

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

**Seventy-Sixth Session
May 26, 2011**

The Committee on Legislative Operations and Elections was called to order by Chair Tick Segerblom at 2:53 p.m. on Thursday, May 26, 2011, 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/76th2011/committees/. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblyman Tick Segerblom, Chair
Assemblywoman Lucy Flores, Vice Chair
Assemblyman Marcus Conklin
Assemblyman Richard (Skip) Daly
Assemblyman Pete Goicoechea
Assemblyman Tom Grady
Assemblyman Crescent Hardy
Assemblyman Pat Hickey
Assemblyman William C. Horne
Assemblywoman Marilyn K. Kirkpatrick
Assemblyman Richard McArthur
Assemblyman John Ocegüera
Assemblyman James Ohrenschall
Assemblywoman Debbie Smith
Assemblyman Lynn D. Stewart

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Senator Sheila Leslie, Washoe County Senatorial District No. 1

STAFF MEMBERS PRESENT:

Patrick Guinan, Committee Policy Analyst
Terry Horgan, Committee Secretary
Michael Smith, Committee Assistant

OTHERS PRESENT:

Angie Pratt, Regional Director, Alzheimer's Association of Northern Nevada and Northern California
Becky Calhoun, Private Citizen, Reno, Nevada
Paul Dugan, Private Citizen, Reno, Nevada
Bruce Arkell, representing Nevada Senior Advocates and Nevada Senior Corps Association
Jan Gilbert, representing Progressive Leadership Alliance of Nevada
Paula Berkley, representing Food Bank of Northern Nevada and Nevada Network Against Domestic Violence
Elisa Cafferata, President and CEO, Nevada Advocates for Planned Parenthood Affiliates
Rebecca Gasca, Legislative and Policy Director, American Civil Liberties Union of Nevada

Chair Segerblom:

[Roll was taken.] Today we will have hearings on two measures. The first is Assembly Concurrent Resolution 10.

Assembly Concurrent Resolution 10: Directs the Legislative Committee on Health Care to create a task force to develop a state plan to address Alzheimer's disease. (BDR R-1296)

Assemblywoman Debbie Smith, Washoe County Assembly District No. 30:

I am here today to talk about A.C.R. 10. I imagine most people here know someone who has been affected by Alzheimer's disease, or Alzheimer's may have had an impact on you personally. This resolution directs the interim Legislative Committee on Health Care to create a task force to come up with a state plan to address Alzheimer's. Until I started talking to some of the people

who are here today to present more in-depth information and ask for your support, I had not focused on the fact that during my time in this building—ten years, five sessions, and serving on the Assembly Committee on Health and Human Services—we have never really talked a lot about Alzheimer's.

That is surprising, because this disease affects many people and has an impact on their lives, on their ability to go to work when a family member is affected by Alzheimer's, and on their ability to find care. A friend who lost his wife to this disease talked to me about it this session. There was some desire to work on it next session, but considering how drastic this disease is and the numbers of people it affects, we really need to look at it in this interim and put together a state plan for the next Legislature to consider. We talk about heart disease, we talk about stroke, and we talk about diabetes and obesity. How is it that we have not talked about this issue up until now?

My proposal is that the interim Legislative Committee on Health Care would create a task force. We intend to find private funding to help the task force meet and do its work, and that is in the bill. Let the task force pull together a group that would study the issue. It has been done several other states, so there are other state plans to emulate and we will not have to start from scratch. They can come back to the next legislative session with a plan to address the issue of Alzheimer's. That is what the bill does. I would like to bring representatives forward who can talk more specifically about how Alzheimer's disease affects our state. Paul Dugan is among those who will be speaking, and he is the person who spoke to me about this and related his experience.

Chair Segerblom:

Are there any questions for Mrs. Smith? [There were none.]

Angie Pratt, Regional Director, Alzheimer's Association of Northern Nevada and Northern California:

I would like to thank Assemblywoman Smith for bringing this resolution to you, and I thank you for listening to us today. You have a handout containing information about the disease ([Exhibit C](#)). There are presently 5.4 million Americans with Alzheimer's disease. Every 69 seconds, someone in the United States develops Alzheimer's. Nevada presently has 29,000 cases of the disease. Between 2000 and 2025, the number of cases in Nevada is expected to double, so we are in a crisis. This disease is almost at epidemic proportions. It is not normal aging.

