

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

**Eightieth Session  
May 16, 2019**

The Committee on Legislative Operations and Elections was called to order by Chair Sandra Jauregui at 4:04 p.m. on Thursday, May 16, 2019, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at [www.leg.state.nv.us/App/NELIS/REL/80th2019](http://www.leg.state.nv.us/App/NELIS/REL/80th2019).

**COMMITTEE MEMBERS PRESENT:**

Assemblywoman Sandra Jauregui, Chair  
Assemblyman Skip Daly  
Assemblyman Glen Leavitt  
Assemblyman William McCurdy II  
Assemblywoman Brittney Miller  
Assemblywoman Daniele Monroe-Moreno  
Assemblyman Tom Roberts  
Assemblywoman Selena Torres

**COMMITTEE MEMBERS ABSENT:**

Assemblyman Ozzie Fumo, Vice Chair (excused)  
Assemblyman John Hambrick (excused)

**GUEST LEGISLATORS PRESENT:**

None

**STAFF MEMBERS PRESENT:**

Carol Stonefield, Committee Policy Analyst  
Kevin Powers, Committee Counsel  
Catherine Bodenstein, Committee Secretary  
Melissa Loomis, Committee Assistant



**OTHERS PRESENT:**

None

**Chair Jauregui:**

[Roll was called and Committee protocols were explained.] Welcome, everyone, to the Assembly Committee on Legislative Operations and Elections. We have a short agenda, and we will roll right into it. Today on our agenda, we have eight items for work session. We will be moving Assembly Bill 452 to work session for next Tuesday.

**Assembly Bill 452: Revises provisions governing lobbyists. (BDR 17-1103)**

[Assembly Bill 452 was agendized but not considered and was rescheduled for a work session on May 21, 2019.]

Other than that, we will be taking everything in order. With that, I will turn it over to our policy analyst to get started with Assembly Bill 444.

**Assembly Bill 444: Creates the Legislative Committee on Tax Expenditures and Incentives for Economic Development. (BDR 17-767)**

**Carol Stonefield, Committee Policy Analyst:**

You have in your binder your work session document for Assembly Bill 444 ([Exhibit C](#)). You will find information about that bill. It was heard in this Committee on May 7, 2019. It was presented by Assemblywoman Dina Neal. Assembly Bill 444 creates the Legislative Committee on Tax Expenditures and Incentives for Economic Development. The committee should consist of six legislators who must be selected from standing committees that have jurisdiction during session over matters relating to taxation, budgets, and finance.

The committee shall review the tax expenditure report submitted by the Department of Taxation and any other reports relating to tax expenditures and incentives for economic development. It shall identify and evaluate incentives for economic development. It may also review and evaluate tax expenditures. It may contract with private consultants and academic institutions and request assistance from the Office of Economic Development, Office of the Governor.

The committee shall report to the Legislature prior to the next regular session and may make recommendations concerning revisions to tax expenditures and incentives.

There is an amendment that has been proposed by Assemblywoman Neal. It proposes to:

- Delete authorization to the Committee to conduct investigations and exercise the specified investigative powers provided in section 8, subsection 7;

- Provide that the Committee may review and evaluate the benefits of tax expenditures as well as the cost of such tax expenditures; and
- Delete allowance for travel expenses for Committee members as provided in section 6.

There was also an amendment proposed by Assemblyman Richard Daly during the hearing. This amendment proposes to add to the list matters to be examined by the Committee and an evaluation to determine whether businesses receiving abatement are meeting the wage and health care requirements for employees as specified in law.

Behind this page, Madam Chair, is a copy of an email indicating the issues that Assemblywoman Neal wanted to address, as well as mentioning the amendment proposed by Assemblyman Daly that she would consider to be a friendly amendment [page 2, [\(Exhibit C\)](#)].

**Chair Jauregui:**

With that, I will entertain a motion to amend and do pass.

ASSEMBLYMAN DALY MADE A MOTION TO AMEND AND DO PASS  
ASSEMBLY BILL 444.

ASSEMBLYMAN McCURDY SECONDED THE MOTION.

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

THE MOTION PASSED. (ASSEMBLYMEN FUMO AND HAMBRICK  
WERE ABSENT FOR THE VOTE.)

I will assign the floor statement to Assemblywoman Neal.

