

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

**Seventy-Seventh Session
May 28, 2013**

The Committee on Legislative Operations and Elections was called to order by Chair James Ohrenschall at 4:06 p.m. on Tuesday, May 28, 2013, 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 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 Andrew Martin
Assemblyman Harvey J. Munford
Assemblyman James Oscarson
Assemblyman Tyrone Thompson

COMMITTEE MEMBERS ABSENT:

Assemblyman Pat Hickey (excused)
Assemblywoman Marilyn K. Kirkpatrick (excused)

GUEST LEGISLATORS PRESENT:

Senator James A. Settelmeyer, Senatorial District No. 17



STAFF MEMBERS PRESENT:

David A. Byerman, Secretary of the Senate, State of Nevada Legislature
Susan Scholley, Committee Policy Analyst
Kevin Powers, Committee Counsel
Karen Pugh, Committee Secretary
Macy Young, Committee Analyst

OTHERS PRESENT:

Joannah Schumacher, representing Gifted Minds With Too Little Time
Scott F. Gilles, Esq., Deputy for Elections, Office of Secretary of State
Alan Glover, Clerk/Recorder, Carson City
Juanita Cox, representing Citizens in Action
Lisa Ruiz-Lee, Director, Child Welfare Services, Clark County
Kevin Schiller, Director, Department of Social Services, Washoe County

Chair Ohrenschall:

[Roll was taken. Committee policy and procedure were reviewed.] We have a bill draft request (BDR) to introduce.

BDR R-1236—Designates certain members of the Assembly as regular and alternative members of the Legislative Commission for the 2013-2015 biennium. (Later introduced as [Assembly Resolution 14.](#))

ASSEMBLYMAN DUNCAN MOVED TO INTRODUCE BDR R-1236.

ASSEMBLYMAN ELLIOT ANDERSON SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN HICKEY AND KIRKPATRICK WERE ABSENT FOR THE VOTE.)

I will now open the hearing on [Senate Bill 239](#).

[Senate Bill 239](#): Revises provisions relating to elections. (BDR 24-996)

Senator James A. Settelmeyer, Senatorial District No. 17:

This measure came about for personal reasons. Last year my mother passed away and I continued to receive mail addressed to her from the county recorder and various candidates urging her to vote. I received 137 separate pieces of mail addressed to my deceased mother. I did not need these almost daily reminders of her passing. I spoke with the county clerk and asked how they deal with situations like this. He told me that there was only so much that

could be done because her name was on the voter rolls and until that falls off, mail will continue to come in from candidates during each election cycle. That conversation was the impetus for this bill.

The process is simple. The Office of the Secretary of State would contact the Social Security Administration to access their Death Index and cross-reference that list with the state voter rolls. If they find someone is deceased, they would contact the local county clerk and request that they verify the death. Upon the county clerk's verification, the deceased's name would be removed from the voter rolls.

In talking to some of my colleagues, I found that they have had experiences where they have called a voter's home during an election campaign only to be told that the voter was deceased. This causes unnecessary pain for the family members and embarrassment to the candidate.

I do have a walk-through prepared for the bill ([Exhibit C](#)) and would be happy to go through it for the Committee's benefit if so desired.

Chair Ohrenschall:

Senator Settelmeyer, our deepest condolences on the passing of your mother. If you do not mind walking us through the bill, I believe that would be constructive.

Senator Settelmeyer:

Section 1 of the bill allows for the county clerk to remove a person from the voter rolls if they have personal knowledge of the individual's death and can verify same. The only other significant change is in section 3, where it says that the Secretary of State will "Obtain from the Social Security Administration available information relating to deceased residents of this State and compare the information received to the statewide voter registration list." Once that data is received, the Secretary of State's Office will compare the list of Nevada deceased to the voter rolls. This is what created the fiscal note to the bill, which amounts to \$6,825 for 2013-2014, \$5,475 for 2014-2015, and \$7,300 for each biennium thereafter.

Chair Ohrenschall:

That is the cost for the Secretary of State's Office to access the Death Index of the Social Security Administration?

