

**MINUTES OF THE
SENATE COMMITTEE ON LEGISLATIVE OPERATIONS AND ELECTIONS**

**Seventy-ninth Session
May 17, 2017**

The Senate Committee on Legislative Operations and Elections was called to order by Chair Nicole J. Cannizzaro at 3:44 p.m. on Wednesday, May 17, 2017, in Room 2144 of the Legislative Building, Carson City, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Nicole J. Cannizzaro, Chair
Senator Tick Segerblom, Vice Chair
Senator Kelvin Atkinson
Senator James A. Settelmeyer
Senator Heidi S. Gansert

GUEST LEGISLATORS PRESENT:

Assemblyman Elliot T. Anderson, Assembly District No. 15
Assemblywoman Lesley E. Cohen, Assembly District No. 29
Assemblyman Tyrone Thompson, Assembly District No. 17

STAFF MEMBERS PRESENT:

Michael Stewart, Policy Analyst
Kevin Powers, Counsel
Janae Johnson, Committee Secretary

OTHERS PRESENT:

Cesar O. Melgarejo, Director of Military and Veterans Policy, Office of the Governor; Chair, Interagency Council on Veterans Affairs, Department of Veterans Services
Darrol L. Brown, United Veterans Legislative Council
Ray Bacon
Bill Chernock, Carson Valley Chamber of Commerce

Senate Committee on Legislative Operations and Elections
May 17, 2017
Page 2

CHAIR CANNIZZARO:

We will open the meeting in work session and start with Assembly Bill 45.

ASSEMBLY BILL 45 (1st Reprint): Revises provisions relating to public office.
(BDR 24-426)

MICHAEL STEWART (Policy Analyst):

Assembly Bill (A.B.) 45 was requested by the Secretary of State's Office and deals with provisions relating to election administration, including voter registration and campaign practices. I have submitted the work session document ([Exhibit C](#)).

SENATOR SETTELMAYER:

Madam Chair, I have a question on your amendment and changing campaign contribution and expense reports to quarterly. So are you saying quarterly every single year or just in the year you are up for election?

CHAIR CANNIZZARO:

Quarterly for the years in which you are up for election. Right now, it is tied to the election, the days of the election. This would just be quarterly, so it does the same number.

SENATOR SETTELMAYER:

For the record, you are not asking to do it quarterly every single year?

CHAIR CANNIZZARO:

No.

SENATOR SEGERBLOM:

What about Senators? We are up every four years?

CHAIR CANNIZZARO:

This would not change the years in which you have to file more than just the annual report. It would change the dates for those reports during that year you have to report. Depending on when you are running, it would change those. The report would be due 15 days after the quarter.

Senate Committee on Legislative Operations and Elections
May 17, 2017
Page 3

SENATOR SETTELMAYER:

Just for clarification, would political action committees follow the same concept? One year they would do yearly and then every other year they would do quarterly, correct?

CHAIR CANNIZZARO:

I believe so.

SENATOR SETTELMAYER:

Or is this only for the candidates?

MR. STEWART:

Throughout *Nevada Revised Statutes* (NRS) 294A, we have several areas where several groups are reporting, such as independent expenditure reporting, political action committee reporting, ballot question advocacy and candidate reporting. There are probably five or six of those. The question is consistency in quarterly reporting throughout all of those requirements.

SENATOR SETTELMAYER:

That would be at the Chair's desire, correct?

CHAIR CANNIZZARO:

Yes.

SENATOR GANSERT:

For the record, in an election year when the candidate is up or there is any measure on the ballot, these would go on the quarterly reports. But in other instances, it would default to the annual Contribution and Expense Report in a nonelection year. A candidate who is up once every four years, during the election year is when they have to provide more frequent reports.

CHAIR CANNIZZARO:

Yes.

SENATOR SEGERBLOM MOVED TO AMEND AND DO PASS AS AMENDED A.B. 45.

SENATOR ATKINSON SECONDED THE MOTION.

SENATOR SETTELMAYER:

I support this concept. However, I still firmly believe the only people who read these are my opponents.

SENATOR GANSERT:

I am just going over the quarters. For instance, 2018 is an election year. You would have a report-ending period of March 31 with the report due April 15; ending June 30, due July 15; ending September 30, due October 15. Then you would just have the annual after that, or would it coincide?

CHAIR CANNIZZARO:

There would still be a report due for that final quarter.

SENATOR GANSERT:

The fourth quarter would coincide with the annual report? That would actually be the same report since it is due on January 15. It would summarize everything throughout the year and coincide with the annual report in every year.

CHAIR CANNIZZARO:

Yes. Typically, we still have to finalize that annual report even under current statutes. It would still be required, but this would change those other reports to be quarterly.

SENATOR GANSERT:

The annual report in an election year during which you are on the ballot would end up being the same report because it would be comprehensive for the year; would it be the same dates, December 31 and January 15?

CHAIR CANNIZZARO:

Yes.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

CHAIR CANNIZZARO:

We will move to the next item in the work session A.B. 192.

ASSEMBLY BILL 192 (1st Reprint): Revises provisions governing the temporary limited appointment of persons with disabilities by state agencies. (BDR 23-525)

MR. STEWART:

Assembly Bill 192 requires, with limited exceptions, appointing authorities for positions in the State service to make temporary limited appointments of certified persons with disabilities to positions not to exceed 700 hours. I have submitted the work session document ([Exhibit D](#)).

