

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

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

The Senate Committee on Legislative Operations and Elections was called to order by Chair David R. Parks at 4:19 p.m. on Thursday, May 19, 2011, in Room 2144 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412, 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 David R. Parks, Chair  
Senator Moises (Mo) Denis, Vice Chair  
Senator Steven A. Horsford  
Senator Barbara K. Cegavske  
Senator James A. Settelmeyer

**GUEST LEGISLATORS PRESENT:**

Assemblyman Richard (Skip) Daly, Assembly District No. 31  
Assemblyman Tick Segerblom, Assembly District No. 9

**STAFF MEMBERS PRESENT:**

Carol Stonefield, Policy Analyst  
Eileen O'Grady, Counsel  
Kathy Steinle, GIS Specialist, Information Technology Services Unit,  
Administrative Division  
Michael J. Stewart, Supervising Principal Research Analyst, Research Division  
Michelle Ené, Committee Secretary

**OTHERS PRESENT:**

Nicole Lamboley, Chief Deputy, Office of the Secretary of State  
Rebecca Gasca, Legislative and Policy Director, American Civil Liberties Union of  
Nevada  
Orrin J.H. Johnson, Deputy Public Defender, Washoe County

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Scott F. Gilles, Deputy for Elections, Office of the Secretary of State  
Crystal Jackson, Executive Director, Public Utilities Commission of Nevada  
James R. Wells, Executive Officer, Public Employees' Benefits Program  
Alan Glover, Former Senator, Clerk/Recorder, Carson City

CHAIR PARKS:

We have a work session and two bills today. We will open the work session on Assembly Bill (A.B.) 81.

[ASSEMBLY BILL 81 \(1st Reprint\)](#): Revises various provisions relating to elections. (BDR 24-406)

CAROL STONEFIELD (Policy Analyst):

Assembly Bill 81 was sponsored by the Assembly Committee on Legislative Operations and Elections on behalf of the Secretary of State. It is a comprehensive election bill that includes a number of issues. I have provided a work session document ([Exhibit C](#)) on this bill.

There is a proposed amendment to this bill on page 2 of the work session document, [Exhibit C](#). The Secretary of State's proposed amendment is on page 3 of the work session document, [Exhibit C](#).

The American Civil Liberties Union of Nevada (ACLU) has three proposed amendments on pages 4, 5 and 6 of the work session document, [Exhibit C](#).

CHAIR PARKS:

Does anyone have any questions on any of these amendments? They are straightforward and appear to be appropriate. Do we have a representative from the Secretary of State's Office here? The ACLU has suggested three changes, and I want to know if you have had an opportunity to review them.

NICOLE LAMBOLEY (Chief Deputy, Office of the Secretary of State):

No, we have not reviewed those amendments. They were not provided to us by the ACLU. We cannot support the changes as recommended.

The ACLU proposed Amendment 3 may have been addressed by action taken in the Senate on A.B. 82. I would need to go back and clarify that because of activity on amendments to that bill earlier this week. The threshold was

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changed from \$100 back to \$1,000. Maybe your legal counsel could verify that.

[ASSEMBLY BILL 82 \(2nd Reprint\)](#): Makes various changes relating to elections.  
(BDR 24-407)

The ACLU Amendment 2 is not necessary. There already is definition in law regarding someone who knowingly or willfully files a false statement on the declaration of candidacy and the right of an eligible person to challenge that person's candidacy.

I would have to discuss the language in the ACLU Amendment 1, which changes the ballot access for minor political parties.

CHAIR PARKS:

I believe you are correct as far as ACLU Amendment 3. Our legal counsel, Eileen O'Grady, can verify if the language has been addressed. We would like the concurrence with the Secretary of State's Office on ACLU Amendment 1. Would that take a long time to look at? We can hold this off and proceed with other bills. Can we call on you in a few minutes?

MS. LAMBOLEY:

Certainly. I can get that answer momentarily.

CHAIR PARKS:

These recommendations were based on testimony by Rebecca Gasca from the ACLU. In order to provide Ms. Lamboley with an opportunity to look at the ACLU proposals, I will hold [A.B. 81](#) and move on to [A.B. 132](#).

[ASSEMBLY BILL 132 \(1st Reprint\)](#): Revises provisions governing the dates for certain elections. (BDR 24-684)

MS. STONEFIELD:

[Assembly Bill 132](#) was sponsored by the Assembly Committee on Legislative Operations and Elections. I have provided a work session document ([Exhibit D](#)) on this bill.

There was an amendment offered by a representative of the City of Henderson stating the dates would go into effect with succeeding officers and those

currently holding these positions would not experience a shortened term. Testimony from representatives of Boulder City, Las Vegas and North Las Vegas requested that the Henderson amendment be applied to the bill in relation to their city charters.

A representative of Elko testified the City Council does not wish to have this go into effect in succeeding terms, but would prefer to shorten the terms of people already holding office.

Starting on page 1a of the work session document, [Exhibit D](#), is a mock-up of Proposed Amendment 6900 to A.B. 132 prepared by the Legal Division that makes changes to the charters in Boulder City, Henderson, Las Vegas and North Las Vegas prospective. Current officeholders would complete their terms and succeeding terms of office may be shortened to implement the transition to the State election cycle.

The mock-up removes all provisions relating to the City of Elko. Senate Bill 134, heard by the Senate Committee on Government Affairs and the Assembly Committee on Legislative Operations and Elections, proposes to amend the Charter of the City of Elko to shorten the current terms of the offices. Therefore, this bill will no longer apply to Elko.

**SENATE BILL 134**: Amends the Charter of the City of Elko to change the timing of the general municipal election. (BDR S-543)

CHAIR PARKS:

I have been informed that the portion dealing with Elko in this bill does not apply. Senate Bill 134 was passed out of the Assembly Committee on Legislative Operations and Elections on May 17.

SENATOR SETTELMAYER MOVED TO AMEND AND DO PASS AS AMENDED A.B. 132 TO INCLUDE DELETING THE REFERENCE TO THE CITY OF ELKO WITHIN PROPOSED AMENDMENT 6900.

SENATOR CEGAVSKE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR PARKS:

We will move on to A.B. 260.

[ASSEMBLY BILL 260 \(1st Reprint\)](#): Requires newly elected Legislators to attend training before the beginning of their first legislative session. (BDR 17-29)

Ms. STONEFIELD:

Assembly Bill 260 was sponsored by Assemblyman John Ocegura and other members of the Assembly. I have provided a work session document ([Exhibit E](#)) on this bill. No amendments were offered.

SENATOR HORSFORD MOVED TO DO PASS A.B. 260.

SENATOR DENIS SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS CEGAVSKE AND SETTELMAYER VOTED NO.)

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CHAIR PARKS:

The next bill is A.B. 301.

[ASSEMBLY BILL 301 \(1st Reprint\)](#): Revises provisions governing the restoration of civil rights for ex-felons. (BDR 16-687)

Ms. STONEFIELD:

Assembly Bill 301 was sponsored by the Assembly Committee on Legislative Operations and Elections. I have provided a work session document ([Exhibit F](#)) on this bill.

Starting on page 1a of the work session document, [Exhibit F](#), is a mock-up of Proposed Amendment 6844 to A.B. 301 prepared by the Legal Division.

There are minor grammatical changes throughout, but the significant changes are on page 18, sections 16 and 17. The amendment proposes the restoration of the right to vote to any person who is pardoned or honorably discharged from probation or parole or who completed a sentence before July 1, 2011.