Thirty other states in the United States have state plans, or are in the process of making state plans, to deal with the growing number of cases. What we are asking Nevada to do is establish a state plan for Alzheimer's disease which will direct agencies and organizations to follow best practices, coordinate services, and provide integrated care for persons with the disease, and especially for their family caregivers. Speaking of family caregivers, we know there are at least 87,000 family caregivers who are unpaid at the present time, and possibly more. This is not just an old person's disease. There are 200,000 cases of the disease in the United States, and many victims are younger than age 65. In fact, the youngest person with Alzheimer's in the State of Nevada is living in Sparks. She is 44 and has two children, 11 and 9 years old.

As this fatal disease progresses, persons with Alzheimer's require 24-hour care. Their children and family caregivers can lose their jobs; they can lose their health insurance, and there are incalculable amounts of stress on the family. It is time for Alzheimer's disease to come out of the darkness and into the light. If we as a state and as a nation do not choose to deal with this disease now, we are going to be paying trillions of dollars in the future. We know it costs about seven times as much to care for a person who has Alzheimer's disease as it does to care for someone who does not have the disease.

Some of us are baby boomers, and I am one of them. There are now 10,000 baby boomers a day developing this disease. Some of you probably remember polio in the 1950s. The government at that time was aghast that there were 60,000 cases of polio in the United States. What they decided to do was make a major investment in research, and thus, Jonas Salk developed a vaccine. A lot of us do not have the disease because of that vaccine. Presently there is no cure, nor is there anything to do about or slow down Alzheimer's disease. A person who is diagnosed at 65 or older will live about 10 to 20 years with the disease. If a person is diagnosed at a younger age, that person will live about five years.

This is your opportunity to do long-term good for the families in Nevada, and I encourage you to support this resolution. You can be assured that the Alzheimer's Association in Nevada will be very much involved in helping this come to fruition.

Becky Calhoun, Private Citizen, Reno, Nevada:

I am a registered nurse and part-time clinical faculty at Truckee Meadows Community College. I want to thank Assemblywoman Smith for bringing this resolution before your Committee.

I would like to address Alzheimer's disease and dementia on two levels, first as a health care professional and then as a family caregiver. My mother died from Alzheimer's disease, and I currently have a sister with Alzheimer's disease. She is an elected official, as you are, so no one is exempt from this disease. Most people are not fortunate enough to have an informed health care provider in their families—someone who knows about detection and resources—so it is important to have some type of task force and state plan or road map.

As a professional, I see an increase in Alzheimer's disease and a need to train our professionals about how to detect, diagnose, and educate caregivers and practitioners. Since coming to Nevada five years ago, I have felt as though I stepped back ten years in time regarding detection, diagnosis, and care. Up to 80 percent of patients with the disease who come to emergency rooms do not have a dementia diagnosis.

Nevada has an obligation to care for its large elderly population, because one in eight persons over the age of 65 has Alzheimer's disease. We are also seeing an increase in Alzheimer's disease in patients younger than 65 years of age, with approximately 200,000 being diagnosed in the United States. The youngest known case, as Angie just said, is 44 years old. We need to have an action plan to deliver quality care to our patients and their families. Please enact this resolution so we can make the appropriate changes to provide a statewide road map to correct these issues.

Chair Segerblom:

Are there any questions?

Assemblyman Stewart:

Is there any recent research concerning why cases are increasing?

Angie Pratt:

Most cases are in women, because they live longer than men. The main reason the disease is developing is because people are living longer.

Assemblyman Stewart:

Is there any research as to why a person gets Alzheimer's? Is there any way to avoid it?

Angie Pratt:

There is a lot of research right now about lifestyle; however, we have no definitive reason for why this is happening. The National Institutes of Health has put between \$6 billion and \$3 billion into studying cancer, HIV/AIDS, and cardiovascular disease, and those rates are dropping. However, the deaths from

Alzheimer's disease are up 66 percent, yet we are spending only \$450 million on research for Alzheimer's right now.

Paul Dugan, Private Citizen, Reno, Nevada:

In December 2007, my wife Susan was diagnosed with what the neurologist termed as the early onset of Alzheimer's disease. She was 56 years old. In March 2010, she died. If Susan's experience had simply been a rare, unlucky event, I would not be here today. Tragically, it is not. You have heard the numbers. Since my wife was diagnosed, and subsequent to her death, I have become involved with the Alzheimer's Association in an attempt to make something positive result from her tragedy. This bill is a step toward doing that.