SENATOR SETTELMAYER MOVED TO DO PASS A.B. 192.

SENATOR SEGERBLOM SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

CHAIR CANNIZZARO:

We will move to the next item in the work session, A.B. 301.

ASSEMBLY BILL 301 (1st Reprint): Provides for the confidentiality of certain communications between parties during a peer support counseling session. (BDR 23-186)

MR. STEWART:

Assembly Bill 301 provides, with limited exceptions, that communications made between parties during a peer support counseling session are confidential. I have submitted the work session document ([Exhibit E](#)).

SENATOR SETTELMAYER:

I reached out to the sponsor and to several other parties. I want to make sure there was still the power or ability to get into investigatory matters. If there is evidence or if there is information and you need an investigation, I am told investigators are allowed, and in that respect, I support the bill.

SENATOR SEGERBLOM MOVED TO DO PASS A.B. 301.

SENATOR SETTELMAYER SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

CHAIR CANNIZZARO:

The next item in the work session is A.B. 384.

ASSEMBLY BILL 384 (1st Reprint): Revises provisions governing the consideration of the criminal history of an applicant for employment by the State or a county, city or unincorporated town. (BDR 23-33)

MR. STEWART:

Assembly Bill 384 was brought to us by Assemblyman Tyrone Thompson. It provides, with exceptions, that the criminal history of an applicant or other qualified person under consideration for employment in a State agency or local government may be considered. I have submitted the work session document ([Exhibit F](#)).

SENATOR SETTELMAYER:

In No. 1 of the conceptual amendment, I greatly appreciate the aspect that you have added a specific provision from state or federal law. Would you entertain a concept? I do not believe there are any "specific provision of state or federal law" that precludes someone who has been convicted of a sexual crime from working at the local swimming pool, but they should not work there. Or, think of someone who works with a cash business all the time but yet has been convicted of embezzlement. I was wondering if there was any concept to saying something like, if employers reasonably feel that there is a direct public safety concern they can consider it. Again, I do not think a lot of these things in our state or federal laws are saying you cannot work here. In my opinion, certain people have committed certain crimes and should not be employed in certain areas.

ASSEMBLYMAN TYRONE THOMPSON (Assembly District No. 17):

With all due respect Senator, I think you have just illustrated the main premise of A.B. 384. What it is, we look at factors. In the situation that you described, there could have been a sexual assault that occurred when you were 19 or 20 years old. You are now a 50-year-old man with a family, and that was something you did when you were younger. I am not saying it is good or bad,

but you should be given the opportunity to talk that through with potential employers.

SENATOR SETTELMAYER:

I appreciate that, and again I think it is a difference of opinion. To me, it is a situation that if you have committed a sexual crime with a minor, I do not want you working around my kids.

ASSEMBLYMAN THOMPSON:

That is why we stated that would be something the person could be dismissed for if, for instance, it says in statute that employees who work at a community swimming pool can never have had sexual offenses. Based on No. 1, that would be allowable. But I truly hear exactly what you are saying.

SENATOR SETTELMAYER:

The problem is, I just do not know enough about all the *Nevada Revised Statutes* (NRS) to say whether these situations are covered or not.

SENATOR ATKINSON:

I was trying to figure out where we are going with that. Senator Settelmeyer, I understand Assemblyman Thompson's concerns. Maybe I do not know enough about how in-depth that conversation goes and how in-depth is information that is released. In that case, I do not think they know what the sexual assault was, they just know it was a sexual assault, such as a kid in high school who does something stupid. When I was in school, kids would put mirrors on their shoes and walk up to a girl who had a dress on; now, it could be considered sexual assault. They were stupid and did not know what the case was. Now that would be held against them forever. I get where you are trying to go and I do understand, as a father with a daughter. I would never want to see anything happen to her like that. When do we say, these folks have gotten themselves together and are living a civil life, and certain things should not harm them forever. I just do not know how you get there, and I do not believe all of those in-depth questions are asked.

ASSEMBLYMAN THOMPSON:

That is another reason why we say not until the final interview or when an offer is made. Many times in state, local or county jobs, you have to ask the same questions to everybody and you cannot deviate at that point. This is another reason, Senator, we did take into inconsideration what you talked about. This

conversation should be up a little further. We had the stakeholders together, and we met for an hour and half yesterday. We came up with these two scenarios. The conversation really needs to be after the last interview. Then you can really have that open discussion, and if it is not in person, then at the time when the job is offered.

SENATOR ATKINSON:

You say you moved it up. Is this when someone gets called back for a second interview and that is when, or when the offer is made?

ASSEMBLYMAN THOMPSON:

When it is the final interview. Sometimes it is only one interview, a panel interview, then the panel can make a decision. So then it would be time for a decision. Usually it can be two interviews, and at the end of the second interview, then a decision can be made. We did talk about what Senator Atkinson talked about. All the stakeholders at the table felt comfortable about giving these two scenarios.

SENATOR SEGERBLOM:

The whole point is not to make a snap judgment, to not exclude people until they have had a chance to apply and have their backgrounds considered. It does not mean you will not ultimately hire the person, but you cannot exclude them from the process.

ASSEMBLYMAN THOMPSON:

Exactly, and also to see if they will be a good fit for the work culture.