Senator Settelmeyer:

Correct. The cost of \$7,300 for future biennia is based on the cost that the Social Security Administration will bill the Secretary of State's Office,

as per the Secretary of State's testimony in the Senate Committee on Legislative Operations and Elections and in the Senate Committee on Finance.

I estimate the list will be accessed two to four times in a biennium—for example, one month prior to the primary and again one month prior to the general election. Of course, you also have the municipal elections, for which the data would also be needed.

Chair Ohrenschall:

Thank you. Are there any questions?

Assemblyman Elliot Anderson:

I know from experience how horrible it is to go to someone's door and find out from a family member that the person died a year ago. I think it is a good idea to do whatever we can to clean up the rolls to prevent revisiting sorrow on a family when it simply is not necessary.

Senator Settlemeyer:

I have talked to the counties, and each county does have a process that if for some reason Mr. Jones was removed from the voter roll, but Mr. Jones is not deceased, they would provide them with a provisional ballot and still allow them to vote. That is just in case there is any confusion with duplicate names.

Chair Ohrenschall:

That is a process that each county clerk has if someone is erroneously listed as deceased? [Senator Settlemeyer nodded yes.]

Chair Ohrenschall:

How long does it usually take under the current system for a deceased voter to be dropped from the rolls?

Senator Settlemeyer:

I am not familiar with the system and cannot tell you how long it takes to have someone's name removed from the rolls. I do know that in my particular situation it was well beyond six months.

Chair Ohrenschall:

Are there any other questions for Senator Settlemeyer? [There were none.] Is there anyone in support of the measure who would like to speak?

Joannah Schumacher, representing Gifted Minds With Too Little Time:

I represent a large bipartisan group of voters who are interested in cleaning up the voter rolls. This bill will assist us in eliminating a large group that we are

spending time on when we should be focusing on people who have moved or may be double voting.

Chair Ohrenschall:

I am not familiar with your organization. Can you tell me about it and what, if any, experience you may have? For instance, do you encounter many deceased on the rolls, and how far back are you finding these names on the rolls?

Joannah Schumacher:

We are primarily an educational group but we also assist in political activism and this issue is one that we are working on. I can tell you the reason that I personally became involved in this. When my brother died, he was listed on the voter rolls for four years. I finally went in with his death certificate and asked the clerk to remove his name.

It is a problem within Washoe County, which is the county I reside in. As volunteers, we would like to spend time where it should be spent on more difficult problems, and something very simple like the death registry would eliminate a lot of time-consuming investigation.

Chair Ohrenschall:

Thank you for that information. Are there any other questions for Ms. Schumacher? [There were none.]

Scott F. Gilles, Esq., Deputy for Elections, Office of Secretary of State:

The Secretary of State's Office is in support of this bill. Anytime we can obtain and use more data to clean up our rolls we are in favor of that. I want to point out that the Secretary of State's Office does have some flexibility as to when that data from the Social Security Administration would be obtained. Primarily because it is expensive, if you are accessing that data on a monthly or weekly basis, the fiscal would go up to hundreds of thousands of dollars. Our fiscal note is based on getting essentially a hard disk of this data on specific occasions, such as one or two months prior to a specific election.

I believe it was Chair Ohrenschall who asked how quickly can a record be removed. Essentially a clerk can cancel a record instantaneously if they have personal knowledge that the person is deceased. The trick is how you get personal knowledge. What I think is good about this bill is that we are required to give the clerk notice that this person's name has appeared on the Social Security Administration's Death Index. The clerk would then have to do something above and beyond just taking that as personal knowledge. So there are definitely safeguards built into the language of this bill as it exists.

The Secretary of State's Office is a member of a multistate program that is gathering data from several states. The data will eventually be available to the participating states to cross-reference their voter rolls against, and to receive reports with some of the best data we will ever have for cleaning up our rolls. As part of that project, our data and other states' data will be matched up against this same Social Security Administration data, but that will only happen once every two years, and the timing of it is not set in stone.

Chair Ohrenschall:

Right now, how are you informed when we lose members of our military in other states or abroad? Does the military inform the Secretary of State's Office or is it the family?