Unfortunately, the numbers of people affected with Alzheimer's will increase, and the numbers of those who are touched by their battle with this disease, both emotionally and economically, will increase as well. In May 2009, Susan's condition had deteriorated to the point that I decided it best to place her in a memory care facility. From May 2009 to March 2010, my out-of-pocket expenses reached over \$75,000. It is time for Nevada to address, in a professional, well-thought-out plan of action, how we will deal with this challenge in the future. I want to thank Assemblywoman Smith for being willing to put this issue forward, and I want to thank this Committee for giving me the opportunity to speak.

Chair Segerblom:

Are there any questions for Mr. Dugan? [There were none.]

Assemblyman Hickey:

You and I, Mrs. Pratt, shared an office on Wells Avenue in Reno awhile ago, and I want to thank you for all you do, because I saw it firsthand. In Mrs. Smith's introduction, she explained that the funding for this study would in all likelihood be raised through your efforts and those of others. Could you explain more about that? Is the state going to be required to contribute to this effort?

Angie Pratt:

The Alzheimer's Association of Northern Nevada has agreed to partner with members of the task force and others to help get the money to fund the task force. There are other states, and Arizona is one of them, where not one cent has been spent on the state plan. All the people on the task force representing the state, the Legislature, the Alzheimer's Association, and others are donating their time because they are so concerned about the disease. We do not anticipate the cost to be extraordinary in any way. Also, we believe so much in

what we are going to do here that we are willing to help find the funds. We are willing to partner with others to help find the funds.

Assemblyman Ohrenschall:

You talked about the burden to other relatives when someone is diagnosed with Alzheimer's. Right now, is insurance taking care of the needs of someone with Alzheimer's? Is it Medicare or retirement insurance? How are people coping?

Angie Pratt:

People are barely coping. As an example, a family came to my office last week. The gentleman is 52 years old, and he held a high position in one of our casinos. He was fired from that position because he has Alzheimer's disease and was no longer able to carry on. He did not know he had the disease at the time. He came into my office with his wife. They have three children, aged 20, 17, and 13. They no longer have health insurance, because he can no longer work. His wife has not worked in 27 years, so they are going to sell their house in order to carry on. For some people, it is a real struggle. Others have health insurance; some are on Medicaid. There are facilities that accept Medicaid clients, but it can be a real struggle. One family's father died at 48. I helped them for four years. The 17-year-old quit high school when he was 16, and started working to support the family because his mother did not work. He got a job and is supporting the family. It is a real financial burden for people.

Chair Segerblom:

Are there further questions? [There were none.] Mrs. Smith, did you have anyone else who wanted to testify?

Bruce Arkell, representing Nevada Senior Advocates and Nevada Senior Corps Association:

We have been talking with Angie Pratt about this project for a long time, and we are one of the partners she is talking about. We are willing to put whatever effort we can into seeing this is accomplished. We can provide some technical help. It is an excellent program and one that needs to be done.

Chair Segerblom:

Mrs. Smith, did you want to make a final statement? If so, I will be happy to take a motion and pass this out.

Assemblywoman Smith:

I wanted to respond to Mr. Hickey's question. Normally, we do these things without any funding. The interim task force and our staff made it happen. I really felt it was important considering the situation we are in. I also did not know what other assignments interim committees might be given, but when

I looked, there are not a lot of assignments, so this will be somewhat of a gift or a bonus to the committee. If we can raise \$10,000 to help defray some of the costs, that will help the task force. The Legislature normally does this within our course of business in the interim anyway, but this will be a bit of a bonus for us, I think.

Chair Segerblom:

Are there any further questions? [There were none.] I will take a motion.

ASSEMBLYMAN HICKEY MOVED FOR ADOPTION OF
ASSEMBLY CONCURRENT RESOLUTION 10.

ASSEMBLYMAN OHRENSCHALL SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN CONKLIN AND
OCEGUERA WERE ABSENT FOR THE VOTE.)

Next we will go to our work session and start with Assembly Bill 570, which is the Board of Regents redistricting plan. Mr. Guinan, will you please give us some background.

Assembly Bill 570: Revises the districts from which the members of the Board of Regents of the University of Nevada are elected. (BDR 34-1293)

Patrick Guinan, Committee Policy Analyst:

Members, we do not have binders or work session documents in hard copy today, because we just heard these two plans on Tuesday, and they are all up on the Nevada Electronic Legislative Information System (NELIS). I will run through them very quickly for you.

Assembly Bill 570 revises the districts from which members of the Board of Regents of the University of Nevada are elected. Scott Wasserman, Chief Executive Officer and Special Counsel to the Board of Regents, presented the bill to the Committee. The Board of Regents unanimously approved the redistricting plan contained in A.B. 570 at a meeting held on May 6, 2011. There was no other testimony in support or in opposition to A.B. 570 when the Committee heard it.

