

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

**Eightieth Session
April 25, 2019**

The Committee on Legislative Operations and Elections was called to order by Chair Sandra Jauregui at 4:05 p.m. on Thursday, April 25, 2019, 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/App/NELIS/REL/80th2019.

COMMITTEE MEMBERS PRESENT:

Assemblywoman Sandra Jauregui, Chair
Assemblyman Ozzie Fumo, Vice Chair
Assemblyman Skip Daly
Assemblyman Glen Leavitt
Assemblyman William McCurdy II
Assemblywoman Brittney Miller
Assemblywoman Daniele Monroe-Moreno
Assemblyman Tom Roberts
Assemblywoman Selena Torres

COMMITTEE MEMBERS ABSENT:

Assemblyman John Hambrick (excused)

GUEST LEGISLATORS PRESENT:

Senator Joyce Woodhouse, Senate District No. 5
Senator David R. Parks, Senate District No. 7

STAFF MEMBERS PRESENT:

Carol Stonefield, Committee Policy Analyst
Kevin Powers, Committee Counsel
Catherine Bodenstein, Committee Secretary
Nancy Davis, Recording Secretary
Melissa Loomis, Committee Assistant



OTHERS PRESENT:

Valerie Wiener, Chair, Board of Directors for Corporation for Public Benefit to Administer the Nevada Youth Legislature
Alex Bybee, Member, Board of Directors for Corporation for Public Benefit to Administer the Nevada Youth Legislature
Zhan Okuda-Lim, Member, Board of Directors for Corporation for Public Benefit to Administer the Nevada Youth Legislature
Juan Gonzalez Madera, Private Citizen, Las Vegas, Nevada
Ben Graham, Governmental Relations Advisor, Administrative Office of the Courts
Lisa Rasmussen, representing Nevada Attorneys for Criminal Justice
Tom Lawson, Captain, Division of Parole and Probation, Department of Public Safety
Denise Davis, Executive Secretary, State Board of Pardons Commissioners

Chair Jauregui:

[Roll was called and Committee protocols were explained.] I will get started with opening the hearing on Senate Bill 108 (1st Reprint). Thank you so much, Ms. Wiener. It is so nice to see you.

Senate Bill 108 (1st Reprint): Makes various changes relating to the Nevada Youth Legislature. (BDR 17-62)

Valerie Wiener, Chair, Board of Directors for Corporation for Public Benefit to Administer the Nevada Youth Legislature:

Thank you. It is great to be here. Thank you so much, Committee, for allowing me this opportunity on this particular date to present before you something that is very near and dear to my heart, and that is the Nevada Youth Legislature (NYL). For the record, I am Senator Valerie Wiener, retired, appearing before you today as chair of the Board of Directors for Corporation for Public Benefit to Administer the Nevada Youth Legislature (NYL Foundation Board). I am testifying in support of Senate Bill 108 (1st Reprint), which proposes revisions to the Nevada Youth Legislature and the Nevada Youth Legislature Foundation. I would like to thank Senator Joyce Woodhouse, who is a member of the Nevada Youth Legislature Foundation Board, for introducing this measure on our behalf.

Also testifying—I will introduce them, but they will come after I speak, if that is okay—in support of the measure today are two former Youth Legislators, Alex Bybee and Zhan Okuda-Lim, who are former chairs of the NYL, and they are both current members of the NYL Foundation Board, and also Juan Gonzalez Madera. Juan is the first NYL alumnus who has received the scholarship three consecutive years because we provide scholarships—not funded by the state, but by the members of the board and others.

To provide a bit of perspective to Committee members, I would like to share a bit of background for those of you who are not quite familiar with the Nevada Youth Legislature. I will reference this organization as the NYL.

During the 2007 Session, I introduced legislation to create the Nevada Youth Legislative Issues Forum [Senate Bill 247 of the 74th Session] which we changed in the 2009 Session to an easier name: Nevada Youth Legislature [Senate Bill 161 of the 75th Session]. That bill clearly stated that "each member of the Senate shall, taking into consideration any recommendations made by a member of the Assembly, appoint a person who submits an application and meets the qualifications." Also, "a member of the Assembly may submit recommendations to a member of the Senate concerning the appointment." This is a collaborative effort. The original term of appointment for the 21 youth legislators was one year.

