

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

**Seventy-Seventh Session
May 17, 2013**

The Committee on Legislative Operations and Elections was called to order by Chair James Ohrenschall at 3:45 p.m. on Friday, May 17, 2013, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 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 nelis.leg.state.nv.us/77th2013. 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 James Ohrenschall, Chair
Assemblywoman Lucy Flores, Vice Chair
Assemblyman Elliot T. Anderson
Assemblyman Wesley Duncan
Assemblyman Pat Hickey
Assemblywoman Marilyn K. Kirkpatrick
Assemblyman Andrew Martin
Assemblyman Harvey J. Munford
Assemblyman James Oscarson
Assemblyman Tyrone Thompson

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

None

Minutes ID: 1202



STAFF MEMBERS PRESENT:

Susan Scholley, Committee Policy Analyst
Kevin Powers, Committee Counsel
Karen Pugh, Committee Secretary
Macy Young, Committee Assistant

OTHERS PRESENT:

None

Chair Ohrenschall:

[Roll was taken.] Today we have a work session.

**Assembly Bill 412: Makes various changes relating to the Legislature.
(BDR 17-528)**

Susan Scholley, Committee Policy Analyst:

Assembly Bill 412 modifies pre-session training for new legislators and alters due dates for, and the allocation of, bill draft requests (BDR) for legislators, interim committees, and the Executive Branch. The measure is sponsored by Assemblywoman Kirkpatrick and was heard in this Committee on April 30, 2013. Assembly Bill 446, sponsored by Assemblywoman Flores, was also heard in Committee and is similar to A.B. 412. Both bills' sponsors proposed a merger of the two bills with A.B. 446 being incorporated into A.B. 412. [Read from work session document ([Exhibit C](#)).]

Chair Ohrenschall:

I want to thank Assemblywoman Kirkpatrick and Assemblywoman Flores for their hard work to increase the efficiency of the Legislature. Are there any comments or questions on the measure?

Assemblywoman Kirkpatrick:

Several legislators have proposed this concept in the past, as far back as Mr. Townsend. Ms. Flores did a tremendous amount of work on this bill with Legislative Counsel Bureau (LCB) staff to calculate BDR due dates and allocations. By using my bill, we are able to add the names of all Assembly members who are asking to be added as cosponsors.

Chair Ohrenschall:

Are there any other comments or questions regarding the measure? [There were none.] I will accept a motion.

ASSEMBLYWOMAN FLORES MOTIONED TO AMEND AND DO
PASS ASSEMBLY BILL 412.

ASSEMBLYMAN HICKEY SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblywoman Flores.

**Senate Bill 228 (1st Reprint): Revises provisions relating to public servants.
(BDR 23-445)**

Susan Scholley, Committee Policy Analyst:

Senate Bill 228 (1st Reprint) revises provisions of the Nevada Ethics in Government Law, including but not limited to government contracts, lobbying, conflict of interest and disclosure, and operations of the Commission on Ethics. This measure is sponsored by Senator Parks and was heard in this Committee on May 14, 2013. [Read from work session document ([Exhibit D](#)).]

I have provided a two-page summary of the amendments as proposed ([Exhibit E](#)) and would be happy to go through that if the Committee would like. I believe that the overall theme of the amendments was to remove any provisions which increased the authority or which made substantive changes to the ethics standards. Instead the bill includes provisions relating to what may be characterized as procedural matters, which are intended to assist the Commission on Ethics in conducting its business.

The Committee may wish to consider a second proposed amendment ([Exhibit F](#)) that contains the language from sections 3 and 4 of Senate Bill 283 (1st Reprint), which was heard in this Committee and sponsored by Senator Hardy. Those sections relate to matters which the Commission on Ethics should consider when entering into stipulated agreements and when determining the amount of civil penalty to be imposed. It is not mandatory but they are factors the Commission should consider.