Chair Segerblom:

May I have a motion to approve the bill?

Assemblyman Hardy:

I wanted to make a comment. The districts look as though minorities will have good representation, so it looks like a good map and one we can approve. It was a good job and done in accordance with federal regulations.

Chair Segerblom:

We can thank Mr. Wasserman for that.

ASSEMBLYMAN HARDY MOVED TO DO PASS
ASSEMBLY BILL 570.

ASSEMBLYMAN DALY SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN CONKLIN AND
OCEGUERA WERE ABSENT FOR THE VOTE.)

We will move on to Assembly Bill 573, which pertains to the State Board of Education districts.

Assembly Bill 573: Revises the districts from which members of the State Board of Education are elected. (BDR 34-1302)

Patrick Guinan, Committee Policy Analyst:

Assembly Bill 573 revises the districts from which members of the State Board of Education are elected. The Committee heard that bill two days ago on May 24. It was presented to the Committee by Kathy Steinle, the GIS Manager of the Information Technology Services Division of the Legislative Counsel Bureau, and Michael Stewart, Supervising Principal Research Analyst with the Research Division. Keith Rheault, Superintendent of Public Instruction, was on hand and testified in support of the redistricting plan contained in A.B. 573 on behalf of the Board, stating his belief that the plan did meet concerns the Board had. Other than that, there was no testimony on A.B. 573 either in support or in opposition.

Chair Segerblom:

Thank you. Mr. Goicoechea, did you have comments about A.B. 573?

Assemblyman Goicoechea:

Yes, sir. Unfortunately, we have to oppose the bill because it clearly does not meet the Joint Rules of the Legislature, which require the plan to be within a 10 percent deviation.

Chair Segerblom:

We asked Committee Counsel, Eileen O'Grady, about this on May 24. With respect to these districts, she said the Joint Rules were not mandatory.

Patrick Guinan:

To reiterate what Legal Counsel said at the meeting on May 24, the Joint Rules state that getting to that lower deviation below 10 percent is a goal for the education plan. The Legal Division's statement was that the preservation of political districts is allowable as a goal for a plan, so Legal's opinion was that the plan is defensible although it does go about one point beyond the 10 percent margin. Would you like me to read the rules to you?

Assemblyman Goicoechea:

No, I do not want to waste a lot of time on it. We understand you did not want to break up school districts, but the law is still the law. I do not know how we can work this out; either change the rules or change the plan.

Chair Segerblom:

Given the time frame we are working with, I prefer to move the bill. After the vote, the disagreement will be on the record, and maybe the Senate can address that issue.

Are there any other comments about Assembly Bill 573?

Assemblyman Hickey:

To some of us, it seems the authors of the plan may also have disregarded the Voting Rights Act, as they have not drawn a single majority Hispanic district either.

Assemblyman Stewart:

I will vote in favor of the bill but reserve the right to change my vote on the floor of the Assembly.

Chair Segerblom:

May I have a motion?

ASSEMBLYWOMAN KIRKPATRICK MOVED TO DO PASS
ASSEMBLY BILL 573.

ASSEMBLYMAN OHRENSCHALL SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN GOICOECHEA, GRADY, HARDY, HICKEY, AND MCARTHUR VOTED NO. ASSEMBLYMEN CONKLIN AND OCEGUERA WERE ABSENT FOR THE VOTE.)

We will take a five-minute recess [at 3:24 p.m.].

The meeting will come back to order [at 3:29 p.m.]. We will open the hearing on Senate Bill 206.

Senate Bill 206: Requires legislative lobbyists to file reports concerning lobbying activities when the Legislature is not in session. (BDR 17-1004)

Senator Sheila Leslie, Washoe County Senatorial District No. 1:

This bill requires lobbyists to file reports when they lobby us when we are not in session. As you all know, right now lobbyists must file monthly reports while we are in session. As you also know, much of our legislative business is now conducted between sessions, and there are no reporting requirements during that time. This bill is intended to be a sunshine bill. It does not mean that anything you do now you cannot keep on doing, but it means a lobbyist must report it. The standards would be the same as during the session.