The amendment also provides no requirement to notify individuals whose rights have been restored. Section 17 of the amendment would propose an effective date of July 1, 2011.

SENATOR CEGAVSKE:

Does language in this bill state that restitution has to be completed or fulfilled before restoration of rights? Does that happen with parole or the judge?

CHAIR PARKS:

In order to get an honorable discharge, a person must satisfy the requirements the judge imposed at the time of sentencing, which would include paying restitution in addition to serving the time required. For example, if a person was given a four- to ten-year sentence and was paroled after four years but before ten years, he or she would serve a period of parole and then be discharged from that parole.

There is a requirement that a person complete his or her restitution before getting an honorable discharge. Can someone in the audience confirm this?

REBECCA GASCA (Legislative and Policy Director, American Civil Liberties Union of Nevada):

We understand it to be as the Chair has stated.

SENATOR SETTELMAYER:

I see Orrin J.H. Johnson, Deputy Public Defender, Washoe County, is in the audience. I would like to ask you a question. What if someone stole \$140,000 from a person; would the judge automatically order the person to pay \$140,000 back first? I would like to know the procedure.

ORRIN J.H. JOHNSON (Deputy Public Defender, Washoe County):

There is a difference between parole and probation. If the judge puts a person with a suspended prison sentence hanging over his or her head on probation, one of the conditions of probation is restitution has to be paid. Parole works the same way except you get released from prison. The judge has already ordered the restitution as part of the release. This method gets people off probation when they still owe restitution.

I understand if it takes a person too long to pay restitution and get off probation, he or she will be dishonorably discharged. We do not want to keep

spending the money to supervise a person when the only thing he or she has done is not pay. Once a person does pay restitution or pays a substantial amount toward that so everyone is satisfied, he or she can reapply to the judge through the Division of Parole and Probation, Department of Public Safety, to get it changed back to an honorable discharge.

SENATOR DENIS:

The bill references *Nevada Revised Statute* (NRS) 213.154. Page 2, section 4, subsection 1 of the bill says, "A person who receives an honorable discharge from parole pursuant to NRS 213.154: ... ." The answer may be in NRS 213.154.

MR. JOHNSON:

Ultimately, it is at the discretion of the judge. The judges will not give a person an honorable discharge from parole if he or she has not substantially completed his or her responsibilities.

CHAIR PARKS:

Are there any more questions? There is a motion from Senator Horsford.

SENATOR HORSFORD MOVED TO AMEND AND DO PASS AS AMENDED  
A.B. 301.

SENATOR DENIS SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR SETTELMAYER VOTED NO.)

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CHAIR PARKS:

We will move on to A.B. 337.

[ASSEMBLY BILL 337 \(1st Reprint\)](#): Revises provisions governing campaign practices. (BDR 24-721)

MS. STONEFIELD:

Assembly Bill 337 was sponsored by Assemblyman Richard (Skip) Daly. I have provided a work session document ([Exhibit G](#)) on this bill. There is a concept

amendment on page 2 of the work session document, [Exhibit G](#), based upon testimony given by Matt Griffin during the bill hearing.

SENATOR HORSFORD:

Can we get an explanation for the reason behind the provision relating to production or dissemination of materials? Dissemination to me means anything from a mail house to people who could be distributing materials through flyers.

ASSEMBLYMAN RICHARD (SKIP) DALY (Assembly District No. 31):

If a mailer goes out with no identification, the Secretary of State would be able to identify the person responsible. If it is determined to be expressed advocacy, the Secretary of State's Office would subpoena the U.S. Postal Service to find out who paid for it and get the records.

If a complaint is filed against a political action committee which gives contributions to several people who are not subject to the complaint, you could leapfrog to them. In the original bill, you could only subpoena people who were subject to the complaint, which would not allow the Secretary of State to actually identify the party. The intent of the language is to get to the people who have information specific to the mailing, robocalls or whatever else.

CHAIR PARKS:

With regard to the proposed amendment by Mr. Griffin, are you in support of the amendment?

ASSEMBLYMAN DALY:

Yes.

SENATOR HORSFORD:

Is this only in a case where the Secretary of State determines a violation and is in the process of investigating a campaign violation? Would the Secretary of State's Office be permitted to subpoena any person or documents related to the production or dissemination of materials?

ASSEMBLYMAN DALY:

Yes. A person has to put a complaint in writing and provide evidence to substantiate the complaint. When the Secretary of State gets the information and has reasonable suspicion an offense has been committed, he or she will send a letter asking the person to respond so he or she can make a

determination. If evidence of a violation is determined, the Secretary of State would have subpoena power, provided all the other criteria has been met and it is within the 180 days of the last election.

SENATOR HORSFORD:

I want to hear more from the Secretary of State's Office on which approach would be taken since it is within the domain of the Secretary of State's Office to use this law.

SCOTT F. GILLES (Deputy for Elections, Office of the Secretary of State):

Once a determination of reasonable suspicion that a violation of NRS 294A exists, this provision would trigger subpoena powers, which we do not have right now.

SENATOR HORSFORD:

Instead of upon suspicion; is it upon determination of a campaign practice violation?

MR. GILLES:

Right. As the law exists, we make a determination as to whether an NRS 294A violation has occurred. We engage in communication back and forth with whom we believe made the violation. If we cannot get any resolution with that person, we would hand it over to the Attorney General's Office to enforce the law.

In a situation with an anonymous expenditure, this provision would allow us subpoena power to locate and identify who paid for, distributed or disseminated the information which violated NRS 294A.

SENATOR HORSFORD MOVED TO AMEND AND DO PASS AS AMENDED A.B. 337 WITH THE EXPLANATION BY THE SECRETARY OF STATE'S OFFICE THAT IT ONLY APPLIES FOLLOWING A DETERMINATION OF VIOLATION OF A CAMPAIGN PRACTICE.

SENATOR DENIS SECONDED THE MOTION.

CHAIR PARKS:

Is there any discussion on the motion?

SENATOR SETTELMEYER:

I appreciate the concept of the bill. I approve of the bill, but the amendment bothers me. In my area, two entities are utilized by people to mail out campaign material. I hate the idea of getting them involved in something they were not a part of. I do not like the concept of going after who disseminates the materials, the mail carrier. I am perplexed by the amendment.

MR. GILLES:

We discussed that issue. We contemplated this would be geared toward two particular groups, someone who prepares a flyer or prepares and approves the commercial. We want to go to them and identify who paid for it. If it is a simple mailer someone put out, we want to go to the postal service and determine who paid for the postage.

SENATOR CEGAVSKE:

Senator Settelmeyer asked most of the questions I had contemplated. I am concerned about the printer; it is his job to print things. A person pays the printer to do a print job. The printer does his job and then disseminates materials to the post office. I was prepared to come in and vote for this bill today, but I feel the amendment is too broad and goes too far. If you would like to limit it, I would do that. I would rather have the bill as is.

SENATOR SETTELMEYER:

Do you have subpoena power for out-of-state companies? People could use an out-of-state mailer company so they would not have to worry. Do you have subpoena powers on election matters for out-of-state companies? Are we putting Nevada companies at a competitive disadvantage by this?

MR. GILLES:

I do not have an answer to that question right now. I do not know whether this would preclude or extend the subpoena power to out-of-state corporations or individuals. That is a question for the Legal Division. We could follow up on this issue.

