

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

**Eighty-First Session
February 16, 2021**

The Committee on Legislative Operations and Elections was called to order by Chair Brittney Miller at 4:04 p.m. on Tuesday, February 16, 2021, Online. 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/81st2021.

COMMITTEE MEMBERS PRESENT:

Assemblywoman Brittney Miller, Chair
Assemblywoman Sandra Jauregui, Vice Chair
Assemblywoman Jill Dickman
Assemblyman Jason Frierson
Assemblywoman Cecelia González
Assemblyman Glen Leavitt
Assemblyman Andy Matthews
Assemblyman Richard McArthur
Assemblywoman Daniele Monroe-Moreno
Assemblywoman Clara Thomas
Assemblywoman Selena Torres

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

None

STAFF MEMBERS PRESENT:

Brenda J. Erdoes, Director, Legislative Counsel Bureau
Bryan J. Fernley, Legislative Counsel
Marsheilah D. Lyons, Committee Policy Analyst
Kathleen M. Norris, Committee Counsel
Jordan Green, Committee Secretary
Trinity Thom, Committee Assistant



OTHERS PRESENT:

Melissa Clement, representing Nevada Right to Life
David R. Parks, Chair, Legislative Committee on Public Lands
Marla McDade Williams, representing Reno-Sparks Indian Colony
Will Adler, representing Pyramid Lake Paiute Tribe
Christine Saunders, Policy Director, Progressive Leadership Alliance of Nevada
Kyle Davis, representing Nevada Conservation League
Stacey Montooth, Private Citizen, Carson City, Nevada

Chair Miller:

[Roll was called. Committee protocol and rules were explained.] We have two bills on the agenda today for hearings, and we will be taking them out of order. The first bill is Assembly Bill 110, which will be presented by Speaker of the Assembly, Jason Frierson, and Director of the Legislative Counsel Bureau, Brenda Erdoes. This bill revises the definition of the term "lobbyist" for the purpose of determining the applicability of certain provisions governing lobbyists, including revising provisions related to the registration of lobbyists and the filing of certain reports.

**Assembly Bill 110: Revises the Nevada Lobbying Disclosure and Regulation Act.
(BDR 17-900)**

Assemblyman Jason Frierson, Assembly District No. 8:

I present to you Assembly Bill 110. I appreciate that many of us have received calls and concerns about what this bill proposes to do. The reality is that, for the purposes of registration, our current definition of the term "lobbyist" requires a lobbyist to enter the building. In this virtual world—where that is not, at least for the time being, how the Legislature is operating—and for the sake of transparency, we still need to have lobbying activities reported to the public. Assembly Bill 110 is an effort to do just that, after the issue with the existing definition was brought to our attention because lobbyists were not allowed to enter the building, which is how they register—let alone the need for them to register or our ability to require that they register.

This bill [A.B. 110] is an effort to update *Nevada Revised Statutes* (NRS) Chapter 218 with respect to the virtual nature of our current session [81st], but also to increase transparency with respect to lobbying activities. It is not intended to change who has to register from who had to register previously if entering the building. As I am certain Brenda Erdoes, Director of the Legislative Counsel Bureau (LCB), will review, there are clients who have lobbyists and their lobbyists register on their behalf. That is not proposed to be changed. We are trying to account for the virtual nature of lobbying activity in this current environment. With that, I would love to step aside and allow Director Erdoes to present the bill.

Brenda J. Erdoes, Director, Legislative Counsel Bureau:

Nevada Revised Statutes 218F.150 prohibits me from opposing or urging the passage of legislation, except as my duties require me to make recommendations to you. I do not plan to urge or oppose the legislation today, but I would like to make you aware of the issue that we have with lobbyist registration and regulation and also explain the provisions of A.B. 110. I believe Bryan Fernley, Legislative Counsel of the Legal Division of LCB, is also here today, as well as your committee counsel, Kathleen Norris.

We provided a document [[Exhibit C](#)], which was prepared by Teresa Wilt, Legislative Librarian, Research Library, Research Division, LCB. It is a 50-state survey of what all the other states do in terms of the very narrow issue of who they require to register as a lobbyist. I thought you might want this information and, hopefully, you find it helpful.

