

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

**Eightieth Session
March 14, 2019**

The Committee on Legislative Operations and Elections was called to order by Chair Sandra Jauregui at 4:01 p.m. on Thursday, March 14, 2019, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 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.

COMMITTEE MEMBERS PRESENT:

Assemblywoman Sandra Jauregui, Chair
Assemblyman Ozzie Fumo, Vice 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 John Hambrick (excused)

GUEST LEGISLATORS PRESENT:

Assemblyman Tyrone Thompson, Assembly District No. 17

STAFF MEMBERS PRESENT:

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



OTHERS PRESENT:

Patricia Messinger, Private Citizen, Las Vegas, Nevada
Karen Dzierzewski, Private Citizen, Las Vegas, Nevada
John Ridgeway, Private Citizen, Las Vegas, Nevada

Chair Jauregui:

[Roll was called and Committee protocols were explained.] Welcome to the Assembly Committee on Legislative Operations and Elections. We have two items on the agenda today for a work session. We have Assembly Bill 186 and Assembly Concurrent Resolution 4. We will start with A.B. 186.

Assembly Bill 186: Makes various changes related to elections. (BDR 24-678)

Carol Stonefield, Committee Policy Analyst:

The first measure in your binder behind tab "186" is Assembly Bill 186 relating to elections (Exhibit C). This was heard in this Committee on February 26, 2019. It was presented by Assemblyman Thompson. This bill enacts the Agreement Among the States to Elect the President by National Popular Vote. This is an interstate compact which the state of Nevada would join if this were to pass.

The Agreement provides for the following:

- Determination of the national popular vote winner;
- Certification of a state's slate of electors;
- An effective date when states cumulatively possessing a majority of the electoral votes have enacted the Agreement; and
- A state's withdrawal from the Agreement under certain circumstances.

The bill also makes conforming changes to *Nevada Revised Statutes* Chapter 298 which is the "Presidential Electors and Elections" chapter. These revisions relate to the Uniform Faithful Presidential Electors Act. This act would become effective upon passage and approval.

There is an amendment. It was proposed by the Legal Division of the Legislative Counsel Bureau, and our Committee counsel is prepared to discuss this.

Kevin Powers, Committee Counsel:

The Legal Division's proposed amendment deals with drafting revisions that are intended to clarify the interaction between the Agreement Among the States to Elect the President by National Popular Vote and the existing Uniform Faithful Presidential Electors Act. The primary changes begin on page 5 of the proposed mock-up amendment.

What the first changes do is ensure that the term "agreement" is defined for the purposes of the Uniform Faithful Presidential Electors Act and that if that agreement becomes effective,

then the definitions in the agreement also are incorporated into the Uniform Faithful Presidential Electors Act.

The next change in the proposed amendment is the pledge that each presidential elector has to sign. There are two areas in the law in the Uniform Faithful Presidential Electors Act where there is a pledge, and what this does in section 6 and section 7 of the bill is ensure that the pledge is stated identically in both of those sections.

The proposed amendment also clarifies that if the agreement is in effect, then the presidential electors are the elector slate that is nominated in association with the winning presidential slate and that would be the winning presidential slate that wins the national popular vote.

The last primary change is on page 8. In section 9, this is a change to ensure that the two acts work together. What it provides is that if the agreement is in effect, then the agreement and the Uniform Faithful Presidential Electors Act must be applied and construed to supplement each other, except if there is any conflict between the application or construction of the agreement and the Uniform Faithful Presidential Electors Act, then the provisions of the agreement control. That would be a way to resolve any conflicts between the two pieces of legislation.

Chair Jauregui:

I see the bill sponsor is here. Is this a friendly amendment?

Assemblyman Tyrone Thompson, Assembly District No. 17:

Yes.

Chair Jauregui:

Thank you. Is there any discussion? [There was none.] I will call for a motion to amend and do pass.

ASSEMBLYWOMAN TORRES MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 186.

ASSEMBLYWOMAN MILLER SECONDED THE MOTION.

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

I will assign the floor statement to Assemblyman Thompson.

The next item on the agenda is a work session for Assembly Concurrent Resolution 4.

Assembly Concurrent Resolution 4: Directs the Legislative Commission to conduct an interim study concerning wildfires. (BDR R-509)

Carol Stonefield, Committee Policy Analyst:

Assembly Concurrent Resolution 4 was heard in this Committee on March 5, 2019 ([Exhibit D](#)). It is a request or a recommendation from the interim Legislative Committee on Public Lands. It was presented to this Committee by Assemblywoman Swank. It proposes an interim study concerning wildfires to be conducted by a committee of six legislators. The committee must consider methods of reducing wildfire fuels, issues relating to early responses to wildfires, and the economic impact of wildfires on Nevada and local communities. The committee is to seek recommendations from experts and make a report to the Legislature in the 2021 Session. There are no amendments for this measure.

Chair Jauregui:

Is there any discussion on this measure? [There was none.] I would entertain a motion to adopt.

ASSEMBLYMAN ROBERTS MADE A MOTION TO ADOPT
ASSEMBLY CONCURRENT RESOLUTION 4.

