking to our Deputy Attorneys General, that some government entities may not be allowed to accept donations or would have to go through the Interim Finance Committee (IFC) process to accept donations. There may also be separate rules for accepting donations for county or municipality groups, so that is why our language includes that distinction. I believe the two can be reconciled; maybe the Legal Division would like to give it a shot.

Chair Segerblom:

Senator, do you have any comment?

Senator Wiener:

It sounds good to me.

Assemblyman Conklin:

Section 1, subsection 2, paragraph (d) on line 17 of page 2, says, "Donate the money to any tax-exempt nonprofit entity." Governments, by definition, are tax-exempt nonprofit entities—for example, a school. I am sure people have donated to schools before. How does this language expand that? A city has an after-school program for kids or a sports program that needs team uniforms. I am sure people have donated for those kinds of things before, so how does this expand that, and is it clear enough?

Scott Gilles:

That is something I will have to look into. It is my understanding that a government entity would not be considered to be a tax-exempt nonprofit entity, and that is the reason for this new section. To the extent that it is not accurate, we can look into it. Ultimately, what you are asking is whether government entities would be covered under paragraph (d) and why we need this new provision. That is something I will have to look into and get back to the Committee on, unless Senator Wiener can answer it.

Senator Wiener:

That question came up when we were processing the bill last time, and the response was that government is not considered a nonprofit, so this would make it clear.

Assemblyman Conklin:

All right, I am fine with that. There is a deletion on the next line that says, "Dispose of the money in any combination of the methods provided in paragraphs (a) to (d), inclusive." We are deleting that and inserting "Donate money to any governmental entity" Do we need to have a paragraph (f) that would read "Dispose of the money in any combination of the methods

provided in paragraphs (a) through (e)" to clarify that you do not have to contribute it all to one entity? You might choose to donate some to a local government entity for a program, some to a nonprofit, some to a ballot question, et cetera.

Scott Gilles:

The option to spread the money around still exists. If you look at page 2, line 2 of S.B. 157, that provision reading "dispose of the money through one or any combination of the following methods" has just been moved up to the top of section 1, subsection 2. What was previously paragraph (e) has been moved.

Assemblyman Conklin:

It has been moved. Perfect; I am good with that.

Chair Segerblom:

Are there any other questions? [There was no response.] Senator, with your permission, we will work on getting the language to agree, and then we will pass your bill out.

Senator Wiener:

Thank you, and that was a thumbs-up for the Secretary.

Scott Gilles:

For the record, the Secretary of State does support S.B. 157.

Chair Segerblom:

Great; thank you both. Does anyone else here want to speak in favor of S.B. 157? [There was no response.] Is anyone here opposed to S.B. 157? [There was no response.] Is anyone neutral on S.B. 157? [There was no response.] All right, we will close the hearing on S.B. 157 and open the hearing on Senate Bill 125.

Senate Bill 125: Revises provisions governing reporting of campaign contributions and expenses. (BDR 24-777)

Senator Ben Kieckhefer, Washoe County Senatorial District No. 4:

I am here today presenting S.B. 125, an effort to put more sunshine into our campaign disclosure laws. Something that struck me as I was running for office for the first time was that people were voting through our early voting process without the ability to see the campaign contributions and expenses of the candidates for whom they were going to be casting their votes. I realized that the only requirement for the filing of campaign contribution and expense (C&E) reports is currently within the time frame of early voting and right before the

actual Election Day. What I propose is moving the filing date for C&E reports up to one week before the start of early voting, rather than as it is now, which is one week before the actual Election Day. Early voting has grown significantly over the past decade, to a high point of nearly 58 percent early in the 2008 General Election. I believe this to be an important step to maintaining the honesty and stability within our election system. This would enhance our system overall. I understand that this Committee has passed a bill sponsored by the Secretary of State that contains a similar provision, and I would be more than happy to amend my bill to be consistent with that bill. Hopefully, at the end of session, one of these bills will be successful and make this change for the voters of the state.

Chair Segerblom:

Are there any questions for the Senator?

