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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

May 27, 2003

-
- Assembly Concurrent Resolution No. 14 _____
 - Assembly Concurrent Resolution No. 18 _____
 - Assembly Concurrent Resolution No. 19 _____
 - Assembly Concurrent Resolution No. 21 _____
 - Assembly Concurrent Resolution No. 27 _____
 - Senate Bill 137 _____
 - Senate Bill 289 _____
 - Senate Concurrent Resolution No. 13 _____
 - Senate Concurrent Resolution No. 20 _____
 - Senate Concurrent Resolution No. 26 _____

ASSEMBLY ELECTIONS, PROCEDURES, & ETHICS
DATE: 5/27/03 ROOM: 3138 EXHIBIT C
SUBMITTED BY: Michelle Van Ghee



WORK SESSION

Assembly Committee on Elections, Procedures, and Ethics

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The following measures will be considered for action by the Assembly Committee on Elections, Procedures, and Ethics during a work session on Tuesday, May 27, 2003:

ASSEMBLY CONCURRENT RESOLUTION NO. 14

Directs Legislative Commission to conduct interim study of election, ethics and campaign laws in this state. (BDR R-684)

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

Discussion

Assembly Concurrent Resolution No. 14 was heard by the Committee on May 1, 2003. The resolution directs the Legislative Commission to review all current election-related statutes, including campaign practices, campaign finance, initiative and referendum, recall of public officers, and voting systems. The review must include identifying inconsistencies, duplications, omissions, and obsolete or illogical language.

Proposed Conceptual Amendment(s)

Add provisions to provide for a city clerk, or his designee, as a representative on the interim committee (proposed by Assemblyman Grady).

ASSEMBLY CONCURRENT RESOLUTION NO. 18

Directs Legislative Commission to conduct interim study of juvenile justice system in Nevada. (BDR R-1285)

Sponsored by: Assembly Committee on Judiciary

Discussion

Assembly Concurrent Resolution No. 18 was heard by the Committee on May 13, 2003. The resolution directs the Legislative Commission to study various aspects of the juvenile justice system, including community-based programs, aftercare and reintegration of youth, overrepresentation of minorities, gender specific services, and quality of care.

Proposed Conceptual Amendment(s)

No formal amendments were proposed.

ASSEMBLY CONCURRENT RESOLUTION NO. 19

Directs Legislative Commission to conduct interim study of telecommunication services in Nevada. (BDR R-1188)

Sponsored by: Assemblyman Parks

Discussion

Assembly Concurrent Resolution No. 19 directs the Legislative Commission to conduct an interim study of rates for telecommunication services, the feasibility of eliminating subsidies, and the feasibility of determining rates without subsidies based upon the type and location of telecommunications services.

Proposed Conceptual Amendment(s)

See proposed amendment under Tab A.

ASSEMBLY CONCURRENT RESOLUTION NO. 21

Declares that preservation of Walker Lake's freshwater ecosystem is in public interest. (BDR R-1302)

Sponsored by: Assemblywoman Giunchigliani et al.

Discussion

Assembly Concurrent Resolution No. 21 was heard by the Committee on May 13, 2003, and discussed in work session on May 15, 2003, and May 22, 2003. The resolution concerns the preservation of Walker Lake's freshwater ecosystem.

Proposed Conceptual Amendment(s)

See proposed amendment under Tab B.

ASSEMBLY CONCURRENT RESOLUTION NO. 27

Directs Legislative Commission to appoint interim committee to study business practices of automobile insurance industry. (BDR R-387)

Sponsored by: Assemblywoman Ohrenschall et al.

Discussion

Assembly Concurrent Resolution No. 27 was heard by the Committee on May 22, 2003. The resolution directs the Legislative Commission to study business practices of the automobile insurance industry, including the use of insurance credit scoring for rating purposes and how those ratings may be discriminatory or unjustly harm people.

Proposed Conceptual Amendment(s)

No formal amendments were proposed.

