

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

**Seventy-Eighth Session
March 5, 2015**

The Committee on Legislative Operations and Elections was called to order by Chair Lynn D. Stewart at 4:01 p.m. on Thursday, March 5, 2015, 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, and to Room 110, McMullen Hall, Great Basin College, 1500 College Parkway, Elko, 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: www.leg.state.nv.us/App/NELIS/REL/78th2015. In addition, copies of the audio or video of the meeting may be purchased, for personal use only, through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblyman Lynn D. Stewart, Chair
Assemblywoman Shelly M. Shelton, Vice Chair
Assemblyman Elliot T. Anderson
Assemblywoman Michele Fiore
Assemblyman John Moore
Assemblyman Harvey J. Munford
Assemblyman James Ohrenschall
Assemblywoman Victoria Seaman
Assemblyman Tyrone Thompson
Assemblyman Glenn E. Trowbridge

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Assemblyman James Oscarson, Assembly District No. 36



STAFF MEMBERS PRESENT:

Carol M. Stonefield, Committee Policy Analyst

Kevin Powers, Committee Counsel

Patricia Hartman, Committee Secretary

Olivia Lloyd, Committee Assistant

OTHERS PRESENT:

Andrew M. Belanger, Director of Public Services, Southern Nevada Water Authority and Las Vegas Valley Water District

Steve Bradhurst, Executive Director, Central Nevada Regional Water Authority

Mike L. Baughman, Executive Director, Humboldt River Basin Water Authority

Joe Johnson, representing Toiyabe Chapter, Sierra Club

Andrew Zaninovich, representing Great Basin Water Network

Mary Walker, representing Board of County Commissioners, Eureka County

Alex Tanchek, representing Nevada Cattlemen's Association

Howard Watts III, Private Citizen, Las Vegas, Nevada

Terry K. Graves, representing Vidler Water Company, Inc.

Jason King, P.E., State Engineer and Administrator, Office of the State Engineer, Division of Water Resources, State Department of Conservation and Natural Resources

Edwin James, General Manager, Carson Water Subconservancy District

Scott W. Anderson, Chief Deputy, Office of the Secretary of State

Joseph P. Gloria, Registrar of Voters, Clark County

Alan Glover, Special Assistant, Office of the Secretary of State

Nicole Rourke, Executive Director, Community and Government Relations, Clark County School District

Kelly Martinez, Government Affairs Officer, Office of Administrative Services, City of Las Vegas

Chair Stewart:

[Roll was taken.] We have three bills on the agenda today. There will be a work session on Assembly Bill 23 and Assembly Bill 63, and an introduction of Assembly Bill 198. Those presenting A.B. 198, please come forward.

Assembly Bill 198: Requires the Legislative Committee on Public Lands to conduct a study concerning water conservation and alternative sources of water for Nevada communities. (BDR S-805)

Assemblyman James Oscarson, Assembly District No. 36:

I am here to present Assembly Bill 198. I will begin by talking about a bill from last session, Assembly Bill No. 301 of the 77th Session. It was referred to the Committee on Legislative Operations and Elections, and it required the Legislative Committee on Public Lands to conduct a study concerning water conservation and alternate sources of water for Nevada communities.

I do not think that it is a secret to anyone on this Committee, in the audience, or in the state, that we have issues with water in any community in which we live. While we have had some land studies, I think it is important that we, as legislators, get down to brass tacks about our water issues.

In my area of Pahrump, the Basin 162 groundwater is over-allocated, and there is potential for more wells. Water is being hauled to the dry valleys in Senator Goicoechea's Senate District No. 19. We need to have plans and contingencies in place for what we are going to do. Those plans could consist of a myriad of things, but that is what this Committee needs to assess. There are a lot of serious discussions concerning water. There are bills in the Senate right now in work session with the State Engineer. It is extremely important that we legislatively recognize there are some constraints to our water use. We are the most arid state in the nation, and for nearly two decades until 2008, we had the fastest-growing population in the country. When you do the math on those two facts, it adds up to a need to carefully manage our existing water resources.

It turns out that the Legislature does a full-blown water study every five years, with the last one done after the 2005 Legislative Session.