During each one-year term early in the program, youth legislators were required to meet at least twice, conduct a town hall meeting, and propose an idea for legislation because the NYL has one bill in each legislative session. In 2011, we made major revisions in the *Nevada Revised Statutes* to the NYL, including establishing this foundation board that I represent here today. We also extended the NYL term from one year to two years so that it would more closely mirror the legislative cycle. Each two-year term engages youth legislators primarily during their nine-month school year.

The first year of their two-year term kicks off with a two-day training here in Carson City in this building in August of odd-numbered years. Currently, we are in the cycle of applications and appointments.

During the first school year—that nine-month period—we provide monthly three-hour trainings in Las Vegas with videoconferencing to other locations—last year it was to here—but coming up we will be incorporating at least one youth legislator in the rural areas. We make access available. These trainings allow the youth legislators to learn how to maximize their representation of and engagement with the youth in their senatorial districts.

Oh, I went ahead without you [Senator Woodhouse]. I am sorry. I did not even know. Okay, recess on Wiener and on to Senator Woodhouse. If it would be all right if I may stop my remarks and pick them up in a moment if my colleague on the NYL Foundation Board—I did not mean to jump ahead of you; I apologize—she may go ahead.

Chair Jauregui:

Absolutely, Ms. Wiener. Also, sorry, Senator Woodhouse, I thought Ms. Wiener was doing the presentation. I would have waited for you. I apologize.

Senator Joyce Woodhouse, Senate District No. 5:

Thank you, everybody. I apologize. I was all set to be here right on time and then I got called into a meeting on a budget problem. As a member of the Senate Committee on Finance, you understand what that means. I do apologize.

The bill before you today, Senate Bill 108 (1st Reprint), proposes a few technical changes to the operations of the Nevada Youth Legislature. I have to say that these have been drafted by this very wonderful young lady next to me [Ms. Wiener].

The NYL is a two-year program created in 2007 that offers high school students an opportunity to learn the legislative process, allows them to take an active role in their state government, and provides opportunities to influence issues that are important to Nevada's youth. This includes presenting one bill per term to the Nevada Legislature on an issue that is important to them.

The NYL Foundation Board was created in 2011 in order to oversee the finances, policies, and practices of the NYL.

As you know, students submit an application to the Senator in the Senatorial district in which they live or attend high school. Each of Nevada's 21 state senators then appoints a youth legislator to represent his or her district.

Senate Bill 108 (1st Reprint) makes a few technical changes to the operations of the NYL to help streamline its activities and better align the statutes with current NYL practices. First, the bill increases from two to three the number of unexcused absences a member of the NYL may accrue before a vacancy in that seat occurs. Such absences, as determined by the chair or vice chair of the board, may include absences from NYL meetings, incompletions of certain activities assigned by the board, and missed or unsuccessful activity credits.

The bill goes on to define "activity credit" as a credit, or any portion thereof, that the board has determined that an NYL member is eligible to earn for: (1) attending meetings or event days of the NYL; or (2) completing, in a manner required by the board, any other activities that are assigned to the member.

The measure also clarifies that an NYL member who is elected to serve as chair or vice chair of the NYL during the first year of his or her term may not be elected to serve in either office during the second year of his or her term. A vacancy in the position of chair or vice chair must be filled for the remainder of the unexpired term by election from among the NYL members.

The bill adds environmental, legal, political, and social issues to the list of topics upon which the NYL may evaluate, review, and comment. Moreover, S.B. 108 (R1) deletes the requirement that each NYL member conduct at least one meeting to engage youth in Nevada and instead, requires the completion of activities in a manner set forth by the board. This does allow the NYL program the versatility to create, delete, or expand assignments and activities as necessary, as determined by the NYL board. This should give the NYL more flexibility in setting forth its program each interim.

Speaking of the NYL Foundation Board, S.B. 108 (R1) adjusts the membership of the board to require the appointment by the Legislative Commission of at least one member each from the Nevada State Senate and Assembly, one member of the general public, and, if practicable, a former member of the NYL.