SENATE BILL 137

Establishes Legislative Committee on Persons With Disabilities. (BDR 17-700)

Sponsored by: Senate Committee on Legislative Affairs and Operations

Discussion

Senate Bill 137 was heard by the Committee on May 6, 2003. The bill establishes the Legislative Committee on Persons with Disabilities, which is to study and comment on issues concerning services to persons with disabilities, federal and state laws concerning persons with disabilities, and the availability of useful information and data for the State of Nevada to make decisions about persons with disabilities.

Proposed Conceptual Amendment(s)

No formal amendments were proposed. However, there was discussion of making this an interim committee, rather than a standing committee, or providing a sunset on the committee.

SENATE BILL 289

Directs Legislative Committee on Health Care to study current challenges of ensuring that adequate health care is available to all residents of Nevada, now and in future. (BDR S-720)

Sponsored by: Senator Neal

Discussion

Senate Bill 289 was heard by the Committee on May 22, 2003. This bill directs the Legislative Committee on Health Care to study challenges to providing adequate health care to all Nevadans, including Nevada's unique characteristics of the health care market, an examination of future health care needs, and the feasibility of establishing a single-payer system.

Proposed Conceptual Amendment(s)

No formal amendments were proposed.

SENATE CONCURRENT RESOLUTION NO. 13

Directs Legislative Committee on Health Care to conduct interim study concerning medical and societal costs and impacts of obesity in Nevada. (BDR R-25)

Sponsored by: Senator Wiener et al.

Discussion

Senate Concurrent Resolution No. 13 was heard by the Committee on May 22, 2003. The resolution directs the Legislative Committee on Health Care to conduct an interim study concerning obesity in Nevada, including the fiscal impact of obesity on health care, programs aimed at the prevention of obesity, and effects of the 24-hour lifestyle and transient nature of some of the population of this state.

Proposed Conceptual Amendment(s)

Send a letter to the Chairman of the State Board of Health, the State Health Officer, and the Director of Child Nutrition at the Department of Education urging the exploration of how to educate Nevadans about the health concerns of obesity and reduce the number of cases of obesity in the State of Nevada. See draft letter under Tab C.

SENATE CONCURRENT RESOLUTION NO. 20

Directs Legislative Committee on Public Lands to conduct interim study of feasibility and desirability of changing state boundary line along border with Utah. (BDR R-786)

Sponsored by: Senator Rhoads

Discussion

Senate Concurrent Resolution No. 20 was heard by the Committee on May 22, 2003. The resolution directs the Legislative Committee on Public Lands to conduct an interim study of the feasibility and desirability of changing the state boundary line along the border with Utah.

Proposed Conceptual Amendment(s)

No formal amendments were proposed.

SENATE CONCURRENT RESOLUTION NO. 26

Amends Joint Rules of Senate and Assembly for 72nd Session of Legislature to clarify time by which Legislature must adjourn session sine die. (BDR R-1328)

Sponsored by: Senator Coffin

Discussion

Senate Concurrent Resolution No. 26 was heard by the Committee on May 22, 2003. The resolution amends the Joint Rules of the Senate and the Assembly for the 72nd Session of the Legislature to clarify the time by which the Legislature must adjourn sine die.

Proposed Conceptual Amendment(s)

No formal amendments were proposed.

MOCK-UP

PROPOSED AMENDMENT TO
ASSEMBLY CONCURRENT RESOLUTION
NO. 19

PREPARED FOR ASSEMBLY COMMITTEE ON ELECTIONS, PROCEDURES, AND ETHICS
MAY 26, 2003

PREPARED BY THE RESEARCH DIVISION

NOTE: THIS DOCUMENT SHOWS PROPOSED AMENDMENTS IN CONCEPTUAL FORM. THE LANGUAGE AND ITS PLACEMENT IN THE OFFICIAL AMENDMENT MAY DIFFER.

