

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

**Seventy-Sixth Session
May 19, 2011**

The Committee on Legislative Operations and Elections was called to order by Chair Tick Segerblom at 2:57 p.m. on Thursday, May 19, 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
Assemblywoman Lucy Flores, Vice Chair
Assemblyman Marcus Conklin
Assemblyman Richard (Skip) Daly
Assemblyman Pete Goicoechea
Assemblyman Tom Grady
Assemblyman Crescent Hardy
Assemblyman Pat Hickey
Assemblyman William C. Horne
Assemblywoman Marilyn K. Kirkpatrick
Assemblyman Richard McArthur
Assemblyman James Ohrenschall
Assemblywoman Debbie Smith
Assemblyman Lynn D. Stewart

COMMITTEE MEMBERS ABSENT:

Assemblyman John Ocegüera (excused)

GUEST LEGISLATORS PRESENT:

Senator Dean A. Rhoads, Rural Nevada Senatorial District

STAFF MEMBERS PRESENT:

Patrick Guinan, Committee Policy Analyst
Terry Horgan, Committee Secretary
Michael Smith, Committee Assistant

OTHERS PRESENT:

None

Chair Segerblom:

[Roll was taken.] Today we have a work session, and we are going to consider two bills, Senate Bill 133 (1st Reprint) and Senate Bill 304.

Mr. Guinan, would you start with Senate Bill 133 (1st Reprint).

[Senate Bill 133 \(1st Reprint\)](#): Revises provisions governing initiative petitions.
(BDR 24-1)

Patrick Guinan, Committee Policy Analyst:

A couple of amendments have been proposed for S.B. 133 (R1), so the Committee can decide how it wants to handle them.

You have the bill behind a tab in your work session document ([Exhibit C](#)). If you remember, this is Senator Rhoads' bill concerning petition districts. The last time we discussed this bill, an amendment was proposed by the Chair, and Matt Griffin presented it. The amendment proposed to do five things, and those are listed as follows:

1. Revise *Nevada Revised Statutes* (NRS) 294A.281 to include "ballot advocacy groups" (BAG) in this language.
2. Require that a registered BAG must declare whether it is compensating employees to obtain signatures on a petition.
3. Define a person who is receiving such compensation as an "employee" and the BAG or political action committee (PAC) as an employer under state law.
4. Require a notice on relevant petitions stating that "Some Circulators are Being Paid" to gather signatures.
5. Require that circulators be residents of Nevada.

Those five items have been reduced to the first three. The Chair, in consultation with Mr. Griffin and others, has chosen to take out numbers 4 and 5 of that amendment. The amendment for the Committee's consideration now would include only the first three items. If you want to look at the language that would result ([Exhibit D](#)), it is included in your work session binder.

Chair Segerblom:

What is left would require petition signature gatherers to be treated as employees. The Legal Division of the Legislative Counsel Bureau indicated that they are not certain that can be done. They did not have time to fully research the issue, so they recommended we pass the bill as amended. If the Legal Division subsequently determines that the law will not allow us to require that signature gatherers be employees, that language would be removed.

Patrick Guinan:

That is exactly what the Legal Division and I have been talking about today, so the Committee can move forward. If this requirement is not legal, the Legal Division will drop the employee language from the amendment.

Chair Segerblom:

Personally, I would like to have the employee language remain in the bill, so in my opinion, it is better to go forward with the employee language and see what happens.

ASSEMBLYMAN CONKLIN MOVED TO AMEND AND DO PASS
SENATE BILL 133 (1ST REPRINT) WITH THE THREE ITEMS AS
OUTLINED.

ASSEMBLYWOMAN FLORES SECONDED THE MOTION.

Is there any discussion on the motion?

Assemblyman McArthur:

I want to be certain I know which items are being retained and which are not.

Patrick Guinan:

If you will look at the bill summary sheet ([Exhibit C](#)), the first three items listed under amendments would be included in the bill. The first one revises NRS 294A.281 to include ballot advocacy group along with political action committee in the first section of the amendment. The second would require that a registered BAG must declare whether it is compensating employees in its registration documentation, and the third would define a person receiving compensation from the BAG or PAC as an employee and would define the BAG

or PAC as an employer under state law. Those are the three provisions that remain.

Chair Segerblom:

The language of the proposed amendment ([Exhibit D](#)) is in your work session binder.

Patrick Guinan:

The Chair's original amendment, proposed at the first hearing on the bill, is also in your work session document ([Exhibit E](#)).

Chair Segerblom:

I want to check with the only person here who employs people, Mr. Hardy. [Mr. Hardy indicated he was in favor of the proposed amendment.] Good, and Mr. McArthur is also all right with it.

The motion has been made and seconded and comments have been made, so I will call for the question.

THE MOTION PASSED. (ASSEMBLYMAN OCEGUERA WAS ABSENT FOR THE VOTE.)

Chair Segerblom:

Let us go to Senate Bill 304, which concerns Carson City, Henderson, Reno, and Sparks. Mr. Guinan, will you explain the bill and review the amendments Assemblyman Daly and I are proposing.

Senate Bill 304: Provides for redistricting of election districts in Carson City and the Cities of Henderson, Reno and Sparks, contingent upon voter approval. (BDR S-731)

Patrick Guinan, Committee Policy Analyst:

[Mr. Guinan read a summary and explanation of the bill from his work session document ([Exhibit F](#)).] The amendments proposed by the City of Reno and by Assemblyman Daly do not conflict with each other; however, the amendment proposed by the City of Reno and the amendment proposed by Chair Segerblom are exclusionary. You cannot adopt both; you must adopt one or the other or neither. Mr. Daly's proposed amendment will fit with either of the other two proposed amendments or stand alone.

