

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

**Seventy-Ninth Session
May 19, 2017**

The Committee on Legislative Operations and Elections was called to order by Chairwoman Olivia Diaz at 3:23 p.m. on Friday, May 19, 2017, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4404B 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 www.leg.state.nv.us/App/NELIS/REL/79th2017.

COMMITTEE MEMBERS PRESENT:

Assemblywoman Olivia Diaz, Chairwoman
Assemblyman Nelson Araujo, Vice Chair
Assemblyman Elliot T. Anderson
Assemblywoman Shannon Bilbray-Axelrod
Assemblyman Skip Daly
Assemblyman John Hambrick
Assemblyman Ira Hansen
Assemblyman Richard McArthur
Assemblywoman Daniele Monroe-Moreno
Assemblyman James Ohrenschall
Assemblyman James Oscarson

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

None

STAFF MEMBERS PRESENT:

Carol Stonefield, Committee Policy Analyst
Kevin Powers, Committee Counsel
Julianne King, Committee Secretary
Melissa Loomis, Committee Assistant

Minutes ID: 1210



OTHERS PRESENT:

None

Chairwoman Diaz:

[Roll was taken.] Our only order of business is to complete a work session. We will get started with Assembly Bill 430.

**Assembly Bill 430: Creates the interim Nevada Task Force on Retirement Security.
(BDR S-1035)**

Carol Stonefield, Committee Policy Analyst:

Assembly Bill 430 was heard on April 6, 2017. The measure was sponsored by Assemblywoman Bustamante Adams ([Exhibit C](#)). This bill creates the Nevada Task Force on Retirement Security. The Task Force must examine the status of retirement plans, including those sponsored by employers as well as individual retirement plans. The Task Force would also study the amount Nevadans have saved for retirement and the estimated need. The Task Force would consider modifications to private sector retirement savings plans that pool money into a single trust.

There are to be nine members on the Task Force, including six legislators. The other three members would be appointed by the Governor and legislative leadership. They should represent the interests of retirees, employees working for private employers, and companies involved in management of retirement savings plans. The Task Force is authorized to apply for grants and accept gifts. It is directed to select a tax-exempt organization as its fiscal agent. Members would serve without compensation or per diem allowance and may receive reimbursement for expenses to the extent that funds are available.

There is an amendment. It was proposed at the day of the hearing by Michael Hillerby. It proposes to: increase the membership by adding a representative of business associations representing employers; and revise the study to include ways to increase participation of private sector employees in retirement savings plans that may include education programs, incentives, and voluntary small business marketplace plans. There was no opposition to this.

Chairwoman Diaz:

It is my understanding that the amendment is friendly. Is there any discussion?

Assemblywoman Bilbray-Axelrod:

I would like to say thank you so much for bringing this bill. I thought it was a great idea. I think it is very important.

Chairwoman Diaz:

I will entertain a motion to amend and do pass A.B. 430.

ASSEMBLYMAN HAMBRICK MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 430.

ASSEMBLYWOMAN MONROE-MORENO SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblywoman Bustamante Adams. If not, Assemblyman Hambrick will be her backup. The Committee will now move on to Assembly Concurrent Resolution 7.

Assembly Concurrent Resolution 7: Directs the Legislative Commission to conduct an interim study concerning property taxes. (BDR R-1049)

Carol Stonefield, Committee Policy Analyst:

Assembly Concurrent Resolution 7 was heard in this Committee on March 30, 2017, and was presented by Assemblywoman Neal ([Exhibit D](#)). This resolution proposes a study of property taxes to be conducted in the 2017-2018 Interim by a committee of six legislators. The members of the interim study committee must include the Chairs of the 2017 Assembly Standing Committee on Taxation and the Senate Standing Committee on Revenue and Economic Development. The remaining members of the interim study committee must also be members of the same standing committees. This interim committee would submit a report and recommendations to the 2019 Legislature. No amendments were offered, and there was no opposition.

Chairwoman Diaz:

Is there any discussion about A.C.R. 7? Seeing none, I will entertain a motion to adopt A.C.R. 7.