I understand the concerns you have that the Secretary of State's Office would be using subpoena power to talk to the printer, producer or whomever to determine who paid for those independent expenditures.

As in law, if we determine a violation and want to pursue it, once we submit it to the Attorney General's Office to initiate a complaint with the First Judicial District Court, the Attorney General's Office would have the subpoena power to obtain information. I do not know if this will allow our Office to obtain any information from individuals beyond that already available. This language allows our Office to take that step through our Office before submitting it to the Attorney General's Office and filing an actual complaint in Court.

SENATOR CEGAVSKE:

That shows a process is already in place to do that. You are looking for the steps to be done through your office instead of the Attorney General's Office. Is that what you are telling me?

MR. GILLES:

Senator Cegavske, I am telling you that the way it exists now, the Attorney General may do that.

SENATOR DENIS:

I want to make sure I understand this. The reason your Office needs this provision is so you can obtain information in order to determine whether the Secretary of State's Office wants to forward it to the Attorney General's Office. Is that correct?

MR. GILLES:

That is accurate. This will allow our Office certain steps to identify who sent the anonymous mailer, paid for or produced it. We can assist in determining whether we want to move forward with the Attorney General's Office to bring a complaint against those parties.

SENATOR DENIS:

If you had an anonymous flyer, would you be able to obtain sufficient information to know whether to move forward to the Attorney General's Office without this provision?

MR. GILLES:

Depending on the circumstance, possibly no. We may not have enough information.

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SENATOR DENIS:

This is something that helps your office get information in order to make a determination if a violation occurred. Would you then forward it to the Attorney General's Office?

MR. GILLES:

Correct.

CHAIR PARKS:

Any final questions on the motion? We have a motion and a second.

THE MOTION CARRIED. (SENATORS CEGAVSKE AND SETTELMAYER VOTED NO.)

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CHAIR PARKS:

We will move on to A.B. 433.

[ASSEMBLY BILL 433 \(1st Reprint\)](#): Expands prohibition on employers taking certain actions to prohibit, punish or prevent employees from engaging in politics or becoming candidates for public office with certain exceptions. (BDR 53-63)

Ms. STONEFIELD:

Assembly Bill 433 was sponsored by Assemblyman Tick Segerblom. I have provided a work session document ([Exhibit H](#)) on this bill.

There is an amendment to this bill from Ted Olivas, City of Las Vegas, on page 2 of the work session document, [Exhibit H](#).

SENATOR DENIS MOVED TO AMEND AND DO PASS AS AMENDED A.B. 433.

SENATOR HORSFORD SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS CEGAVSKE AND SETTELMAYER  
VOTED NO.)

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CHAIR PARKS:  
We will move on to A.B. 452.

[ASSEMBLY BILL 452 \(1st Reprint\)](#): Revises provisions relating to governmental  
administration. (BDR 24-1136)

MS. STONEFIELD:  
Assembly Bill 452 was sponsored by the Assembly Committee on Legislative  
Operations and Elections. I have provided a work session document ([Exhibit I](#))  
on this bill.

Assembly Bill 452 is a lengthy bill. The bill page, [Exhibit I](#), has the sections  
arranged according to topic. A section-by-section outline of the bill is provided  
by the Secretary of State's Office ([Exhibit J](#)).

There are amendments to this bill from Janine Hansen on page 2 of the work  
session document, [Exhibit I](#).

CHAIR PARKS:  
Are there any questions or comments by the Committee? Sections 22 and 27  
are areas of concern which were expressed after we had a hearing on the bill.  
One of the issues deals with the Public Utilities Commission of Nevada (PUCN).

CRYSTAL JACKSON (Executive Director, Public Utilities Commission of Nevada):  
The Commission was not aware of this bill until recently. We have concerns  
with sections 22 and 27. The language may have different interpretations which  
may cause unintended consequences for our agency. Specifically, in section 22,  
the prohibitions are directed to a former public officer. Part of the definition in  
statute includes elected or appointed positions. Our concern is over the word  
"appointed." Most people think the use of the word "appointed" in the definition  
of public officer was meant to capture positions appointed by the Governor. The  
word arguably has a broader connotation. We have three commissioners and  
two acting commissioners who were appointed by the Governor. However, we  
also have hearing officers, the executive director and general counsel, which are

all positions established in statute that fit within the public power trust of duty as defined in statute; those positions are appointed by the Commission.

State Personnel's regulations define the word "appointment" as the acceptance by an applicant of an offer of employment by an appointing authority and their mutual agreement as of the date of hire. We believe this section appears to capture the commissioners, acting commissioners, hearing officers, general counsel and the executive director positions—seven positions, which ultimately could be nine positions as we have two hearing officers currently serving as acting commissioners.

Section 27 will have a harmful effect on our ability to retain and hire competent professionals. This section involves the word "member," which appears to only include Governor-appointed positions—our commissioners and our acting commissioners. However, the word "member" could be broadly interpreted to include other PUCN employees whose conduct appears to be captured in subsection 3, extending their inabilities to testify before the PUCN for two years. We will have a significant problem retaining and hiring competent professionals. This will narrow the pool of people willing to serve or be employed at the PUCN. Our personnel take years to develop specialized skill sets. These positions are not easily transferrable into the economic marketplace beyond public utility regulation.

We have a difficult task of recruiting and hiring; if these limitations are extended to two years, it will further exacerbate this difficulty.

Interested applicants will seek to build a career path outside of State government as employment after State service may be difficult to secure; they may have to move out of State or change their career paths.

We have concerns with respect to the cooling-off period in general. Current employees were hired with the expectation of a one-year cooling-off period, not two. A one-year cooling-off period is reasonable, given the PUCN has dockets resolved within a year's time. Our maximum statutory effective dates are 210 days, which negates a conflict of interest beyond the one year. We are not sure what the benefit of an additional year will be with much harsher consequences to our agency.

CHAIR PARKS:

Ms. Eileen O'Grady, can you comment on Ms. Jackson's testimony regarding who would be covered?

EILEEN O'GRADY (Counsel):

Chapter 281A.160 of *Nevada Revised Statutes* states:

"Public officer" means a person elected or appointed to a position which: ... Is established by the Constitution of the State of Nevada, a statute of this State or a charter or ordinance of any county, city or other political subdivision; and involves the exercise of a public power, trust or duty. ... .

"The exercise of a public power, trust or duty" is defined in the statute. It is a test that has to be applied. Some of those positions mentioned by Ms. Jackson are established in statute and could be included within this.

CHAIR PARKS:

This is a bill sponsored by the Assembly Committee on Legislative Operations and Elections. Assemblyman Segerblom, would you like to make any comment relative to this issue? Did your committee hear specific testimony on section 27 relating to increasing the cooling-off period to two years?

ASSEMBLYMAN TICK SEGERBLOM (Assembly District No. 9):

It was a policy decision to change the cooling-off period to two years. Our intent was to make it as broad as possible.

SENATOR SETTELMEYER:

I am concerned about the cooling-off period, especially with the current budgetary problems. We could be in a situation where we are forcing employees to be laid off then telling them they cannot get a job in private industry for two years. This provision applies to the State Gaming Control Board as well as the PUCN.

CHAIR PARKS:

Section 27 was trying to be consistent with section 22 relating to a two-year period of time.