Chair Ohrenschall:

I want to thank you, Ms. Scholley, Mr. Powers, Ms. Cafferata-Jenkins, and Senator Parks, for working with me on this bill. I believe we have a good product here that is good public policy and will assist the Commission on Ethics in their duties.

Susan Scholley:

To clarify, the mock-up ([Exhibit D](#)) for Senate Bill 228 (1st Reprint) contains the bulk of the changes that remove the substantive changes and increases in the Commission's authority. The second amendment ([Exhibit F](#)) adds into the mock-up two sections out of Senate Bill 283 (1st Reprint). Section 3 directs the Commission to treat comparable situations in a comparable manner. Section 4 stipulates that the Commission shall consider several aggravating factors when determining any civil penalty.

Chair Ohrenschall:

I will accept a motion to amend and do pass with both amendments.

ASSEMBLYWOMAN KIRKPATRICK MOTIONED TO AMEND AND
DO PASS SENATE BILL 228 (1ST REPRINT).

ASSEMBLYWOMAN FLORES SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblyman Duncan.

Senate Bill 246 (1st Reprint): Revises provisions relating to committees for political action. (BDR 24-674)

Susan Scholley, Committee Policy Analyst:

Senate Bill 246 (1st Reprint) revises provisions relating to committees for political action (PAC). It was sponsored by Senators Jones and Spearman and heard by this Committee on May 9, 2013. [Read from work session document ([Exhibit G](#)).]

After the hearing, two amendments were proposed. The first would add that major or minor political parties, or a committee sponsored by a political party, are not included within the PAC definition. A second proposed amendment is in mock-up form ([Exhibit H](#)). On page 2 you will find additional language clarifying that when reporting contributions as required, a PAC that comes under the new definition would only be required to report those contributions received for the purpose of affecting an election or ballot question.

Chair Ohrenschall:

I want to assure the Committee that I have spoken with Senator Jones and he is supportive of both amendments. Are there any questions or comments from

the Committee? [There were none.] I will accept a motion to amend and do pass this bill with both amendments.

ASSEMBLYMAN ANDERSON MOTIONED TO AMEND AND DO PASS SENATE BILL 246 (1ST REPRINT).

ASSEMBLYWOMAN KIRKPATRICK SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblyman Anderson.

Senate Bill 49 (1st Reprint): Revises provisions relating to public officers. (BDR 24-382)

Susan Scholley, Committee Policy Analyst:

Senate Bill 49 (1st Reprint) revises campaign finance provisions relating to the reporting of contributions and expenses, use of campaign contributions, expenditures, gifts, restricted donors and lobbyists, as well as the provision for lobbyist reports to the Secretary of State by the Director of the Legislative Counsel Bureau. The bill is sponsored by the Senate Committee on Legislative Operations and Elections and was heard in this Committee on May 7, 2013. [Read from work session document ([Exhibit I](#)).]

Kevin Powers, Committee Counsel:

The mock-up ([Exhibit J](#)) is comprehensive but there are a few areas that we need to address. Sections 2.7 and 28.9 deal with where the Secretary of State has to commence a civil action for enforcement. Currently, the Secretary of State must bring any such action in the First Judicial District Court in Carson City. The mock-up requires the Secretary of State to bring the action in a court of competent jurisdiction in the county where the defendant resides or maintains a place of business or, if the defendant does not reside in the state, then in the First Judicial District Court. This was in response to some members' concerns that the public officer or candidate should not have to travel to Carson City to defend themselves, but instead should have to defend themselves in the county in which they reside.

Section 3 of the bill prohibits the use of personal campaign contributions. It contains a nonexhaustive list of examples of personal use. The mock-up amendment removes that nonexhaustive list and keeps the definition that is in place and also clarifies that personal use does not include any use or disposition authorized by *Nevada Revised Statutes* (NRS) 294A.160, the provision that covers disposition of unspent campaign contributions.