Reviewing the lobbyist registration today online, the regulations are actually promulgated by the Legislative Commission. When we heard this bill in the Senate, people had a lot of questions and "what ifs." Those regulations would be established by the Legislative Commission. Another question that arose concerned someone who was a lobbyist during the session but did not intend to lobby out of session. There is a very simple process to decertify oneself as a lobbyist. Another question arose regarding unpaid lobbyists versus paid lobbyists. We debated that question among ourselves, and after looking at the list of unpaid lobbyists—which I would encourage you to do—you will come to the same conclusion we did that this should include everyone if they are doing any lobbying activities. The bill would require quarterly reports when we are not in session, and the intent is that the same standard would apply as when we are in session.

Chair Segerblom:

What exactly are the reporting requirements?

Senator Leslie:

They would disclose within the guidelines we have now: if they take you to dinner or if they take you golfing—any spending on legislators as described by the lobbying requirements.

Chair Segerblom:

So meetings at Starbucks are now going to be reported?

Senator Leslie:

Not if they are under the threshold.

Chair Segerblom:

What is the threshold?

Senator Leslie:

I think it is \$50. There is nothing wrong with that; it just has to be disclosed.

Chair Segerblom:

We do not have to report on our side?

Senator Leslie:

No, this requirement is on the lobbyists and not on you. You still have to report gifts according to the gift requirement. Coffee does not rise to that level.

Assemblyman Daly:

Having been a lobbyist before, when I turned in my report, that was the end of my obligation. Technically I was not a lobbyist anymore, but I still talked to legislators and did various things. According to other statutes, during the 30 days before and after the session, lobbyists are not able to make any contributions, but I do not see any provisions in the bill. So when could a lobbyist make a campaign contribution?

Senator Leslie:

I think that is governed by a completely different portion of the law.

Assemblyman Daly:

But I do not know that it is clear in this bill. Also, when I looked at the dates, you have to report from February through July during the session in odd-numbered years. Then, you have to report quarterly at the end of September and December for the rest of the odd-numbered year. During an

even-numbered year, you would have to report in March, June, September, and December, and then again in the next year, an odd-numbered year, reporting would begin in February. So is January a free month? Do whatever you want apparently in January, the way it is written.

Senator Leslie:

We will have to take a look at that, because that was not what I intended.

Assemblyman Goicoechea:

Any rational person is going to turn his badge in so he does not have to file the reports.

Senator Leslie:

Once that person meets the standard of being a lobbyist, he would have two days to reregister as a lobbyist. The standard is, as soon as you attend a legislative meeting or engage in lobbying, you have two days to register. If someone is doing those activities, he or she must register or not be in compliance.

Assemblyman Goicoechea:

I would argue—if you attend an interim committee meeting, are you truly a lobbyist if you do not have a badge? I think that is a pretty fine line. As I said, if I was facing filing four more reports in the off year, I would just hang my badge up and keep doing what I had been doing. I would only be a member of the public at that point.

Senator Leslie:

If you look at the rules, you will see there are plenty of people who will meet the standard. You can choose not to have the Legislative Commission make the standard, but I think this bill catches the people I am aiming for. I do not think filing a quarterly report online is a big deal.

Assemblyman Goicoechea:

You would clearly have to track it. You are talking about any expenditure over \$50. I am assuming there would be regulations in place at some point that could jeopardize a person's lobbying license for the next session. If a person wanted to be safe, that person would just surrender his lobbying badge.

Senator Leslie:

I think they will keep track.

Assemblyman Horne:

I see Mr. Murphy in our audience. He works for Clark County, and I am sure the county is paying him to do this, although he is probably not what we normally think of as being either a paid or unpaid lobbyist. He probably does not give campaign contributions during the interim. If he invites me to his home for dinner, how would we define that dinner? Is he lobbying me because he invited me for dinner? How is he going to report that? Would he be in violation if he does not report it? Where do we draw the lines?

Senator Leslie:

That is a great example of the kind of questions that came up in the Senate and that you will have to grapple with. We are all going to have to adjust. I will have to adjust in my life, too, because I have friends who are lobbyists. It does not mean that you cannot have dinner, but he might have to report it.

Assemblywoman Kirkpatrick:

For local government, the lobbyists have to register for the long term. That is already a practice, and many of the folks up here already lobby in a different fashion back in Clark County. They are accustomed to doing it year-round. Would we have the same rules? If I went to dinner with a lobbyist and chose to pay my way, that would not be an expenditure, correct?

Senator Leslie:

Correct.

Assemblywoman Kirkpatrick:

The lobbyist would not necessarily report it because I paid my own way, or how would that work?

Senator Leslie:

Regulations are going to have to be promulgated, so it would be up to the Legislative Commission to decide those things. In reading the rules again today, I read through all the regulations involving potlucks. For instance, if you go to a dinner and a legislator brings some food, it is not reportable. If you pay your own way, it is not reportable, so I would imagine the same kinds of regulations would apply.