ASSEMBLYMAN LEAVITT SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN MONROE-MORENO AND
HAMBRICK WERE ABSENT FOR THE VOTE.)

I will assign the floor statement to Assemblyman Roberts.

At this time, we will move on to the next item on the agenda: public comment. Is there anyone in Carson City or in Las Vegas here for public comment?

Patricia Messinger, Private Citizen, Las Vegas, Nevada:

I am a member of Active Republican Women. I am here about Assembly Bill 186. It is a constitutional change. The *Constitution* was put in for a reason. It is not meant to be changed so frivolously as the way it is being done right now. The popular vote is not the way to go. If you take out San Francisco, Los Angeles, and New York, the rest of the world sees things differently.

Chair Jauregui:

Madam, I want to let you know that a work session is not a rehearing on the bill. We had a hearing on the bill a couple of weeks ago. You can continue with your public comment, but this is not a hearing on the bill.

Patricia Messinger:

Oh. I thought this was a hearing on the bill. I apologize. I just want you to take into consideration that we, here in Nevada—I have been here since the 1980s—we are mostly

constitutionalists and we believe in the *Constitution*. Please bear with the idea that Clark County and Washoe County are the only two counties that feel this way. The rest of Nevada does not. Please keep that in mind. Thank you very much.

Karen Dzierzewski, Private Citizen, Las Vegas, Nevada:

Thank you for the opportunity to speak briefly. I am opposed to A.B. 186. It is bad for the country as a whole. It is specifically bad for Nevada. How would it benefit the state of Nevada to join the compact? It would not benefit us at all. Nevada has voted Democratic 19 times and Republican 19 times. We pick the winner almost every time. Since 1864, Nevada has voted for the winning President 80 percent of the time. If we just look at more modern times, since 1812, we have been on the right side 92 percent of the time. There is only one state with a better record, but that is an older state which has participated in more elections. Joining the National Popular Vote Interstate Compact would only affect the Nevada electorate if the majority of the citizens of the state of Nevada voted differently than New York, Illinois, and California. If the majority of the citizens of Nevada dissented with the compact, our popular vote would be thrown into the trash and the results of the popular vote in another state would control how our electors vote.

Chair Jauregui:

Madam, I am going to have to interrupt you. We are not taking testimony in support or in opposition because we closed the bill hearing on Assembly Bill 186. We are no longer taking testimony for Assembly Bill 186. If you have any other general remarks for the Committee on Legislative Operations and Elections, then you can continue.

Karen Dzierzewski:

Okay, I do actually. You all have been elected to act in the best interest of the people and the state of Nevada. You do have a fiduciary duty to put the interests of the people and the state of Nevada ahead of your own interests. That relationship is one of good faith, loyalty, and trust. Do not enter into any legislation that would destroy that relationship. Remember the compact—if I can refer back to that as an example—only affects the electoral vote of Nevada if we dissent. Only if a majority of the citizens vote for candidate A instead of candidate B, as an example, you would be betraying the good faith, loyalty, and trust of the majority of your constituency. It is not what you were put there to do in any of the legislation you are looking at this session.

We are a fabulous, wonderful state to live in. We have the second-greatest percentage of growth in the country just behind Idaho. One of the things that makes Nevada a great place to live is our independence. We are one of only eight states that has recreational marijuana use. We are one of only two states with statewide legalized gambling. We are one of just seven states with no income tax. There are only 14 states, including Nevada, that do not have nuclear waste storage. If we want to go sit at the table with the so-called cool kids, we can kiss a lot of that goodbye.

Chair Jauregui:

Thank you for your testimony. We allow two minutes per speaker under public comment, but I see that you have testimony in writing. Please leave that with the Committee assistant. Thank you.

John Ridgeway, Private Citizen, Las Vegas, Nevada:

I am from Assembly District No. 10, here in Las Vegas, Nevada. I am extremely hard of hearing. I just want to do my spiel and that can take care of it. Thank you. I am speaking against Assembly Bill 186.

Chair Jauregui:

Sir, I am going to have to interrupt you and for anyone else who is in Las Vegas in the audience, I want to remind you that we will not be hearing any testimony on Assembly Bill 186. We had a bill hearing on that two weeks ago, so this is just for public comment for any items you would like to discuss that are under the purview of the Assembly Committee on Legislative Operations and Elections.

Is there anyone else in Las Vegas who would like to speak under public comment? [There was no one.] Is there anyone in Carson City? [There was no one.] We do have a tentative work session scheduled for Tuesday, March 19, 2019, at 4 p.m. A revised agenda will be sent out if there will not be a meeting. The meeting is adjourned [at 4:14 p.m.].

RESPECTFULLY SUBMITTED:

Catherine Bodenstein
Committee Secretary

APPROVED BY:

Assemblywoman Sandra Jauregui, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is a Work Session Document for Assembly Bill 186, dated March 14, 2019, presented by Carol Stonefield, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit D](#) is a Work Session Document for Assembly Concurrent Resolution 4, dated March 14, 2019, presented by Carol Stonefield, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.