CHAIR CANNIZZARO:

I want to clarify the same point that Senator Atkinson was making. In certain county positions, once you get to the final conditional offer, there might be one other person the employer extends an offer to. That other person may be gone because the interview processes take some time. Did you get a result from your stakeholder meeting that this would allow for them to extend an offer, and there will still be enough of a pool of applicants? That it would not require that they go all the way back to the drawing board every time if this became a concern?

ASSEMBLYMAN THOMPSON:

From what I gathered, most people will have their top one and top two. So if one has to decline for whatever reason, because of a background check, or the

other person got a better job offer, they always can refer back. Even some employers go third and fourth choice so they do not have to go through the whole process again if they do not have a qualifying list.

CHAIR CANNIZZARO:

The idea would allow employers more applicants, and should there be a reason why they did not extend an offer, there would still be a pool of qualified applicants they could rely upon.

ASSEMBLYMAN THOMPSON:

Yes. They had the same concerns, and we had that conversation.

SENATOR GANSERT:

The intent of the bill is to help people get past the screening process, so they can have an opportunity at a job; this is very strong and very good. But when I start reading the details, the public safety issue that was brought up by Senator Settelmeyer is valid. There is no discretion in this bill as far as the initial screening. Because if an offense is not in federal or state statute, someone cannot be disqualified for a job even if, potentially, he or she was a registered sex offender. In an area where there are children—not necessarily with children, like at a pool, perhaps being someone who is at the pool versus being an instructor. There might be a statute around someone who teaches a child.

Going back to when you can actually look at someone's criminal background if there is an interview, I think that works really well. But if there is no in-person interview, it still goes back to where you have to wait after you have made a conditional offer. Then you have to follow up in writing why you rejected the applicant based on their history, the specific reason, and because of the offenses or convictions they have had. I am concerned about the due process and if there could be lawsuits around that. Maybe that works or maybe it does not, I am not really sure. What we did hear and appreciated is there are several municipalities and governmental entities moving voluntarily in this direction. They are looking at applicants and not screening them out just because of their background checks.

I have a bill that requires some extensive background checks because it would be with individuals who work in schools or volunteers. But it relies on the school district to determine how those are used. There is still discretion, and you do not necessarily rule people out unless there is a specific statute. What I am

missing in this bill is discretion, especially when concerning public safety. Those are my concerns—public safety and discretion to rule someone out even though it is not specifically in federal or state statute. From a commonsense point of view, you would probably try to rule someone out but you are not allowed to do that until the end of the process in this bill.

ASSEMBLYMAN THOMPSON:

Thank you, Senator for that perspective. We get that all of the time, since we have been trying to craft this language for four years. I would like to reiterate there are over 150 cities that are enacting some form of “ban the box.” As we stated in our testimony, there are 27 states. When we first presented in the Assembly, there were 26 states and now there are 27. It is something on the horizon that states are looking at. I have to admit and commend the organizations we have been working with that do some form of “ban the box.” This is now our opportunity to set the statewide policy specifically around the best jobs we have in the State, which are on the state, city or county level. There are four areas that employers need to look at, including when the offense was committed and how old the person is, even though you are not supposed to discriminate, but on the application you will know how old the person is. Those are things the stakeholders strongly encourage prospective employers to look at because otherwise, it is always going to be that situation where that person can never advance.

I want to share with you: they do look like all of us. That 600,000 we mentioned in Nevada, they are not just the people coming immediately out of the prison system. These are people who have had this hovering over them for years. They have done the best they can, and this would be a great breakthrough and opportunity for great employees, probably with extremely high work ethics, who would totally cherish having a livable wage, great benefits and the potential for retirement.

SENATOR SEGERBLOM MOVED TO AMEND AND DO PASS AS AMENDED A.B. 384.

SENATOR ATKINSON SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS GANSERT AND SETTELMAYER
VOTED NO.)

* * * * *

CHAIR CANNIZZARO:

The next item in the work session is A.B. 403.

ASSEMBLY BILL 403 (1st Reprint): Revises various provisions relating to governmental administration. (BDR 18-573)

MR. STEWART:

Assembly Bill 403, as you recall, was brought to us by Assemblyman Richard Daly. It authorizes the Legislative Commission to suspend or nullify a regulation of a State agency under certain circumstances. I have submitted the work session document ([Exhibit G](#)). Assemblyman Daly offered Proposed Amendment 4664, attached.

SENATOR SEGERBLOM MOVED TO AMEND AND DO PASS AS
AMENDED A.B. 403.

SENATOR ATKINSON SECONDED THE MOTION.

SENATOR SETTELMAYER:

I do not support A.B. 403. The concept of retroactive nullification without judicial review is problematic for me. I cannot support it, and I could not even imagine giving any Governor the vote to go backwards or retroactively veto legislation.

SENATOR GANSERT:

I will not be supporting this bill. I think we have a legislative process to pass laws. We have a pretty good regulatory process as to taking something out and examining the nuts and bolts. That work is pretty thorough. I cannot imagine going retroactively back on anything that was passed by a prior Session or Legislators through this other process. If you want to change something, the appropriate way would be to go back through the Legislature, then go through the regulatory process. I will be voting no on it.

Senate Committee on Legislative Operations and Elections
May 17, 2017
Page 12

THE MOTION CARRIED. (SENATORS GANSERT AND SETTELMAYER
VOTED NO.)