The next item on the agenda is Senate Bill 108 (1st Reprint).

**Senate Bill 108 (1st Reprint): Makes various changes relating to the Nevada Youth Legislature. (BDR 17-62)**

**Carol Stonefield, Committee Policy Analyst:**

[Ms. Stonefield referred to the work session document ([Exhibit D](#)).] Senate Bill 108 (1st Reprint) was heard in this Committee on April 25, 2019. It was presented by Senator Joyce Woodhouse and former Senator Valerie Wiener. This bill proposes revisions to the Nevada Youth Legislature (NYL) and the Board of Directors that administers the NYL. The bill makes the following changes:

- The chair or vice chair of the Board may determine that a youth legislator has vacated the office when a youth legislator has accrued three or more missed or unsuccessful activity credits during the youth legislator's term;
- A member of the NYL who is elected in the first year of a term to serve as chair or vice chair may not be elected to serve in either office during the second year of his or her term;
- Environmental, legal, political, and social issues are added to the list of topics that the NYL may consider for evaluation, review, and comment; and
- The requirement to conduct at least one meeting to engage youth in Nevada is deleted; instead, members must complete activities as set forth by the Board.

The membership of the Board of Directors is revised as provided. It would include legislators, a member of the public, and a former NYL member if a member is available for appointment.

Finally, Senate Bill 108 (1st Reprint) provides that public meetings of the NYL must follow the same guidelines and policies for public meetings as other interim committees of the Nevada Legislature.

There are no amendments for this measure.

**Chair Jauregui:**

I have a motion to do pass by Assemblywoman Monroe-Moreno. Do I have a second?

ASSEMBLYWOMAN MONROE-MORENO MADE A MOTION TO DO  
PASS SENATE BILL 108 (1ST REPRINT).

ASSEMBLYWOMAN MILLER SECONDED THE MOTION.

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

THE MOTION PASSED. (ASSEMBLYMEN FUMO AND HAMBRICK  
WERE ABSENT FOR THE VOTE.)

I will assign the floor statement to Assemblywoman Monroe-Moreno.

The next item on the agenda is Senate Bill 129 (1st Reprint).

**Senate Bill 129 (1st Reprint): Makes various changes relating to ethics in government.  
(BDR 23-191)**

**Carol Stonefield, Committee Policy Analyst:**

[Ms. Stonefield referred to the work session document ([Exhibit E](#)).] Senate Bill 129 (1st Reprint) was heard in this Committee on May 9, 2019. It was presented by the executive director of the Commission on Ethics. Senate Bill 129 (1st Reprint) makes various changes to the provisions of the Ethics in Government Law.

These proposed changes include revisions to confidentiality provisions. Materials related to confidential complaints are not public record. A public officer or employee is not required to disclose confidential information as a result of a bona fide relationship, under certain circumstances, and the officer or employee abstains from taking a position on the matter.

Certain operations of the Commission are revised. The executive director must be an attorney. The Commission counsel may perform certain duties on behalf of the Commission. The Commission may delegate authority to the chair or the executive director to make decisions in litigation. Certain provisions of Nevada's Open Meeting Law will not apply in certain hearings or meetings. However, the Commission will be required to take final action in an open meeting according to its own regulations.

Statutory ethical standards are revised to prohibit a public officer or employee from using his or her position to take any action or compel any subordinate to take an action that could be considered abuse of position or power. The bill provides that a public officer or employee shall not use government property unless the use is authorized through written policy that has been adopted before the use occurred. The term "appearance of impropriety" is defined. Contract provisions are revised to limit the scope of prohibited contracts to agencies that employ or interact with the public officer or employee.

Every public officer or public employee shall cooperate with the Commission in any lawful investigation or proceeding except to the extent the officer or employee is entitled to immunity or privilege. The bill limits certain cooling off provisions to management-level public employees.

The bill eliminates the category of willful violations and clarifies that all violations of the Ethics Law require proof of specific mental elements.

The Commission may conduct preliminary investigations into complaints against state legislators. If the matter is outside the jurisdiction of the Commission, it shall refer the matter to the appropriate house ethics committee.

There is a conceptual amendment behind this bill page [pages 3-6, ([Exhibit E](#))]. A summary of those provisions, those sections that are to be deleted or revised, appear on the second page. I believe that committee counsel has a comment on this conceptual amendment, Madam Chair.