ASSEMBLYMAN DALY MADE A MOTION TO ADOPT
ASSEMBLY CONCURRENT RESOLUTION 7.

ASSEMBLYMAN ARAUJO SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblywoman Neal, but if she cannot do it, Assemblyman Daly will be her backup. Let us move on to Senate Bill 144 (1st Reprint).

Senate Bill 144 (1st Reprint): Revises provisions relating to elections. (BDR 24-300)

Carol Stonefield, Committee Policy Analyst:

Senate Bill 144 (1st Reprint) was heard in this Committee on May 11, 2017, and was sponsored by Senator Spearman ([Exhibit E](#)). This bill extends the voter registration period for a primary or general election until the last day of early voting. The bill also permits people to register and vote on the day of the election at a polling place that is specifically designated for that purpose.

The measure provides for the "preregistration" of a person 17 years of age and older if he or she meets the residency requirements and will be 18 years of age by the next election. The measure makes conforming changes relating to preregistration to provisions addressing military-overseas voting and provides that a voter, if eligible, may use the federal postcard application to register to vote or request a military-overseas ballot pursuant to the deadlines.

The bill extends the hours of early voting in Clark and Washoe Counties to include early voting on every Sunday during that period. These counties must also keep open until 8 p.m. any permanent early voting site that operates on Saturday and may include early voting on any federal holiday that falls within that period. For Election Day voting, the bill authorizes the county election officer to establish one or more vote centers where any person entitled to vote in the county by personal appearance may do so.

Finally, the bill requires the Office of the Secretary of State to create and maintain software for a mobile device that includes all information that is available on the Secretary of State's Internet website. The software must allow a person to submit electronically a voter registration application, an absentee ballot request, or a military-overseas ballot.

Two amendments have been proposed for consideration. The first is a conceptual amendment, and its effect would be to retain the provisions relating to a voter who registers to vote or requests a military-overseas ballot, and the preregistration of 17-year-olds. In addition, the amendment would revise provisions relating to vote centers and would delete provisions relating to the board of county commissioners. It would also delete similar provisions relating to the governing body of a city, and the grant to give it authority to determine criteria to approve vote center locations. This would align with existing practice where the county clerks and registrars have the authority to locate their voting election sites.

Throughout the bill, it would delete the sections that extend the period for voter registration to the Friday before an election or the fourth day before a special or recall election. It would delete the sections that provide for same-day voter registration and delete sections that relate to the hours of operation at permanent polling places during the early voting period.

The second proposed amendment is from the Secretary of State's Office. Its purpose is to clarify the requirements [of section 7] that relate to providing information from the Secretary of State's website that can be accessed through a mobile device. The language currently applies to developing software. This proposal is to clarify the intent is to ensure that the information that is currently available on the Secretary of State's website would be accessible from a mobile device.

Chairwoman Diaz:

Is there any discussion on S.B. 144 (R1)? [There was none.] I will entertain a motion to amend and do pass S.B. 144 (R1) with both conceptual amendments.

ASSEMBLYMAN OHRENSCHALL MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 144 (1ST REPRINT).

ASSEMBLYWOMAN MONROE-MORENO SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN HANSEN AND McARTHUR
VOTED NO.)

I will assign the floor statement to Assemblyman Araujo. We will now move on to Senate Bill 492 (1st Reprint).

**Senate Bill 492 (1st Reprint): Revises provisions relating to polling places.
(BDR 24-450)**

Carol Stonefield, Committee Policy Analyst:

Senate Bill 492 (1st Reprint) was heard in this Committee on May 11, 2017, and was sponsored by the Senate Committee on Legislative Operations and Elections and presented by Senator Cannizzaro ([Exhibit F](#)). The bill authorizes a county election officer to establish one or more polling places where any person entitled to vote in the county by personal appearance may do so. These are called vote centers. In addition, the bill provides for the establishment of a new or relocated vote center after initial publication in the event of an emergency and with the approval of the Office of the Secretary of State.

The measure provides the procedure by which a voter shall cast a ballot at a vote center, including signing the election roster or signature card. It also provides a process whereby a voter's identity can be determined if a signature no longer matches.

