

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

**Eighty-first Session
March 9, 2021**

The Senate Committee on Legislative Operations and Elections was called to order by Chair James Ohrenschall at 3:32 p.m. on Tuesday, March 9, 2021, Online. [Exhibit A](#) is the Agenda. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator James Ohrenschall, Chair
Senator Roberta Lange, Vice Chair
Senator Nicole J. Cannizzaro
Senator Heidi Seevers Gansert
Senator Carrie A. Buck

GUEST LEGISLATORS PRESENT:

Assemblyman Jason Frierson, Assembly District No. 8

STAFF MEMBERS PRESENT:

Michael Stewart, Policy Analyst
Bryan Fernley, Counsel
Brenda Erdoes, Director
Diane Rea, Committee Secretary

OTHERS PRESENT:

Bob Russo
Janine Hansen, State President, Nevada Families for Freedom
Melissa Clement, Nevada Right to Life

CHAIR OHRENSCHALL:

Today, I would like to start with Bill Draft Request (BDR) R-384.

BILL DRAFT REQUEST R-384: Expresses support for the creation of a retirement plan for spouses of members of the military. (Later introduced as [Senate Joint Resolution 6](#).)

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CHAIR OHRENSCHALL:

This is a bill from the Legislative Committee on Senior Citizens, Veterans and Adults with Special Needs. It expresses support for the creation of a retirement plan for members of the military.

SENATOR SEEVERS GANSERT MOVED TO INTRODUCE BDR R-384.

SENATOR CANNIZZARO SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR OHRENSCHALL:

We heard Senate Joint Resolution (S.J.R.) 8 of the 80th Session on February 23. The measure proposes to amend the Nevada Constitution to guarantee equal rights.

SENATE JOINT RESOLUTION 8 OF THE 80TH SESSION: Proposes to amend the Nevada Constitution to guarantee equal rights. (BDR C-1278)

MICHAEL STEWART (Policy Analyst):

I have submitted the work session document ([Exhibit B](#)) for S.J.R. 8 of the 80th Session.

SENATOR SEEVERS GANSERT:

I wanted clarification whether an individual's rights to practice religion and his or her beliefs are protected.

BRYAN FERNLEY (Counsel):

The language of the bill does say "equality of rights under the law shall not be denied or abridged by this State or any of its political subdivisions on account of race, color, creed."

Creed means a system of religious belief or a set of beliefs which guide someone's actions. Based on this definition of the term, it is our opinion that the word creed does cover religious beliefs. In addition, the Nevada Constitution's Article 1 also protects freedom of religion, so there is a

constitutional provision that prohibit unequal treatment based on religious beliefs.

This resolution provides the same type of protections as in Article 1 of the Nevada Constitution, and religion is protected by the First Amendment to the United States Constitution.

SENATOR SEEVERS GANSERT:

I have an additional question. Because it is a constitutional amendment, would you explain the process requiring votes in the Legislative Body, and would it be put on a ballot?

MR. FERNLEY:

This joint resolution was approved by the Legislature in the 2019 Session; if approved by this Legislature, it will appear on the 2022 general election ballot. It would become effective and a part of the Constitution only if the voters approve the resolution by a majority.

SENATOR BUCK:

The bill is redundant as it discussed equality and the granting of protections to multiple citizens in Nevada. The Constitutions of the United States and Nevada are explicit that people are equal with rights under the law. We already have documents in existence guaranteeing every person equal rights.

Equality is granted within both of these constitutions. Those invaluable rights granted to us through their guidance apply to each one of us with no exceptions. I believe in the rights of all people.

I cannot support a bill that has the potential to harm, exclude or forget a subgroup of people who were left off the list. Due to my belief in our State and federal Constitutions and the fact that I will not stand for any bill that may marginalize any potential group, I must vote no today, not because of any one group of people but because we must stand for every person having equal rights.

The question I am struggling with is, why do we need to change from comprehensive language of all people to listing out subgroups, some of which are left out of the bill?

CHAIR OHRENSCHALL:

In the 1970s, the Senate did vote to pass the federal Equal Rights Amendment for gender; unfortunately, it did not pass in the Assembly and did not pass in enough states to be ratified. There is still a lot of work that needs to be done at the state and federal levels.

SENATOR LANGE MOVED TO DO PASS S.J.R. 8 OF THE 80TH SESSION.

SENATOR CANNIZZARO SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR BUCK VOTED NO.)

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BOB RUSSO:

I have submitted my statement in opposition to S.J.R. 8 of the 80th Session in writing ([Exhibit C](#)).

CHAIR OHRENSCHALL:

We will close the hearing on S.J.R. 8 of the 80th Session and open the hearing on Assembly Bill (A.B.) 110 with Speaker of the House Jason Frierson.

ASSEMBLY BILL 110 (1st Reprint): Revises the Nevada Lobbying Disclosure and Regulation Act. (BDR 17-900)

ASSEMBLYMAN JASON FRIERSON (Assembly District No. 8):

I am pleased to present A.B. 110. This bill is reflective of what we are seeing throughout the Country and need to enact. It is not just because of the COVID epidemic which revealed challenges with respect to being able to monitor lobbying activity but also increase transparency and accountability. We do not want people under existing law to take Legislators to dinner and never enter the building or have to register and report activities. This bill is not expanding who has to register and report as a lobbyist.

Statute requires they enter the building. We know this is not going to be the end of virtual participation. The idea behind this bill is to increase accountability and transparency, so the public knows what is going on and who is trying to

influence their policy makers. This incorporates both regular and special session activity.