Section 5 of the bill requires reporting of campaign contributions received during the early voting period. The bill provides for a 72-hour period in which it must be reported. The mock-up changes that deadline to a definite time of 5 p.m. on the third calendar day. This will make it easier for candidates to comply with.

Section 6 of the bill requires reporting of campaign expenditures during the early voting period. The mock-up removes section 6 in its entirety so that the candidate is only required to report campaign contributions received during the early voting period.

Sections 17.5 through 36 of the mock-up deal with the gift provision. The bill enacts new provisions that would prohibit restricted donors from giving certain gifts to public officers and candidates and certain relatives of same. The mock-up amendment places these provisions in a new chapter of NRS and it moves the existing provisions that govern financial disclosure statements from NRS Chapter 281 into this new chapter. It changes the term "gift" to "item of value." It changes the new provisions so that they only apply to public officers and candidates and not to relatives of public officers and candidates. It adds several definitions to clarify terms used in these new provisions. It revises section 30 to clarify the types of permissible items of value that a restricted donor may give to a public officer or candidate. It also revises section 35 to exempt certain items that are given to public officers or candidates from having to be reported on the financial disclosure statements. And it also requires the financial disclosure statements to include a checkbox where the candidate can indicate that they have accepted the item of value to attend a nonprofit tax-exempt fundraiser, or that they donated the item of value to a tax-exempt nonprofit entity.

Chair Ohrenschall:

I think this is a milestone piece of legislation. There were many amendments designed to address several concerns expressed by legislators and lobbyists. Are there any questions or comments on the measure?

Assemblywoman Kirkpatrick:

I think there are many things we still need to revisit at some point, but I do believe we are heading in the right direction for transparency for our constituents.

Susan Scholley:

I wanted to note for the record that there are references adding the phrase "coordinated with or" in sections 7, 9, 11, 12, and 15. That language is also being dealt with in Assembly Bill 35 (1st Reprint).

Chair Ohrenschall:

Thank you for noting that, Ms. Scholley. I will accept a motion.

ASSEMBLYWOMAN KIRKPATRICK MOTIONED TO AMEND AND
DO PASS SENATE BILL 49 (1ST REPRINT).

ASSEMBLYWOMAN FLORES SECONDED THE MOTION.

Is there any discussion on the motion?

Assemblyman Hickey:

With the responsibility of being a public figure comes some added benefits but also some extra burdens and responsibilities. We should be proud of moving in the direction of greater transparency through the reporting of contributions and gifts. I think it is a good effort, and I am supporting it.

Chair Ohrenschall:

Are there any other questions or comments? [There were none.]

THE MOTION PASSED UNANIMOUSLY.

I will take the floor statement on this measure myself.

That was the last item on the work session. I will now open the meeting to public comment; if there is anyone who would like to speak, please come forward. [There was no response.]

Meeting is recessed until the call of the Chair [at 4:10 p.m.]

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[This meeting was reconvened at 1:07 p.m., Monday, May 20, 2013, and adjourned behind the bar of the Assembly at 1:08 p.m.]

RESPECTFULLY SUBMITTED:

Karen Pugh
Committee Secretary

APPROVED BY:

Assemblyman James Ohrenschall, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Legislative Operations and Elections

Date: May 17, 2013

Time of Meeting: 3:45 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 412	C	Susan Scholley, Committee Policy Analyst	Work session document
S.B. 228 (R1)	D	Susan Scholley	Work session document
S.B. 228 (R1)	E	Susan Scholley	S.B. 228 Summary of proposed amendments
S.B. 228 (R1)	F	Susan Scholley	S.B. 228 Proposed amendment adding sections 3 and 4 from Senate Bill 283 (R1)
S.B. 246 (R1)	G	Susan Scholley	Work session document
S.B. 246 (R1)	H	Susan Scholley	Mock-up proposed amendment
S.B. 49 (R1)	I	Susan Scholley	Work session document
S.B. 49 (R1)	J	Susan Scholley	Mock-up proposed amendment