Chair Segerblom's amendment ([Exhibit G](#)) is conceptual only. It has not been drafted by the Legal Division but it lays out the idea and the structure. The language would be handled by the Legal Division, so it may not appear exactly this way, but this is the intent. The Legal Division has reviewed the intent and is okay with it.

[Mr. Guinan read an explanation of the amendment from the work session document ([Exhibit G](#)).]

Chair Segerblom:

Are there any questions or comments?

Assemblyman Hickey:

Mr. Chair, what would your amendment accomplish?

Chair Segerblom:

Because we just got the new census data and the districts will all be redrawn next year, it seemed to me it would be simpler to have all six districts drawn based on the new census and see what people think about them.

In reality, people initially vote by wards in Reno anyway, so this will not be a change for five of the city council members. The current practice would require redistricting in 2012 for five people and then a redistricting in 2014 for six people, which would create a lot of confusion. It would be easier to do it this way and make it public. If the voters do not like it, they can revert to the old system. This is similar to what North Las Vegas did. Is that correct, Mrs. Kirkpatrick?

Assemblywoman Kirkpatrick:

Yes. We had the same controversies and complaints that the voters were going to be disengaged, but our advisory question passed overwhelmingly. Seventy-five percent of the voters wanted to change the way they had voted for their city representatives in the past. This does not affect Reno, but we heard that incumbents would be in jeopardy because of map changes. That is not what happened. What we did see was more people engaged in the process and running for office because they could walk their districts. It is very hard and expensive to run citywide. It has been very successful in North Las Vegas. We also do not have to produce additional ballots for the entire city to choose the at-large seats. It has also worked out better because our legislators are now able to have better relationships with our council members.

I also support Mr. Daly's amendment. We had the same issue concerning judges in our district—people thought there would not be any qualified attorneys. It actually brought attorneys to North Las Vegas who are invested in the city, and we now have three very good ones. From my perspective sitting on this Committee in 2007, the Sparks City Attorney at that time came before us to oppose such an amendment. The only thing he truly cared about was his pocket. It never came down to representing the constituents and being part of that discussion, so I support both Mr. Daly's and Mr. Segerblom's amendments.

Assemblyman Hickey:

Since your amendment differs somewhat from the Reno plan, would it be appropriate to ask their response? I know this is a work session, but if it is not appropriate . . .

Assemblywoman Kirkpatrick:

Mr. Chairman, I can tell you that when we asked North Las Vegas for their response, they did not like it, but the constituents loved it.

Chair Segerblom:

I think I can tell you that Reno does not like it. The way it currently works, in 2012 the at-large member is going to get elected for a four-year term, so the six-ward plan would not be implemented until 2016. In my opinion, that really delays this process.

Assemblyman Grady:

Mr. Daly, Sparks has always had a very strong group of people on its charter review committee. Has this proposed amendment gone through the charter review committee?

Assemblyman Daly:

No, it has not.

Chair Segerblom:

Mr. Daly, do you want to explain your amendment?

Assemblyman Daly:

Right now it says the city attorney must be a bona fide resident of the City of Sparks. Because that individual must be an attorney, we wanted the people of Sparks to have more choices. To be on the city council, for instance, an individual must only be an elector in the city to run.

Chair Segerblom:

Is there any further discussion? [There was no response.] Does anyone want to make a motion?

ASSEMBLYWOMAN KIRKPATRICK MOVED TO AMEND AND DO PASS SENATE BILL 304 WITH ASSEMBLYMEN SEGERBLOM'S AND DALY'S AMENDMENTS.

ASSEMBLYMAN OHRENSCHALL SECONDED THE MOTION.

Is there any discussion on the motion?

Assemblyman Grady:

If a city goes to the trouble of setting up a charter review committee, I feel very strongly that before we change its charter, its charter review committee should review it, so I cannot accept Mr. Daly's amendment.

Chair Segerblom:

Are there any further comments? [There was no response.] Seeing none, I will call for the question.

THE MOTION PASSED. (ASSEMBLYMEN GRADY, HARDY, HICKEY, AND MCARTHUR VOTED NO. ASSEMBLYMAN OCEGUERA WAS ABSENT FOR THE VOTE.)

Because tomorrow is the deadline for Committee passage of all but exempt bills, instead of adjourning, we are going to recess to the call of the Chair in case something untoward happens. The Committee is in recess [at 3:16 p.m.].

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

[This bill was not heard.]

Senate Bill 170 (1st Reprint): Revises provisions governing petitions for initiative or referendum. (BDR 24-537)

[This bill was not heard.]

Senate Bill 391 (1st Reprint): Revises provisions relating to ethics in government. (BDR 23-1116)

[This bill was not heard.]

[This meeting was adjourned behind the bar of the Assembly on Monday, May 23, 2011, at 11:10 a.m.]

RESPECTFULLY SUBMITTED:

Terry Horgan
Committee Secretary

APPROVED BY:

Assemblyman Tick Segerblom, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Legislative Operations and Elections

Date: May 19, 2011

Time of Meeting: 2:57 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
S.B. 133 (R1)	C	Patrick Guinan	Work Session Document
S.B. 133 (R1)	D	Patrick Guinan	Proposed Amendment
S.B. 133 (R1)	E	Patrick Guinan	Original Proposed Amendment
S.B. 304	F	Patrick Guinan	Work Session Document
S.B. 304	G	Patrick Guinan	Proposed Amendment