Basically, A.B. 110 is pretty simple. The substantive change—that is the change to NRS—is in section 2 of the bill. That is where the problem lies, as Speaker Frierson indicated. We were not able to register any lobbyists or require reports during the 31st and 32nd Special Sessions because there was no one in the building who was lobbying, and that has continued for the first part of this session, which is why we would like to take out the first part of the test. If you look at section 2, subsection 1, paragraph (a), you see that one requirement for qualifying as a lobbyist is: "Appears in person in the Legislative Building or any other building in which the Legislature or any of its standing committees hold meetings." As you know, this building has been closed. Right now, it is limited to only legislators, essential staff, and a small media pool, and the Grant Sawyer Office Building in Las Vegas is also closed. There has not been anybody who would meet that requirement of "lobbyist" and, therefore, to date we have not been able to provide for the registration of any lobbyists at all. That is why we are suggesting this, and it seems to be the simplest fix.

If you look at the 50-state survey [[Exhibit C](#)], I believe this change also puts us more in line with the rest of the states. We did not find another state that had as one of its requirements for registration the absolute requirement to actually be in person, in the building.

This would leave "lobbyist" defined as: "a person who communicates directly with a member of the Legislative Branch on behalf of someone other than himself or herself to influence legislative action, whether or not any compensation is received for the communication." So, it very much simplifies that.

If you decide to pass it this way, what we were trying to do in section 3 of the bill is say that, if on the effective date of this act you are a lobbyist, then you need to register, and we are asking you to include in your first monthly report—lobbyists report monthly—the time from the first day of session through when this bill becomes effective.

The reason we have put that in there, and the reason we are suggesting it to you, is because if you want to be able to compare this session with all the other sessions and all the other information, then you would probably want to have that information as well. Also, we have been letting the lobbyists know that if A.B. 110 passes, they would need to make that first report go back to the first day of session.

The other part of the bill is section 1, which states the intent of the bill. At the end of section 1, subsection 6, it tells you what I think is a very important point. This legislative history is intended to say that lobbyists who would otherwise be required to register and disclose their lobbying activity are the ones whom we are trying to include here, so we are not trying to make a substantive change. We are not trying to add more people to the requirement to register, nor reduce the number. This is our best attempt to capture the same group of people so that, again, we can keep going as we have in the past as far as how many people need to be registered. We believe that if you pass this bill and it becomes effective, we would be able to very quickly process all the registrations and get them in, so that we would have them up on the Legislature's website, and everyone would be able to file the reports as normal.

I am happy to answer any questions that you might have about the bill, the process, or anything else.

Chair Miller:

Committee members, are there any questions?

Assemblywoman Dickman:

I have two quick questions. I am sure it is not the intent of the bill, so could you clarify section 2, subsection 2, paragraph (f), where it talks about "Persons who contact the Legislators who are elected from the district in which they reside"? Does this turn any citizen from outside my district into a lobbyist if they email me or text me for someone else?

Brenda Erdoes:

The key is the lead-in, and when you look at these long lists of things, it is easy to get confused. If you look at the beginning of section 2, subsection 2, the lead-in there is what lobbyist "does not include." I think that is a very important part of this to say that, again, those are people who "lobbyists" do not include, and we are leaving that in there because that is a critical function. You would, at least in the past, not want your constituents to have to be registered as lobbyists.

Assemblywoman Dickman:

Yes, but section 2, subsection 2, paragraph (f), says, "who are elected from the district in which they reside." If someone from another district besides mine were to email me or text me on behalf of someone else or another group, is that person considered a lobbyist because he or she is not in the building?

Assemblyman Frierson:

Assemblywoman Dickman, are you referring to section 2, subsection 2, paragraph (e)?

Assemblywoman Dickman:

Section 2, subsection 2, paragraph (f).

Assemblyman Frierson:

First, all of the paragraphs there are existing law. Assembly Bill 110 is not proposing to change those. Second, everything listed under section 2, subsection 2, are for those who are not lobbyists. Section 2, subsection 2, expressly says, "'Lobbyist' does not include" these things in paragraphs (a) through (g). Again, this is existing law and A.B. 110 does not change that. Under existing law, those persons would not be considered lobbyists for the purposes of existing statute, as well as for the purposes of this change with respect to entering the building.

Assemblywoman Dickman:

I was also wondering if lobbyists are not in the building, will they have to pay to register?