In the 2007 Session, water issues were added to the list of subjects reviewed by the interim Legislative Committee on Public Lands. This Committee has been keeping up on water issues between sessions. Since then, we are long overdue for a water study, and because money is still so tight, I am asking to have the Legislature direct a public lands committee to conduct a comprehensive review of water issues. As previously discussed, issues would include studying quantifying water resources, calculating the number of gallons of water used per day in our state to measure consumptive use, alternate water sources such as desalination, water conservation, and addressing shared water basins across state lines. I think the importance and relevancy of these water issues are clear.

Our neighboring Western states are looking at the same issues. Some of these strategies, such as measuring consumptive use and desalination, have been successful in states like Arizona and Utah and should be looked at in Nevada.

We are aware of the ongoing debate and litigation over the proposing of basin transfers from Eastern Nevada to Las Vegas by the Southern Nevada Water Authority (SNWA), which I think have been put to rest for a while. This has been further complicated by the involvement of the state of Utah due to a shared water basin on the border. I believe these issues are critical to our constituents because of the effect not only on our quality of life now but on the lives of our children and grandchildren. This would also affect economic development opportunities for our state and its future.

Last year, we had unilateral support from the Southern Nevada Water Authority and the folks throughout the north to do a study such as this one. Last session, we ran out of money to fund studies. I appreciate your consideration for this important issue.

Assemblyman Thompson:

Since this is a priority issue, could we move the date up to December 1, 2016, to draft the bill instead of waiting until February 1, 2017? We would have enough time to prepare the draft and proceed immediately.

Assemblyman Oscarson:

I am amenable to that suggestion. I think it says the Committee shall honor the findings of the study before February 1, 2017. I believe you sense the urgency as I do to get something like this done. I will look at that and change the date to February 1, 2016.

Assemblyman Trowbridge:

All of us realize there is nothing more important in the state than water conservation. I fully support the funding of this study. I would just hope that in order to avoid duplication because of the relative successes the SNWA has had in the conservation of water in urban areas, their work be incorporated by reference rather than trying to reinvent the wheel. I do not know if anything needs to be changed.

Chair Stewart:

I think the SNWA has done an excellent job also. I checked two days ago and we are still using less water in the Las Vegas Valley than we did in 2002, with a greatly increased population. That does not mean we do not need to take more precautions.

Assemblyman Ohrenschall:

I remember that we liked this bill two years ago. It was processed and it passed our house, but unfortunately it did not make it out of the Senate because of financial concerns. I hope it passes this session. Last October, there was a column in the *Las Vegas Review-Journal* describing how desalination is looking like a better option every day and is being increasingly used in California. Do you think desalination could be a supplement to or substitute for the interbasin transfers that are proposed?

Assemblyman Oscarson:

I wish we had beaches in Nevada that we could pump it out of and not have to run that big, long pipeline, but I think that is the reason we need to do something like this, because it is a viable option. I have talked with the SNWA, which is in support of this bill, as well as Steve Bradhurst from the Central Nevada Regional Water Authority (CNRWA). We were all in agreement that this study would be a great thing for us to do in the state of Nevada.

Assemblyman Thompson, your point of moving up the drafting of the bill is well taken, and we need to start talking about these options now. I do not know where else to get the water since you can only go so far down to get it. This Committee needs to review the options and how they would be presented back to the legislative body.

Assemblyman Ohrenschall:

I hope this bill passes this Committee. We will review desalination as it is something that needs to be considered since it is more cost-effective than ever and seems to be working in California.

Chair Stewart:

I heard desalination would be cheaper if we provided money to California to build the process for desalination and then trade that for some of their reservoirs or for their use of the Colorado River.

Assemblyman Elliot T. Anderson:

I am a big fan of exploring desalination options and trading it for entitlement to the Colorado River. No matter what we are talking about, there is a limited supply of water in the West, and we have to think big and transformative. Thank you for bringing this to our attention, and I wish you success.

Chair Stewart:

Are there any other questions from the Committee? [There were none.]
Are there any others in support of A.B. 198?