Assemblyman Conklin:

As I read this bill, you want the report due seven days before the start of early voting, or is that the cutoff?

Senator Kieckhefer:

The report would be filed seven days before the start of early voting rather than prior to Election Day. The same change would be made to the reporting period.

Assemblyman Conklin:

So the reporting period would be approximately 14 days before, correct? In other words, there is a cutoff date for the reporting period. Someone could account for all the money, prepare the report, and then file it. Let us just say that is five or seven days. For discussion purposes, let us assume early voting starts on October 15. The cutoff day might be somewhere around October 5 or even earlier. A lot of money could be gathered in that period that would not be reported as a result of moving the filing date.

Senator Kieckhefer:

I understand what you are saying. There is a gap created, and I recognize that. I had to choose between two situations that do not necessarily provide the sunshine you are looking for. A candidate could potentially collect significant contributions that would not be disclosed until after the election.

Assemblyman Conklin:

Right.

Senator Kieckhefer:

The same is currently true up to a point. A filing deadline of one week before the general election does not provide as big a window, but contributions are still being made during that period. The ability to provide voters with as much information as is practicable outweighs the deficiency.

Assemblyman Conklin:

The bill this house passed and has sent to the Senate requires electronic reporting. The beauty of electronic reporting is the time to make and file a report shrinks. The filing actually occurs right before the beginning of early voting, which is good and what you are looking for. It also allows for that 14-day window between the beginning of early voting and the general election to make another filing because you do not have the time constraints to stop collecting and start reporting, but the numbers are slightly different. Are you opposed to that?

Senator Kieckhefer:

No, I am in favor of electronic filing and would do it if required to. I am trying to enhance transparency, and that is probably the best way to do it. Knowing a little bit about how this process works, I would like to see a bill passed that does something on this specific topic. That is why I did not propose sweeping, comprehensive election reform to address this one specific problem. If we can make S.B. 125 work with the provisions of the other bills that are going forward and make them all consistent, I am more than happy to do that.

Chair Segerblom:

Are there any other questions? [There were none.] Mr. Gilles, could you come forward again?

Scott Gilles, Deputy for Elections, Office of the Secretary of State:

The Office of the Secretary of State supports S.B. 125 and its progress toward more transparency. There are a few differences between the Senator's bill and your Committee's bill. Basically, the Senator is talking about a reporting deadline of seven days before early voting for both the primary and general elections. We have a similar deadline, but it is four days before the start of early voting for both the primary and general elections. In addition, we have new reporting deadlines of four days before the Primary Election Day and the General Election Day. If both bills pass without being reconciled, three reports would be due before a primary election and three would be due before a general election.

Chair Segerblom:

Is it possible to change the seven- and four-day requirements to make our four-day requirement consistent with his seven-day requirement or to make his seven-day requirement consistent with our four-day requirement?

Scott Gilles:

Definitely, that is possible, and I think that is the way the bills should be reconciled, presuming they both eventually pass and become law.

Chair Segerblom:

Senator Kieckhefer, do you have any problem with moving your requirement to four days as opposed to seven?

Senator Kieckhefer:

Four days is fine with me.

Chair Segerblom:

Are there any comments from Committee members?

Assemblyman Conklin:

The shorter the time period to report the greater the necessity for electronic filing; otherwise the time to report becomes longer and you cannot capture enough data to make it worthwhile. For example, if we chose 7 days before the primary election and 7 days before the general election, the actual window is only 15 days, so you would have to cut reporting off after the first 5 days of the last report. You would be capturing only 5 days, plus whatever had been missed for the reporting between the time you had the cutoff and the time you report before the primary.

If you have electronic filing you could shrink that window. If you report four days before the general election, the cutoff for collection could be a day before the report would be due, because all the candidate would be doing would be typing in the final data and hitting "send." You would not have to drive to the county registrar or clerk or to the Secretary of State's Office. It would streamline everything.