Finally, Senate Bill 108 (1st Reprint) clarifies that the public meetings and any other meetings or activities of the NYL and its committees and members need not comply with Nevada's Open Meeting Law. Most of the NYL members are minors—not yet 18 years of age—and there is a greater concern in recent years with having so many of their activities open to public scrutiny. We want to protect our young people. Rest assured, the interest here, as I said, is to protect our young NYL members from unnecessary exposure. That is why S.B. 108 (R1) provides that public meetings of the NYL must follow the same guidelines and policies for public meetings as other interim committees of the Nevada Legislature.

Thank you for your consideration this afternoon and your understanding. We hope for your support of Senate Bill 108 (1st Reprint). With your permission, Madam Chair, I would like to ask former Senator Valerie Wiener who has started her testimony to have the opportunity to finish that testimony. If you have not already heard, she is the newest member of the Nevada Senate Hall of Fame. That happened this morning and we are so happy [applause].

Chair Jauregui:

Congratulations, Senator Wiener. Please proceed.

Valerie Wiener:

Undo pause. Thank you so much, Senator Woodhouse, and again, I thank you for bringing this bill both as a member of the board, and because I nudged you so much to do it because you are so articulate in expressing the intention behind S.B. 108 (R1). I would just fill in, then, a little bit more about who we are and why this is so important.

I mentioned we do a kickoff here, which we will do on this August 1 and 2, then we will begin the three-hour monthly trainings in Las Vegas, and we will videoconference those trainings. Because we have a year to prepare the youth legislators with the skills that mirror the skills that you use, they really do develop the capacity to represent the 27,000 to 42,000 persons under the age of 18 in their districts. That is the span. That will change with the next census, so I am really excited to see that number.

We often stress to the youth legislators with great regularity that they are sitting in that chair as representatives of all those young people who cannot sit here with them. We are very consistent, and we are very attentive to their attendance and participation, both in the trainings as well as the activities.

Currently, we have eight outside activities that they do. They create their own district youth advisory council and have up to two students from each high school in their district; they are their advisors. They prepare that, then they have a district—we call it DYAC—meeting and they report that back to us. What we started this year is the plans to do something and the reports of what they did come to me as chair; they go to our program facilitator, Tina Ashdown, who is extraordinarily helpful—she is just amazing, gold stars all over the place for Tina—and we require that they send them to their Senators and all of the Assembly members in that district. I say all—the two. When I was here, I had eight Assembly

members. Things have changed. We have expanded their outside activities. They wanted ways to build relationships with their legislators, and this is one way that they can communicate.

The trainings they get in the first year involve constituent outreach. They have a half-day training on that. Presentation skills, message accountability skills, listening skills, negotiation skills—they get substantial skills training. At each training—and some of you have actually participated with us as group leaders—typically I will do about 30 minutes of instruction. We will have group discussion led by one of you, one person from each caucus from each house—the leaders. The young people get to know you. They get to ask questions. We have role-play at most meetings. We have a paired activity, and sometimes we bring them into additional activities as they show up. What we have started really emphasizing, too, is that the role of the DYAC member is crucial to have more students participate in our program. My dream one day would be to have every high school in Nevada have two representatives on DYAC so that it truly is the voice of every student in Nevada. So what we strongly encourage is that the DYAC advisors attend the trainings too. They can come to all the regular, just not the annual. They participate in the group discussion. They participate in paired activities. They get to be part of the training. I have heard back from many DYAC members who were thrilled that they had this opportunity.

The second year of the training kicks off in August, and this second year is all about the bill that the Youth Legislature brings to the next session. So the August training brings in the Legislative Counsel Bureau—the Research Division as well as the Legal Division. They are trained in fiscal notes. They are trained in germaneness. They are trained. We bring in our alumni at every training so that they can give perspective to this program and what it means to them. In this particular training, two of our alumni—who are here and have participated in that piece of it—give counsel to them about things to look out for and things they do not want to do. I am not going to tell them anything about what not to do. That is not our role. Nothing is off limits for them unless it is illegal. I do not say, No, you do not want to do that; No, you might want to think about that. We do not coach that way. They have full rein and the alumni are the ones who can help give perspective to those conversations.

