

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

**Seventy-sixth Session
February 10, 2011**

The Senate Committee on Legislative Operations and Elections was called to order by Chair David R. Parks at 3:37 p.m. on Thursday, February 10, 2011, in Room 2144 of the Legislative Building, Carson City, 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

STAFF MEMBERS PRESENT:

Carol Stonefield, Policy Analyst
Eileen O'Grady, Counsel
Stella Blood, Executive Assistant
Sonia Folsom, Committee Manager
Mike Geissinger, Committee Secretary
Michelle Ené, Committee Secretary

OTHERS PRESENT:

Caren Jenkins, Executive Director, Commission on Ethics

CHAIR PARKS:

We will begin the meeting by adopting the Senate Committee on Legislative Operations and Elections Rules for the 2011 Session ([Exhibit C](#)).

SENATOR HORSFORD:

Rule 1 states "teleconference." Should it be videoconference?

Senate Committee on Legislative Operations and Elections
February 10, 2011
Page 2

CHAIR PARKS:
Yes.

SENATOR CEGAVSKE:
Rule 1 allows this Committee to vote on a bill if some of us are in Las Vegas and some in Carson City.

SENATOR HORSFORD:
As Senator Cegavske indicated, Rule 1 allows for videoconferencing participation, at the discretion of the Chair, that counts as a quorum for purposes of voting. Members would notify the Chair, in advance, when they are going to participate by videoconferencing. All of those protocols need to be followed.

CHAIR PARKS:
Is that in the Senate Standing Rules?

SENATOR HORSFORD:
Yes. The Senate Standing Rules permit committees to do videoconference voting if our Committee Rules permit and at the discretion of the chair of each committee.

CHAIR PARKS:
Does that require rewording of this Rule for our Committee or does Rule No. 53 of the Senate Standing Rules cover that?

EILEEN O'GRADY (Counsel):
Rule No. 53 covers that.

SENATOR DENIS MOVED TO ADOPT THE SENATE COMMITTEE ON
LEGISLATIVE OPERATIONS AND ELECTIONS RULES FOR THE
2011 SESSION.

SENATOR HORSFORD SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

CAROL STONEFIELD (Policy Analyst):
I have prepared a Committee Brief ([Exhibit D](#)) which contains the names of the Committee staff, the Committee schedule and contact information for key government officials. This Committee will hear bills concerning the Legislature,

public officers and employees, elections, and printing and publication issues. We will also consider resolutions establishing interim committees, some proposed amendments to the *Constitution of the State of Nevada* and resolutions urging Congress to take certain action.

Section 3, page 2 of the Committee Brief in [Exhibit D](#) gives a summary of the activities this Committee dealt with in 2009. [Assembly Joint Resolution 5 of the 75th Session](#) and [Assembly Joint Resolution 1 of the 75th Session](#) will return to this Committee for final action. This Committee will be one of two committees designated as a redistricting committee. According to Joint Rule No. 13, the Assembly and Senate Committees on Legislative Operations and Elections are the only official committees to hear redistricting and reapportionment.

CAREN JENKINS (Executive Director, Commission on Ethics):

I have provided a Nevada Ethics in Government Manual ([Exhibit E](#)) which is statutorily required. This manual gives an overview of ethics in government laws in chapter 281A of the *Nevada Revised Statutes* (NRS) and a reminder of the procedural aspects of coming before the Commission on Ethics.

Nevada Commission on Ethics Statistics 2011 Legislative Session ([Exhibit F](#)) contains tables showing the statistics of cases received by the Commission. Page 1 contains an error under the category: "Cases postdetermination no opinion yet." Outstanding Commission Opinions ([Exhibit G](#)) shows that between January 1, 2011, through March 31, 2011, the Commission has 46, not 16, outstanding opinions. I have also provided Requests for Opinion jurisdiction and agency funding ([Exhibit H](#)) showing the State portion of contributions to the operations of the Commission and the local government portion. The jurisdiction of the subject of a request for opinion by a third party or jurisdiction of a public officer or employee requesting an advisory opinion can also be seen on [Exhibit H](#). The Commission has received 185 requests for opinions for the biennium. We are finding that more and more of the work of the Commission focuses on county, city, general improvement districts, mosquito and weed abatement districts, and other political subdivisions. There are fewer complaints and requests for opinions by members of State government.