SENATOR HORSFORD:

I support the intent of the bill. I would hate to lose the support of all these elements over objections in other areas. What is the willingness of the sponsor to consider modifying section 22 or 27 in order to get the other provisions?

ASSEMBLYMAN SEGERBLOM:

We are willing to consider anything.

CHAIR PARKS:

It appears we have a one-year time frame for the PUCN, the State Gaming Control Board and the Nevada Gaming Commission.

SENATOR HORSFORD MOVED TO AMEND AND DO PASS AS AMENDED A.B. 452 BY DELETING THE PROVISION IN SECTION 22, DELETING SECTION 27 AND ADDING THE REVISED WORDING SUBMITTED BY THE SECRETARY OF STATE'S OFFICE.

Ms. O'GRADY:

I just want to clarify one thing. Section 22, subsection 1 of A.B. 452, states "a former public officer shall not receive compensation or other consideration to: ... communicate directly with a member of the governing body on behalf of someone other than himself or herself to influence legislative action ... ." The term "legislative action" is defined on page 36, line 16, as "introduction, sponsorship, debate, voting and any other official action on any bill, resolution, ... ." I do not know whether that is pertinent to the PUCN; it was directed more to a legislative body.

CHAIR PARKS:

Does it only apply to a former elected officer?

Ms. O'GRADY:

The term "governing body" is defined on page 36, line 13, as "the legislative body of the State or political subdivision to which the former public officer was elected or appointed, or any standing committee thereof." It is limited more to an elected or governing body.

CHAIR PARKS:

Could you repeat that one more time, Ms. O'Grady.

MS. O'GRADY:

The provision applies to a former public officer in terms of communicating with a member of the governing body to influence legislative action, and it refers more to a legislative body of the State or political subdivision to which the former officer was elected or appointed. It has a limited application to what kind of governing body. It also defines "legislative action" in terms of what the governing body can do. It seems to have a more limited content to what it applies.

SENATOR DENIS:

What does the amendment do? Does it remove the PUCN?

MS. O'GRADY:

Do you mean taking out sections 22 and 27?

SENATOR DENIS:

Yes.

MS. O'GRADY:

The PUCN is still in section 27 and in statute. It would take out this new provision in section 22 that prohibits former public officers from receiving compensation. I am not sure whether it would apply to the PUCN.

SENATOR DENIS:

I am concerned about statute and the proposed law because I am an employee of the PUCN. I do not want to vote on it if it does anything to the PUCN. But if we are taking that provision out, then I can vote. I would like to vote on other parts of this bill. I have a conflict on one part.

CHAIR PARKS:

We need further clarification on this provision. The meeting is recessed at 5:25 p.m.

CHAIR PARKS:

The meeting is reconvened at 6:24 p.m. I would ask Ms. O'Grady to provide a brief comment on her further analysis of A.B. 452.

MS. O'GRADY:

The provision is intended to prohibit former officers of State or local legislative bodies from lobbying their former legislative body on matters involving legislative action, not administrative action, for two years. It is limited to governing bodies such as the Legislature or city council or any other kind of board like that. Some clarifying language is needed up front to distinguish these officers from just any former public officers. We are just talking about these former public officers of legislative bodies.

CHAIR PARKS:

Thank you for that explanation. We could do a clarification, put it in a Senate Floor amendment and submit that for consideration then. We have a recommendation for two amendments. Ms. Stonefield, can you go through those amendments.

MS. STONEFIELD:

There are two amendments proposed by Janine Hansen on page 2 of the work session document, [Exhibit I](#). The first amendment says to amend section 18; after conferring with legal counsel, I found it is likely if the Committee were to move forward on this proposal, the Legal Division would search the bill and insert these provisions, "so help me God" or "an oath to God" wherever appropriate within the bill.

We have a proposed amendment by the Secretary of State's Office ([Exhibit K](#)). The Secretary of State suggests that if the Committee is interested in processing and moving forward this proposal, language would also be added into any section where a candidate is required to sign a form, electronically or otherwise, under penalty of perjury. I understand from the Secretary of State's Office that this language was inserted in A.B. No. 82 of the 75th Session. That bill failed to make the deadline and did not pass in 2009.

A second amendment from Janine Hansen, [Exhibit I](#), to section 18 would require the Secretary of State to design the electronic filing report format to include a section for additional information. Testimony given said there was not enough room on the electronic filing format to allow for any additional information or explanation.

CHAIR PARKS:

What is the pleasure of the Committee?

SENATOR DENIS:

If we do this one, we also need to do another amendment. The Secretary of State's amendment clarifies language on the oath.

CHAIR PARKS:

Is there any further discussion relative to the request to include wording stating "an oath to God"?

SENATOR HORSFORD:

I understand the concern by Ms. Hansen; however, it complicates and makes the oath more convoluted to add these terms, so I would keep my motion as stated.

CHAIR PARKS:

We have a motion as stated by Senator Horsford and restated by myself. Do we have a second on that motion?

SENATOR DENIS:

I do not know if I agree with the Majority Leader. Some may want to do that, but Ms. Hansen's amendment and the amendment from the Secretary of State's Office provide an option for someone if he or she wants to do that. There are two options there when you sign; this clarification basically makes both the same thing.

CHAIR PARKS:

I understand that the preferred language is the one from the Secretary of State's Office. What about the proposed amendment to section 18 to require the Secretary of State to design the electronic filing report format to include a section for additional information? We were told it was not possible due to space.

SENATOR DENIS:

Is this the part where someone can add additional comments on the electronic form?

CHAIR PARKS:

Yes. I am assuming we would not go with that amendment. Mr. Gilles, could you come forward and give us a clarification on the second part of Ms. Hansen's proposed amendment to require the Secretary of State to design an electronic filing report format to include a section for additional comments, explanation or other information? We first need to know what may make up the additional comments, explanation and other information.

MR. GILLES:

I am not entirely sure what additional comments would be. The Secretary of State would not support the second amendment proposed to the Committee. In our opinion, the contribution and expense reports ask for black and white information. How much? When? From whom? I am not clear what additional comments Ms. Hansen, the sponsor of the amendment, is looking to make. Our office will not support the ability to draft in additional comments or qualifications of the report; there is no need for it.

CHAIR PARKS:

Thank you Mr. Gilles. We have a motion and a second. Are there any questions on the motion?

SENATOR DENIS SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR SETTELMAYER VOTED NO.)

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CHAIR PARKS:

We will shift our discussion from the work session to the two bills we have for consideration. We will start with S.B. 500, which is the Republican bill for redistricting. Our nonpartisan support staff is going to give us a brief presentation on the respective bills.

**SENATE BILL 500**: Revises the legislative districts from which members of the Senate and Assembly are elected and revises the districts from which Representatives of Congress are elected. (BDR 17-1291)

SENATOR HORSFORD:

Has all of the data been released on both of these bills to the public and the public workstations?

CHAIR PARKS:

It is my understanding the GIS staff of the Legislative Counsel Bureau (LCB) has not been authorized to place the particular data elements on the public workstation. The block assignment files used to determine and manipulate the data would be accessible on the workstations.

SENATOR HORSFORD:

It has not been released yet?

CHAIR PARKS:

That is correct. The information has not been released by the Senate Republican Caucus.

SENATOR CEGAVSKE:

The Senate Republicans and Assembly Republicans would release the data if we knew of some compromise and working together with the maps. If the Democrat's map is passed out again as it was the last time, I do not understand the need for releasing the data.