Andrew M. Belanger, Director of Public Services, Southern Nevada Water Authority and Las Vegas Valley Water District:

I am here today to testify in support of Assembly Bill 198. We supported the bill two years ago when it was Assembly Bill No. 301 of the 77th Session, and we support the bill now. The water authority is ready to study water issues in Nevada. We think it is critically important for every Nevadan to understand what the issues are on water. Water is used throughout Nevada in various ways, and it is important for us as a state to understand where water is used, how it is used, and why it is used, and to have information that the people can understand in planning for the future.

I am excited about section 1, subsection 1, paragraph (c), stating the total consumptive use of water in this state is calculated on the basis of gallons per capita per day. The water authority has been a leader in water conservation, and our efforts have led to our gallons-per-capita-per-day water consumption dropping to 124 gallons. That is very competitive with other states, and it will be important as we explore water use throughout Nevada. We can compare that number with water usage throughout the state. We will look at ways that we as a group can encourage conservation, including the rural and urban areas. Water is very precious, and we want to make sure it is used properly. This study will go a long way in getting everyone on the same page with the information they need to make policy decisions.

Steve Bradhurst, Executive Director, Central Nevada Regional Water Authority:

The Central Nevada Regional Water Authority (CNRWA) is an eight-county unit of local government that extends east from Churchill County to the Utah border, goes down to White Pine County, and includes Nye and Esmeralda Counties.

I want to thank Assemblyman Oscarson for his and others' efforts in the last session for moving Assembly Bill No. 301 of the 77th Session through the Legislature. It passed the Assembly unanimously as well as in the Senate Committee on Legislative Operations and Elections.

We have had a drought in the Colorado River Basin now for 14 years, which is an unprecedented historical record. The remainder of the state is in the Great Basin, which has also suffered. If you review the U.S. Drought Monitor Classification Scheme, the worst place in the state of Nevada for the drought has been in this area. The drought extends from southern Washoe County to Douglas, Lyon, Storey, Churchill, and Pershing Counties, referred to as D4, which is the most intense drought area. It seems there is no solution to that drought area.

Two days ago, the California Department of Water Resources indicated that the snowpack in the high Sierra was at 19 percent of normal. The all-time low for March is 18 percent, so we are only 1 percent off that mark. In addition, an article in the journal *Science Advances* on February 12 reported the Southwest is facing a megadrought by 2050. A megadrought lasts for at least three decades.

This bill makes sense in determining whether or not we have a water supply problem by comparing the present water supply in terms of surface and groundwater to what the demands are in population projections or maybe build out the master plans. The questions are, what sustainable sources of water do we have that the local governments can put their hands on and how do they match up to the demand five, ten, or twenty years from now? If we see a significant gap, we need to do something. As Assemblyman Oscarson pointed out, states are looking at alternative sources of water. They have done an assessment of their water supply and have determined they have a significant shortage. The leadership of this water issue has been taken on at the state level. This bill is for the Legislature to take a leadership role in identifying and solving the water deficiency issue. The CNRWA is pleased to support this bill.

Assemblyman Ohrenschall:

I do not see it in the language of the bill, but do you expect the water study to recharge basins that need recharging? Do you think that is within the purview of this Committee?

Andy Belanger:

When talking about alternative sources of water, I see conjunctive use, which would be the recharge from taking surface water and putting it into the ground when there is excess surface water. Recharge is one of the items that we would talk about regarding stretching the water supply as far as possible.

Chair Stewart:

Are there any others in support of the bill?

Mike L. Baughman, Executive Director, Humboldt River Basin Water Authority:

The Humboldt River Basin Water Authority (HRBWA) is in support of the legislation and the efforts of Assemblyman Oscarson. We have also requested Senators Goicoechea and Settlemeyer to address water resource issues in Nevada.

The Humboldt River Basin has a land area larger than half a dozen states. It is approximately 260 linear miles with 1,000 miles of river. The farmlands in the

Pershing County Water Conservation District in the Lovelock area received zero water last year. They are not predicted to receive any water again this year. There will be significant fiscal and economic impacts to the agricultural producers in that area as well as in the City of Lovelock and Pershing County.