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~green bold double strikethrough~~ is language proposed to be deleted in this amendment and (5) green bold dashed underlining is deleted language in the original bill that is proposed to be retained in this amendment.

WHEREAS, The development and availability of telecommunication services continue to improve and enrich the quality of life for the residents of this state; and

WHEREAS, Providing telecommunication services efficiently and economically is essential for maintaining a strong and vibrant economy in this state; and

WHEREAS, The regulation and taxation of telecommunication companies affect economic growth in this state; now, therefore, be it

1 RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE
2 CONCURRING, That the Legislative Commission is hereby directed to
3 appoint an interim committee, composed of three members of the
4 Assembly and three members of the Senate, one of whom must be
5 appointed as Chairman of the committee, to conduct a study of
6 telecommunication services in this state; and be it further

7 RESOLVED, That an advisory committee is hereby established
8 consisting of:

9 1. ~~One member appointed by the Chairman of the Legislative~~
10 ~~Commission;~~

Proposed by
Assembly
Committee on
Commerce and
Labor

1 2. One member appointed by the Bureau of Consumer Protection in
2 the Office of the Attorney General;

3 ~~3. One member, appointed by the Director of the Department of~~
4 ~~Administration, who is employed by the Department of~~
5 ~~Administration;~~

6 4. ~~Two members~~ One member appointed by the ~~Governor~~ Speaker
7 of the Assembly who represents incumbent local exchange carriers, as
8 defined in NRS 704.68932, which serve 100,000 or more persons in this
9 state;

10 5. One member appointed by the ~~Governor~~ Speaker of the Assembly
11 who represents an interexchange carrier, as defined in NRS 704.040,
12 which is doing business in this state;

13 6. One member appointed by the ~~Governor~~ Majority Leader of the
14 Senate who represents a competitive supplier, as defined in NRS
15 704.6892, which is doing business in this state; ~~and~~

16 7. One member appointed by the Majority Leader of the Senate who
17 represents an incumbent local exchange carrier, as defined in NRS
18 702.68932, which serves not more than 30,000 persons in this state; and

19 ~~78.~~ One member appointed by the Governor who is a representative
20 of the general public; and be it further

21 RESOLVED, That the advisory committee consult with the interim
22 committee and provide assistance in conducting the study; and be it further

23 RESOLVED, That each member of the advisory committee who is not
24 an officer or employee of the State serves without compensation and is not
25 entitled to receive a per diem allowance or travel expenses; and be it
26 further

27 RESOLVED, That each member of the advisory committee who is an
28 officer or employee of the State must be relieved from his duties without
29 loss of his regular compensation so that he may attend meetings of the
30 committee and is entitled to receive the per diem allowance and travel
31 expenses provided for state officers and employees generally, which must
32 be paid by the state agency that employs him; and be it further

33 RESOLVED, That the Bureau of Consumer Protection in the Office
34 of the Attorney General will provide technical assistance, cost and
35 pricing data collection and compilation including components of
36 bundled services, and administrative support to the advisory committee
37 and the interim committee, and to assist in drafting proposals for
38 consideration by the committees; and be it further

39 RESOLVED, That the study must include, without limitation, an
40 evaluation of:

41 1. The methods presently used to determine the rates for
42 telecommunication services provided in this state;

43 2. The feasibility of eliminating any implicit subsidies based upon the
44 type and location of the telecommunication service provided in this state;
45 and

Proposed by
Assembly Committee
on Commerce and
Labor

Proposed by
Russell M. Rowe
on behalf of
Churchill County
Communications

Proposed by the
Bureau of Consumer
Protection

1 3. The feasibility of determining rates for telecommunication services
2 provided in this state without the use of implicit subsidies based upon the
3 type and location of telecommunication services provided in this state; and
4 ~~be it further~~

5 4. The state of current competition and future competitive trends in
6 the northern and southern Nevada markets for telecommunications
7 services; and