Brenda Erdoes:

Yes, that is part of the process. Basically, the registration fees offset the cost of that registration process. They will be charged the same fees from past years, which I think has not changed since 2015, and we are not intending to increase the fee. They would be required to pay the fee for registration unless they are exempt. It is in a different section [NRS 218H.500], but there is a category of folks who are exempt, including certain veterans and people who are lobbying for organizations that are nonprofits.

Assemblyman Matthews:

I wanted to touch on the potential time frame regarding this bill. The bill references the current pandemic and why this is obviously necessary and appropriate for these times. It does not seem that there is any language included that this would be the new definition of the term "lobbyist" only during a declared emergency or only when the building is closed to the public. I just wanted to confirm that I am correct about that. This would be a permanent change under all circumstances and that is the intent—to make this permanent. If so, maybe you could provide just a little more explanation of why, at this point in time, that permanent change is necessary, and what the problems may have been with the old definition.

Assemblyman Frierson:

If I may quickly answer that question, and I would love follow-up from LCB to make sure that I am correct. Assemblyman Matthews, I think that you are referring to the declaration in section 1, which is not changing NRS. Assembly Bill 110 only changes the definition in NRS for the requirement of entering a building—that is all that the bill changes. I would be corrected by someone with LCB if I were incorrect, but I believe you are referring to the declaration.

Assemblyman Matthews:

Maybe just to restate my question then to make sure that I am correct—this would be the new, permanent definition of "lobbyist" going forward, in a declared state of emergency or not. Is that correct?

Assemblyman Frierson:

No, that is not correct. If you are referencing section 2 of the bill, A.B. 110 changes NRS 218H.080. I believe that the declaration is laying out the rationale for why the change is currently relevant, and Exhibit C shows how we compare to other states. This is a proposed statutory change because—whether we are in a pandemic or not—there are many folks who are going to continue to meet, lobby, and advocate in this way. We want to be able to capture lobbying activity—whether in the building or not—so that we are able to be transparent. I believe that the document [Exhibit C] shows that by making this change, we are more consistent with other states by not having the requirement that lobbyists enter the building. Again, I would suspect that some folks would be [unintelligible] in that regard indefinitely, regardless of the pandemic.

Chair Miller:

Members, are there any additional questions? [There were none.] Next, we will hear testimony in support of A.B. 110. [There was none.] We will move to testimony in opposition to A.B. 110.

Melissa Clement, representing Nevada Right to Life:

I am testifying in opposition to A.B. 110. Right now, if I am lucky enough and high enough in the queue—thankfully, I am—I am just a disembodied voice which you can easily ignore. It is a little more difficult for you to ignore me when I ride up on an elevator with you or, in the case of Chair Miller, when I hang out right in front of your office in those comfy chairs. When I ask you how your kids are, how your small business is doing, or how your drive up from Las Vegas was, this humanizes me. Those short, little conversations can turn into respect and into a longer conversation on my subject matter expertise. This, of course, is the basis of lobbying.

In the past, \$300 for the privilege of that access was well worth it. For a small nonprofit like mine, \$300 is a significant fee—but our organization does not have the ability to buy access through campaign donations like others can. The way the 81st Session is operating thus far, and if you pass A.B. 110, it has created an unfair, two-tiered system for lobbyists—the haves and the have nots. I do not think that is what you want but, unfortunately, that is what you have gotten. What would my organization benefit from my registering and paying \$300 for the privilege of participation in this broken system? Will you guarantee that I get a Zoom call with every legislator on the Assembly Committee on Health and Human Services? Will you guarantee that I always get my two minutes after hanging out in phone limbo for two hours?

Really, here is the thing—open the building. Policy decisions and lawmaking are happening without the benefit of human interaction. You are crafting our future, and you benefit from the interaction of one to another of you people who are on Zoom but are sitting right next to each other in an office. You benefit from lobbyists like me, who are subject matter experts. [Allotted time was exceeded.]

Chair Miller:

Ms. Clement, please submit any additional comments. Do we have any additional callers in opposition? [There were none.] Do we have any callers in the queue who want to testify as neutral? [There were none.] With that, I will close the hearing on A.B. 110. Thank you to Speaker Frierson and Director Erdoes for your presentation of this bill.