Scott Gilles:

I do not know specifically the answer to that question. We receive a vital statistics record for people who pass away within this state, and I suppose if that individual were to be on that list, we would be informed.

Assemblyman Elliot Anderson:

It would go through the Social Security Administration database. The military does use Social Security numbers so I have no doubt that they would notify the Social Security Administration when any military person dies.

Chair Ohrenschall:

Thank you.

Scott Gilles:

Thank you for the clarification, Assemblyman Anderson. That is exactly what would occur if this legislation is in place and we are obtaining that data. I thought the question was to how we are handling that currently.

Alan Glover, Clerk/Recorder, Carson City:

I think Assemblyman Anderson hit it right on the head with the issue. It is very embarrassing and rather sad when a candidate going door to door encounters the family member of a deceased person whose name has not been removed from the voter rolls. What we do here in Carson is clip the obituaries every morning. We also receive a vital statistics list monthly or perhaps quarterly.

This should go a long way to help us. Again, any information we can get to clean up our rolls really helps.

Chair Ohrenschall:

Are there any questions for Mr. Glover?

Assemblyman Oscarson:

Mr. Glover, approximately how many deceased people do you remove from the rolls each year?

Alan Glover:

I do not have an exact number, but it is in the hundreds. Using the obituary column we can remove four or five names a day. We actually scan the obituary and add that to their record for reference.

Assemblyman Oscarson:

Can you provide an estimate as to the number of possible instances of deceased names being left on the voter rolls that you believe this legislation would correct?

Alan Glover:

I would estimate 100 or more.

Chair Ohrenschall:

Mr. Glover, right now the job of purging the names of the deceased from the voter rolls is in the hands of the clerk or registrar of the county and not the Secretary of State's Office. Correct?

Alan Glover:

That is correct.

Chair Ohrenschall:

Are there any questions for Mr. Glover? [There were none.]

Juanita Cox, representing Citizens in Action:

We have run into a problem with citizen volunteers in elections. It is the door-to-door canvassing or petitioning as well as the calling on the phone. That has been quite upsetting to not only the people who answer their doors or phones but certainly the volunteer. We believe this will help.

Chair Ohrenschall:

Are there any questions for Ms. Cox? [There were none.] Is there anyone who is in favor of S.B. 239 who wishes to speak? [There was no response.] Is there anyone opposed to the measure who would like to testify? [There was no response.] Is there anyone who is neutral and would like to be heard? [There was no response.] Senator Settlemeyer, are there any closing remarks you would like to make?

Senator Settlemeyer:

The legislative intent of the bill is to allow the Secretary of State's Office the leeway to do this whenever they believe it is most appropriate.

Chair Ohrenschall:

Senator Settlemeyer, just to clarify, if S.B. 239 passes into law, will it be the Secretary of State Office's primary responsibility to coordinate with the Social Security Administration and then inform the county clerks of the names to purge from their voter rolls? Will the county clerks still check the obituaries and funeral homes for verification?

Senator Settlemeyer:

The Secretary of State's Office will contact the Social Security Administration and will cross-reference the names from the Death Index to the voter rolls, and then they will send notification to the counties. The individual county clerks have a duty to independently verify that the individual has, in fact, passed away. I still believe the counties on their own will still continue to check obituaries and things of that nature.

Chair Ohrenschall:

Thank you. Are there any questions for Senator Settlemeyer? [There were none.] I will now close the hearing on S.B. 239 and will open the hearing on Senate Bill 451 (1st Reprint).

Senate Bill 451 (1st Reprint): Directs the Legislative Committee on Child Welfare and Juvenile Justice to conduct an interim study concerning standards of care for specialized foster homes. (BDR S-1084)

Lisa Ruiz-Lee, Director, Child Welfare Services, Clark County:

With me today is Kevin Schiller, Director, Department of Social Services, Washoe County. We are here to present Senate Bill 451 (1st Reprint), a relatively simple bill that asks that the Legislative Committee on Child Welfare and Juvenile Justice conduct an interim study regarding standards of care for specialized foster homes. These are the homes that care for children and youth with emotional or behavioral issues.