8 5. The pricing trends to various customer classes of
9 telecommunication services since the passage of S.B. 440; and

10 6. How investment in broadband networks by both competitive local
11 exchange carriers (CLECs) and incumbent local exchange carriers
12 (ILECs) can be encouraged through public policy changes; and

13 7. Methods to promote deployment of affordable broadband services
14 to all classes of consumers; and

15 8. The appropriate scope of future regulation of telecommunications
16 services and products to promote an orderly transition to a functionally
17 competitive market prior to further changes to regulations which are not
18 otherwise required to comply with State laws enacted during the 72nd
19 Session of the Nevada Legislature or as may be required to implement
20 federal telecommunications requirements; and be it further

21 RESOLVED, That any recommended legislation proposed by the interim
22 committee must be approved by a majority of the members of the Senate
23 and a majority of the members of the Assembly appointed to the
24 committee; and be it further

25 RESOLVED, That the Legislative Commission shall submit a report of
26 the results of the study and any recommendations for legislation to the
27 73rd Session of the Nevada Legislature.

Proposed by the
Bureau of Consumer
Protection

H

5/21/2003

**AMEND ASSEMBLY CONCURRENT RESOLUTION NO 21
AS A WHOLE TO READ AS FOLLOWS:**

ASSEMBLY CONCURRENT RESOLUTION NO. 21—
ASSEMBLYMEN GIUNCHIGLIANI, GEDDES,
ANDERSON, ANDONOV, ANGLE, ARBERRY,
ATKINSON, BEERS, BROWN, BUCKLEY,
CARPENTER, CHOWNING, CHRISTENSEN, CLABORN,
COLLINS, CONKLIN, GIBBONS, GOICOECHEA,
GOLDWATER, GRIFFIN, GUSTAVSON, HARDY,
HETTRICK, HORNE, KNECHT, KOIVISTO, LESLIE,
MABEY, MANENDO, MARVEL, MCCLAIN,
MCCLEARY, MORTENSON, OCEGUERA,
OHRENSCHALL, PARKS, PERKINS, PIERCE, SHERER,
WEBER AND WILLIAMS

MAY 6, 2003

JOINT SPONSORS: SENATORS MCGINNESS, AMODEI,
CARE, CARLTON, CEGAVSKE, COFFIN, HARDY,
MATHEWS, NEAL, NOLAN, O'CONNELL, RAGGIO,
RAWSON, RHOADS, SCHNEIDER, SHAFFER,
TIFFANY, TITUS, TOWNSEND, WASHINGTON AND
WIENER

Referred to Committee on Elections, Procedures, and Ethics

SUMMARY—Declares that preservation of Walker Lake's freshwater ecosystem is important to the citizens of Nevada ~~in public interest.~~ (BDR R-1302)

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~{omitted material}~~ is material to be omitted.

Green numbers along left margin indicate location on the printed bill (e.g., 5-15 indicates page 5, line 15).

ASSEMBLY CONCURRENT RESOLUTION—Declaring that preservation of Walker Lake's freshwater ecosystem is important to the citizens of Nevada. ~~in the public interest.~~

WHEREAS, the Walker River is an interstate stream, consisting of the East and West Walker; both of which rise high on the eastern slopes of the Sierra Nevada in California; and

WHEREAS, the West Walker flows into Antelope Valley, located mostly in California and then into Smith and Mason Valleys in Nevada; and

WHEREAS, the principal streams forming the East Walker combine in Bridgeport Meadows in California and from there the East Walker flows into Mason Valley where it unites with the West Walker to form the main Walker River; and

WHEREAS, the main Walker River leaves Mason Valley and flows into and through the Walker River Indian Reservation and into Walker Lake; and

WHEREAS, the Walker River Irrigation District, a Nevada irrigation district, owns and operates Bridgeport Reservoir located on the East Walker River in California and partly in Nevada; and