Assemblyman Hickey:

You mentioned unpaid lobbyists. I assume one must pay a lobbying registration fee during the session. Do they then have to pay an additional fee during the interim?

Senator Leslie:

That would be something the Legislative Commission would have to set—whether it would be one fee every two years, an annual fee, or one fee during the session. This bill does not cover those types of decisions. Right now, a nonpaid veteran lobbyist pays nothing. A nonpaid lobbyist pays \$20, and a paid lobbyist pays \$300 for the session. I imagine the Legislative Commission would review those regulations and make that determination. I am not trying to make money with this bill. For the first time, we raised the lobbying fees significantly, and it was a revenue-generating act, but that is not my intent.

Assemblyman Hickey:

Lobbyists should report campaign contributions, so the point of this bill is obviously about transparency, but what perceived problem are you trying to address?

Senator Leslie:

What I have heard from my constituents is that there is a public perception that there is a lot of lobbying activity, and that lobbyists are paying for things for legislators such as golf games, fancy dinners, or whatever it might be. As a result, there is a lot of consternation that that activity is not reported. The public just wants to know. This is purely about sunshine. If it is so important that we have them report during session, I believe it is equally important that they also report out of session, when a lot of planning and legislative activity—interim committees or planning for the next session—happens. It is good government to have this kind of reporting. Most states do have year-round reporting, but of course most states meet more often than we do.

Assemblyman Hardy:

As my colleague from southern Nevada stated, I had a relationship with Mr. Murphy long before he became a lobbyist or county official. My wife and I have gone out with Mr. Murphy and his wife. I had relationships with a number of individuals in this building long before I became a legislator. Sometimes I buy; sometimes they buy. It goes back and forth.

Senator Leslie:

We all do.

Assemblyman Hardy:

Now it appears to me that I need to be very careful. Am I going out with these people as friends or as a legislator? Am I wrong in the way I am reading this?

Senator Leslie:

You do not need to be frightened about it. If the individual is a lobbyist, and that person is buying you dinner, that dinner must be disclosed if it rises above that \$50 level. It does not mean that you cannot do it, but it does have to be disclosed the same way it has to be disclosed now during the session. If Mr. Murphy buys you dinner during the session and it falls within the threshold, he has to disclose it. I am asking for that same standard to be applied year-round.

Assemblyman Hardy:

But now it becomes a matter of determining whether I am doing this as a friend. I must now rethink the whole process. As legislators, we know if we are doing something wrong. Now I will be wondering if I am doing something wrong.

Senator Leslie:

It is not about doing something wrong. This is not about whether you having dinner with Mr. Murphy is right or wrong either during the session or outside the session. If he is a lobbyist, that should be disclosed to the public.

Assemblyman Hickey:

Mr. Murphy's house needs painting. Should I paint it? Is that something my business should report?

Senator Leslie:

No, it is not about you; it is about Mr. Murphy. If Mr. Murphy was the painter and was painting your house for free or giving you a discount, yes, that should be reported. It is not about you.

Assemblyman Goicoechea:

Would you consider raising that threshold? Fifty dollars is nothing anymore. A \$150 or \$200 gift is one thing, but if Mr. Goldwater and I go to dinner, we do not want to get caught in this just because of who picked up the tab.

Senator Leslie:

Mr. Goicoechea, the bill does not address that. It would be dealt with in regulations set by the Legislative Commission. I am not trying to get at Mr. Goldwater, knowing whether Mr. Goldwater is having dinner or a beer or a cup of coffee with you. I am fine with whatever the Legislative Commission decides is the appropriate threshold.

Chair Segerblom:

I have just been told that anything over \$50 must be itemized, but anything over \$2 has to be reported.

Senator Leslie:

The question to ask yourselves is whether you think it is important enough to be reported outside of the session; and either you do or you do not. It took quite a bit of debate among legislators but the Senate unanimously approved it. I understand all the questions, but I have to go back to my original point—we are going to have to adjust the way we do business. The very first time lobbying reporting was required in the state during a session, I am sure all these same questions were asked. The question is, do you think it is important enough to have them report once a quarter when we are out of session?