These homes, or therapeutic foster care, have been the subject of much discussion over the last several legislative sessions because the funding mechanism that we have in place for that system is not as effective as it needs to be. During the last two sessions, we received permission to run specialized foster care pilot programs, and Mr. Schiller and I both agree that this interim study will allow us to have a more well-rounded conversation about what the outcome and funding mechanism should be.

As you move your way through the bill draft, what this essentially does is to ask for that interim study. It sets forward the anticipated committee members, including a wide range of professionals who interact with, and utilize, these homes on a regular basis. Examples would include people involved in child welfare, juvenile justice, children's mental health, and Medicaid, which also currently funds parts of the therapeutic foster care system. The study will include an analysis of available reports and studies concerning standards of care that occur at the national level, and then recommendations concerning appropriate standards of care for specialized foster homes within Nevada.

Chair Ohrenschall:

Are there any questions for Ms. Ruiz-Lee?

Assemblyman Thompson:

Ms. Ruiz-Lee, on your subcommittee, why do you not have any of the foster parents from the specialized foster homes? I believe that we lose the perspective of the people who are there with the children all day, every day.

Lisa Ruiz-Lee:

If you look at the way that we structured the committee, we could certainly add to it to include specifically a foster parent. We tried to capture that component when we identified two members as representatives of providers of specialized foster care, as appointed by the Nevada Youth Care Providers Association. Typically those agencies and providers are also foster parents; they are not just administrators. I believe we will capture some of that perspective there.

Chair Ohrenschall:

Just to help educate the Committee, what is a specialized foster care home? What types of children live there and for how long?

Lisa Ruiz-Lee:

The children and youth who live in specialized foster care homes are those who have the greatest need; they have emotional and/or behavioral issues. Many also have a mental health diagnosis. In Clark County what we generally see is that those population of children are usually adolescents who have been in foster care for an extended period of time; many will age out of the system.

Chair Ohrenschall:

How many children live in a single specialized foster care home?

Lisa Ruiz-Lee:

It will depend on the type of foster home. We license foster homes as regular foster homes, which typically include 1 to 6 children, and group foster homes,

which include 7 to 15 children. The group homes that we have licensed in Clark County that would fall under the definition of a therapeutic foster care home are typically those dealing with the juvenile sex-offender population. These homes are licensed for one to six children. I cannot say that all the children who reside in that home fall into that category. We often try to place sibling groups together, so you may have a sibling group of five, and perhaps two within that family group fall within specialized foster care populations.

Chair Ohrenschall:

Thank you for the explanation. Are there any other questions for Ms. Ruiz-Lee? [There were none.]

Kevin Schiller, Director, Department of Social Services, Washoe County:

In the interest of time I will not repeat what Ms. Ruiz-Lee has said. I will say that therapeutic foster care is probably our most difficult population in foster care. What this bill would allow us to do is study a system that we have been struggling with the past six or seven years. I would use the term mental health to describe the population of children. In terms of serving this population, it is important to note just how fragile they are and the difficult needs they have. One thing we do is partner with Medicaid for approval of those services.

We are hoping with the committee we will get a multidiscipline approach to examine the system and determine how we can adequately fund it and improve the overall system for our children.

Chair Ohrenschall:

Are there any questions for Mr. Schiller? [There were none.] Is there anyone else in support of S.B. 451 (R1) who would like to speak? [There was no response.] Is there any who is opposed to the measure and wants to be heard? [There was no response.] Do we have anyone in the neutral position who would like to speak? [There was no response.] I will close the hearing on S.B. 451 (R1) and open the hearing on Senate Bill 512.

**Senate Bill 512: Revises provisions governing legislative operations.
(BDR 17-515)**

David A. Byerman, Secretary of the Senate, State of Nevada Legislature:

Senate Bill 512 is a housekeeping bill that Senator Denis proposed on my behalf. It basically brings a couple of minor reforms to statute. Section 1 simply revises certain job titles so that they are consistent in statute with the titles used in practice here in the Legislature.