BRENDA ERDOES (Director):

I have provided a handout that shows what other states are doing with regard to registration and regulation of lobbyists ([Exhibit D](#)).

Section 2 of A.B. 110 amends *Nevada Revised Statutes* (NRS) 218H.080 to remove subsection 1, paragraph (a). This subsection has kept us from registering lobbyists this Session because they are not entering the building. To replace paragraph (a), subsection 2, on page 3 of the bill adds paragraph (h) which limits the provisions of subsection 1, paragraph (a), so persons who confine their lobbying activities to communications directly with one or more members of the Legislative Branch only on an infrequent basis and do not otherwise engage in lobbying activities would be our new definition of lobbyist.

The goal was to limit the definition of lobbyist to saying persons who are covered by the definition before the amendment, before taking out paragraph (a). We are intending this bill to ensure it does not increase the number of persons who are required to register as lobbyists but gets the same result as the current section would if people were in the building.

Sections 2.3 and 2.7 both clarify that lobbyists are still required to register during a regular or special session if they have lobbying activities.

Section 3 is a transfer provision which only applies now. After this, if adopted, the bill will ensure a clean transition for the registration of lobbying. If A.B. 110 is passed and approved, it will become effective upon approval by the Governor.

SENATOR BUCK:

What is the magic number of Legislators that quantifies a person to be classified a lobbyist?

ASSEMBLYMAN FRIERSON:

I do not believe there is a magic number. The definition of lobbyist is in statute whether you advocate paid or unpaid on behalf of someone else. It could be one other person or entity that you advocate for. You are not required to lobby if you are not being paid or if you are advocating for yourself. I do not believe the bill is intended to change that part.

SENATOR CANNIZZARO:

With the adjustments we are having to make due to COVID and with those advocating for policies in this building, we need to know who we are dealing with. I really appreciate the clarity that will come with this.

Section 2, subsection 2, paragraph (h) talks about folks who confine their lobbying activities to communicating directly with members only on an infrequent or irregular basis. It is not an attempt to say you are a lobbyist, and would be considered a lobbyist, if you confine your communication to particular Legislators. That would still be lobbying, and we would want to be sure you are registered. It is not meant to encourage a lobbyist to talk with Legislators to avoid registering.

ASSEMBLYMAN FRIERSON:

The language is a reflection of the current interpretation. The language is attempting to take into account the people who occasionally lobby but do not fall under the technical definition. There is language under the second half of the sentence that allows for the interpretation. If your activity is really lobbying, it would be in statute and you would still be required to register.

SENATOR SEEVERS GANSERT:

I was looking at section 3, subsection 2, where it talks about the report:

Include in the first report filed pursuant to NRS 218H.400 after the effective date of this act a report concerning the person's lobbying activities during the period beginning on February 1, 2021, and ending on the effective date of this act.

I am not sure how individuals fill that out. Are they supposed to keep a log of all the conversations they have?

ASSEMBLYMAN FRIERSON:

I do not know that we are concerned about a conversation. If you are being taken to dinner but that person never enters the building, we are trying to capture that activity starting February 1. This is not a deviation from a traditional lobbyist activity other than lobbyists have not been in the building or registered as yet.

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SENATOR SEEVERS GANSERT:

Is NRS 218H.500 behind the expense form that lobbyists fill out?

ASSEMBLYMAN FRIERSON:

This bill is not to increase amount of information to be reported.

MR. FERNLEY:

Nevada Revised Statutes 218H.400 is the section that requires a report of the expenditures by lobbyists. Section 3, subsection 2 requires those report go back to February 1.

SENATOR SEEVERS GANSERT:

Statute is only relating to Legislators, Lieutenant Governor, Lieutenant Governor-elect, Governor and Governor-elect. Why does it not extend to all the Constitutional Offices? They all interact during Legislative Sessions.

ASSEMBLYMAN FRIERSON:

My conclusion is the Governor signs bills and there is a direct legislative involvement, and the Lieutenant Governor frequently runs the Senate Floor. The other officer's jobs do not change throughout the year pertaining to authority within the legislative process.

JANINE HANSEN (State President, Nevada Families for Freedom):

I have been concerned about people who might occasionally contact a Legislator by mail or a phone call and would be considered a lobbyist. I am appreciative of section 2, subsection 2, paragraph (h) that has been added to the bill and appears to protect people who contact the Legislature and are not focused in their full activities in lobbying. The problems originally seen have been corrected.

MELISSA CLEMENT (Nevada Right to Life):

I thank the sponsor for taking our concerns and drafting an amendment that recognizes the grassroots citizen advocates from all issues and all sides who take their time to petition State government.

SENATOR SEEVERS GANSERT:

We should consider adding the Constitutional Officers. There are 3 to 20 bills that would be brought during regular session where they have significant

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influence and are part of the process. We should consider expanding the transparency for all those individuals.

SENATOR LANGE MOVED TO DO PASS A.B. 110.

SENATOR CANNIZZARO SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR OHRENSCHALL:

Having nothing further, I will adjourn the meeting at 4:21 p.m.

RESPECTFULLY SUBMITTED:

Diane Rea,
Committee Secretary

APPROVED BY:

Senator James Ohrenschall, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit Letter	Begins on Page	Witness / Entity	Description
	A	1		Agenda
S.J.R. 8 of the 80th Session	B	1	Michael Stewart	Work Session Document
S.J.R. 8 of the 80th Session	C	1	Bob Russo	Statement in Opposition
A.B. 110	D	1	Brenda Erdoes	Lobbyist Surveys