CHAIR PARKS:

Under Joint Standing Rule No. 13.6, Public Participation, it was agreed that both parties would release their data in a timely fashion for consideration.

SENATOR CEGAVSKE:

Could you repeat that?

CHAIR PARKS:

Under Joint Rule No. 13.6, it was agreed upon that both parties would release their data files to the public workstations for evaluation by each party.

SENATOR CEGAVSKE:

We have complied with all of the Joint Standing Rules according to legal counsel.

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CHAIR PARKS:

I believe Senator Settelmeyer has a comment.

SENATOR SETTELMEYER:

We have complied. The Legal Division says we have submitted all the information to be in compliance with all rules and laws.

SENATOR HORSFORD:

Since we are not going to follow the rules adopted by the body, I move we do not hear the bill as scheduled. There can be no discussion or deliberation without the information provided to the public.

SENATOR HORSFORD MOVED TO NOT HEAR S.B. 500.

SENATOR DENIS SECONDED THE MOTION.

SENATOR DENIS:

If we are going to discuss the bill, I want to look at the different populations and other things. The information should be public. That is why I support the motion.

SENATOR HORSFORD:

We cannot have an open and honest conversation about these maps or cooperating while the data is still being withheld from the public. The data is not in full disclosure for the benefit of the public.

SENATOR CEGAVSKE:

The maps have been delivered, everything is up there, everything is the same as the other bill.

SENATOR HORSFORD:

This is not your data.

SENATOR CEGAVSKE:

Yes. Our data is included in the handout. All of our maps are there. If we anticipated meaningful cooperation and the other map was not pushed out like the last one, we could actually sit down and work on the maps.

CHAIR PARKS:

We have a motion and a second. For clarification, we are told the GIS staff has this information; however, the staff has not been authorized to place the data into the public workstation for anyone to confirm, evaluate or to potentially manipulate.

THE MOTION CARRIED. (SENATORS CEGAVSKE AND SETTELMEYER VOTED NO.)

\*\*\*\*\*

CHAIR PARKS:

That concludes discussion on S.B. 500. We will move on to A.B. 566. This bill was adopted and passed out of the Assembly yesterday. I would ask our nonpartisan LCB staff to give us a review of the maps.

[ASSEMBLY BILL 566 \(2nd Reprint\)](#): Revises the legislative districts from which members of the Senate and Assembly are elected and revises the districts from which Representatives of Congress are elected. (BDR 17-1287)

MICHAEL J. STEWART (Supervising Principal Research Analyst, Research Division):  
Joining me today is Kathy Steinle, GIS Specialist, Information Technology Services Unit, Administrative Division. We have been asked to provide factual information regarding certain reapportionment and redistricting plans that have been compiled for consideration by the Senate Committee on Legislative Operations and Elections. I will remind you: as central nonpartisan staff, we cannot advocate for passage or defeat of any legislation or, in this case, any reapportionment and redistricting plan. We are here to present only the basic factual information about redistricting plans for Congressional Districts, Assembly Districts and Senate Districts as set forth in A.B. 566.

With each plan, Ms. Steinle will begin with an explanation of the key geographic components and feature some district-specific information. I will follow up with a brief summary of statistical information, specifically, population, deviation from the ideal population, and information regarding race and ethnic minority considerations.

KATHY STEINLE (GIS Specialist, Information Technology Services Unit, Administrative Division):

We have three overview maps of the Assembly plan. The first one is the statewide view, then a Washoe County and Clark County view. In the statewide view ([Exhibit L](#), original is on file in the Research Library), the main rural districts are Districts 26, 33, 35, 36, 38 and 40. District 26 has parts of Carson City, Douglas, Storey and Washoe Counties. You can see District 35 has parts of Churchill, Lyon and Storey Counties. District 40 includes parts of Carson City, Douglas, Lyon and Storey Counties. District 38 has parts of Churchill, Douglas, Lyon and Nye Counties and all of Esmeralda, Humboldt, Lander, Mineral and Pershing Counties. District 33 has all of Elko, Eureka and White Pine Counties and parts of Lincoln County. District 36 has parts of Clark, Lincoln and Nye Counties.

The Washoe County, Reno/Sparks area map ([Exhibit M](#), original is on file in the Research Library) shows six districts wholly contained within Washoe County and one district which comes up into Washoe County, District 26. The six districts wholly contained within Washoe County are Districts 24, 25, 27, 30, 31 and 32.

In the Las Vegas area ([Exhibit N](#), original is on file in the Research Library), we have 30 Assembly Districts wholly contained within Clark County and one district that dips into Clark, District 36. The ones wholly contained are Districts 1 through 23, 28, 29, 34, 37, 39, 41 and 42.

MR. STEWART:

When conducting reapportionment and redistricting, we try to achieve as equal a population as possible. This plan falls within an acceptable range of population deviation. The ideal population for Assembly Districts is 64,299. You can see the population numbers and deviations for the districts on the provided handout ([Exhibit O](#)). I have provided a handout ([Exhibit P](#)) which shows county population, racial data by county and racial ethnicity data of the districts.

MS. STEINLE:

We have three overview maps of the Senate plan. The first one will be the statewide view, then the Washoe County and Clark County view.

In the statewide Senate Districts view ([Exhibit Q](#), original is on file in the Research Library), you can see Districts 17, 18 and 19. District 17 consists

of all Carson City, parts of Douglas, Lyon, Storey and Washoe Counties; District 18 consists of all Churchill, Esmeralda, Humboldt, Lander, Mineral and Pershing Counties, parts of Douglas, Lyon, Nye and Storey Counties. District 19 contains parts of Clark and Nye Counties and all of Elko, Eureka, Lincoln and White Pine Counties.

The Washoe County Senate Districts map ([Exhibit R](#), original is on file in the [Research Library](#)) details three districts wholly contained within Washoe County, Districts 13, 14 and 16. District 17 is partially in Washoe County.

The Las Vegas Senate Districts area map ([Exhibit S](#), original is on file in the [Research Library](#)) shows 15 Senate Districts wholly contained within Clark County. District 19 is partially in Clark County. The Districts wholly contained in Clark County are 1 through 12, 15, 20 and 21.

MR. STEWART:

Please turn to the statistical information regarding the [A.B. 566](#) Senate plan. As a reminder, the ideal population for Senate Districts is 128,598. You can see the population numbers and the deviations for the districts on the provided handout ([Exhibit T](#)).

I have provided a handout ([Exhibit U](#)) showing county population, racial data by county, and racial ethnicity data of the Senate Districts.

MS. STEINLE:

We have two overview maps of the Congressional plan with four Congressional Districts. The first map is a statewide view and the second map is the Clark County view.

In the statewide view ([Exhibit V](#), original is on file in the [Research Library](#)), Districts 1 and 3 are wholly contained within Clark County. District 2 encompasses all of Carson City and Churchill, Douglas, Elko, Eureka, Humboldt, Lander, Pershing, Storey and Washoe Counties and part of Lyon County. District 4 encompasses all of Esmeralda, Lincoln, Mineral, Nye and White Pine Counties and parts of Clark and Lyon Counties.

The Clark County Congressional map ([Exhibit W](#), original is on file in the [Research Library](#)) shows Districts 1 and 3 contained within Clark County, surrounded by District 4.