Finally, the bill gives a county or city election officer the option to establish an early voting location in certain residential developments for elderly persons in lieu of an election day polling place. No amendments were offered, and there was opposition to this measure.

Chairwoman Diaz:

Is there any discussion on S.B. 492 (R1)?

Assemblyman Ohrenschall:

I support this idea. We have seen how it has worked in other jurisdictions. We have seen how it has worked very well in Henderson. Fewer people get confused about where their polling place is. It jibes with how early voting works in terms of being able to go to one central location regardless of where someone lives in the county. I think it will make voting more accessible. More people will be able to participate. In southern Nevada, it is a three-shift town, and people often live on the opposite end of town. Getting back to their

neighborhood on Election Day can often present a challenge if someone is getting off work at 5 p.m., trying to pick up their kids, and trying to get to the polling place before polls close. I will be supporting the measure.

Assemblyman Elliot T. Anderson:

I also wanted to go on record and say that I like this bill. From what I understand, some of the cities already do this sort of thing for municipal elections because it is a money-saver, and it makes voting more convenient. I do not see why we do not allow more authority for this during the general election. I think the technology is there to make this more feasible than it might have been in the past. Why not make it simpler? With that, I will be strongly supporting it.

Chairwoman Diaz:

I will entertain a motion to do pass S.B. 492 (R1).

ASSEMBLYMAN ELLIOT T. ANDERSON MOVED TO DO PASS
SENATE BILL 492 (1ST REPRINT).

ASSEMBLYWOMAN BILBRAY-AXELROD SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN HAMBRICK, HANSEN,
McARTHUR, AND OSCARSON VOTED NO.)

I will assign the floor statement to Assemblyman Ohrenschall. We will move on to Senate Joint Resolution 17 of the 78th Session.

Senate Joint Resolution 17 of the 78th Session: Proposes to amend the *Nevada Constitution* to expand the rights guaranteed to victims of crime. (BDR C-952)

Carol Stonefield, Committee Policy Analyst:

The last measure before the Committee is Senate Joint Resolution 17 of the 78th Session. It was heard in this Committee on May 9, 2017, and was presented by Senator Roberson ([Exhibit G](#)). This resolution proposes to amend the *Nevada Constitution* by eliminating existing victims' rights provisions found in Article 1, Section 8, and replacing them with an expanded set of provisions in the form of a victims' bill of rights. This proposal would be required to be passed in an identical form in order to appear on the 2018 General Election ballot.

A conceptual amendment has been proposed that would revise the content of the resolution as well as the process the Legislature would follow in approving the resolution. During the hearing, there was opposition to this measure.

Chairwoman Diaz:

Is there any discussion on S.J.R. 17 of the 78th Session?

Assemblyman Hambrick:

I like the concept. However, I am concerned that should we pass the amendment, the clock will go back another two years. It starts the process all over again. The clock started last session. With my background, I truly understand why we need this, but I hate to see it pushed back another two years. I would rather have this body make the decision now. Let us get on with it. If there is something to be learned in the interim, perhaps it can readdress this issue. I would strongly urge the members to reject this particular motion. We need to get going and let the system work, not delay it for another two years.

Chairwoman Diaz:

I am on the opposite side. I think that amending the *Nevada Constitution* is a big step. Our constituency has bestowed a big responsibility upon us as elected legislators. They are the ones who want us to represent them in these positions; they want us to make wise decisions. I understand your sense of urgency, but at the same time, I have taken a deep dive into this area. I am not taking this decision lightly. I looked at Nevada's state statutes in comparison to Marsy's Law and, per state statutes, Nevada has covered almost every single subject that we are looking to enshrine by adopting Marsy's Law. We cannot just say that we can get it out right now, put it to the vote of the people, and then come back and try to fix it. The process does not work that way.

Once we send it to the ballot, we have to adopt it as we are sending it on to the ballot. My hesitancy in sending it in its current iteration is that there is some lack of balance. There is some lack of clarity, and we do not want to have unforeseen or unintended consequences that Nevada would have to bear the brunt of as a result of adopting it as is. I have done my research, and many states have faced problems when they were adopting it as well. I would not want to put Nevada in harm's way.

