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PREPARED BY
RESEARCH DIVISION
LEGISLATIVE COUNSEL BUREAU
Nonpartisan Staff of the Nevada State Legislature

WORK SESSION

Assembly Committee on Elections, Procedures, and Ethics

April 29, 2003

-
- Assembly Bill 542 _____
 - Assembly Joint Resolution No. 5 _____
 - Assembly Joint Resolution No. 6 _____

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C101 to

ASSEMBLY ELECTIONS, PROCEDURES, & ETHICS
DATE: 4/29/03 ROOM: 3138 EXHIBIT C
SUBMITTED BY: Michelle Van Boel



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WORK SESSION

Assembly Committee on Elections, Procedures, and Ethics

April 29, 2003

The following measures will be considered for action by the Assembly Committee on Elections, Procedures, and Ethics during a work session on Tuesday, April 29, 2003:

ASSEMBLY BILL 542

Makes various changes relating to operation of Legislature and Legislative Counsel Bureau. (BDR 17-1024)

Sponsored by: Assembly Committee on Elections, Procedures, and Ethics

Discussion

Assembly Bill 542 was heard by the Committee on April 15, 2003. Lorne Malkiewich, Director of the Legislative Counsel Bureau (LCB), presented the bill. The bill makes various changes relating to operations of the Legislature and the Legislative Counsel Bureau.

Proposed Conceptual Amendments

1. Exempt non-paid lobbyists from the fee for late filing (see proposed language under Tab A from Lorne Malkiewich, Director, LCB).
2. Add language to Section 21, which allows Legislative Session employees to earn one year toward vesting, clarifying that in no event should this Section be interpreted to have someone accrue more than one year toward vesting (proposed by Lorne Malkiewich, Director, LCB).
3. Delete Section 22, which would remove the requirement that the LCB provide assistance to the Nevada Silver Haired Legislative Forum (proposed by Bob McCune, President, Nevada Silver Haired Legislative Forum).
4. Add language in Sections 5, 9, and 11 concerning fiscal notes to clarify that local governments will be notified of fiscal notes, even if the fiscal note concerns only county or city jails or detention facilities (proposed by Dan Musgrove, Intergovernmental Relations Manager, Clark County).

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ASSEMBLY JOINT RESOLUTION NO. 5

Urges Congress to appropriate just compensation to State of Nevada for losses of revenue for public education from impact of land in Nevada held by Federal Government. (BDR R-1070)

Sponsored by: Assemblyman Lynn Hettrick

Discussion

Assembly Joint Resolution No. 5 was heard by the Committee on April 15, 2003. Assemblyman Hettrick presented the bill to the Committee. The measure urges Congress to appropriate just compensation to the State of Nevada for losses of revenue for public education from the impact of land in Nevada held by the Federal Government.

Proposed Conceptual Amendments

No amendments offered.

ASSEMBLY JOINT RESOLUTION NO. 6

Urges Congress to increase payments in lieu of taxes and make certain other reparations for detrimental effects of federally held lands in Nevada. (BDR R-810)

Sponsored by: Assemblyman Joe Hardy

Discussion

Assembly Joint Resolution No. 6 was heard by the Committee on April 15, 2003. Assemblyman Hardy presented the bill to the Committee. The measure urges Congress to increase payments in lieu of taxes and make certain other reparations for detrimental effects of federally held lands in Nevada.

Proposed Conceptual Amendments

Section 4(a), Lines 6 through 8—Remove “including land under the railroads that will be used to transport high-level radioactive waste to any repository for such waste located in Nevada” (proposed by Assemblyman Hardy and Dan Musgrove, Intergovernmental Relations Manager, Clark County).

PROPOSED AMENDMENT TO AB 542

Amend the bill as a whole by deleting sec. 17 and adding new section designated sections 17 and 17.5, following sec. 16, to read as follows;

"Sec. 17. NRS 218.934 is hereby amended to read as follows:

218.934 The Director may:

1. Prepare and publish such reports concerning lobbying activities as he deems appropriate.
2. Release to the public the name of any lobbyist who fails to file any activity report within 14 days after the date it is required to be filed.
3. Revoke the registration of any lobbyist who fails to file any activity report within 30 days after the date it is required to be filed ~~[-]~~ *or fails to file two or more activity reports within the time required.*

Sec. 17.5. NRS 218.940 is hereby amended to read as follows:

218.940 1. ~~[Any]~~ *Except as otherwise provided in this subsection, a registrant who files an activity report after the time provided in NRS 218.926 shall pay to the Director a fee for late filing of \$10 for each day that it was late, but the Director may reduce or waive this fee upon a finding of just cause. The Legislative Commission may by regulation exempt a classification of lobbyist from the fee for late filing.*

2. An activity report with respect to which a late filing fee has been paid by the registrant or waived by the Director shall be deemed timely filed, and the late filing is not a public offense."

EXPLANATION: The existing section of the bill allows the Legislative Commission to exempt a classification of lobbyist (nonpaid lobbyists) from the requirement of filing a monthly report if no expenditures were made. The reason that we require reports is that it is impossible to determine whether the failure to file a report was because no expenditures were made or because the lobbyist simply neglected to file a report. The proposal to exempt nonpaid lobbyists from filing would leave us with the same problem. The reason I want to make a change is that a nonpaid lobbyist who is 2 days late in submitting a report -- a report indicating that no expenditures were made -- incurs a fine that is larger than the entire registration cost. A person who is a week and a half late incurs a \$100 penalty, though lobbying may be done at a cost to the lobbyist. To address the problem while ensuring that we get reports from all lobbyists, I propose allowing the Legislative Commission to exempt nonpaid lobbyists from the fee for late filing. They could still lose their registration if they fail to file, and the amendment to allow revocation for repeated late filings would provide incentive to file in a timely manner, but we would no longer be assessing \$200 fines against volunteer lobbyists.

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Subj: AB542
Date: 4/14/2003 2:19:50 PM Pacific Daylight Time
From: Rgmhusker
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TO: Members of the Assembly's Elections, Procedures and Ethics Committee

On behalf of the 21 members of the Nevada Silver Haired Legislative Forum (and the several hundred thousand elderly residents of Nevada) I respectfully request that during the Committee's upcoming deliberations on Assembly Bill 542, that Section 22 of AB542 be deleted. Should this bill be enacted with the present Section 22 language it will be the death knell for the Nevada Silver Haired Legislative Forum. This forum, appointed by the Legislative Commission, "to identify and act upon issues of importance to Nevada's aging persons" is the only statutory committee authorized to hold public hearings across the state and to submit directly to the Legislature and Governor the findings of such hearings for hopeful consideration and remedies.

If the present arrangement of administrative support for the Forum by the Legislative Counsel Bureau as established in NRS 427A.370, is eliminated, the real unfortunate result will be the inability of the Forum to provide a direct communication between the elderly of this state and its legislature.

I plan to attend the committee hearing on AB 542, Tuesday, April 15, 2003. I will be glad to expand on the enclosed views as a witness.

Sincerely,
Bob McCune, President
Nevada Silver Haired Legislative Forum

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Monday, April 14, 2003 America Online: Rgmhusker