* * * * *

CHAIR CANNIZZARO:

The next item in the work session is A.B. 418.

ASSEMBLY BILL 418 (1st Reprint): Revises provisions relating to elections.
(BDR 24-750)

MR. STEWART:

Assembly Bill 418 revises provisions relating to recounting ballots in contested elections. I have submitted the work session document ([Exhibit H](#)).

SENATOR GANSERT:

I would like to thank the sponsor for taking the amendments from the various parties. I think it really helped the bill.

SENATOR SETTELMAYER:

Some people had some concern with the bill. I do not see the same concern, for Federal Rules of Evidence 501 contains a political vote privilege which provides that every person has the privilege to refuse and disclose the tenor of his or her vote. I support A.B. 418.

SENATOR SEGERBLOM MOVED TO AMEND AND DO PASS AS
AMENDED A.B. 418.

SENATOR ATKINSON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

CHAIR CANNIZZARO:

The next item in work session is Assembly Joint Resolution (A.J.R.) 5.

ASSEMBLY JOINT RESOLUTION 5 (1st Reprint): Proposes to amend the Nevada Constitution to remove the constitutional provisions governing the election and duties of the Board of Regents of the State University

and to authorize the Legislature to provide by statute for the governance, control and management of the State University. (BDR C-60)

MR. STEWART:

Assembly Joint Resolution 5 proposes to amend the Nevada Constitution to remove the constitutional provisions relating to the election and duties of the Board of Regents of the University of Nevada. I have submitted the work session document ([Exhibit I](#)).

SENATOR GANSERT:

I have made this disclosure before out of caution according to Senate Standing Rule No. 23. I work for the Nevada System of Higher Education, but I would not be affected any differently than anyone else. I will be voting no on this.

SENATOR SETTELMAYER:

I have never seen this before where a State law provided that resolution may be cited as something, where we actually in statute decide what we call something when it goes to the ballot.

KEVIN POWERS (Counsel):

It is common to give statutes specific names when they deal with specific subjects. For example, the Nevada Ethics in Government Law, or the Nevada Gaming Control Act. We do that originally for statutes. As far as resolutions that propose amendments to the State Constitution, we do not do that often. That is why you probably have not seen it before, so this is a rare circumstance.

SENATOR SETTELMAYER:

Thank you. I will support the amendment at this time. The Legal Division could do me a favor and point out where this is done in the past, because this is odd to me.

SENATOR GANSERT:

When looking at the amendments and the resolution and adding the citation, I do not know if they match, because the resolution is really about taking the Board of Regents and the Nevada System of Higher Education (NSHE) out of the Constitution. The citation is the Nevada System of Higher Education Reform Accountability Oversight; it just basically moves NSHE to the Legislative Branch for management, instead of being independent under the elected Board of Regents. I am not quite sure how that meshes.

ASSEMBLYMAN ELLIOT T. ANDERSON (Assembly District No. 15):

It does not put us in charge of higher education. It explicitly says in the resolution that the resolution does not implicitly or explicitly get rid of statutory authority that creates the Board of Regents. The Board of Regents is still in charge of higher education, the Legislature simply has the ability to pass laws that specifically affect the Board of Regents. It allows us to ensure that, like all other governing boards and agencies, they can be held accountable.

The Legislature has an oversight function like we do with every other part of the Executive Branch. I would argue that the citation does match. It is important because it is hard for a lot of people to digest quickly what the resolution does. That is the point, to provide some clarity about what our intent is to the voters since they will have a say on this. I want to be clear exactly what we are thinking by proposing this measure. It is not for any other reason but to communicate quickly to the electorate, since they have to choose whether to adopt this. Anything we can do to make it simple is a good thing for voters to understand.

SENATOR GANSERT:

I am looking at this, and it says the Governor, Secretary of State and Superintendent of Public Instruction shall, for the first four years and until their successors are elected and qualified, constitute a Board of Regents. That means we would no longer have a Board of Regents that is directly elected as a board.

ASSEMBLYMAN ANDERSON:

It is not correct. Under NRS 396.040, which will still be in effect should this resolution pass, the Board of Regents is still elected. It is not accurate to say they will not be elected. The language you are looking at in the Constitution is transitory language that was originally created to constitute the first Board of Regents. Since that time, we follow the direction of the framers who put in the Constitution, the Legislature provides by law for the election of the Board of Regents, NRS 396.040. The resolution postulates that the Board of Regents statutory authority is not repealed explicitly or implicitly. Therefore, NRS 396.040 still requires an election of the Board of Regents. I have made that plainly clear throughout the entire text of the resolution that law would still be applicable.

SENATOR GANSERT:

When I am reading it, it looks like you count on the next Legislative Session. Maybe Counsel can tell us if we are binding the next Legislature? That is the way that this is written.

MR. POWERS:

The way the resolution is set up, it proposes a constitutional amendment that would remove the references to the Board of Regents from the Constitution and remove their constitutional status. However, the resolution does not repeal either expressly or by any implication existing statutes governing the Board of Regents. The existing statutes now in place provide for the election districts for each of the Board of Regents and their election at the general election. The election process would stay in place even if the voters passed this resolution. This resolution in and of itself would not repeal by implication those existing statutes providing for the election of the Board of Regents. Their elections would be controlled exclusively by statute, and those statutes could be amended by the Legislature in the future.