**Kevin Powers, Committee Counsel:**

I did not have a comment on this unless there is a specific question that one of the Committee members has.

**Chair Jauregui:**

With that, I will entertain a motion to amend and do pass.

ASSEMBLYMAN DALY MADE A MOTION TO AMEND AND DO PASS  
SENATE BILL 129 (1ST REPRINT).

ASSEMBLYWOMAN MONROE-MORENO SECONDED THE MOTION.

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

THE MOTION PASSED. (ASSEMBLYMEN FUMO AND HAMBRICK  
WERE ABSENT FOR THE VOTE.)

I will assign the floor statement to Assemblyman Daly.

The next item on the agenda is Senate Bill 450 (1st Reprint).

**Senate Bill 450 (1st Reprint): Revises provisions relating to recall elections.  
(BDR 24-71)**

**Carol Stonefield, Committee Policy Analyst:**

[Ms. Stonefield referred to the work session document ([Exhibit F](#)).] Senate Bill 450 (1st Reprint) was heard in this Committee on May 2, 2019. It was presented by Senator James Ohrenschall. It revises provisions relating to the recall of elected officials. It provides penalties as follows:

- A category E felony for knowingly or negligently obtaining a false signature on a recall petition;
- An increase from a misdemeanor to a category E felony for misrepresenting the intent or content of a recall petition; and
- A civil penalty not to exceed \$20,000 for each violation in addition to any criminal penalty.

A person who signs a notice of intent to circulate a recall petition is jointly and severally liable for any civil penalty imposed related to the recall. Signers of the notice of the intent must be voters who actually voted in the race at which the public officer was elected and who resided in the district, county, or municipality at the time the notice of intent was filed.

Signatures collected during the first 45 days of circulating the petition must be turned in to the clerk by the 48th day from the filing of the notice of intent. If they are not submitted, the signatures will be deemed not valid.

Every page of the recall petition must include the statement of the reason for the recall. Provisions are included to permit a signer to request removal of his or her signature. Signature verifications are provided as follows:

- For statewide offices, 25 percent of petition signatures examined in a random sample; and
- For all other recall petitions that have 100 percent or more of the required number of signatures, verification of every signature.

Petitioners must pay certain upfront costs relating to the verification process, unless such payment would cause an undue burden.

There is a conceptual amendment that has been proposed. The intent and purpose are provided on page 1 of the proposed conceptual amendment [page 3, ([Exhibit F](#))]. The committee counsel may have a comment.

**Kevin Powers, Committee Counsel:**

I will go through the conceptual amendment quickly.

On the first page [page 3, ([Exhibit F](#))] there are the six points that are listed for the conceptual amendment. The first two are to take terminology, No. 1 being "statewide office" and No. 2 being "filing officer" and use them consistently throughout the bill. We also have a definition of "statewide office" that is being added. That was an issue that was raised during the hearing to make sure it is clear that a statewide office are those officers who are voted by all the registered voters of the state. That would be a statewide office. Any office that is voted on by less than all the registered voters in the state would not be a statewide office; it would be a district or a municipal or a county office.

The bill deals throughout with a situation where a recall petition is legally challenged and then the district court determines that the recall petition is legally insufficient, but the bill does not deal with the reverse situation where the district court determines that the recall petition is legally sufficient and the other party appeals. So the point of item No. 3 is so that whether either party appeals from the district court order, it is addressed the same throughout the bill, so that the appeal process is consistent.

Item No. 4, amending section 17, deals with when the proponents of the recall petition submit it for signature verification. The bill has a provision to have them pay the cost of the signature verification, but there is an exception if they establish an undue burden—they file an affidavit stating that there would be an undue burden on them, and they do not have the financial resources to pay for signature verification. The proposed amendment clarifies that

procedure and provides additional language that is intended to conform the bill to the constitutional requirements because there is a constitutional requirement that if there is a financial hardship, someone still should be able to have access to the ballot. So the point of the amendment is to ensure that ballot access is there when the recall petitioners do not have the financial resources to pay for signature verification.