The Humboldt River Basin is characterized by overappropriation of both surface water and groundwater. There are over 600,000 acre-feet of depleted water rights on the Humboldt River system. The river annually produces only about 290,000 acre-feet of water, and that is in a good year. That river is able to produce that amount of acre-feet of use because of reuse such as irrigation runoff.

Across our 34 groundwater basins, we generate about 469,000 acre-feet of perennial yield annually, and there are 757,758 acre-feet of committed groundwater rights. Currently, 23 of our 34 groundwater basins are overappropriated.

We are also facing climate change resulting in warmer temperatures, less snow in the mountains, and earlier runoff. This confounds our ability to provide water to the surface water rights holders. There is a long-term decline in the base flow of the Humboldt River resulting from drought, overappropriation, and climate change.

The HRBWA supports the intent and need for A.B. 198. We have a couple of suggestions, and I regret that I did not have a chance to visit with the bill's sponsors. It has been mentioned that the study covers aquifer storage and recharge. We currently have an engineering feasibility study underway in the Humboldt River Basin to develop an aquifer storage and recovery project in the Winnemucca area, which would divert water off of the Humboldt River in years of average or above average flows. The water would be stored in the groundwater basin and would be taken out of the river during periods of low flow to augment those surface flows.

We encouraged the Legislative Committee on Public Lands to consider substitution and artificial recharge, which we would see as the temporary movement of groundwater from an underappropriated basin to an overappropriated basin. This would mitigate the effects of the overpumping in the overappropriated basin. That would be done on a temporary basis to help the overappropriated basin recover.

We are encouraged to see cloud seeding included in this bill. It is a proven technology and has been utilized for over 25 years throughout the Western United States and is currently being used in ten western states,

including the Lake Tahoe area of Nevada. We have had recent cloud seeding programs in which the funding has run out in both the Walker River Basin and the Ruby Mountains. The State of Nevada funded cloud seeding starting in the mid-1980s for over 20 years, with that funding being eliminated in 2008 due to the recession.

During the last interim, the HRBWA had recommended in the Legislative Committee on Public Lands bill draft request, BDR S-483, later Senate Bill 423, to appropriate \$500,000 each year of the coming biennium to establish a cloud seeding matching fund. We have worked with the Truckee Meadows Water Authority, the Southern Nevada Water Authority, the Truckee-Carson Irrigation District, the Walker River Irrigation District, the Pershing County Water Conservation District, Central Nevada Regional Water Authority, and the Carson Water Subconservancy District to frame that appropriation amount for its use.

The HRBWA would not want the study of cloud seeding that is included in the scope of A.B. 198 to imply that implementation of cloud seeding projects funded by BDR S-483, related to money, should be delayed until after the completion of the study required by A.B. 198. We welcome additional information about cloud seeding, but we are ready to proceed with the study as soon as this session is over.

Joe Johnson, representing Toiyabe Chapter, Sierra Club:

We are in support of A.B. 198 and would be happy to work with the Committee during the interim.

Andrew Zaninovich, representing Great Basin Water Network:

We are in support of this bill and any water policy effort that is afforded to everyone in the state. We emphasize the need for reliable, sustainable uses and effective conservation of water.

Mary Walker, representing Board of County Commissioners, Eureka County:

We rise in support of this bill and appreciate your consideration.

Alex Tanchek, representing Nevada Cattlemen's Association:

We also support A.B. 198.

Chair Stewart:

Mr. Belanger, please tell us about your success with cloud seeding.

Andy Belanger:

For a number of years, when the state's budget could not support the Desert Research Institute's (DRI) cloud seeding program, the SNWA in conjunction with the Truckee Meadows Water Authority and a number of other entities helped fund cloud seeding efforts in the state of Nevada. That funding has since gone away. We were able to provide funding for a number of years during the critical period when the state could not pick up those resources. We are not currently cloud seeding in this state; however, the SNWA is undertaking a cloud seeding effort in the upper Colorado River Basin to help provide increased snowpack in Colorado and Wyoming. Those areas are part of the basin that has the greatest potential for impact in the Colorado River flows into Lake Mead. We have used our cloud seeding efforts in that area to ensure that the community has the potential for additional water.