WHEREAS, the United States for the benefit of the Walker River Paiute Tribe owns and operates Weber Reservoir located

on the Main Walker River and within the Walker River Indian Reservation; and

1-1 WHEREAS, Walker Lake is a freshwater lake located in west-
1-2 central Nevada fed by snowmelt from the Sierra Nevada in
1-3 California and other mountain ranges in Nevada; and

1-4 WHEREAS, Walker Lake draws a considerable number of
1-5 tourists and functions as an economic mainstay for the Mineral
1-6 County economy; and

1-7 WHEREAS, Walker Lake has cultural, historical and spiritual
1-8 importance to the Walker River Paiute Tribe; and

2-1 WHEREAS, Functioning as the terminus of the Walker River
2-2 System, Walker Lake is one of the few saline lakes that is
capable of

2-3 supporting a freshwater trout fishery; and

2-4 WHEREAS, Walker Lake is a major migratory stopover for the
2-5 largest single inland congregation of common loons west of the
2-6 Mississippi River as well as other birds such as grebes,
cormorants,

2-7 pelicans and other waterfowl that rely on the Lake for survival;
and

2-8 WHEREAS, Walker Lake provides habitat for the Lahontan
2-9 cutthroat trout; ~~that has been listed as threatened by the United~~
~~States~~ ~~2-10 Fish and Wildlife Service;~~ and

2-11 ~~—WHEREAS, The fishery and recreational activities at Walker~~
2-12 ~~Lake have been recognized as beneficial uses of water in the~~
~~Lake;~~ and

WHEREAS, the Walker River system provides significant recreation, ecologic and economic benefits in California in Bridgeport Meadows, Antelope Valley and at Bridgeport and Topaz Reservoirs, and in Nevada, in Topaz Reservoir, in Smith and Mason Valleys, at Weber Reservoir, within the Walker River Indian Reservation and at Walker Lake; and

WHEREAS, there are a number of interrelated issues on the Walker River system, including claims by the Walker River Paiute Tribe and the United States to surface and underground water for federal property within the Walker River Basin in Nevada and California; claims to adjudicate and reallocate the water of the Walker River system to preserve minimum water levels in Walker Lake; and the allocation of the water of the Walker River system between California and Nevada (collectively the “Walker River Issues”); and

WHEREAS, The volume of Walker Lake has diminished by 75 percent since the late 1800s, and this continuing decrease is creating high concentrations of dissolved solids that are extremely detrimental and ultimately toxic to fish; and without an immediate influx of fresh water, the food chain and ecosystem of Walker Lake could be lost in the very near future; and

~~2-21 — WHEREAS, Without such an influx of fresh water, Walker Lake~~

~~2-22 will be converted into a saltwater lake, requiring either years to~~

~~2-23 stabilize a new ecosystem or extensive scientific research and huge~~

~~2-24 sums of money to restore a freshwater ecosystem supporting~~

~~2-25 Lahontan cutthroat trout; and~~

~~2-26 — WHEREAS, The United States Bureau of Land Management is~~

~~2-27 preparing an environmental impact statement to assess the~~

~~2-28 feasibility of acquiring additional fresh water for Walker Lake and~~

~~2-29 appropriate actions to be taken to preserve the desired ecosystem;~~

~~2-30 and~~

WHEREAS, EFFECTIVE AS OF JANUARY 14, 2003, The United States, the State of Nevada, the State of California, the Walker River Paiute Tribe, the Walker River Irrigation District,

Mono County, California, Lyon County, Nevada, Mineral County, Nevada, and the Walker Lake Working Group agreed to attempt to resolve the Walker River Issues through mediation with a third-party neutral mediator;

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, that the Nevada Legislature hereby declares that all reasonable actions to resolve the Walker River Issues through the ongoing mediation should be taken; and

RESOLVED, that the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Governor Kenny C. Guinn, Governor Gray Davis and to all of the participants in the ongoing mediation.

