

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

**Seventy-Seventh Session
April 11, 2013**

The Committee on Legislative Operations and Elections was called to order by Chair James Ohrenschall at 4:43 p.m. on Thursday, April 11, 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

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

None



STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Janine Hansen, representing Nevada Families for Freedom

Chair Ohrenschall:

[Roll was taken.] Today we have six measures for work session. I will ask Ms. Scholley to begin.

Assembly Bill 77: Requires a cooling-off period before a former State Legislator may serve as a paid lobbyist. (BDR 17-436)

Susan Scholley, Committee Policy Analyst:

Assembly Bill 77 was sponsored by Assemblyman Hickey and heard in this Committee on March 12. It requires a cooling-off period before a former state legislator may serve as a paid lobbyist. At the hearing, the sponsor proposed an amendment changing the cooling-off period to one legislative session after the legislator leaves office. [Read from work session document ([Exhibit C](#)).]

Chair Ohrenschall:

Are there any questions from the Committee for Ms. Scholley? [There were none.] Are there any questions or comments about Assembly Bill 77?

Assemblyman Hickey:

My only comment is a quote from Voltaire, "Do not let the perfect be the enemy of the good." This bill is not everything that I had thought of, but I believe it is a reasonable bill that takes into account the reality of member's situations and their future ability to participate in this process as lobbyists, a worthwhile and important endeavor.

Assemblyman Duncan:

This issue is something that many of my constituents are concerned about. I wish if I or one of my colleagues decided to leave the Legislature and become a lobbyist, that this bill would apply to us. I understand the prospective nature of it, and I will be voting yes.

Assemblyman Elliot Anderson:

I do like this bill. I think it is good and necessary. I will be voting yes.

Chair Ohrenschall:

I was going to quote Glen Campbell, "There has been a load of compromising on the road to this bill's horizon." That is how a lot of my bills go. Are there any other questions or comments from the Committee? [There were none.]

ASSEMBLYMAN ELLIOT ANDERSON MOVED TO AMEND AND DO
PASS ASSEMBLY BILL 77.

ASSEMBLYMAN DUNCAN SECONDED THE MOTION.

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

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblyman Hickey.

Assembly Bill 227: Creates the Nevada Land Management Implementation Committee to conduct a study addressing the transfer of certain public lands in this State. (BDR S-594)

Susan Scholley, Committee Policy Analyst:

Assembly Bill 227 was sponsored by Assemblymen Ellison, Wheeler, Hansen, Hickey, and Hardy, and Senators Goicoechea, Gustavson, Roberson, Hutchison, Hammond, et al. The bill was heard in this Committee on March 21 and would create a 17-member committee with each county commission appointing one member. [Read from work session document ([Exhibit D](#)).]

In your work session document you will see proposed amendments to Assembly Bill 227 as submitted by Chair Ohrenschall on April 11, 2013. The intent of this would be to restructure the committee to comply with the general policy that Legislative Counsel Bureau staff be restricted to committees where a legislator is chair and also to provide for participation in the process by the Legislative Committee on Public Lands. [Read from work session document ([Exhibit D](#)).]

Chair Ohrenschall:

One clarification. This committee would only be in existence during this interim. It would cease to exist at the beginning of the next legislative session, correct?

Susan Scholley:

That is correct.

Chair Ohrenschall:

Are there any questions from the Committee regarding the bill or the amendment?

Assemblywoman Flores:

I will be voting no on this bill because I do not feel that there is enough emphasis being placed on protecting the land in addition to determining how best to exploit it. Coming from an urban environment, I have seen our natural resources targeted for development time and time again. This is a slippery slope steering us towards developing our lands as opposed to also ensuring the conservation and protection of our Nevada lands.

Chair Ohrenschall:

Are there any questions or comments from the Committee on this bill or the amendments?

Assemblyman Hickey:

I will be voting for this measure. I represent an urban part of the state, and from my experience as a native Nevadan, I believe that there are no better stewards of the land and its wise use than members from the rural communities, county commissioners, and others who will be a part of this committee. Lastly, I think it is all the more incumbent upon the Legislature to take the recommendations from this study because so much of the future of this state—and we are state lawmakers—is going to be contingent upon the resources from our rural lands.

Chair Ohrenschall:

I would like to thank Assemblyman Ellison, Senator Goicoechea, Elko County Commissioner Demar Dahl, and the other parties that worked with me to devise a committee membership that would be fair and report to the Legislative Public Lands Committee, which in turn will report back to the 2015 Legislature. Are there any other comments or questions from the Committee?

Assemblyman Martin:

I will be supporting this measure. I like the concept of the study and it is a large committee: 17 different people from around the state. There is no guarantee of a transfer of land, but certainly I like the idea.

Chair Ohrenschall:

Are there any other comments or questions from the Committee? I would accept a motion.

ASSEMBLYWOMAN KIRKPATRICK MOVED TO AMEND AND DO
PASS ASSEMBLY BILL 227.

ASSEMBLYMAN OSCARSON SECONDED THE MOTION.