Chair Stewart:

Is there anyone else in Carson City in favor of A.B. 198? [There was no one.]
Is there anyone in Las Vegas in favor of this bill?

Howard Watts III, Private Citizen, Las Vegas, Nevada:

I am also in support of this bill. Ditto to what has been said previously. Our water is an important resource here. Our state has no statewide water plan, so I think this is a step forward to gather information to address our water resource issues in order to preserve the economy, character, and culture of Nevada.

Assemblyman Ohrenschall:

Mr. Baughman, would you explain how many basins we have that are overappropriated in Nevada and what could be done to solve that problem? Would you be able to provide more detail about the artificial recharge of the aquifer and do you think it can be done throughout the state? Is it something the Committee should study?

Mike Baughman:

I do not know how many basins are overappropriated in the entire state, but in our five-county area in the Humboldt River Basin, 23 of the 34 basins are overappropriated. With regard to aquifer storage and recovery, it is a proven technology and is used in Las Vegas, where there is a groundwater bank. It is also used in Arizona and California. We are considering using it in the Paradise Valley area of Winnemucca. We would divert water off the river, infiltrate it into the groundwater basin, pump it out and put it back in the river during periods of low flow. It is a proven technology.

Chair Stewart:

Is there any other testimony in favor of A.B. 198? [There was none.] Is there anyone opposed to this bill? [There was no one.] Is there anyone in the neutral position on this bill?

Terry K. Graves, representing Vidler Water Company, Inc.:

Vidler Water Company is a private water company that has several holdings in Nevada. We support the spirit of the bill, but have concerns on its funding. As stated in the bill, the breadth of the study is extensive, and I think there needs to be discretion regarding the financial resources that are applied to that study. We are requesting to be a part of those discussions.

Jason King, P.E., State Engineer and Administrator, Office of the State Engineer, Division of Water Resources, State Department of Conservation and Natural Resources:

Although I am testifying as neutral on A.B. 198, it is not because we do not feel the study is of value and importance, because we do. I agree with the previous testimony in support of the bill. Our concern in testifying as neutral is that much of the work required by the Legislative Committee on Public Lands may become work required by the Division of Water Resources. We will do whatever is required of us if the bill passes. We have a small staff and are currently dealing with a multitude of critical water issues. We support the spirit of the bill but have concerns about potential fiscal impacts to our agency. [Submitted written testimony ([Exhibit C](#)).]

Assemblyman Thompson:

We are facing dire water resources issues. Would you provide more information regarding your fiscal concern?

Jason King:

Some of the items considered to be analyzed in this bill is information we are already pursuing, so that is a plus. I think the devil is in the details in terms of looking at alternative sources, such as desalinization. The SNWA has done a substantial amount of work in this area, but without having parameters on the end result of this study, I approach it with caution. If you really want to find out how much it costs to build a desalt plant, whether on the California Coast or in Mexico, or you want to put numbers to a pipe delivery system, it could be an enormous undertaking. Again, our agency stands ready to do whatever is required of us, but if the scope really becomes large, I have concerns about resources.

Assemblyman Thompson:

You are not opposed to the study, just the results of the study, is that correct?

Jason King:

No, I support the study and the outcome, but our concern is obtaining available resources to handle the workload.

Edwin James, General Manager, Carson Water Subconservancy District:

We are an agency that deals with water resource planning for the Carson River watershed from Alpine County, California, to Churchill County, Nevada. We are in support of the concept of the bill. It is important to conduct a study. Our only concern is that we are already working with the DRI, the University of Nevada, Reno, and the Bureau of Reclamation, U.S. Department of the Interior, on the water resource issues in the Carson River Watershed. It is important we have these issues integrated into the plan and not have separate plans at the same time. I work with 12 different water purveyors in the watershed, and in order to prevent problems, it is important to look up the individual needs of the communities moving forward.

Chair Stewart:

We need to be coordinated and flexible, correct?

Edwin James:

Correct.