ASSEMBLYMAN ANDERSON:

We are here today because of what people 150 years ago decided. I think Thomas Jefferson said it the best, that "the earth belongs to the living." I am not proposing elections be taken away, and I do not support elections being taken away. But whether you give something constitutional status and standing is a whole different discussion point. Election-appointed bills have died in both Democratic and Republican Legislatures the past two Sessions. At some level, that is a worry people have, but that is not supported in the building as far as I can tell, for that proposal is in a different context. We should not lose sight of this. It simply makes the Board of Regents like every other governing board in the State of Nevada. It makes the system of education like every other agency in the State. That is not too strong of a measure. That is the default, and there is no reason for special constitutional status.

SENATOR SETTELMAYER:

I am still concerned with the concept of citing something like mom, dad and apple pie. It may not necessarily be mom, dad and apple pie. People may read that on a ballot and we all know voters look at some of these names and judge them by their opinions of what their last name means. In that respect, I was wondering if you would take out a motion to amend and do pass with amendments two and three only, it would speed things up.

CHAIR CANNIZZARO:

I understand your point to that. I also understand Assemblyman Anderson's reason for putting that in there. Certainly, there is an argument to be made that it is providing for additional accountability in terms of regulation for the Board of Regents within statute. I do not know if that is something that the Assemblyman would want to do. I do not know if I am necessarily inclined to take out that part.

ASSEMBLYMAN ANDERSON:

This conversation with the Committee illustrates that there is bound to be some confusion about what the title does. That is why it appealed to me because I am looking for an easy way to express to the voters what I am trying to do. This is complicated stuff; there are lot of smart people in this building who did not understand what I was doing. It took meetings with many members of the Legislature to convey it. I would appreciate it, Senator, if you would support that because I think it is necessary in order to educate the electorate. I do think that it is an appropriate description of what the resolution does because it certainly does not change anything substantive. The measure allows us the ability to hold the system accountable directly; it allows us to provide oversight like we do for the Executive Branch. If you want to reserve your right, we can keep talking about it some more because it is difficult to have this conversation on the record at the last minute. I am certainly willing to keep talking about it if that would be appropriate.

SENATOR SETTELMAYER:

I appreciate that, Assemblyman Anderson. In our House, things work a bit differently. In order to get any concept of amendment, I have to first talk to the person to my right who is actually further to my left. Sometimes it does not work as well that way. I will keep thinking about it and I will support it out of Committee at this point in time. There is so much confusion on what the intent is, and to me it is clear. The intent of this bill is to ensure the Nevada System of Higher Education is not a fourth branch of the State government. That is my opinion, which is clear to me on what this bill does. I question the citing of any resolution; that is what I am having a problem with. I do not care what you are saying about it. It will be for the voters to decide and for them to make their own decision of what the bill does. Putting words in our mouths bothers me.

SENATOR SEGERBLOM:

I support the bill in general because I have dealt with the University system. I know how they treat lawyers, and they say we are above the law, we do not have to listen to the Constitution, or listen to any of the statutes. I think it is great to bring them under the thing. I am not sure if this language could actually be on the ballot or not. It may not even be the language on the ballot. I do not see a problem with you naming what you are trying to do, but I do support the concept. I know the University needs some oversight. If we do not do it, then no one is going to do it.

MR. POWERS:

I will give some clarification on the ballot language and how the process works: If this were approved by the next Legislature, the Legislative Counsel Bureau (LCB) for a constitutional amendment proposed by the Legislature drafts the ballot question language to include the summary and the arguments for and against passage. The citation and the short title that is in this resolution will be part of the resolution. That resolution will be in the sample ballot. The voters will see, but it will not necessarily be the ballot question or the ballot title that the LCB produces for the voters. There are two different things going on. The resolution has this in it, and the voters will be able to see that resolution. The ultimate ballot language, the summary, and arguments for and against passage will be developed by the LCB prior to the election. That language is obviously yet to be determined.

CHAIR CANNIZZARO:

That sounds like it would not be part of the question necessarily but is on the resolution. It would be part of the sample ballot materials that the voter would receive in the mail?

MR. POWERS:

That is correct.

CHAIR CANNIZZARO:

Potentially it might help to know whether any other incidences have occurred, that this type of a title would be in a resolution and the ballot question, so we would have an idea.

Senate Committee on Legislative Operations and Elections
May 17, 2017
Page 18

MR. POWERS:

That will be extensive search and it will take some time, but we will provide you with that information.

SENATOR SEGERBLOM MOVED TO AMEND AND DO PASS AS AMENDED A.J.R. 5.

SENATOR ATKINSON SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR GANSERT VOTED NO.)

* * * * *

CHAIR CANNIZZARO:

The last item in the work session is A.J.R. 11.

ASSEMBLY JOINT RESOLUTION 11: Urges Congress to ensure that the Intermountain West Corridor does not bypass Mineral County. (BDR R-561)

MR. STEWART:

Assembly Joint Resolution 11 urges the U.S. Congress to ensure that the Intermountain West Corridor will follow the existing U.S. Route 95 corridor through Mineral County. I have submitted the work session document ([Exhibit J](#)). Since then, the sponsor has approved an amendment to add Senator Don Gustavson as a cosponsor.

SENATOR SEGERBLOM MOVED TO AMEND AND DO PASS AS AMENDED A.J.R. 11.