In August they get the training. Between August and September, all 21 youth legislators present their idea and why for a bill draft request (BDR) just the way you do, except they have to provide more reasoning. They have to do the research. They have to give the justification and summary points for that bill. Then we work with Legal and they come up with a BDR list. At the September meeting—this is the first time we have done it—every youth legislator at that meeting presents from the witness table just the way a sponsor would—I think we did three minutes on presentation and gave two or three minutes on questions and answers—they were presenting their bill. By the end of that meeting, it is narrowed down to seven. At the October meeting the same things happens, but in more depth: seven presentations. It is narrowed down to two. Now we get into November, and now we have full legislative hearings. Other witnesses come to the table and that is when they have powerful debate and negotiation. They use all those skills they learned the first year to determine which will be the bill.

As a side bar, I was in Australia for the November meeting, but I have not missed a meeting in 12 years, so I was not going to miss it just because I was 18 time zones away. This was where they were going to choose their bill. While listening, I was exceptionally impressed by the consideration, the thoughtfulness, the research they had done, and that they had been listening. Here is what happened, some drama, just to give you perspective that the youth legislators can do it too. One bill which was heard yesterday in the Assembly Committee on Judiciary—it came out of the Senate with a vote of 19 to 2—as Senate Bill 97 is this session's bill. This is the seventh bill they have had. Of the six prior, four became law. This bill outlaws the gay and transgender panic defense in violent or murderous acts. The other one being considered dealt with teacher retention, teacher recruitment, and how we can make that happen in Nevada. These are two very, very powerful bills. There were 14 members there for the first vote. The others were excused. It came down to 7 and 7. I am doing a tally, a very scientific tally, and then encouraging thought as to whether or not there is anything that can be done to clarify the measure so that others may see it differently and they may think differently on the second round. The same voting pattern happened: 7 to 7. I called a recess and talked with our attorney, Risa Lang, and Tina Ashdown. I wanted to make sure I knew exactly what the statute said. They had to have a majority vote to get that bill out of the NYL to the Legislature, and they were tying. We came back and we decided to think about how the bills could be integrated. Let us have a conversation. Could you integrate them? This is what legislators do so we can blend. It was not quite feasible to blend one way. You could maybe do it another way. I told them that if they tie on this one, they do not get a bill. Because you have to have a majority and they were not budging. So they were voting and it was the voting pattern. They were not going to have a bill. I marked down one, and that person who was the sponsor of the other bill flipped so that they would have a bill. He fell on his sword so that the NYL would have a bill and that bill was heard in the Assembly Committee on Judiciary yesterday.

They are very courageous. They take on tough topics. We also have two measures. We also encourage the youth legislators if their bill is not selected as the one bill to ask their Senate or Assembly member if he or she would carry it. May I briefly defer to Senator Woodhouse as to her experience with that with her youth legislator Evan Gong? This is extraordinary.

Senator Woodhouse:

Yes, in 2015 my youth legislator was Evan Gong. You may have met him before because he has been to the Legislature a couple of times. His bill was to provide financial literacy and professional development for teachers because of experiences that he and his fellow high school students had. When the decision was made by the Nevada Youth Legislature, he lost by one vote—another very, very close one. What he did, then, was reach out to me and ask if I would be willing to carry the bill. Well, actually I think I was sitting in the room that day. I saw how passionate he was for this and having been a teacher myself and realizing, yes, these young people have a very strong argument for why this should happen. So I told him that I would save one of my bill drafts for him.

In 2015 we worked with the Department of Education, with school districts, with other stakeholders, and the community credit union and banks. I made him do the work and then

we brought the groups together. He always testified. In fact, one time when we were testifying, he was an exchange student to Germany so he got on the phone, and it was probably in the middle of the night, to testify on his bill. In 2015, we were not successful. So we tried it again in 2017. We were successful, but in the meantime, we had gathered more support. He learned. It really was wonderful for him to work this whole process, but it was also extremely beneficial to me to have that opportunity to work with a young person in taking him through this process.