Carol M. Stonefield, Committee Policy Analyst:

The Legislative Committee on Public Lands is one of the statutory committees the Legislature conducts during the interim. There are a number of special interim studies, but the Legislative Committee on Public Lands and others are established in statute. The Legislature does not have to enact a particular study. In past instances, the Legislature has passed a bill that directs one of these statutory committees to conduct a particular study in a specific interim. If this bill passes, that is what would happen here. The Legislature would be telling the statutory public lands committee to investigate water resources. Some of the people who are testifying in the neutral position are concerned about the impact on state agencies that would be asked to support the work of the Legislative Committee on Public Lands to provide information and resources and conduct background studies for the committee. If there is an interest, the Legislature might consider additional funding for the Legislative Committee on Public Lands.

Chair Stewart:

I have served on a number of these interim committees, and the funds available to them are rather sparse.

Assemblyman Oscarson:

I think what you have heard here today is the reason why we need a study. It sounds as if there are many water issues ongoing with the different entities. We need to collect that information into a format that can be utilized by this Legislature to address our water concerns in order to make good decisions. I am humbled because I did not schedule any of these folks to come here in support or in the neutral position on A.B. 198. The knowledge and experience of the testifiers on water issues is a testament to what we need to do here and how important water issues are in the state of Nevada.

Chair Stewart:

The combination of all of the testimony here today may be the beginning of your study.

Assemblyman Oscarson:

I hope so, Mr. Chair.

Chair Stewart:

The hearing on A.B. 198 is closed. We will now open the work session on Assembly Bill 63.

Assembly Bill 63: Clarifies that certain candidates who are elected despite ending their campaigns must file with the Secretary of State certain campaign finance reports. (BDR 24-436)

Carol M. Stonefield, Committee Policy Analyst:

In your binder is a brief summary of Assembly Bill 63. It was heard in this Committee on February 12, 2015 and was introduced on behalf of the Office of the Attorney General. [Read from work session document ([Exhibit D](#)).]

The provisions of A.B. 63 apply in specific circumstances. Pursuant to existing law, a candidate who ends a campaign without officially withdrawing may file all remaining contribution and expense reports simultaneously. This bill clarifies that if such a candidate is subsequently elected, the candidate must start to file reports again, starting with the next report that is due after the election. There were no amendments proposed for this measure.

Assemblyman Ohrenschall:

I think this is a needed cleanup provision and I support it.

ASSEMBLYMAN TROWBRIDGE MOVED TO DO PASS
ASSEMBLY BILL 63.

ASSEMBLYMAN OHRENSCHALL SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Stewart:

Assemblyman Trowbridge, will you take the floor statement on A.B. 63?

Assemblyman Trowbridge:

Yes.

Chair Stewart:

We will now move on to Assembly Bill 23.

**Assembly Bill 23: Makes various changes to provisions governing elections.
(BDR 24-446)**

Carol M. Stonefield, Committee Policy Analyst:

Assembly Bill 23 was heard in this Committee on February 17, 2015, and was introduced on behalf of the Secretary of State. [Read from work session document ([Exhibit E](#)).] The bill proposes that the Secretary of State may interpret provisions of Title 24 of the *Nevada Revised Statutes* (NRS) and any regulations adopted pursuant to this title, including statutes and regulations governing the conduct of elections.

Contribution limits currently tied to the dates for convening and adjourning of legislative sessions are changed to calendar years. Transitory language provides that certain contributions or commitments made under existing law shall be deemed to comply with the changes as provided in this measure, so that no person is guilty of committing a crime as a result of the reporting changes. Revisions are made to align statutes with the Nevada Supreme Court decision requiring that only voters who actually voted in the relevant preceding election can sign a recall petition.

There is a proposed amendment by the Secretary of State, and it is behind the bill page ([Exhibit E](#)). There are testifiers here who are prepared to speak to the amendment.

Kevin Powers, Committee Counsel:

All of the mock-ups prepared by the Legal Division include the disclaimer that this document shows proposed amendments in conceptual form. The language and its placement in the official amendment may differ. If necessary, based on the advice of the Legislative Counsel, the final amendment will potentially conform to different standards. We want to make the public aware that this is a mock-up in conceptual language.