SENATOR SETTELMAYER SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

CHAIR CANNIZZARO:

We have one other item on the agenda, A.B. 309.

ASSEMBLY BILL 309 (1st Reprint): Revises provisions relating to the employment of veterans and certain widows and widowers by the State. (BDR 23-762)

ASSEMBLYWOMAN LESLEY E. COHEN (Assembly District No. 29):

Assembly Bill 309 aims to increase the number of veterans employed by the State of Nevada. Presenting with me is Cesar Melgarejo, who is the Governor's Veterans Policy Analyst. He has worked in the Governor's Office of Economic Development, was an outreach specialist for a local Department of Veteran Affairs, and is a veteran of the U.S. Army, serving two combat tours in Iraq and Afghanistan. We also have Darrol Brown, who is a member of the United Veteran Legislative Council. Mike Kelly is not present but participated in crafting this Legislation. He is the Chairman for the Nevada Democratic Veterans and Military Families Caucus, a Nevada representative for VoteVets, a member of Nevada Veterans Council, a member of United Veterans Legislative Council, a former State of Nevada employee who worked for the State for seven years and a U.S. Army veteran. Peter Long is in the audience for questions. He is the Administrator for the Division of Human Resource Management. As part of his job, Mr. Long is tasked with carrying out the provisions of NRS 284 and the Nevada Administrative Code. I appreciate the work from Mr. Long and Mr. Melgarejo on this legislation.

I believe this is a good resolution that will benefit not only veterans in our State but their families and the State as a whole because veterans make very good employees. The Governor has said he wants Nevada to be the most veteran-friendly State in the Union. I believe this bill is a step in that direction. According to the Interagency Council on Veterans Affairs, *Nevada Veterans Comprehensive 2017 Report* and American FactFinder Nevada, 2015, Nevada veterans made up 7.9 percent of the population. In 2016, the estimate is that the veteran population made up 10.4 percent of Nevada's total population.

The federal Department of Veterans Affairs (VA) estimates that Nevada is home to about 225,000 veterans with total VA expenditures in Nevada estimated at about \$1.8 billion. The key data for our purposes today is that as of July 2016, there were 18,496 State employees, and 530 of those are identified as veterans. Based on that data, 2.9 percent of State employees are veterans, but 10.4 percent of Nevada population are veterans. We are dealing with a difference of about 7.5 percent. Even if we consider a good percentage of the

veterans population in the State are retirees, and we know a good portion of them are retirees, there is still a large disparity.

One of our issues with State employment is veterans data, and as detailed in the report—A.B. No. 62 of the 78th Session required data collection—our bill is going to expand on that and seek to raise our number of veterans in State employment. There are few amendments to the first reprint, and we made what should be final amendments today. Unfortunately, I was not able to get a mock-up done. I have provided an amendment ([Exhibit K](#)).

Section 1 of the bill amends NRS 284.015 by adding a definition of “veteran” into the State personnel chapter. Section 2 was amended out in the Assembly. Section 3 amends the duty of the State personnel system administrator concerning veterans. Subsection 2, paragraph (h) details submitting a report to the Department of Veterans Services which is available to the public. Subsection 2, paragraph (i) details submitting to the Governor and Director of Legislative Counsel Bureau for distribution to the Legislature a report each quarter on the number of veterans, widows and widowers persons killed in the line of duty who were employed in the classified or unclassified services of the State during the quarter. Paragraph (j) is to ensure to the extent practicable the percentage of State employees who are veterans, widows and widowers of persons killed in the line of duty is proportional to those living within the State. That is where we have the issue with retirees versus total veterans in the State. At the end of paragraph (j), we will add the phrase “in the labor force.” Section 4 already adds to the report that is required for each appointing authority to report to the administrator about a change in the position of public service whether the appointee is a veteran, widow or widower of a person killed in the line of duty. Section 5 is where we are making more changes with the proposed amendment.

CESAR O. MELGAREJO (Director of Military and Veterans Policy, Office of the Governor; Chair, Interagency Council on Veterans Affairs, Department of Veterans Services):

I will explain the proposed amendment to section 5.5, subsection 2, paragraph (b), [Exhibit K](#). We are proposing this language because we want to make sure all disabled veterans do receive that interview. We want to make sure that this bill is implementable and that the agencies are able to work with this and to be fair to the nonveteran employees. As a veteran myself, we do believe we have a lot of support, but down the line we do not want any negative feedback from

the nonveteran employees. By the language proposed here, we would interview every single service-connected disabled veteran who applies and is eligible for the position. In addition to that, at least 22 percent of all those interviews would be with veterans. By this, we mean those veterans who do not have service-connected disabilities. You would have the service-connected disabled veterans as well as 22 percent of the interviewees who would be veterans but do not have service-connected disabilities.

Section 5.5 subsection 2, paragraph (a) of the proposed amendment adds 15 points to the passing grade of achievement on the examination for disabled veterans. If we accept the amendment for 5.5, all those veterans would be interviewed already, so we would not need the 15 points. The points themselves just help you to get that interview. But we are already interviewing disabled veterans and we would keep the points for those veterans who have not suffered a serviced-connected disability. In paragraph (b), just to make clarifications, where it says for veterans who have suffered disabilities, we want to amend it to service-connected disabilities because those are the veterans. This is mirror language to Senate Bill 191 as well as other sections in NRS.