Section 2 of the bill provides additional latitude to fulfill requests from the individual legislators for stationery items such as letterhead, envelopes, business cards, and memorandum sheets. Current statute imposes a 2,000 limit for each, and this bill seeks to simply give both the Chief Clerk of the Assembly and the Secretary of the Senate the ability to substitute equivalent values. For example, if you do not want to use the memorandum sheets at all and you would like more letterhead because you would prefer to send letters to your constituents, then you could simply substitute equivalent value.

Chair Ohrenschall:

Thank you. Are there any questions for the Secretary of the Senate? [There were none.] Is there anyone in support of S.B. 512 who would like to speak? [There was no response.] Is there anyone in opposition to the measure who would like to speak? [There was no response.] Is there anyone who is neutral on the measure who would like to be heard? [There was no response.] I will close the hearing on S.B. 512.

Next on our agenda is a work session.

Senate Joint Resolution 8 (1st Reprint): Proposes to amend the Nevada Constitution to revise provisions relating to the State Legislature. (BDR C-626)

Susan Scholley, Committee Policy Analyst:

Senate Joint Resolution 8 (1st Reprint) is sponsored by Senators Segerblom, Kihuen, Spearman, and Woodhouse, and Assemblywoman Flores, et al. This measure was heard in this Committee on May 14, 2013, and proposes to amend the *Nevada Constitution* to provide for annual regular legislative sessions, limited in odd-numbered years to not more than 90 legislative days within 120 calendar days and in even-numbered years to not more than 30 legislative days within 45 calendar days. [Read from work session document ([Exhibit D](#)).]

Chair Ohrenschall:

Are there any comments or questions about the resolution? [There were none.] I will accept a motion.

ASSEMBLYWOMAN FLORES MOVED TO AMEND AND DO PASS
SENATE JOINT RESOLUTION 8 (1ST REPRINT).

Chair Ohrenschall:

I want to clarify that includes both amendments.

Assemblywoman Flores:

Correct.

ASSEMBLYMAN ELLIOT ANDERSON SECONDED THE MOTION.

Chair Ohrenschall:

Is there any discussion on the motion?

Assemblyman Thompson:

Can I get some clarification on amendment number 1?

Assemblywoman Flores:

What specific clarification are you asking for?

Assemblyman Thompson:

Regarding the deletion of all the provisions authorizing the Legislature to hold meetings in places other than Carson City.

Chair Ohrenschall:

Mr. Thompson, the original bill provided that the Legislature could meet in places such as Elko, Ely, or Las Vegas, should there be a consensus of both houses to do so. This amendment removes that from the bill.

Assemblywoman Flores:

The amendment essentially maintains that all official meetings of the Legislature will take place in Carson City, the seat of our state government. The ability to meet in places such as Las Vegas remains; however, no voting may take place outside of the seat of government, which is Carson City.

Chair Ohrenschall:

Is there any other discussion on the motion?

Assemblyman Elliot Anderson:

I am in strong support of this resolution. I feel that a number of the policy problems that we have in this state flow from the fact that our government is not well suited for the 21st century.

Chair Ohrenschall:

I will echo your comments, Assemblyman Anderson. The way the constitutional framework was established in the 1870s was fitting to that time frame. Now, it is a disservice to our constituents to only be here this brief amount of time. We are some of the representatives that are closest to our constituents. To only be able to effect policy for four months every two years

is a disservice to them and our state as a whole. Is there any other discussion on the motion? [There was none.]

THE MOTION PASSED (ASSEMBLYMEN DUNCAN AND OSCARSON VOTED NO. ASSEMBLYMEN HICKEY AND KIRKPATRICK WERE ABSENT FOR THE VOTE.)

I will assign the floor statement to Assemblywoman Flores. I will now close the work session and open the meeting to public comment. Is there anyone who wishes to come forward to speak? [There was no response.] Having no further business I will close today's meeting of the Assembly Committee on Legislative Operations and Elections. Meeting is adjourned [at 4:50 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 28, 2013

Time of Meeting: 4:06 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
S.B. 239	C	Senator James A. Settlemeyer, Senatorial District No. 17	Walk-through
S.J.R. 8	D	Susan Scholley, Committee Policy Analyst	Work session document