MR. STEWART:

Please turn to the statistical information regarding the Congressional plan. The ideal population for Congressional Districts based on the 2010 U.S. Census is 675,138. On the provided handout ([Exhibit X](#)), you can see the population numbers and the overall deviation for the districts is zero.

I have provided a handout ([Exhibit Y](#)) which shows county population, racial data by county and racial ethnicity data of the districts. That concludes our summary of [A.B. 566](#).

CHAIR PARKS:

Do any Committee members have questions for either Ms. Steinle or Mr. Stewart? Were some of the numbers changed for the Senate Districts?

MS. STEINLE:

Looking at the previous plan, which was introduced before the amendments, Districts 1 through 12 remained the same; Districts 13 and 14 were in Clark County and are now in Washoe County; Districts 15 and 16 stayed the same in Washoe County. Before the amendments, Districts 17 and 18 were in Washoe County, but now District 17 is all of Carson City and parts of Douglas, Lyon, Storey and Washoe Counties. District 18 was originally all in Washoe County and now it is all of Churchill, Esmeralda, Humboldt, Lander, Mineral and Pershing Counties and parts of Douglas, Lyon, Nye and Storey Counties; District 19 before the amendments contained all of Carson City, parts of Douglas, Lyon, Storey and Washoe Counties, but now District 19 has all of Elko, Eureka, Lincoln and White Pine Counties and parts of Clark and Nye Counties. Districts 20 and 21 were also switched before the amendments.

District 20 was one of the rural districts which contained all of Churchill, Esmeralda, Humboldt, Lander, Mineral and Pershing Counties and parts of Douglas, Lyon, Nye and Storey Counties, but now is wholly contained within Clark County, as is District 21; before the amendments, District 21 was all of Elko, Eureka, Lincoln and White Pine Counties and parts of Clark and Nye Counties.

CHAIR PARKS:

Thank you for that clarification. Are there any questions from the Committee?

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SENATOR CEGAVSKE:

Do all these maps comply with the Voting Rights Act?

MR. STEWART:

That is a legal question.

CHAIR PARKS:

These maps fully comply with the Voting Rights Act. What is the pleasure of the Committee?

SENATOR HORSFORD MOVED TO DO PASS A.B. 566.

SENATOR HORSFORD:

Concerning the issue of the Voting Rights Act, the U.S. Constitution forbids racially gerrymandered districts. Race cannot be the predominant factor motivating redistricting decisions. The maps provided here and the detail of the data show full inclusion—a proud history that is important to Nevada as part of our Constitution. I support this bill. I am willing to have a meeting to discuss any and all options, but the issue stands, the data needs to be provided for public disclosure. This is a Committee bill, not a party bill. I do not understand how a Committee bill can be used to not provide full public disclosure of all data that is available. I would ask our legal counsel whether the Committee bill, S.B. 500, can be released?

Ms. O'GRADY:

The Legal Division made a determination that the data did not have to be released to the public workstation.

CHAIR PARKS:

Is there anyone who wishes to speak on A.B. 566?

Ms. GASCA:

Our organization has been closely monitoring the legislative movement with respect to redistricting. It is a very important area of law and obligation of the Legislature to its citizens. I am not taking a position on behalf of my organization on either map. The following comments can be applied to both proposals that have been put forward.

The ACLU is disappointed in political posturing on both sides of the aisle with respect to redistricting. The Legislature owes it to the citizens of Nevada to have fair and transparent discussions with respect to how the maps are being drawn and the data behind it. You should come together in a fashion that gives respect to this process as laid out in Nevada statute and constitutionally under the Voting Rights Act. There should be full discussions from both sides of the aisle on how the maps are drawn, how they have been modified, any subsequent veto and full comparison between the two. Without these components, the Legislature is doing a disservice to the constituents of the State.

CHAIR PARKS:

Are there any questions from the Committee? Would anyone else like to make a comment on A.B. 566?

SENATOR CEGAVSKE:

I will not be supporting the motion. I asked several times to be included in discussions about the maps and that was not afforded to me. I saw no collaboration of effort to make these maps fair for all Nevadans. We need to be fair to both parties. I did not see that in either one of the bills presented and voted out.

SENATOR SETTELMAYER:

I will not be supporting this bill. We had discussions after the first map went out, and we tried to figure out where we had commonalities, but that has not occurred.

SENATOR HORSFORD:

Ms. O'Grady, if I could reword my earlier question, since S.B. 500 is a Committee bill, can the Committee vote to release the data to the public workstation so there is full transparency?

MS. O'GRADY:

Under our analysis, I do not believe so.

SENATOR HORSFORD:

These districts do not belong to either party; they belong to the people of the State. This process should be done in a fair, open and transparent manner. We tried to make every effort. We had a number of public hearings with all the

maps. My colleague requested a bill for the Senate side which I supported by making a motion to have the bill introduced. It was scheduled today for a hearing. I am happy to come to the table and compromise, but it is impossible when the other side is not releasing all of the data to the public.

SENATOR CEGAVSKE:

I agree with the Majority Leader. It is supposed to be fair and open and that is all we have ever asked for. The day I asked for the bill, S.B. 500, you made the motion to introduce the bill; you then made a motion to send out the Democrat's bill, which was fast-tracked on the Assembly Floor. To me that is not open and transparent—you did not keep the bills together to work on both bills at the same time. That is what I was looking for. These are exempt bills.

CHAIR PARKS:

We have a motion made by Senator Horsford. Do we have a second? Do we have any discussion on the motion?

SENATOR DENIS SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS CEGAVSKE AND SETTELMAYER VOTED NO.)

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CHAIR PARKS:

We will go back to our work session. We will reopen A.B. 81 so the Secretary of State's Office can comment on the three proposed amendments made by the ACLU to the bill.

MR. GILLES:

I will go through the amendments, Exhibit C, one by one. The first amendment relates to how minor political parties qualify for access to the ballot. A little background: subsection 2 of NRS 293.1715 provides the threshold for a minor political party to gain ballot access for the entire party.

Subsection 3 of NRS 293.1715 addresses how an individual, not the whole party, would gain access to the ballot. The bill was passed out of the Assembly and presently before the Committee removes subsection 3 altogether because the threshold is, in the Secretary of State's opinion, entirely too low. By

effectively taking out subsection 3 of NRS 293.1715, we require individuals now meet the same criteria as a minor political party for gaining access to a ballot.

The amendment proposed by the ACLU goes in the exact opposite direction. The proposed amendment takes out the higher threshold for gaining access to the ballot for the whole party and places the lower threshold for an individual to the entire party. We do not support the amendment as it exists. We prefer the language as brought to the Committee from the Assembly be upheld.

With respect to the second amendment, I am a little confused by it. The statute, NRS 293.184, addresses the standard when a declaration of candidacy contains a false statement. A false filing is a penalty under law. *Nevada Revised Statute* 293.182 provides the procedure for someone in the public to challenge a declaration of candidacy with the court system. The proposed amendments would place an additional burden or requirement on the Secretary of State's Office to make a determination as to whether a declaration of candidacy is false. We currently do not do that. The proposed amendment would require us to make that determination and provide the person who filed the declaration ten days to seek judicial review of our determination. This would essentially bring the Secretary of State's Office into court. There is no need for NRS 293.184, section 1, subsections (c) and (d). *Nevada Revised Statute* 293.182 sets a clear procedure for challenging a declaration with a false statement. Our Office opposes this amendment. We believe the language in A.B. 81 is acceptable.