The existing statute requires the Secretary of State to adopt regulations in various subjects relating to the election process shown in section 1, subsection 3, on pages 1 and 2 of the mock-up ([Exhibit E](#)). This proposed amendment removes some of those subjects. It removes the mandatory requirement and leaves it to the discretion of the Secretary of State whether or not to adopt regulations on these subjects. It is my understanding that most of these subjects are controlled by the local election officials; however, if there was some reason that the Secretary of State wanted to come up with a uniform rule on some of these subjects, the Secretary of State would still have that regulatory power.

The other change is in section 1, subsection 4, on page 2. The original bill proposed expanding the interpretive powers of the Secretary of State beyond just the election arena, and this change would remove the new language so there would not be a change in this provision of the law.

There are new sections 1.3 and 1.5 ([Exhibit E](#)). Some Nevada cities follow the statewide general election cycle in November of each even-numbered year. Other cities follow a different election cycle in June of each odd-numbered year. Currently under existing law, all of the cities that have their election cycle in June of an odd-numbered year conduct the general election on the first Tuesday following the first Monday in June. This bill would change Election Day for all of those cities to the second Tuesday after the first Monday in June. It is my understanding from the Secretary of State's Office that this was requested by the Clark County Registrar of Voters, Mr. Gloria, to facilitate the elections more effectively with the school district. Mr. Gloria believed the school district would be out of school during this period and it would be easier to conduct elections.

Scott W. Anderson, Chief Deputy, Office of the Secretary of State:

If there is a question regarding this section, Mr. Gloria is in Las Vegas.

Chair Stewart:

Mr. Gloria, if you need to chime in at any time, please do so.

Kevin Powers:

In addition to changing these two existing sections of the law, at the end of the bill, there is an indication that the specific city charters of some of the cities would need to be changed and added to the bill to conform with the changes in this particular area of the bill. These changes would become effective January 1, 2016, so the change in the date of the general city election would not affect this current election cycle. It would just start with the election cycle beginning after January 1, 2016, which would affect the general city elections in June 2017.

Chair Stewart:

Mr. Gloria, this change would not affect the elections this year but would make it easier for you to find polling places in future years, is that correct?

Joseph P. Gloria, Registrar of Voters, Clark County:

That is correct. It alleviates many of the issues we experience in dealing with the schools, and they are such a big part of what we do on Election Day. Up to 75 to 80 percent of our polling places are in schools. When they moved the election in the even years from August to June, they had the foresight to have it on the second Tuesday when school is out. A lot of the issues associated with election support on Election Day are alleviated by doing so.

Chair Stewart:

I understand it is difficult sometimes to find polling places, correct?

Joe Gloria:

Very much so. The challenge on Election Day in Clark County is that the population is so concentrated in certain areas that we do not have enough facilities. There are many schools we can use in the area, but when school is in session, it makes it difficult for them to provide us with a room. When we go to vote, we try to give our disabled and elderly voters the shortest route from parking in the polling place and have a room large enough to support the number of voting machines. It puts a strain on the schools to give us their biggest room, and sometimes they are unable to provide the rooms for us. Moving Election Day to the second Tuesday in June would alleviate many of the problems that we experience in the municipal cycle in the odd years.

Kevin Powers:

Section 1.7 is a new section being added to the bill ([Exhibit E](#)). This relates to the definition of "committee for political action" and will require some background explanation. During the 2013 Session, this Committee and the Legislature considered two bills. One of them was Assembly Bill No. 48 of the 77th Session, which added the definition of independent expenditure to

the campaign finance law. At the same time Senate Bill No. 246 of the 77th Session was proceeding through the Legislature; that bill added the provision in the mock-up of A.B. 23, section 1.7, subsection 1, paragraph (b), on page 4 from line 6 to line 18 ([Exhibit E](#)). Since there was no definition of independent expenditures in the campaign finance law, the term "expenditures" was used. This would align the changes in S.B. No. 246 of the 77th Session with the changes in A.B. No. 48 of the 77th Session. This does not expand the scope of this provision, but makes it clearer and narrows its scope down to the definition of "independent expenditures," which is a subset of the broader term "expenditures."