I will now move to the next agenda item and open the hearing on Assembly Bill 95, a measure relating to public lands, revising the membership of the Legislative Committee on Public Lands, and providing other matters properly relating thereto. We are fortunate to have here with us today former Senator David Parks presenting with Marla McDade Williams from the Reno-Sparks Indian Colony.

Assembly Bill 95: Revises the membership of the Legislative Committee on Public Lands. (BDR 17-463)

David R. Parks, Chair, Legislative Committee on Public Lands:

I am pleased to present Assembly Bill 95 for your consideration. I had the honor of serving as Chair of the Legislative Committee on Public Lands last interim. As I am sure many of you know, the Legislative Committee monitors a wide variety of natural resources and public lands matters crucial to the state's economy, lifestyles, and provisions. The Legislative Committee typically travels to rural towns around the state, holding committee meetings and conducting informational tours. These visits provide legislators the opportunity to visit with local, state, and federal officials, and provide members of the Legislative Committee the opportunity to hear directly from citizens of each community.

Going into the last interim, the Legislative Committee had planned to emphasize the state's cooperation with Native American tribes throughout Nevada. Though many of those plans were derailed—including a potential Legislative Committee meeting at a tribal facility—we were able to hold virtual meetings that included the Reno-Sparks Indian Colony, the Las Vegas Paiute Tribe, and members of the Shoshone-Paiute Tribes. Testimony presented at various meetings throughout the interim by members of the tribes offered a unique perspective concerning the management of Nevada's public lands.

Based on the recommendation of legislation submitted by Assemblyman Watts at the Legislative Committee's final meeting in September, the Legislative Committee voted

unanimously to approve a bill draft request (BDR) to add one final member to the Legislative Committee on Public Lands. The current membership consists of nine members: four members of the Senate, four members of the Assembly, and one elected officer who represents the governing body of a local government. With the addition of one member who represents tribal governments in Nevada, the Legislative Committee will have ten members.

Turning to A.B. 95, section 1, subsection 1, paragraph (d), adds a "member representing tribal governments in Nevada" appointed by the Legislative Commission based on recommendation from the Inter-Tribal Council of Nevada, Inc. The tribal member will represent the interests of Nevada's 27 tribes on a statewide basis. In addition to conforming changes, the only other new provision of the bill—located in section 2, subsection 8—allows for the tribal member "to receive the per diem allowance and travel expenses provided for state officers and employees generally." The bill will become effective on July 1, 2021, allowing for appointment of the tribal member in the next legislative interim.

In conclusion, providing a tribal voice on the Legislative Committee on Public Lands will offer a significant opportunity for the Legislature and Nevada's tribes to better cooperate on public lands issues. I ask for your support for Assembly Bill 95. With that, I look forward to answering your questions. Thank you for the privilege of your time.

Chair Miller:

Members, do you have any questions?

Assemblywoman Dickman:

I have one quick question. I hope I am doing the addition right, but it looks to me like this makes the Legislative Committee have ten members now. Is that right?

David Parks:

Yes, that would be correct.

Assemblywoman Dickman:

Did it not used to be an odd number?

David Parks:

I think that we have other situations where we have an even number of individuals. Over the many years that I have served on the Legislative Committee, there are seldom any votes or recommendations of BDRs that would end up having a tie vote. As we understand it, a tie vote is considered not passing.

Chair Miller:

Any other questions from the members? [There were none.] I have a brief question. How often does the Legislative Committee meet, annually or throughout the interim?

David Parks:

This is one of the interim committees that meets beginning in late summer of odd-numbered years, and we have a relatively short period of time in which to have our hearings and then make our recommendations, which includes up to ten BDRs for consideration by the subsequent legislative session. I believe in the past we typically had five major hearings in various locations within the state.

Chair Miller:

Any additional questions? [There were none.] We will go ahead and hear from those in support of A.B. 95.

Marshellah D. Lyons, Committee Policy Analyst:

I believe we have Ms. McDade Williams to present for the bill as well.

Chair Miller:

Yes, I introduced her, but I was not sure if she was speaking as well. Ms. McDade Williams, would you like to present?