Assemblywoman Kirkpatrick:

I believe everyone is overthinking this situation. I have friends who are lobbyists, and they were my friends before I was a legislator. When I go to dinner with these friends, we do not talk about legislative matters. We are friends. We have more to talk about than what goes on in this building, so for me, it is pretty easy to determine the difference. In my book, you have political friends as well as people who have been your friends for years and years, and then there are people who are a little bit of both. After a legislative session, I do not know if I want to go out with my friends and only talk about the session that just happened or something coming up for the next one. These people are my friends; we have other things to discuss.

Also, it is a common practice for lobbyists already. They are required to report on the local level in Clark County. There is a form, and they have to register. People know what they have to do. It is unfortunate that the public thinks we are all being wined and dined every night, that we are not doing legislative business, or that we are all in it to gain something. We go through the same thing here—where do we fit on the list? It is your choice to decide where you fit. I wish there was not so much leeway within regulations, because they could potentially be so watered down that it would not matter. It is all how you view yourself and where you fit outside this building.

Assemblyman Horne:

I do not necessarily think we are overthinking this issue. The Senator mentioned that it is not about us; it is about the lobbyists. But they do not get beaten about the head and shoulders as we do. If Mr. Murphy invites me to have dinner and then it is in the paper that I have been wined and dined in his home by a county lobbyist—you get the picture. That is how it becomes an unnecessary weapon. It has been stated that they report when they give us contributions, and that shows the relationship.

Take Josh Griffin, for instance. Our sons were born during our freshman legislative session. Our sons have gone to each other's birthday parties. Are we reporting this? I cannot say that Josh did not mention something at the party or vice versa. This starts getting into minutia. If he does not report it and then it comes out that we are friends and it was not reported—why not? This seems overblown in my opinion.

Senator Leslie:

I respect that. We had the same conversation in the Senate, so I am not surprised to have it again here. I think as you reflect upon this and reread things, it is not about your son going to the birthday party. That is not what it is about.

Assemblyman Ohrenschall:

Assemblywoman Kirkpatrick mentioned that Clark County has this standard. Do the rest of the state's local governments have a standard like this, or is it unique to Clark County?

Senator Leslie:

I am not aware of any other local government that has a standard. I am not aware that Washoe County does. I completely agree that they should.

Chair Segerblom:

Does anyone else want to come forward and speak in favor?

Jan Gilbert, representing Progressive Leadership Alliance of Nevada:

We support this bill because disclosure is good. It is good for you; it is good for the lobbyists; it is good for the whole process. It makes people realize we are not terrible people lobbying here. We think it is a transparency issue.

I did a little research because I was curious about what other biennial legislatures do. There are five states that have biennial legislatures—Texas, Oregon, North Dakota, Nevada, and Montana. Of those, three require some

form of reporting year-round. Some do it quarterly, some do it yearly; some do it monthly. North Dakota is the only state that had not changed its law yet. It only requires reporting once their legislature begins.

We feel it is the responsibility of the lobbyist. We are talking about events people sponsor that a number of legislators go to, and they need to report those. If they have a huge golf tournament, we believe the public should have the right to know that legislators go to that. It is just a reporting. We do it now. Many of us report zero every single month. It is not a big deal. You fill out the form online and you sign it. When my organization had an event at the beginning of the session, I had to figure out how many of you came. We divided the expense by who came, and it ended up being very inexpensive. I do not think we even had to report.

Our state has a very good system of reporting. They have the rules for us. If you have a friend over for dinner, you are not really lobbying them. You are not representing your client. What Assemblywoman Kirkpatrick said is true, but if you are representing a client and you have an event, that is lobbying. I believe the public wants to know and find out how much people are really spending. There is a perception within the public, and you know it. I ran for office once and I was attacked because I was a lobbyist. I am a nonprofit, and I do not think that is right. I do not think we should demonize lobbyists; they do a good job. That is not the intent of this bill. We feel it is good for lobbyists and good for you. It is a positive step for transparency.

Chair Segerblom:

Does this bill continue the exception if you invite everybody?

Jan Gilbert:

I think it is in the lobbyist instructions and in the regulations you passed through the Legislative Commission. They tell us what we have to do, and every session there is a day during which they explain the law to new lobbyists, or anyone else, and any changes you have made. If you invite everyone, you divide the expense by the number of legislators. That is my understanding.

Chair Segerblom:

But you do not have to report if you invite everyone.