As for the ACLU's third amendment, I am not clear as to the changing of the threshold to \$1,000. Section 37 of the bill is an entirely new provision the Secretary of State added and relates to disclosure on all campaign flyers, materials and commercials—simply a disclosure as to who paid for it. With this new section, we set the threshold at \$100 for the obvious reason of increased transparency; everyone will know who is paying for these commercials, flyers, mailers, whatever. I am not sure of the reason for the increase to \$1,000. I am sure the ACLU can explain why it has requested this; nevertheless, we would oppose this amendment. We believe the \$100 threshold is sufficient. It is our understanding that it has been upheld by the courts. It will result in increased transparency.

SENATOR DENIS MOVED TO AMEND AND DO PASS AS AMENDED  
A.B. 81.

SENATOR HORSFORD SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS CEGAVSKE AND SETTELMAYER  
VOTED NO.)

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CHAIR PARKS:

We will take A.B. 80 and A.B. 523 together. We need to discuss the two bills jointly.

**ASSEMBLY BILL 523**: Revises provisions relating to the coverage of dependents under the health care plans of the State and local governments. (BDR 23-1188)

**ASSEMBLY BILL 80 (1st Reprint)**: Makes various changes relating to the Public Employees' Benefits Program. (BDR 23-496)

MS. STONEFIELD:

Assembly Bill 523 was sponsored by the Assembly Committee on Ways and Means on behalf of the Division of Budget and Planning. I have provided a work session document (Exhibit Z) on this bill.

There is a proposed amendment to the bill. Since A.B. 523 and A.B. 80 have similar provisions relating to a surviving child reaching the age of 26, the Committee decided to lay them over to see if a proposal could be reached to address the different approaches in both bills.

Starting on page 1a of the work session document, Exhibit Z, is a mock-up of Proposed Amendment 6984 to A.B. 523 prepared by the Legal Division for the Senate Committee on Legislative Operations and Elections.

CHAIR PARKS:

Are there any comments from the Committee members on A.B. 523?

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SENATOR SETTELMAYER:

I appreciate this amendment. It allows the State to come into compliance with the federal law without having to continually come to the Legislature; also if for some reason any particular federal laws are held to be unconstitutional, it would not come back to the Legislature.

CHAIR PARKS:

We will now move to A.B. 80.

MS. STONEFIELD:

I have provided a work session document ([Exhibit AA](#)) on this bill.

Sections 5 and 13 of the bill provide that a domestic partner of a police officer or firefighter killed in the line of duty is eligible to participate in a group insurance plan, but the government agency that employed the police officer or firefighter is not required to subsidize the domestic partner's insurance; section 13 also provides a dependent child is eligible to receive coverage until the child reaches the age of 26.

Along with the other provisions in A.B. 80, the Committee has a couple of options it could consider for action. It could insert the language from the mock-up amendment for A.B. 523 into A.B. 80 where it applies to a surviving child reaching the age of 26, or it could delete references to age eligibility from A.B. 80 and then proceed to process A.B. 523. The language from the mock-up amendment for A.B. 523 could be put into both bills. Assembly Bill 80 has other provisions relating to the Public Employees' Benefits Program (PEBP) which can be seen in the work session document, [Exhibit AA](#).

CHAIR PARKS:

I would like staff from the PEBP to come forward and talk to issues which have been addressed. We will start with A.B. 523. There is certain language as well as conflicting language in A.B. 80. Could you summarize those, and is there a particular version that you would prefer over the others?

JAMES R. WELLS, EXECUTIVE OFFICER (Public Employees' Benefits Program):

I appreciate the opportunity to amend A.B. 523 in the manner in which it has been drafted by LCB legal staff. I believe that is the preferred language we would like to see. Either strike that provision out of A.B. 80 or copy those provisions from A.B. 523 into A.B. 80. Either option works.

CHAIR PARKS:

The next part that developed some interest and concern deals with sections 5 and 13 relating to a domestic partner killed in the line of duty. My understanding is that dependents as well as spouses and domestic partners are handled in a certain manner. Could you briefly comment on that?

MR. WELLS:

Enrollment eligibility is generally governed by the internal plan document. In PEBP's case, if you are a spouse of an employee who dies, there are restrictions on who becomes a survivor and can continue on coverage under our plan. These provisions override our plan document. Without these provisions in statute, a spouse of a law enforcement officer who is killed in the line of duty would be left out of our program. Spouses would only get 36 months worth of benefits under the Consolidated Omnibus Budget Reconciliation Act (COBRA). These two provisions override sections of our eligibility document and say the spouse or child of a law enforcement officer killed in the line of duty can continue in perpetuity with premiums paid for the spouse for a lifetime and the child until he or she reaches the age in which he or she is no longer eligible to participate in the plan.

*Nevada Revised Statute 122A*—the domestic partnership provision that came out of S.B. No. 283 of the 75th Session—provided an allowable differential in treatment of domestic partners and spouses for the purposes of health care. If this were to apply to the domestic partners of law enforcement officers, they would fall under our regular plan document provisions; they would not be subject to these extra provisions in statute. That was the reason for adding the surviving domestic partner to sections 5 and 13.

CHAIR PARKS:

Was there anything else in the bill you wish to comment on relative to our consideration of the bill today?

MR. WELLS:

The additional information was put on record when this bill was heard the first time. Are there any additional questions?

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CHAIR PARKS:

Thank you for your testimony. I would suggest we take the wording from A.B. 523, place it into A.B. 80 and then pass A.B. 80. We would amend and do pass A.B. 80 using the wording from A.B. 523.

SENATOR SETTELMAYER:

I am okay with that. Does A.B. 523 just die because it is no longer necessary? Is that the intent? Why are we killing a bill?

CHAIR PARKS:

We could keep A.B. 523 alive, taking the language from A.B. 523 and putting it into A.B. 80; then we would have two bills with identical language. The simplest way would be to extract the language from A.B. 523 and place it into A.B. 80, deleting the current language in A.B. 80.

SENATOR DENIS MOVED TO AMEND AND DO PASS AS AMENDED  
A.B. 80, FOLDING A.B. 523 INTO A.B. 80.

SENATOR CEGAVSKE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR PARKS:

We will open the hearing on A.B. 501.

**[ASSEMBLY BILL 501 \(1st Reprint\)](#)**: Provides for a study of issues regarding the death penalty. (BDR S-1103)

MS. STONEFIELD:

Assembly Bill 501 was sponsored by the Assembly Committee on Legislative Operations and Elections. I have provided a work session document ([Exhibit BB](#)) on this bill.

Starting on page 1a of the work session document, [Exhibit BB](#), is a mock-up Proposed Amendment 6895 to A.B. 501 prepared by the Legal Division for the Senate Committee on Legislative Operations and Elections. This amendment arose from questions about the authority of the auditor to conduct a study.

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CHAIR PARKS:

Is there any discussion on the bill? The amendment changes the word "study" to "audit." This language fits into the normal duties carried out by the interim Audit Division of LCB. We will hold A.B. 501 and move on to A.B. 473.

[ASSEMBLY BILL 473 \(1st Reprint\)](#): Revises provisions governing elections.  
(BDR 24-1021)

Ms. STONEFIELD:

Assembly Bill 473 was sponsored by the Assembly Committee on Legislative Operations and Elections. I have provided a work session document ([Exhibit CC](#)) on this bill. There is an amendment offered by John Wagner on page 2 of the work session document, [Exhibit CC](#).