The next item, item No. 5, was an issue that was discussed in Committee. The current provision provides that a person shall not, in connection with a recall petition, knowingly or negligently obtain a false signature. This changes the standard to "knowingly or under circumstances amounting to criminal negligence," which is a higher standard. It is essentially gross negligence, a gross deviation from the standard. This was discussed in Committee, and this is a typical standard for a crime—criminal negligence. That is what the amendment does: it ups that standard to criminal negligence.

And finally, in No. 6, section 20 deals with the procedure where the recall petition is submitted to the filing officer. The proposed amendment in section 20 clarifies the procedure for filing those signatures with the filing officer. They are technical corrections that are needed to clarify some of those provisions. I certainly am open to any questions, Madam Chair. Thank you.

**Chair Jauregui:**

Committee, do you have any questions for our legal counsel? Seeing none, I have a motion to amend and do pass by Assemblywoman Monroe-Moreno. Do I have a second?

ASSEMBLYWOMAN MONROE-MORENO MADE A MOTION TO  
AMEND AND DO PASS SENATE BILL 450 (1ST REPRINT).

ASSEMBLYMAN DALY SECONDED THE MOTION.

Is there any discussion on the motion?

**Assemblyman Roberts:**

There are a lot of good things in this bill. There are a couple of things that trouble me as far as the level of punishment that is associated with it, and some of the difficult hurdles that someone would have to jump through to get statewide recalls. I will be voting no on this.

**Chair Jauregui:**

Is there any other discussion?

**Assemblyman Leavitt:**

I, too, will be voting no on this, but I would like to reserve my right to change my vote.

**Chair Jauregui:**

Seeing no further discussion, we will vote on the motion.



THE MOTION PASSED. (ASSEMBLYMEN LEAVITT AND ROBERTS VOTED NO. ASSEMBLYMEN FUMO AND HAMBRICK WERE ABSENT FOR THE VOTE.)

I will assign the floor statement to Assemblywoman Miller.

The next item on the agenda is Senate Bill 452 (1st Reprint).

**Senate Bill 452 (1st Reprint): Revises provisions relating to elections. (BDR 24-1141)**

**Carol Stonefield, Committee Policy Analyst:**

[Ms. Stonefield referred to the work session document ([Exhibit G](#)).] Senate Bill 452 (1st Reprint) was heard in this Committee on May 2, 2019. It was presented by Senator James Ohrenschall. It makes various changes relating to absent ballots.

Existing law provides that a person who distributes to 500 or more registered voters forms to request an absent ballot must notify the county or city clerk not later than 14 days prior to distribution. This bill changes that to not later than 28 days prior to distribution of the form. The measure changes from 21 days to 35 days prior to the election, the last day such absent ballot requests may be mailed.

Senate Bill 452 (1st Reprint) also requires persons to distribute, in large quantities, forms to request an absent ballot to include a notice to voters that they are not receiving an official notice from the Secretary of State or the county or city clerk. The notice specifies that the voter may submit the form to the local election authorities; however, submission to the local office is not necessary if the voter has already requested an absent ballot through conventional means.

Finally, the bill authorizes a voter to submit his or her absent ballot to an election board officer at an early voting polling location. It also requires the city or county clerk to develop a plan for the secure handling of absent ballots when they are submitted.

There is a conceptual amendment proposed by the Chair to delete from the bill provisions authorizing a voter to submit an absent ballot to an election board officer at an early voting polling location, so that the remaining sections in the bill relate to the distribution of these forms to request an absent ballot. The sections remaining are listed there for the members.

**Chair Jauregui:**

I will entertain a motion to amend and do pass.

ASSEMBLYMAN DALY MADE A MOTION TO AMEND AND DO PASS  
SENATE BILL 452 (1ST REPRINT).

ASSEMBLYWOMAN TORRES SECONDED THE MOTION.

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

THE MOTION PASSED. (ASSEMBLYMEN LEAVITT AND ROBERTS VOTED NO. ASSEMBLYMEN FUMO AND HAMBRICK WERE ABSENT FOR THE VOTE.)

I will assign the floor statement to Assemblywoman Torres.

The next item on the agenda is Senate Joint Resolution 1 of the 79th Session.