To my mind, you have to look at the dates in both bills and reconcile a date that would be acceptable should other portions of the previous bill not pass—specifically the electronic portion. The electronic portion is critical to shedding more sunshine and actually having timely reporting.

Chair Segerblom:

To be fair, there would not have to be electronic filing to reconcile the two bills; just the two reporting dates, right? Changing the Senator's bill to four days instead of seven would not require electronic filing.

Scott Gilles:

Correct.

Chair Segerblom:

Are there any further questions? [There were none.] With your permission, Senator Kieckhefer, we will work on coming up with something that captures the essence of your bill. We appreciate your concern that our two previous bills may not make it and that with your bill, we still might have something at the end of the day. We will run it past you and Mr. Gilles. Is there anyone else here in support of S.B. 125?

Trevor Hayes, representing the Nevada Press Association:

We support any increase in transparency of information to the voters before they go to the polls. As you know, so many people vote during early voting now that the deadline before the actual Election Day does not allow the information to get out quickly enough for most people who vote.

Mr. Conklin brought up an excellent point concerning the fact that there will be a larger time gap between the day of the actual election and more money being collected after the filing. It is our thought that having some information during that reporting period is better than having none.

As far as the Press Association is concerned, the way a lot of people get their information is through the newspapers. In rural areas, a lot of the papers publish only once a week. If that paper publishes on a Wednesday, it was probably written, edited, and sent to the printer on Tuesday. Even with seven-day advance notice for a Tuesday election, that information will not be in that paper. The way it currently is, people have to postmark their reports on that day, so they could arrive on the next Thursday or Friday and voters in the rural districts would not have any access to this information. With the four-day notice, even with electronic filing, depending on whether we count weekends, the information could arrive on Thursday or Friday before a Tuesday election. That means voters in rural areas with a Wednesday, Thursday, or even Tuesday publication date would not have that information when they went to the polls. We request there be at least seven days to give voters who rely on rural newspapers a chance to see this information. We fully support the bill and any increase in transparency in this area.

Chair Segerblom:

Are there any questions for Mr. Hayes? [There were none.] Is anyone else here in support of the bill? [There was no response.] Is there anyone here opposed to the bill? [There was no response.] Is anyone here neutral on the bill? [There was no response.] Hearing none, we will close the hearing on S.B. 125 and open the work session on Assembly Joint Resolution 2. Just for your information, it is not my intention to vote on A.J.R. 2, but I thought I would like to engage in a discussion about it to see if there is support for any of these concepts before we finalize what we are going to try to do.

Assembly Joint Resolution 2: Proposes to amend the Nevada Constitution to revise provisions relating to the State Legislature. (BDR C-683)

Patrick Guinan, Committee Policy Analyst:

Committee members, you have a work session document in front of you. Assembly Joint Resolution 2 proposes to amend the *Nevada Constitution* to provide for annual legislative sessions of not more than 90 consecutive calendar days in each odd-numbered year and of not more than 60 consecutive calendar days in each even-numbered year. [Mr. Guinan read the bill summary and explanation of the two attached amendments from his work session document ([Exhibit C](#)).]

Chair Segerblom:

My proposed amendment 1 would have the same number of days we have now spread over two years.

Patrick Guinan:

And the compensation would be for the total 120 days over the course of two years instead of the way it is now. That is the only change made in the first mock-up. The rest of A.J.R. 2 as it was initially introduced remains the same.

In the second mock-up, amendment 2, the Chair has proposed defining a legislative day. This is something several other states use. They differentiate between a legislative day and a calendar day. In the second mock-up, a legislative day is defined as a day on which either house of the Legislature holds a floor session. The mock-up goes on to provide that the Legislature would meet in odd years for 75 legislative days out of 100 calendar days, and it would meet in even years for 30 legislative days out of 45 calendar days. The legislators would be compensated for the legislative days they are here and not for the calendar days, so the total legislator compensation under that proposal would be 105 days over the course of the biennium.