Page 1 of [Exhibit F](#) shows this Commission is focusing on responsiveness to public officers and employees and the public in the shortest time possible.

The cases in posthearing litigation are those where the Commission has issued an opinion to a public officer or employee who has asked for judicial review. Once it goes to the courts, the case is in posthearing litigation. If judicial review has an

outcome not desired by the subject, it can go to the Nevada Supreme Court. The Commission has a case before the United States Supreme Court in *Carrigan v. Comm'n on Ethics*, 126 Nev. Adv. Op. 28, 236 P.3d 616 (2010), cert. granted, 131 S. Ct. 857 (2011). This case is about free speech and whether the statutory language adopted is within the narrow confines of the U.S. Constitution.

The Commission handles disclosure requirements for public officers, which includes the filing of financial disclosure statements, the acknowledgment of statutory ethical standards and the agency representation disclosure form. Past, present and future conduct are subjects of advisory opinions. Advisory opinions are confidential and the requestor holds the confidence.

In addition to third-party requests for opinions and first-party advisory opinions, we are responsible for financial disclosure statements, statutory ethical standards acknowledgments and agency representation forms filed by appointed officers.

I spend a great deal of time traveling the State educating people on ethics in government law. This training has had a great impact on the public's awareness and involvement in ethics in the government process. This increased the Commission's caseload. Having public trust is a priority of the Commission.

During the last Legislative Session, S.B. No. 160 of the 75th Session made sweeping changes to the ethics in government laws. The Commission submitted recommendations to ex-Governor Jim Gibbon's Office for some ministerial and substantive changes to the Executive Branch. One provision was approved regarding the Commission's assessment on local government. That is all that was left in our bill. February 25 is the Committee's bill draft request deadline, and I can make that bill draft information available to any member who is interested.

We have found an inefficiency in our financial disclosure statement filing requirements. Currently, elected officers are required to file financial disclosure statements with the Office of the Secretary of State, and appointed officers file with the Ethics Commission. The Secretary of State has enforcement authority; the Commission has reporting authority. The Commission accepts filings and then reports who did or did not file in a timely manner to the Secretary of State. The Secretary of State then assesses fines. This is double the effort. The Secretary of State's Office has agreed to also accept the role of accepting filings by appointed public officers. I would encourage moving this responsibility to the Office of the Secretary of State because even though it is a short time frame, it is a huge burden on our small staff. It makes sense with efficiencies in government.

Senate Committee on Legislative Operations and Elections
February 10, 2011
Page 5

SENATOR SETTELMAYER:

When do you expect a ruling from the U.S. Supreme Court? What is the average time frame? Will we have an answer in time to change our laws, if necessary, by the time this Legislative Session is over?

CAREN JENKINS:

I have no idea. I would not count on getting an opinion before the end of this Legislative Session.

CHAIR PARKS:

There being no further business, we are adjourned at 4:27 p.m.

RESPECTFULLY SUBMITTED:

Michelle Ené,
Committee Secretary

APPROVED BY:

Senator David R. Parks, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Legislative Operations and Elections

Date: February 10, 2011

Time of Meeting: 3:30 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
	C	Chair Parks	Senate Committee on Legislative Operations and Elections Rules for the 2011 Session
	D	Carol Stonefield	Committee Brief
	E	Caren Jenkins	Nevada Ethics in Government Manual
	F	Caren Jenkins	Nevada Commission on Ethics Statistics 2011 Legislative Session
	G	Caren Jenkins	Outstanding Commission Opinions
	H	Caren Jenkins	Requests for Opinion jurisdiction and agency funding