SENATE BILL 191 (1st Reprint): Establishes a standard for evidence of eligibility for any benefit, program or assistance provided to a veteran with a military service-connected disability. (BDR 37-803)

ASSEMBLYWOMAN COHEN:

One thing we discussed in the Assembly was we did this slightly differently and mentioned the 22 points. We chose the number 22 on purpose; it is widely reported that 22 veterans commit suicide per day. The statistics come from the VA 2012 Suicide Data Report that analyzed death certificates from 21 states from 1999 to 2011. What is important about 22 is that this number means something. If you spend time with veterans and veteran organizations, you see that the number is a rallying cry for veterans. It is important for our State to say, we see you, recognize your contributions and recognize your sacrifices. We are not just saying it, we are actually showing it. We are contributing and responding.

Section 6 is conforming language to the annual report to the Interagency Council for Veterans Affairs, listing widows and widowers when a person is killed in the line of duty. Section 7 includes NRS reporting requirements and

section 8 includes the effective date. Mention of those with service-connected disabilities will be included in the amendment throughout the bill, changing any reference to disability to service-connected disability.

SENATOR GANSERT:

I have questions about the language that is used throughout. It talks about the names of all veterans, and widows and widowers of a person killed in a line of duty. Do you mean names of widows and widowers of all veterans killed in the line of duty? Basically you are getting names of veterans who were killed, widows and widowers killed in the line of duty, is the way it reads. I am thinking you are talking about the names of all widows and widowers of veterans killed.

ASSEMBLYWOMAN COHEN:

We are trying to pick them up as well because they are getting points when applying for jobs. That is why they are included.

SENATOR GANSERT:

This is why I am confused. If someone is deceased he or she cannot apply for a position. I think you are trying to get the widows and widowers of someone who is related to a veteran who is deceased.

MR. MELGAREJO:

Typically, if servicemembers die in the line of duty, they are not considered or referenced as veterans themselves. The points proposed here are applied more toward the widows of those killed in the line of duty. Not necessarily of those veterans, the widow of a veteran would be more of veteran than myself. If I passed away, my spouse would be considered a widow of a veteran. Whereas, a widow of those killed in the line of duty are just that. They are not really considered veterans or referenced as veterans throughout NRS.

SENATOR GANSERT:

Right. So the way I read this, this is a list of the names of all veterans, and widows and widowers of persons killed. It lists the veterans, widows and widowers versus of what I thought you were saying were the widows and widowers of veterans killed.

MR. POWERS:

We can certainly adjust the language. But with the language, there are two issues here. The term veterans is modified by the clause at the end, which is who are employed in the classified and unclassified service of the State. So one person listed on this list would be veterans that are employed in the classified and unclassified service of the State. The other category is the widow and widowers of persons killed in the line of duty while on active duty in the armed forces and who are also employed in the classified or unclassified service for the State. First, you have to be employed in the State government, and then you have to fall into one of those categories, be a veteran, or be a widow or widower of person killed in the line of duty while in active duty of the armed forces.

SENATOR GANSERT:

Thank you, that is helpful. So there really are two classifications.

MR. POWERS:

Since the proponents are proposing an amendment, we certainly can adjust that language to convey that even more clearly.

SENATOR GANSERT:

That list would be an ongoing list. When we are looking at each, that list is updated monthly, but it is an ongoing list? When I look at paragraph (i), it is those employed during the quarter. So when is it an ongoing list to which you can put individuals on or take individuals off the list of who is employed at the time. The other one is a quarterly list. Is that accurate?

ASSEMBLYWOMAN COHEN:

Yes. One of the problems that we found is that our data collection has not really been there. This provision is to encourage data collection and make sure we are keeping up with it. Part of the problem we are having is issues with people coming into service with the State. They are self-reporting as veterans, and as they are continuing they have to report themselves as veterans as they go. That is something else we need to work on, but that is a different issue than this. But yes, we do want to keep up with updating the lists.

DARROL L. BROWN (United Veterans Legislative Council):

Our Chairman, Kevin Burns, could not be here today. Thank you to Assemblywoman Cohen for bringing this bill forward. It is one of those things

we tried to accomplish two years ago with A.B. No. 62 of the 78th Session, which was about data collection. Senator Gansert, that is what part of this is about, the collection of names of veterans. When I was employed with the State from 1985 to 2002, I do not think anyone knew I was a veteran other than the people I worked with. This is an attempt to identify those men and women working in the State of Nevada and who also served in the U.S. armed forces, so we can wave the flag and tell them about how we are a veteran-friendly state.

I was also the State veterans program coordinator for eight years, from 1994 to 2002. Then from 2002 to 2014, I served as a veterans program director for the U.S. Department of Labor in Nevada. Part of that was to encourage veterans and their families to apply for jobs with the State. It is a way to explain to those men and women who served that State government is an honorable way to serve. Sometime next week I will get my monthly reward for being a good State employee for 16 years. A few days after, I will get my reward for being a good federal employee for 12 years. But no one knows that because they do not collect data. This is an opportunity for us in the State to do that education, and for the United Veteran Legislative Council, this is one of our priorities. We wholeheartedly support A.B. 309.