One reason for differentiating between a legislative day and a calendar day is that the Legislature can then set its calendar based on legislative days and calendar days broken apart. For instance, the Legislature can say that it is not going to hold a legislative day on X calendar day. You would have a cleaner calendar to look at in terms of when you are going to be here and what you are going to be doing on a given day. The Legislature right now functions on a 120-calendar-day schedule. Within that schedule the Legislature can do whatever it wants in terms of scheduling. This would place the differentiation in the *Nevada Constitution* rather than leaving it open.

Chair Segerblom:

Another point of having legislative days versus calendar days would be to allow staff to recuperate. For example, we could have a week's break after first-house passage, or during the first month we might meet only four days a week to let the staff catch up on a lot of things they are overwhelmed by. The thought would be that we would not be so rushed but that there would be enough days to get the work done. If the 120-day schedule was shortened, I was worried that we would not be able to get all the things done that we do now.

Basically, I brought this up to see if anyone had any comments, if anyone liked either of these proposals, or whether there was anything further we should be looking at. If this passed this session, it would be voted on again during the 2013 Session. It would go to a vote of the people in the 2014 election. In 2015 there would be a regular session, and 2016 would be the first time a session would be held that would not normally occur. This is a five-year process, and we should be thinking ahead.

Assemblyman Grady:

It has not been that many years since the people voted 70 percent to 30 percent not to increase our salaries. With a year such as we are going through now, I would not like to be campaigning to raise our salaries.

Chair Segerblom:

There is a Commission on Compensation for Legislators proposed in this legislation which would determine what our salaries ought to be. We could leave compensation as it is now—60 days—and if the Commission came back with something different, we could consider it.

Assemblyman Hickey:

If a session was moved to March, would that affect the Governor's duty to deliver his State of the State address or the budget, or would those automatically move to our new schedule?

Chair Segerblom:

That information is probably in statute rather than in the *Constitution*. You mentioned that the Governor is elected and we are elected. We have to show up here in February and he has to do a budget. This would give us all a little bit more time to get organized and prepare to do what we do. Pushing it back to March would make things a little smoother, particularly with Speaker Ocegüera's bill mandating legislative training.

Assemblyman Goicoechea:

If there were flexibility on when the Legislature would commence, I would prefer it to be earlier rather than later. I would rather be here in the winter than on the first of July.

Chair Segerblom:

The *Constitution* says that the Governor must submit his State of the State 15 days before the Legislature meets. I do not mean to pick on the rural areas, but most of us from Las Vegas would rather get out of the heat than be here in the winter.

Assemblyman Goicoechea:

Realistically I believe the bill has merit, but I am not sure we can agree on some of the deadlines. I clearly believe we are headed to a point where we are going to have to have at least some type of annual session to get through our workload. It could be shorter. I do like the idea that if a floor session is not held in either house that it is not termed a legislative day. That would give us some flexibility, but I think we also have to be very careful, in doing that, that we do not extend our pay for every day we are here. All of a sudden, we could be holding floor one day a week and spend six months here. We have to be careful with that.

Chair Segerblom:

The reality is that the pay would be capped at what it is now, so there would be no incentive, theoretically, to stick around. Philosophically, would people prefer to have a legislative day versus what we have now, the strict calendar day? Are there any comments? [There was no response.] Obviously, I have some work to do. If it is okay, I will meet with everyone and try to develop some kind of consensus. I would like to vote on something before the end of the session.

Assemblyman Hardy:

Mr. Grady mentioned that this has already been voted on. Is there a chance that the two ideas concerning legislative pay and session days could be separated? That would give the voters two different options.

Chair Segerblom:

Do you mean have two different constitutional amendments?

Assemblyman Hardy:

Yes.

Chair Segerblom:

Sure.

Is there any public testimony or comment? [There was no response.] All right, with no public comment we are adjourned [at 2:19 p.m.].

RESPECTFULLY SUBMITTED:

Terry Horgan
Committee Secretary

APPROVED BY:

Assemblyman Tick Segerblom, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Legislative Operations and Elections

Date: April 28, 2011

Time of Meeting: 1:41 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.J.R. 2	C	Patrick Guinan	Work Session Document