Scott Anderson:

I think Mr. Powers has clearly communicated the issues regarding the changes to provisions governing elections. We want to make sure that someone who is simply making contributions to a campaign is not considered a political action committee.

Kevin Powers:

Sections 2.3 and 2.5 in the mock-up contain a parallel provision. Under existing law, committees for the recall of a public officer are required to file campaign contribution and expense reports. If the committee's petition for the recall makes it to a special election, then the committee has to file campaign expense and contribution reports at certain intervals and after the election. If the committee's petition fails to qualify and therefore there is no special election, subsection 2 of both of these sections requires that committee to file a campaign expenditure and contribution report, even though the petition for recall did not make it to the ballot.

What subsection 2 does in sections 2.3 and 2.5 is clarify the circumstances under which it would be considered that a committee for recall failed to file its petition within the permitted period of time. It defines that a petition for the recall of a public officer shall be deemed to be not filed before the expiration of the notice of intent if the committee fails to submit the petition to the filing officer, or submits it either without valid signatures or with fewer than the necessary number of valid signatures, or otherwise suspends its efforts. The goal is to ensure that whether or not the committee's petition makes it to the ballot, in both circumstances the committee still has to file its final campaign expense and contribution reports.

On the final page of the mock-up are directions for the drafter to identify any of the necessary sections of the following city charters to make the change in the election from the first Tuesday after the first Monday in June to the second Tuesday after the first Monday in June. In section 6, it indicates that those

changes in the date of the general city election become effective on January 1, 2016.

Chair Stewart:

Mr. Glover, with your vast experience in elections, do you feel more comfortable with the amendments in providing sufficient clarifications and deletions to make A.B. 23 a stronger bill?

Alan Glover, Special Assistant, Office of the Secretary of State:

Yes, Mr. Chair, I think this is a very clean bill and addresses some of the concerns of Assemblyman Thompson and Assemblyman Elliot Anderson. It will make elections more efficient and assist Clark County in the administration of their city elections. This is one of the cleanest bills I have seen in quite a while.

Assemblyman Elliot T. Anderson:

I want to thank the Secretary of State's Office for working with us on this bill, and I appreciated having the consensus process.

Scott Anderson:

I want to thank both Ms. Stonefield and Mr. Powers for working with us in giving clarity to some of the statutes that were already in place and assisting us in the drafting of this amendment.

Joe Gloria:

I am here to support the amendment.

**Nicole Rourke, Executive Director, Community and Government Relations,
Clark County School District:**

We are here in support of section 1.5 in the amended mock-up of A.B. 23.

**Kelly Martinez, Government Affairs Officer, Office of Administrative Services,
City of Las Vegas:**

I want to give you an example of the difficulties we find in our municipal elections. For this cycle, the only places to offer us possible polling locations were a church, a community center, and a parking lot in a strip mall. If this amended bill passes, we would have 22 of the public schools in the City of Las Vegas at our disposal to use for the elections. We support this amendment.

Chair Stewart:

Are there any other questions from the Committee? [There were none.]

ASSEMBLYWOMAN SEAMAN MOVED TO AMEND AND DO
PASS ASSEMBLY BILL 23.

ASSEMBLYMAN ELLIOT T. ANDERSON SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Stewart:

Assemblyman Ohrenschall, will you do the floor statement?

Assemblyman Ohrenschall:

Yes.

Chair Stewart:

Is there any public comment? [There was none.] The work session on A.B. 23 is closed. We are adjourned [at 5:01 p.m.].

RESPECTFULLY SUBMITTED:

Patricia Hartman
Committee Secretary

APPROVED BY:

Assemblyman Lynn D. Stewart, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Legislative Operations and Elections

Date: March 5, 2015

Time of Meeting: 4:01 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 198	C	Jason King, Office of the State Engineer	Testimony
A.B. 63	D	Carol M. Stonefield, Committee Policy Analyst	Work session document
A.B. 23	E	Carol M. Stonefield, Committee Policy Analyst	Work session document