MR. MELGAREJO:

I am neutral to A.B. 309. Veterans employment has been a priority in Governor Brian Sandoval's administration. He has issued numerous executive orders designed to increase veterans in State employment. Last year, the Governor rolled out a public service announcement that is active on our Human Resources Website. Through his incentives, the Interagency Council on Veterans Affairs decided to focus last year's calendar on veterans to increase them in State employment. We were able to develop these recommendations with the help from Peter Long of the Division of Human Resource Management and Doug Williams, the new Veterans Coordinator. We want to thank Assemblywoman Cohen for bringing this bill. It is going to increase our veterans data, which is still fairly fresh. In the next couple of years it will be more robust and Legislators and the Governor will be able to develop good policies.

RAY BACON:

I am neutral to A.B. 309. I am a veteran, and I bet no one in the State knows it. The government knows it and Senator Settlemeyer knows it because he is the guy I talk to about things. I came from the Vietnam era, and most of us did not

recognize our veterans status when we came back. The climate in the Country was not particularly friendly at that point in time. There are 90 percent of the places that ask, are you a veteran? I do not bother to fill in anything. But there is one category that you may want consider with the widows and widowers of those people who are deceased from service-related issues. The Agent Orange folks, they did not die during the war but have died since. Those people have gone through a fairly miserable period in their lifetimes. Their spouses have suffered along with them.

When you take a look at the widows and widowers' category, I do not know how you would word it. A directly service-related death might be a category you could include in the bill. Even though the Vietnam guys have aged out of the workforce for all practical purposes, the spouses, widows and widowers, have not in many cases. If we are going to work on fixing the bill, then we should work on fixing this thing. Before long, we are going to see some things that will come out of whole issue of the Gulf I and II and Afghanistan Wars. You will wind up with the suicides that are coming out of those wars; you may want to touch the widows and widowers from these wars. Those things, in my opinion, are service-connected as well.

SENATOR GANSERT:

I was looking at your amendment that talks about an appointing authority shall interview a number of eligible persons who are veterans equal to at least 22 percent of the total number interviewed and who are so certified. In another part of the bill you talk about ensuring, to the extent practicable, percentages of officers, employees, and public services who are veterans and widows residing in the State. You are trying to match up the percentages. What if you do not have the 22 percent? Can you get to the 22 percent because it is a "shall" and it is really "at least"?

ASSEMBLYWOMAN COHEN:

It is not a direct matchup. The 22 percent is set and the percent practicable is more aspirational. What we are taking into consideration is the fact that we do have retirees, and we know about 10 percent of the State are veterans. We know a large portion of those are retirees, and we are certainly not going to hold the State hiring to be 10.4 percent when we know we have retirees. We also know, right now, we only have 2.7 percent of State employees who are self-identifying as veterans. There is some sort of disconnect and we need to

get ourselves closer and get those numbers closer. We are not setting an exact amount right now.

SENATOR GANSERT:

I appreciate the intent. The reason why I was tying them together is because you do not have 22 percent you can actually interview. The amendment basically says "shall", that you "shall" have at least 22 percent. I was referring to the other language. You may want to consider inserting to the extent practicable because you may not always have 22 percent of folks to interview.

ASSEMBLYWOMAN COHEN:

I will discuss this with the folks from the Governor's Office. We will work on that in the next couple of hours and consider it. Thank you. I should have mentioned also thanks to Doug Williams, the Veterans Coordinator with the Division of Human Resource Management who is a retired U.S. Air Force Master Sergeant and was instrumental in working on this bill. Thanks to everyone who participated in trying to help craft what I think will be good legislation, not just for the State but for veterans and their families.

CHAIR CANNIZZARO:

We will close the hearing on A.B. 309 and open the meeting for public comment.

BILL CHERNOCK (Carson Valley Chamber of Commerce):

I am here today to comment on the absence of a much-needed correction in our voting laws. A grievous error was made last Session in S.B. No. 499 of the 78th Session. I have submitted my testimony ([Exhibit L](#)). Legislation I refer to in my testimony, A.B. 226 and S.B. 103, could have provided some relief. There is still an opportunity to change that, as I note in my written testimony.

ASSEMBLY BILL 226 (1st Reprint): Revises provisions relating to elections.
(BDR 24-88)

SENATE BILL 103: Revises provisions governing elections (BDR 24-521)

Senate Committee on Legislative Operations and Elections
May 17, 2017
Page 27

CHAIR CANNIZZARO:

Seeing no further business, I will adjourn the meeting at 5:12 p.m.

RESPECTFULLY SUBMITTED:

Janae Johnson,
Committee Secretary

APPROVED BY:

Senator Nicole J. Cannizzaro, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	2		Agenda
	B	3		Attendance Roster
A.B. 45	C	2	Michael Stewart	Work Session Document
A.B. 192	D	1	Michael Stewart	Work Session Document
A.B. 301	E	1	Michael Stewart	Work Session Document
A.B. 384	F	2	Michael Stewart	Work Session Document
A.B. 403	G	6	Michael Stewart	Work Session Document
A.B. 418	H	5	Michael Stewart	Work Session Document
A.J.R. 5	I	5	Michael Stewart	Work Session Document
A.J.R. 11	J	1	Michael Stewart	Work Session Document
A.B. 309	K	1	Assemblywoman Lesley E. Cohen	Proposed Amendment
A.B. 226	L	2	Bill Chernock / Carson Valley Chamber of Commerce	Testimony