**Senate Joint Resolution 1 of the 79th Session: Proposes to amend the Nevada Constitution to expressly provide for the State Board of Pardons Commissioners and revise the duties of the State Board of Pardons Commissioners. (BDR C-567)**

**Carol Stonefield, Committee Policy Analyst:**

[Ms. Stonefield referred to the work session document ([Exhibit H](#)).] The Senate Joint Resolution 1 of the 79th Session was heard in this Committee on April 25, 2019. It was presented by Senator David Parks. The resolution proposes to amend the *Nevada Constitution* to provide for the state Board of Pardons Commissioners. The resolution also proposes to:

- Require the Board to meet at least quarterly;
- Allow for any member to submit matters for consideration; and
- Provide that a majority of the members is sufficient for any action taken by the Board.

And the Committee members will note that since this came from the 2017 Session, if it passes in this form during the 2019 Session, the proposal will be submitted to the voters at the 2020 General Election.

**Chair Jauregui:**

I will entertain a motion to do pass Senate Joint Resolution 1 of the 79th Session.

ASSEMBLYMAN ROBERTS MADE A MOTION TO DO PASS SENATE JOINT RESOLUTION 1 OF THE 79TH SESSION.

ASSEMBLYWOMAN TORRES SECONDED THE MOTION.

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

THE MOTION PASSED. (ASSEMBLYMEN FUMO AND HAMBRICK WERE ABSENT FOR THE VOTE.)

I will assign the floor statement to Assemblywoman Roberts.

The next item on the agenda is Senate Joint Resolution 3 of the 79th Session.

**Senate Joint Resolution 3 of the 79th Session: Proposes to amend the Nevada Constitution to provide certain rights to voters. (BDR C-55)**

**Carol Stonefield, Committee Policy Analyst:**

[Ms. Stonefield referred to the work session document ([Exhibit I](#)).] Senate Joint Resolution 3 of the 79th Session was heard in this Committee on March 5, 2019. It was presented by Senator Patricia Spearman. The resolution also comes from the 79th Session. It proposes to amend the *Nevada Constitution* to provide certain rights to voters. It would add to the *Constitution* a list of rights for voters that are similar to the declaration of voters' rights set forth in *Nevada Revised Statutes* 293.2546.

The members will note that the 11 items are listed on the work session document ([Exhibit I](#)) underneath the heading "Special Note."

Again, this came from the 2017 Session. If it passes in the identical form in this session, it will be placed on the 2020 ballot.

**Chair Jauregui:**

I will entertain a motion to do pass.

ASSEMBLYWOMAN MONROE-MORENO MADE A MOTION TO DO  
PASS SENATE JOINT RESOLUTION 3 OF THE 79TH SESSION.

ASSEMBLYWOMAN TORRES SECONDED THE MOTION.

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

THE MOTION PASSED. (ASSEMBLYMEN FUMO AND HAMBRICK  
WERE ABSENT FOR THE VOTE.)

I will assign the floor statement to Assemblyman McCurdy.

That completes all of the items on the agenda for work session for this evening.

The last item is public comment. [There was none.]

Committee, I will remind you that we will have a quick, brief meeting on Tuesday at 4 p.m. to hold a work session for Assembly Bill 452. Thank you. We are adjourned [at 4:26 p.m.].

RESPECTFULLY SUBMITTED:

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Catherine Bodenstein  
Committee Secretary

APPROVED BY:

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Assemblywoman Sandra Jauregui, Chair

DATE: \_\_\_\_\_

## EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is the Work Session Document for Assembly Bill 444, dated May 16, 2019, presented by Carol Stonefield, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit D](#) is the Work Session Document for Senate Bill 108 (1st Reprint), dated May 16, 2019, presented by Carol Stonefield, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit E](#) is the Work Session Document for Senate Bill 129 (1st Reprint), dated May 16, 2019, presented by Carol Stonefield, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit F](#) is the Work Session Document for Senate Bill 450 (1st Reprint), dated May 16, 2019, presented by Carol Stonefield, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit G](#) is the Work Session Document for Senate Bill 452 (1st Reprint), dated May 16, 2019, presented by Carol Stonefield, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit H](#) is the Work Session Document for Senate Joint Resolution 1 of the 79th Session, dated May 16, 2019, presented by Carol Stonefield, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit I](#) is the Work Session Document for Senate Joint Resolution 3 of the 79th Session, dated May 16, 2019, presented by Carol Stonefield, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.