

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

**Eightieth Session  
May 22, 2019**

The Senate Committee on Legislative Operations and Elections was called to order by Chair James Ohrenschall at 4:23 p.m. on Wednesday, May 22, 2019, in Room 2144 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, 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 James Ohrenschall, Chair  
Senator Yvanna D. Cancela, Vice Chair  
Senator Marcia Washington  
Senator Heidi Seevers Gansert  
Senator Keith F. Pickard

**GUEST LEGISLATORS PRESENT:**

Senator Pat Spearman, Senatorial District No. 1

**STAFF MEMBERS PRESENT:**

Michael Stewart, Committee Policy Analyst  
Janae Johnson, Committee Secretary

**OTHERS PRESENT:**

Doug Goodman, Executive Director, Nevadans for Election Reform

CHAIR OHRENSCHALL:

I will open the meeting with Senate Concurrent Resolution (S.C.R.) 9.

**SENATE CONCURRENT RESOLUTION 9:** Directs the Legislative Commission to appoint a committee to conduct an interim study of the requirements for reapportionment and redistricting in the State of Nevada. (BDR R-1271)

SENATOR JAMES OHRENSCHALL (Senatorial District No. 21):

I am here to present S.C.R. 9, which is similar to other resolutions the Legislature has passed directing the Legislative Commission to appoint a committee to conduct an Interim study. The requirements are coming up for reapportionment and redistricting after the decennial census in Nevada. The measure is straightforward; it provides a study for reapportionment and redistricting requirements for Nevada members of the U.S. House of Representatives, members of the State Legislature and the Board of University Regents. The Interim study must include a continuing examination and monitoring of any redistricting systems recommended or established for use by the Legislature; a review of all prudent caselaw of redistricting programs and plans used in other states; and a continuation of Nevada participation programs of the U.S. Census Bureau leading up to the 2020 decennial census.

The Legislative Commission must report the results of the study and any recommended action to be taken in preparation for reapportionment and redistricting during 2021 Legislative Session. This bill deals with a lot of technical requirements that we will be facing in the 2021 Session. This group of Legislators will deal with reapportionment and redistricting as the State grows.

MICHAEL STEWART (Policy Analyst):

As an employee of the Legislative Counsel Bureau (LCB), it prevents me from supporting or advocating for or against any piece of legislation including this resolution. One of the statutory duties of the Research Director of LCB is to provide information and assistance to the Legislature, including the members and committees considering reapportionment of Legislative Districts, and any other political districts and the boundaries of which are determined by the Legislature.

I am here to provide research on the previous Legislature studies on reapportionment and redistricting. The most recent study conducted during the 2009 through 2010 Interim that led up to redistricting occurred during the 2011 Session. Studies like that proposed in S.C.R. 9 have become a regular part of preparations for redistricting. We have identified five official Nevada legislative studies and the reports on redistricting in recent history. The LCB studied reapportionment in Nevada and issued a report in September 1955. A similar study was done in 1979 through 1980 that was staff-studied—*Legislative Counsel Bureau Bulletin No. 8127*. In 1989 through 1990, the Legislative Commission had an Interim subcommittee on reapportionment. In 1999 through

2000, the Legislative Commission did another Interim study committee, *Legislative Counsel Bureau Bulletin No. 01-5*, regarding reapportionment and redistricting. Ten years ago, in 2009 through 2010, the Legislative Commission also appointed a study with virtually the same language you see today.

There were a couple of staff studies in the 1980s leading up to the 1991 redistricting as the U.S. Census Bureau embarked on a new program, the Block Boundary Suggestion Program and the Voting Tabulation District Program. The three most recent studies on reapportionment and redistricting in Nevada were in 1991, 2001 and 2011 prior to those Sessions. They all share common elements in their creation, structure and scope. All three were created by concurrent resolutions directing the Legislative Commission to study reapportionment and redistricting in conjunction with the next decennial census. They each included membership appointed by the Committee from members appointed by or including the leadership of each party in each House—including Legislators representing Legislative Districts in Clark County, Washoe County and some of the rural counties. All three considered what computer system was needed for redistricting. They reviewed the legal requirements for redistricting and considered plans and programs for reapportionment and redistricting in other states. They called for the State's continuing participation in programs of the U.S. Census Bureau relating to the census.

These studies were staff-driven. This only happens every ten years, and we are the only Body that starts with reapportionment and redistricting. We do not have a lot of stakeholders besides the Legislators in this process. These committees are typically staffed by the Research Division, the Legal Division and services from the Information Technology Services (ITS)—particularly for the Geographic Information Systems (GIS) portion of redistricting. There has been a little change in that because in conversing with the ITS Manager, Sten Miles, during the Interim, we realized a lot of the GIS process and the requests are more based on a deliverable to the Legislators. When prepping for redistricting, we thought it was important to shift the GIS duties into the Research Division. We were able to transfer the GIS positions into the Research Division.

I would like to introduce a new GIS person, Haley Proehl, hired in February. She is working on the Block Boundary Suggestion Program which has become the Voting Tabulation District Program with the U.S. Census Bureau. This program is important because the Legislators want to know when you redistrict, how the

precincts look and what sort of census data is in those precincts. The U.S. Census Bureau creates census blocks as their smallest level of geography when it gathers information for redistricting. What is important to lawmakers and policymakers is when they redistrict the data that matches their precincts, the idea is to align precinct boundaries with census blocks. Ms. Proehl is diligently working with the U.S. Census Bureau to make sure our precinct boundaries provided by the counties will align with the census blocks moving forward in the 2020 census. When data is collected by census blocks, you can be assured that data by census block matches precinct level data. I have provided Bulletin No. 11-04 from the last Interim study ([Exhibit C](#)) on reapportionment and redistricting.