In addition, during prior testimony, Alan Glover, former Senator, Clerk/Recorder, Carson City, suggested making the bill effective upon passage and approval to accommodate the upcoming special election.

SENATOR SETTELMAYER:

I appreciate Mr. Glover's amendment with the upcoming potential special election that seems to be looming and changing daily. It would be prudent to take Mr. Glover's amendment. However, I am concerned with section 8 of the bill. There should not be any differences between voter registration, whether online or in person; the law should be consistent. I would suggest deleting section 8 and taking Mr. Glover's amendment.

SENATOR SETTELMAYER MOVED TO AMEND AND DO PASS AS  
AMENDED A.B. 473.

SENATOR DENIS:

Did you say delete section 8?

SENATOR SETTELMAYER:

Yes. Section 8 of the bill requires the county to establish a system for online voter registration and keep online registration open until midnight on the day before early voting begins. The time of close of registration should correspond to the rules for regular voter registration; they should be the same for online voter registration.

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CHAIR PARKS:

I do have one question for Mr. Glover. If we delete the new language in section 8 of the bill, will the rest of the bill be acceptable?

ALAN GLOVER (Former Senator, Clerk/Recorder, Carson City):

Yes. That would be fine if you want to delete section 8. We have no problem with that at all.

SENATOR DENIS:

I want a clarification. We are talking about deleting the whole section. Would subsection 1 of section 8 stay in the bill? Subsection 1 says, "... establish a system for using a computer to register voters and to keep records of registration." I understand removing subsection 2.

MR. GLOVER:

Subsection 2 would be removed.

SENATOR DENIS:

We would keep subsection 1.

MR. GLOVER:

Correct.

SENATOR DENIS:

We would still have section 8, but we would remove subsection 2. The numbering would change; it would just be section 8.

MR. GLOVER:

Right. The new language would be removed. Senator Settelmeyer, was that your motion? We would not delete all of section 8, we would keep subsection 1 and remove subsection 2.

SENATOR SETTELMAYER:

Yes. I withdraw my motion.

SENATOR SETTELMAYER MOVED TO AMEND AND DO PASS AS AMENDED A.B. 473, DELETING SUBSECTION 2 OF SECTION 8 AND ADDING MR. GLOVER'S AMENDMENT.

SENATOR DENIS:

Does this section only talk about online voter registration remaining open until midnight? We want voters to do online voter registration but not until midnight.

MR. GLOVER:

Correct.

SENATOR DENIS:

Is that in another part of the bill where they talk about online?

MR. GLOVER:

Online registration is already available for voters; it is in statute. The Secretary of State's Office is working on making that available statewide.

CHAIR PARKS:

If a county establishes an online voter registration system, that deals only with the specifics of subsection 1. Thank you for that clarification. Like Senator Denis, I want to be certain we are not affecting anything else by deleting subsection 2.

We have a motion by Senator Settelmeyer. Do we have a second?

SENATOR DENIS SECONDED THE MOTION.

CHAIR PARKS:

Is there any discussion on the motion?

SENATOR DENIS:

I want to make sure I understand the motion. We are removing subsection 2 of section 8 and adding the amendment by Mr. Glover which makes it effective upon passage and approval.

SENATOR SETTELMAYER:

Yes. That is my motion.

CHAIR PARKS:

In the motion, I did not hear a desire to include Mr. Wagner's request to change an independent to "NPP" rather than leaving it as "IND."

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR PARKS:

I would like to go back to A.B. 501. The bill provides for a study of the death penalty. The amendment proposes to change the study to an audit.

SENATOR DENIS MOVED TO AMEND AND DO PASS AS AMENDED A.B. 501.

SENATOR HORSFORD SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS CEGAVSKE AND SETTELMAYER VOTED NO.)

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CHAIR PARKS:

We will now move to Assembly Joint Resolution (A.J.R.) 5 of the 75th Session.

**ASSEMBLY JOINT RESOLUTION 5 OF THE 75TH SESSION**: Proposes to amend the Nevada Constitution to revise provisions governing the convening and conduct of special sessions and the duration and adjournment of regular and special sessions. (BDR C-139)

Ms. STONEFIELD:

Assembly Joint Resolution 5 of the 75th Session was sponsored by ex-Assemblyman Harry Mortenson and others. I have provided a work session document ([Exhibit DD](#)) on this bill. There are no amendments.

SENATOR DENIS MOVED TO DO PASS A.J.R. 5 OF THE 75TH SESSION.

SENATOR HORSFORD SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS CEGAVSKE AND SETTELMAYER VOTED NO.)

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CHAIR PARKS:

We will close the hearing of the Senate Committee on Legislative Operations and Elections. There being no further business, we are adjourned at 8:01 p.m.

RESPECTFULLY SUBMITTED:

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Michelle Ené,  
Committee Secretary

APPROVED BY:

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Senator David R. Parks, Chair

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

<b><u>EXHIBITS</u></b>			
<b>Bill</b>	<b>Exhibit</b>	<b>Witness / Agency</b>	<b>Description</b>
	A		Agenda
	B		Attendance Roster
A.B. 81	C	Carol Stonefield	Work Session Document
A.B. 132	D	Carol Stonefield	Work Session Document
A.B. 260	E	Carol Stonefield	Work Session Document
A.B. 301	F	Carol Stonefield	Work Session Document
A.B. 337	G	Carol Stonefield	Work Session Document
A.B. 433	H	Carol Stonefield	Work Session Document
A.B. 452	I	Carol Stonefield	Work Session Document
A.B. 452	J	Secretary of State Ross Miller	Outline of Assembly Bill 452
A.B. 452	K	Secretary of State Ross Miller	Amendment to AB 452
A.B. 566	L	Kathy Steinle	Statewide Assembly Districts
A.B. 566	M	Kathy Steinle	Reno/Sparks Assembly Districts Reno/Sparks Detail
A.B. 566	N	Kathy Steinle	Las Vegas Assembly Districts Detail
A.B. 566	O	Michael J. Stewart	Proposed Assembly Plan Population Report
A.B. 566	P	Michael J. Stewart	Proposed Assembly Plan Racial Data Report
A.B. 566	Q	Kathy Steinle	Statewide Senate Districts
A.B.	R	Kathy Steinle	Reno/Sparks Senate

566			Districts Reno/Sparks Detail
A.B. 566	S	Kathy Steinle	Las Vegas Senate Districts Detail
A.B. 566	T	Michael J. Stewart	Proposed Senate Plan Population Report
A.B. 566	U	Michael J. Stewart	Proposed Senate Plan Racial Data Report
A.B. 566	V	Kathy Steinle	Statewide United States House of Representatives
A.B. 566	W	Kathy Steinle	United States House of Representatives Las Vegas Detail
A.B. 566	X	Michael J. Stewart	Proposed United States House of Representatives Plan Population Report
A.B. 566	Y	Michael J. Stewart	Proposed United States House of Representatives Plan Racial Data Report
A.B. 523	Z	Carol Stonefield	Work Session Document
A.B. 80	AA	Carol Stonefield	Work Session Document
A.B. 501	BB	Carol Stonefield	Work Session Document
A.B. 473	CC	Carol Stonefield	Work Session Document
A.J.R. 5 of the 75th Session	DD	Carol Stonefield	Work Session Document