Is there any discussion on the bill, amendment, or motion to amend and do pass? [There was none.]

THE MOTION PASSED. (ASSEMBLYWOMAN FLORES VOTED
NO.)

I will assign the floor statement to Assemblyman Ellison. Assemblyman Oscarson, would you provide support for Mr. Ellison in case there are any questions?

Assemblyman Oscarson:

Of course.

Assembly Bill 438: Requires a cooling-off period before former public officers who served on certain public bodies may serve as paid lobbyists on matters under consideration by those public bodies. (BDR 23-815)

Susan Scholley, Committee Policy Analyst:

Assembly Bill 438 was sponsored by the Assembly Committee on Legislative Operations and Elections and heard in the Committee on April 9. This bill relates to elected officials on local legislative bodies, including the Board of Regents. [Read from work session document ([Exhibit E](#)).]

Chair Ohrenschall:

Assembly Bill 438 was inspired by Assembly Bill 77 with the view that if it is good for one branch of government, it should be good for all. Are there any questions or comments from the Committee?

Assemblyman Duncan:

My comments are similar to my comments on A.B. 77. I appreciate this bill, but in some ways I wish it was not prospective; I believe it should apply to all right now. I will be voting yes for it.

Chair Ohrenschall:

Does any other member of the Committee have a question or comment?

Assemblyman Hickey:

I am supportive of this bill. My only reservation is that this happened so quickly that I am not sure we received sufficient feedback from those who might be impacted by it, but I believe the principle is a good one. I think it is good for open government and good for the public in the way they judge what we do.

Chair Ohrenschall:

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

ASSEMBLYMAN DUNCAN MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 438.

ASSEMBLYMAN OSCARSON SECONDED THE MOTION.

Are there any questions or comments from the Committee on the bill or the motion to amend and do pass? [There were none.]

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblyman Hickey.

[Assembly Bill 440](#): Revises provisions relating to voter registration.
(BDR 24-987)

Susan Scholley, Committee Policy Analyst:

The next bill in the work session is Assembly Bill 440, which revises provisions relating to voter registration. It was sponsored by the Committee on Legislative Operations and Elections and heard by this Committee on April 4. This bill has essentially two parts. First, it extends the deadline for online and in-person voter registration to the end of early voting and allows a person who registers during the early voting period to vote during early voting. The second component allows for the registration of voters on Election Day at one or more designated polling places and then to vote on Election Day. [Read from work session document ([Exhibit F](#)).]

Chair Ohrenschall:

I think the bill in its original form is a very good idea and will increase voter participation. There has been a lot of concern from Committee members and members of the public who emailed about same-day voter registration.

That was the impetus behind the amendment, which carves out the Election Day registration but also allows individuals more opportunity to participate by pushing the deadline for both online registration and in-person registration. Are there any questions from the Committee?

Assemblyman Elliot Anderson:

To clarify, this bill will extend online and in-person registration up to the end of early voting, but will not extend mail-in registration, is that correct?

Chair Ohrenschall:

That is correct.

Assemblywoman Flores:

I will be voting yes on this bill, but I want to publicly say again there is no documented voter fraud in Nevada. Allowing people to register on the day of the election, or two days before the election, is our duty to encourage civic engagement. I believe it is important for me to personally emphasize this because we always hear about rampant voter fraud. We have no evidence to support such claims.

Chair Ohrenschall:

I believe we are kindred spirits on this issue. While we are not getting everything that we think is meritorious, and we know many other jurisdictions have Election Day registration and voting, I still think that this bill will allow many more people to become involved. One witness who testified before this Committee noted that many people do not actually become excited about an election until those last 30 days proceeding Election Day. They are qualified electors, and it troubles me that currently in Nevada they are not allowed to vote. They would be able to participate if they were in Wisconsin or one of the other states that allow same day voter registration, but not in Nevada. I will accept a motion.

ASSEMBLYMAN ELLIOT ANDERSON MOVED TO AMEND AND DO
PASS ASSEMBLY BILL 440.

ASSEMBLYMAN MARTIN SECONDED THE MOTION.

Is there any discussion on the bill or motion to amend and do pass?

Assemblyman Oscarson:

I appreciate the effort that went into this bill; however, I received over 100 emails from constituents that stated this was something unacceptable, especially from those in the rural areas, where you would think they would find

it beneficial to come in, register, and vote all on one day. They were adamantly opposed. I will not be supportive of this bill.

Chair Ohrenschall:

I received many emails as well, but every email I received was in opposition to the Election Day registration. I did not receive a single email that I am aware of in opposition to extending the deadline for online or in-person registration. Are there any other questions or comments from the Committee?

Assemblyman Hickey:

I appreciate the amendment to this bill, but I will be voting against it. We have learned, and should be proud of the fact, that the elections conducted in Nevada, especially the last cycle, were among the best in this country. I did agree with Assembly Bill 48 that passed out of this Committee and extended the registration deadline ten days for online registrants because of the new technologies. I appreciate the work put into this bill, but I believe there is ample opportunity for those who want to exercise their sacred, civic duty to not only register in time but to vote early as well as on Election Day.