The other thing that I thought was extremely beneficial was for bankers and credit union CEOs in southern Nevada to pay attention to a young man only 18 years of age, who felt so passionately about this that he was willing to continue to pursue their support. They really did. They were back behind us and when it came time to provide support testimony, they were all right there. In 2017, we passed the measure.

Now we are in tandem again because for some reason—I know the reason—it fell out of the Governor's budget, so we have another bill this session to continue to bring it back. Mr. Gong is going to be very much involved. He is a junior at University of California, Berkeley, so he hops in his car and drives over here whenever we have to have another hearing. So I am sure you will be meeting Evan Gong when we bring financial literacy over to this side of the building in a month or so. Thank you.

Chair Jauregui:

Thank you, Senator. I do want to open it up to Committee questions because we are going to be losing a couple of members. Does the Committee have any questions? [There were none.] I want to say how much I appreciate the work you do. Chairwoman Yamamoto is my constituent, and I really appreciated her thorough communication during the interim in keeping us updated on what the Nevada Youth Legislature was doing. I think it is a wonderful opportunity for students to participate, and I thank you for the work you do in it.

Valerie Wiener:

If I could just add a postscript to this: there are two individual youth legislators' bills that are moving this session. One is from Youth Legislator Nathan Tea. It is Assembly Bill 338 and that right now is in the Assembly Committee on Ways and Means, I believe. Youth Legislator Tea is working with Assemblyman Wheeler, who introduced that bill dealing with defensive driving requirements. Also, Youth Legislator Colyn Abron is working with Senator Spearman requiring mental health instruction in health classes. Those bills are both in money committees; however, they have made it out of the policy committees so they are still very much alive. These were where they had the courage to ask their legislators to carry the bill. We have two more of those moving too. Thank you so much for your consideration, your courtesy giving us this much time, and I am available at any time if you have questions.

Assemblywoman Monroe-Moreno:

I do not have a question, but I want to thank you. Thank you for your dedication to this program. Thank you for continuing to let us get involved with the children. We have had two youth legislators in our district since I have been a legislator and both have been

phenomenal. Thank you so much and thank you for allowing me to come. Every time I come and hang out with the children, I learn something. I appreciate it.

Valerie Wiener:

Just a hint that we are going to make it more expansive for legislators to participate. We are already drawing up what this next two-year term looks like, so we are going to offer even more opportunities to expand legislator involvement because we need you. We need your perspective and your experience and your wisdom. Thank you all very much for the work you are doing here in Nevada for the people of our state.

Chair Jauregui:

I am going to open it up for testimony in support.

Alex Bybee, Member, Board of Directors for Corporation for Public Benefit to Administer the Nevada Youth Legislature:

I am an alumnus of the Nevada Youth Legislature. I had the pleasure of serving as chairman from the years of 2011 and 2012. I currently sit on the Nevada Youth Legislature Foundation Board. I am going to keep this brief and say this is a great program. This is a great bill to enhance the program, and I urge the Committee's support. Thank you.

Zhan Okuda-Lim, Member, Board of Directors for Corporation for Public Benefit to Administer the Nevada Youth Legislature:

I have the pleasure of serving as a member of the NYL Foundation Board. I also had the pleasure of serving as a youth legislator from 2009 to 2011 and as chairman from 2010 to 2011. As my friend and colleague did, I will keep my remarks brief. Again, this program has been transformational for the well over 100 youth legislators, including myself, who have gone through this amazing program. I think for all of us, this has reaffirmed the importance of public service, of giving back, and the importance of youth voice in the decisions that affect them. I want to thank all the members of the Committee and all of your colleagues for your support of this program. As a member of the board, I do wish to say that if you ever want to stop by any of the programs or activities of the Youth Legislature, you and your colleagues are always more than welcome. Thank you all for your support, and I urge your support for Senate Bill 108 (1st Reprint). Thank you, Madam Chair, and members of the Committee.

Juan Gonzalez Madera, Private Citizen, Las Vegas, Nevada:

Thank you, Madam Chair and members of the Committee, for the opportunity to speak to you today about the impact that the Nevada Youth Legislature has had on many aspects of my life. I am a former Nevada Youth Legislator. Although I was appointed to serve one term in 2011, the lasting effects of my appointment are lifelong. As a Mexican immigrant, the Nevada Youth Legislature gave me a voice that I did not know I had. My appointment shaped my commitment to public service and my lifelong interest in empowering communities through leadership and service.