SENATOR PICKARD:

I am assuming the Committee comes up with the first recommendations on how to do it. Then they are involved in the actual redistricting, or is that done through a separate process?

SENATOR OHRENSCHALL:

The Interim Committee makes recommendations, but the rules for redistricting are the province of that Legislature. I do not believe the Interim Committee would tie the 2021 Session's hands. There would be recommendations and preparations for mechanics, software and such for trying to be ready for that major task. Currently, Assembly Districts are nested with the Senate Districts.

MR. STEWART:

Senator Ohrenschall is correct. The purpose of the Interim study is to set the stage on a procedural basis only. The decisions to be made are: how much staff we need, what software licenses are needed and is there enough budget. That study does recommend rules for the joint standing rules for the next Session. If the Legislature wanted to require nested districts, it could recommend that to the Legislature in 2021. It is a procedural Interim study. The Committee members are not involved in the heavy decisions on the redistricting Session. We hear regularly from the U.S. Census Bureau on its progress. We rely on the U.S. Census Bureau data as the primary data for redistricting. The U.S. Census Bureau is required by law to release its data to the states one year following the decennial census. The census day is April 1, 2020; by law we should have the data by April 1, 2021. If you fast forward to the 2021 Session, you have 2 months to do this process. The staff have asked for the data earlier. In the last

two redistricting cycles, we have received the data in late February or early March.

SENATOR OHRENSCHALL:

Since the 2011 Session, there has been talk about changing the size of the Legislature. Currently we are at 63 members, and that can go up or down, with a maximum of 75 members if that is the will of the 2021 Session. During the 2011 Session, there was talk about expanding seats in the Houses, but it stayed at 63.

DOUG GOODMAN (Executive Director, Nevadans for Election Reform):

I am neutral to S.C.R. 9. Through this whole process, starting with this Committee through the redistricting process, I hope the Committee and the Legislators keep in mind that the voters should choose their representatives. Representatives should not choose their voters. On page 2, lines 12 through 19 of S.C.R. 9 describe what the study should include, and it is important to keep in mind some of the recent partisan redistricting decisions that have come out of the courts. This forces some states to redo maps prior to the 2020 election as they look at different processes to recommend to the Legislature to use. A study from the University of Texas in 2010 looked at different methods of drawing districts. One of the more reliable ways was to use existing geopolitical boundaries and zip codes. There were computer programs that facilitated this information. Hopefully, the Committee will look at those types of programs. Also, A.B. No. 252 of the 78th Session, a bill proposed by the Assembly Legislative Operations and Elections Committee, established a Legislative Advisory Committee to make recommendations on redistricting to the Legislature.

SENATOR OHRENSCHALL:

This is an important measure for the Interim and the 2021 Legislature because redistricting and reapportionment affects constituents tremendously. We want to make sure all the information is there for the 2021 Session.

CHAIR OHRENSCHALL:

I will open the work session on S.C.R. 1.

**SENATE CONCURRENT RESOLUTION 1**: Directs the Legislative Committee on Energy to conduct an interim study concerning the development of renewable energy and clean energy resources in this State. (BDR R-117)

MR. STEWART:

Senate Concurrent Resolution 1 was heard on April 17, as referenced from the work session document ([Exhibit D](#)).

SENATOR PICKARD:

Referring to the last amendment where it references developing a mitigation framework, I do not see a definition. What is a mitigation framework?

CHAIR OHRENSCHALL:

I thought there was testimony to try to clean up brownfield sites.

SENATOR PAT SPEARMAN (Senatorial District No. 1):

Yes, that is correct. We are talking about some abandoned mines and brownfields. A site is prepared with mitigation efforts for renewable energy resources. Typically, what we are looking at is geothermal. It is cleanup, and we have a world-class geological department at the University of Nevada, Reno. The department is studying how we can use more of our geothermal resources.

A little known fact about Nevada is that it is the one place in North America that has almost the same amount of lithium as Brazil. For Nevadans not to be using this resource is a waste. This is a job-producing opportunity to develop geothermal resources. This is where you are pulling in advanced manufacturers because it is attractive to them. The operation cost is lower when it comes to energy. Everything within this bill is designed to get us to a place where we are collaborating with public and private enterprises to make sure we develop a renewable energy infrastructure that gives the maximum benefit to Nevada.

SENATOR PICKARD:

When we deal with development or mining we usually refer to the term "mitigation plan" instead of mitigation framework. It sounds like it is interchangeable. We can always talk about this language offline.

SENATOR SEEVERS GANSERT MOVED TO AMEND AND DO PASS AS AMENDED S.C.R. 1.

SENATOR PICKARD SECONDED THE MOTION.

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THE MOTION CARRIED UNANIMOUSLY.

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CHAIR OHRENSCHALL:  
I will adjourn this meeting at 4:54 p.m.

RESPECTFULLY SUBMITTED:

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Janae Johnson,  
Committee Secretary

APPROVED BY:

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Senator James Ohrenschall, Chair

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

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	1		Agenda
	B	1		Attendance Roster
S.C.R. 9	C	84	Michael Stewart	Reapportionment and Redistricting
S.C.R. 1	D	26	Michael Stewart	Work Session Document