Chair Ohrenschall:

Thank you for your comments. I want to remind the Committee of the comments made by the officials in the Secretary of State's Office and the clerks about the online system and how it is virtually faultless. I know this is not an opportunity to redebate but I feel that this bill actually assists people in participating in that sacred duty. Are there any other comments or questions? [There were none.]

THE MOTION PASSED. (ASSEMBLYMEN DUNCAN, HICKEY, AND OSCARSON VOTED NO.)

I will assign the floor statement to myself.

Assembly Bill 441: Makes various changes relating to elections. (BDR 24-814)

Susan Scholley, Committee Policy Analyst:

Assembly Bill 441 was sponsored by the Assembly Committee on Legislative Operations and Elections and was heard before this Committee on April 4. Assembly Bill 441 allows counties and cities to create one or more vote centers on Election Day at which any registered voter may vote, without regard to his or her precinct. [Read from work session document ([Exhibit G](#)).]

Chair Ohrenschall:

This bill will allow a county to establish vote centers, which are very similar to the vote centers used during early voting. Are there any questions or comments?

Assemblyman Elliot Anderson:

I wanted to reiterate my strong support for this bill. There is no reason that we cannot do this. It is just like early voting. If you are truly concerned about helping people participate in the process, but do not want to go down the same-day registration route, this is a great alternative because this will simply allow more people to vote who are already registered.

Chair Ohrenschall:

Invariably, every Election Day about 6:45 p.m. I get calls from constituents who are at what they believe is their polling place and are told they no longer vote there, even though they have been voting at that polling place for the last ten years. It is very frustrating, especially in the areas where we have early voting and people are able to show up at a mall and vote. I think this will help people to be able to vote. Are there any other questions or comments?

ASSEMBLYWOMAN FLORES MOVED TO DO PASS ASSEMBLY BILL 441.

ASSEMBLYMAN ELLIOT ANDERSON SECONDED THE MOTION.

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

THE MOTION PASSED. (ASSEMBLYMEN DUNCAN, HICKEY AND OSCARSON VOTED NO.)

I will assign the floor statement to Assemblywoman Flores.

Assembly Bill 442: Revises provisions relating to campaign practices.
(BDR 24-816)

Susan Scholley, Committee Policy Analyst:

The last bill in work session is Assembly Bill 442, relating to campaign practices. This is a Committee bill sponsored by the Assembly Committee on Legislative Operations and Elections and was heard on April 4. This bill sets forth criteria that should be considered by the Secretary of State in determining whether to waive the daily penalties for failure to file, or for late filings, of campaign finance reports. [Read from work session document ([Exhibit H](#)).]

Chair Ohrenschall:

This bill was inspired by testimony previously heard in this Committee as well as from emails requesting that we encourage clemency for first-time candidates. Are there any questions or comments?

Assemblyman Oscarson:

I will be supporting this bill. I believe it will allow for some discretion to be shown to first-time candidates. I wish that would have been the case for me.

Chair Ohrenschall:

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

ASSEMBLYMAN ELLIOT ANDERSON MOVED TO DO PASS
ASSEMBLY BILL 442.

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.

I will open the meeting to public comment.

Janine Hansen, representing Nevada Families for Freedom:

I want to thank the Chair and members of the Committee for passage of Assembly Bill 442. There have been many who will not run for office anymore because they have received fines in the past and they were first-time candidates trying to participate in the process. I think you have done a good thing in encouraging participation in the elections.

Chair Ohrenschall:

Are there any questions for Ms. Hansen? [There were none.] Not seeing any others who wish to participate in public comment, I will recess today's hearing of the Assembly Committee on Legislative Operations and Elections at the call of the Chair. [Meeting recessed at 5:12 p.m.]

[This meeting was reconvened at 11:50 a.m., Friday, April 12, 2013, behind the bar of the Assembly.]

Do I have a motion to adjourn the Thursday, April 11, 2013 meeting of the Assembly Committee on Legislative Operations and Elections?

ASSEMBLYWOMAN FLORES MOTIONED TO ADJOURN THE THURSDAY, APRIL 11, 2013 MEETING OF THE ASSEMBLY COMMITTEE ON LEGISLATIVE OPERATIONS AND ELECTIONS.

ASSEMBLYMAN OSCARSON SECONDED THE MOTION.

MOTION PASSED. (ASSEMBLYWOMAN KIRKPATRICK AND ASSEMBLYMAN MUNFORD WERE EXCUSED.)

Meeting is adjourned [at 11:51 a.m.].

RESPECTFULLY SUBMITTED:

Karen Pugh
Committee Secretary

APPROVED BY:

Assemblyman James Ohrenschall, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Legislative Operations and Elections

Date: April 11, 2013

Time of Meeting: 4:43 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 77	C	Susan Scholley	Work session document
A.B. 227	D	Susan Scholley	Work session document
A.B. 438	E	Susan Scholley	Work session document
A.B. 440	F	Susan Scholley	Work session document
A.B. 441	G	Susan Scholley	Work session document
A.B. 442	H	Susan Scholley	Work session document