Assemblyman Araujo:

I supported the original version of S.J.R. 17 of the 78th Session. While I agree with Assemblyman Hambrick, if it is the will of the majority of the Committee, then I am prepared to also support the amended version. I just wanted to make sure that folks knew that I see the urgency as well. I think it is something that we need to get done. If we amend it this time, let us hope we get it through and passed five years from now.

Assemblyman Elliot T. Anderson:

I am in a weird spot out of all the Committee members because I am the one person who voted no in the entire Assembly last session. I voted no because of my hesitancy to put things in the *Nevada Constitution* in general. The Committee is aware of how carefully I think we have to look at what happens with the *Nevada Constitution*. This amendment makes me comfortable enough. What was going through my head was what happens if this gums up the criminal justice system? There have been some issues in other states. Because of this amendment, I think it will ensure that our criminal justice system runs smoothly. It already has a lot going on. I will be switching my vote this session to yes.

Assemblyman Oscarson:

I supported this originally and continue to support it. I would only hope that we can continue the discussion. I will vote to get it out of Committee. I think there is another discussion that needs to happen. We need to continue that discussion for the rights of victims. I appreciate the conversations we had here and look forward to the continued discussion and, hopefully, implementation.

Assemblyman McArthur:

I have concerns, but I am going to vote yes to get it out of Committee. I will reserve my right to change on the floor.

Assemblyman Hambrick:

I will join my colleagues and vote yes in Committee, but I will reserve my right to change. I will hopefully do a better sales pitch on the floor.

Assemblywoman Bilbray-Axelrod:

I may be the lone no vote on this. I appreciate everyone's concerns. I went back and watched the hearings from two years ago and compared how the bill started and where it ended. This has not been an easy choice for me, but I will be a no vote.

Assemblywoman Monroe-Moreno:

Coming from a law enforcement background and being a victim of crime myself, I cannot tell you how much I appreciate this victims' rights bill. I was not here during the last legislative session to cast a vote on how it was originally written. However, I want this to move forward. I like the amendment. I think it answers the questions I had in the original hearing. I will be voting yes.

Chairwoman Diaz:

I want to reiterate that victims' rights are super important. If I felt there was a sense of urgency that Nevada was not complying with what is currently drafted in Marsy's Law, I would see the need to push it out in an expedient time, so people would be protected. However, they are currently protected under Nevada's statutes. They will continue to be protected; they are not under attack. If anything, we can continue to bolster them through statute. With that, I will entertain a motion to amend and do pass Senate Joint Resolution 17 of the 78th Session.

Assemblyman Daly:

I move to amend and do pass Senate Joint Resolution 17 of the 78th Session by substituting the language in S.J.R. 17 of the 78th Session into a new assembly joint resolution of an undetermined number by adding the language in green in subsection 7 into the body of the previous language from S.J.R. 17 of the 78th Session.

ASSEMBLYMAN DALY MADE A MOTION TO AMEND AND DO PASS
SENATE JOINT RESOLUTION 17 OF THE 78TH SESSION.

ASSEMBLYWOMAN MONROE-MORENO SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYWOMAN BILBRAY-AXELROD
VOTED NO.)

I will assign the floor statement to Assemblywoman Monroe-Moreno. With that, we are adjourned [at 3:48 p.m.].

RESPECTFULLY SUBMITTED:

Julianne King
Committee Secretary

APPROVED BY:

Assemblywoman Olivia Diaz, Chairwoman

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is a Work Session Document for Assembly Bill 430, presented by Carol Stonefield, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit D](#) is a Work Session Document for Assembly Concurrent Resolution 7, presented by Carol Stonefield, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit E](#) is a Work Session Document for Senate Bill 144 (1st Reprint), presented by Carol Stonefield, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit F](#) is a Work Session Document for Senate Bill 492 (1st Reprint), presented by Carol Stonefield, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit G](#) is a Work Session Document for Senate Joint Resolution 17 of the 78th Session, presented by Carol Stonefield, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.