Marla McDade Williams, representing Reno-Sparks Indian Colony:

I am honored to be here today to present Assembly Bill 95 with former Senator Parks and on behalf of the Reno-Sparks Indian Colony. I also want to extend our appreciation to Assemblyman Watts for making the recommendation during the interim. We were thankful for the opportunity to present to the Legislative Committee on Public Lands, and during our presentation to members we discussed the resources and coordination needed to manage land within the reservations' boundaries. The adjacency to county and city boundaries requires extensive coordination with various local governments. Having a tribal representative on the Legislative Committee will help strengthen relationships between state, local, and tribal governments.

In addition, there is significant overlap of multiple issues under the jurisdiction of the Legislative Committee that can benefit from a tribal perspective. Further, as you may know, Nevada's reservations are part of the federal land that makes up the state of Nevada. The Inter-Tribal Council of Nevada, Inc. (ITCN) has access to all of the elected members of Nevada's 27 reservations and colonies, and through its executive director, Deserea Quintana, I am confident the ITCN can successfully recommend the appointment of a representative who will be able to fully participate on the Legislative Committee. I am happy to answer any questions.

Chair Miller:

I will reopen for any questions from Committee members. [There were none.] Do we have any callers to testify in support of A.B. 95?

Will Adler, representing Pyramid Lake Paiute Tribe:

Pyramid Lake Paiute Tribe would like to show its full support of this bill and everything it wants to accomplish and everything it deems to do. Pyramid Lake Paiute Tribe thinks it is a long overdue change to the Legislative Committee on Public Lands, and that it is very positive. Please support this bill.

Christine Saunders, Policy Director, Progressive Leadership Alliance of Nevada:

I am here in support of A.B. 95 to add a member recommended by the Inter-Tribal Council of Nevada, Inc. to the Legislative Committee on Public Lands. In fact, these public lands are all stolen lands that our indigenous neighbors have been stewards of for generations. Membership on the Legislative Committee will bring the knowledge of Nevada's many tribes, who should be at the forefront when crafting policies that impact the earth. We urge your yes vote.

Kyle Davis, representing Nevada Conservation League:

The Nevada Conservation League is in support of A.B. 95, and we appreciate the Legislative Committee on Public Lands and Assemblyman Watts for bringing the bill forward. Nevada's indigenous communities have been living on and stewarding the lands for generations, and they continue to do so today. The land we are discussing is their land, and they must be an integral part of the discussions about the management, protection, and use of those lands. Tribal knowledge and experience will benefit all Nevadans and the Legislature as they shape policies.

Stacey Montooth, Private Citizen, Carson City, Nevada:

I am a citizen of the Walker River Paiute Tribe. I support A.B. 95 and want to thank the Legislative Committee on Public Lands and retired Senator Parks for introducing this bill. Having Native American input and tribal representation on the Legislative Committee will benefit the state as a whole, and I look forward to such participation. We would also like to thank Assemblyman Watts for his idea in pushing this legislation.

[[Exhibit D](#) is a letter in support of A.B. 95 from Shaaron Netherton, Executive Director of the Friends of Nevada Wilderness, which was submitted but not discussed.]

Chair Miller:

Do we have any callers in opposition or neutral? [There were none.] I would like to thank former Senator Parks and Ms. McDade Williams for coming and presenting this bill. With that, I will close the hearing on Assembly Bill 95.

We will move to our next agenda item, which is public comment. Again, we would like to remind everyone that public comment is to make a comment on something that falls within the purview of this Committee. Public comment will be limited to two minutes per person

and, of course, you can always submit written remarks for inclusion in the meeting record. With that, I will turn it over to see if we have anyone in the queue for public comment. [There was no one.] We will wait one minute to make sure we capture anyone who is interested. [There was no one.]

Our next meeting will be on Thursday, February 18, at 4 p.m. Thank you, everyone. We are adjourned [at 4:49 p.m.].

RESPECTFULLY SUBMITTED:

Jordan Green
Committee Secretary

APPROVED BY:

Assemblywoman Brittney Miller, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is a document titled "What Requires a Person to Register to Be a Lobbyist: 50-State Survey," dated February 15, 2021, prepared by Teresa Wilt, Legislative Librarian, Research Library, Research Division, Legislative Counsel Bureau, submitted by Brenda J. Erdoes, Director, Legislative Counsel Bureau.

[Exhibit D](#) is a letter to the Assembly Committee on Legislative Operations and Elections, dated February 15, 2021, submitted by Shaaron Netherton, Executive Director, Friends of Nevada Wilderness, in support of Assembly Bill 95.