~~2-31 — WHEREAS, Through section 2507 of Public Law 107-171, the~~

~~2-32 Farm Bill, 2002, and the Omnibus Appropriations Act of 2003, the~~

~~2-33 Federal Government has allocated \$200 million to provide water
2-34 and assistance for Walker Lake, Pyramid Lake and Summit Lake in~~

~~2-35 the State of Nevada; now, therefore, be it~~

~~2-36 — RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE~~

~~2-37 SENATE CONCURRING, That the Nevada Legislature hereby
2-38 declares that preservation of Walker Lake's freshwater ecosystem~~

~~2-39 which supports Lahontan cutthroat trout is in the public interest and~~

~~2-40 that all reasonable actions to sustain this ecosystem should be taken;~~

~~2-41 and be it further~~

~~2-42 — RESOLVED, That the Nevada Legislature finds and declares that~~

~~2-43 conservation is a reasonable means of acquiring water for Walker~~

~~2-44 Lake and that any acquisition of water or water rights for transfer to~~

~~3-1 Walker Lake should be implemented through an agreement between~~

~~3-2 a willing buyer and a willing seller; and be it further~~

~~3-3 RESOLVED, That the Chief Clerk of the Assembly prepare and
3-4 transmit a copy of this resolution to Governor Kenny C. Guinn,
the~~

~~3-5 Director of the State Department of Conservation and Natural~~

~~3-6 Resources, the Boards of County Commissioners of Douglas,
Lyon~~

~~3-7 and Mineral Counties, and the Chairman of the Walker River
Paiute~~

~~3-8 Tribal Council.~~

~~-
3-9 H~~

DRAFT

May 27, 2003

Joey Villaflor, M.D.
Chairman
State Board of Health
505 East King Street, Room 201
Carson City, Nevada 89701-4797

Dear Dr. Villaflor:

On behalf of the Assembly Committee on Elections, Procedures, and Ethics, I am writing to you about the very serious health problem of obesity. State Senator Valerie Wiener introduced Senate Concurrent Resolution No. 13 during the 2003 Legislative Session. The resolution calls for an interim study by the Legislative Standing Committee on Health Care concerning the medical and societal costs and impacts of obesity in Nevada.

The Committee received much testimony in support of S.C.R. 13 at its hearing on May 22, 2003. We agree that obesity is one of our nation's most significant public health concerns, and we believe steps need to be taken in the very near future to combat this rising problem in society. As indicated in S.C.R. 13, research has shown there is a direct causal relationship between obesity and heart disease, hypertension, stroke, elevated cholesterol, Type 2 Diabetes, and many other medical problems. Due to other mandates placed on the Legislative Standing Committee on Health Care for the 2003-2004 interim, that Committee felt they would not be able to give the obesity issue fair and just consideration. Additionally, they felt Senator Wiener has already done an outstanding job researching this issue, and they would rather see action begun immediately to address the obesity problem in the State of Nevada. Therefore, we urge all health professionals and educational personnel to explore options for educating the residents of Nevada of the health concerns of obesity and for reducing the number of cases of obesity in this state.

I am sending a similar letter to Anne C. Keast, Director of Child Nutrition at the Department of Education, and Dr. Bradford Lee when he begins his duties as the State Health Officer in August. On behalf of the Committee on Elections, Procedures, and Ethics, I urge you and your respective offices to work together to develop a plan for educating and informing the people of the State of Nevada of the health problems related to obesity.

Joey Villaflor, M.D.

Page 2

May 27, 2003

Thank you for your attention to this critical matter. If I can be of any assistance in this matter, please do not hesitate to contact me. I am sure that Senator Valerie Wiener would also be willing to assist in this important endeavor. I am including a copy of S.C.R. 13 for your review.

Sincerely,

Christina R. Giunchigliani, Chairwoman
Assembly Committee on Elections, Procedures, and Ethics

CRG/k:L1

Enc.

cc: Senator Wiener