Paula Berkley, representing Food Bank of Northern Nevada and Nevada Network Against Domestic Violence:

I too recommend passing this bill. I go to public events, and when I am asked what I do for a living and I say lobbyist, I get some pretty negative looks. Very few people think that lobbyists do not buy votes, take people out to dinner to

wine and dine them, and take them on trips. This whole mystique about lobbyists really needs to be corrected. When the bill about lobbying first passed, there was some confusion, just as there will be with this bill because it is a new thing. I think you have to tailor it to the circumstance. I have faith that we can figure out how to do this. That first session, we would run to Director Lorne Malkiewich's office and ask if something applied, because no one can think of every eventuality when first applying three sentences of law. After the first session, we had thought through what the law really meant and what was being looked for, so after that, it was not a problem.

I think I spend less than a minute every month turning in my report. I do not think it is a hardship. Any dollars I spend on behalf of my clients I already have to account for to my clients, so this would not be new or additional information to keep track of. I do not see it as a burden; I do see it as transparency. There have been many bills this session seeking more transparency so the public would have more confidence in the process. I would like to be part of the public's confidence in the process rather than its suspicion.

Elisa Cafferata, President and CEO, Nevada Advocates for Planned Parenthood Affiliates:

We support this bill. We think it will help all of us who attend interim committee meetings and work with legislators throughout the year to raise the level of awareness and cognizance about reporting what we are doing and paying more attention to what we are doing.

I want to respond to some of your questions. Nevada is a super, super small state. As many of you know, my mother is Patty Cafferata. She used to be Director of the Ethics Commission, and now my sister-in-law, Caren Jenkins, is Director of the Ethics Commission. Barbara Vucanovich is my grandmother. During the session, I personally exercised what my ex-husband, Dale Erquiaga, calls the preexisting condition rule when he showed up in the Caucus Deli and had forgotten his wallet in the Governor's Office. I had to buy him lunch, but did not have to report that since we were married and have two children together. There is an exemption in existing regulation for people who have a personal relationship that predates the lobbying one. I have used it; we all can use it. Again, this is an obligation on us, and it is a very simple process to report online, so we are in support of this bill.

Chair Segerblom:

Thank you. Are there any questions?

Assemblyman Hickey:

Could a nonprofit group, someone who does not typically lobby or sign up to lobby, have a golf tournament and invite elected persons like ourselves? Might they feel obligated then to sign up to lobby because we lawmakers were in attendance at that charity event?

Elisa Cafferata:

I think it would completely depend on the situation, and I want to disclose that I am not an attorney. If a nonprofit had a golf tournament that was a fundraising event, and you signed up and contributed to them, I do not think you would end up with a situation where you had to report. This is lobbyists' expenditures on legislators. I think that is how the reporting requirement goes, so if a lobbying firm took you out golfing and paid your greens fees, then I think that is exactly the sort of thing that would arise unless you fell under this exemption that you had been playing golf for 20 years as buddies and that you do it every Sunday. That is covered in the regulations.

Chair Segerblom:

Thank you. Is there anyone else here in support of the bill? [There was no response.] Is anyone in opposition to the bill? [There was no response.] Is anyone neutral on the bill?

Rebecca Gasca, Legislative and Policy Director, American Civil Liberties Union of Nevada:

We really appreciate the nod towards transparency that is in this bill. I can certainly identify with my public-interest lobbyist colleagues who have spoken before you this afternoon with respect to the lobbying function and what the public has decided concerning when it is lobbying and when it is not. I often get the opportunity to explain to people I meet and have casual conversation with what lobbying actually is. No, it is not taking legislators out. The American Civil Liberties Union (ACLU) does not have budgets for that. I just get to talk before you most of the time.

What it comes down to for the ACLU is the fact that the devil is in the details on this bill. You heard Ms. Berkley mention that after the lobbying rules were put into place people would go to Lorne and ask, "How does this apply?" and "Where is the exception in this?" We want to make sure that individual lobbyists are not having their First Amendment rights inadvertently squashed when it comes to their own personal contributions supporting people—for example, during election season. I think that is certainly not the intent of the bill, but we want to make sure that, as applied, that is not what is happening. This is going to apply during election season, and the difference between what a person does as a lobbyist and as an average citizen we think is important. We

want to make sure that lobbyists are not inadvertently scooped up in the application of this bill during those times.

Chair Segerblom:

Is there anyone else to speak for, against, or neutral? [There was no response.] All right, I will close the hearing on S.B. 206. Is there any public comment? [There was no response.] We are adjourned [at 4:04 p.m.].

RESPECTFULLY SUBMITTED:

Terry Horgan
Committee Secretary

APPROVED BY:

Assemblyman Tick Segerblom, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Legislative Operations and Elections

Date: May 26, 2011

Time of Meeting: 2:53 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.C.R. 10	C	Angie Pratt	Handout Containing Information About Alzheimer's Disease