After successfully completing my tenure in the Nevada Youth Legislature, I sought to continue my service on campus as a senator for the Consolidated Students of the University of Nevada, Las Vegas (CSUN). After falling short of becoming appointed by the CSUN Senate and later losing my first campuswide election, I succeeded in becoming a student-elected CSUN senator in 2013. As a CSUN candidate, I was determined to run an honest campaign and a dignified campaign. While some fellow CSUN senators resorted to mudslinging and personal attacks to gain an advantage, I maintained my integrity and remained focused on my desire to serve the campus community. These are the values that I acquired as a member of the Nevada Youth Legislature.

Among countless life lessons that my mentor and Nevada Senate Hall of Fame inductee, former Senator Valerie Wiener, has taught me, there is one lesson that consistently stands out to me the most: "You are the now," she would say. In other words, I did not have to wait to have a high-paying job or to become a U.S. citizen to make a difference in the lives of the people in my community. I can do that now. Thus, I sought ways to aid the at-risk youth in my community.

I believe that young people grow empowerment from taking full responsibility for their own lives. This means addressing their situations and taking constructive steps to improve their beliefs, values, attitudes, and actions. With this new consciousness, they have the capacity to enrich their own lives and generate significant benefits for the entire community.

In 2012 and 2013, I created and fully funded a scholarship in memory of my grandfather to assist at-risk youth. As a former legal assistant at an immigration defense law firm, I realized that many of the recipients of the Deferred Action for Childhood Arrivals, or DACA program, struggled to pay the required filing fees to renew their conditional immigration status. So in 2018, I created the Juan Gonzalez DACA Renewal Scholarship and awarded two of these scholarships to help preserve the legal protections for these marginalized young people.

After earning my bachelor's degree in public administration, I became an elder rights specialist for the state of Nevada's Elder Protective Services, Aging and Disability Services Division, Department of Health and Human Services. In this role, I serve the most vulnerable senior citizens in Nevada. To strengthen my level of service to Nevada, I am currently pursuing a master of public administration at the University of Nevada, Las Vegas.

I aspire to one day establish my own nonprofit dedicated to inspiring and supporting empowerment opportunities for young immigrants. I am currently receiving hands-on experience in the nonprofit sector as a board member for PublicServiceNV, a nonprofit whose mission is to engage, educate, and recognize individuals in Nevada whose service enriches their communities.

Because of my strongly held conviction that the Nevada Youth Legislature is an investment in the next generation of Nevada's leaders, I am pleased to support S.B. 108 (R1). Thank you. I appreciate it.

Chair Jauregui:

Thank you so much for your testimony and for sharing your story with us. I am going to open it up to testimony in opposition. [There was none.] Is there anyone here who wishes to testify in neutral? Seeing no one, Senator Woodhouse, Senator Wiener, would you like to give any final remarks?

Valerie Wiener:

I am so grateful that we had the opportunity through one of our board members and a very long-term, very special friend, Senator Woodhouse, to bring this measure before you, to update what a lot of us were already doing or we were prevented from doing, but we had to work with what we had. This program is getting ready to begin the thirteenth year. We have actually involved—with our DYAC members—more than 200 young people. Many, as Alex Bybee had said earlier today, are choosing to stay in Nevada in public service because the program has invited them to see that very special part of their lives that was not showing up prior to that. I encourage you to and thank you for considering this bill to allow us to update and maybe modernize a statute that has not been addressed for a few years. It is a living, breathing entity and shifts in movement. I call them the great "wow now" moments that happen during the program, and we would like your support of S.B. 108 (R1) to make even greater things happen with the Nevada Youth Legislature. Thank you.

Chair Jauregui:

We should be thanking you, Senator Woodhouse and Senator Wiener, for your time and commitment to this program. I think Mr. Madera said it the best. You really are shaping the future leaders of our state. Thank you. With that, I will close the hearing on Senate Bill 108 (1st Reprint).

The next item on our agenda is Senate Joint Resolution 1 of the 79th Session.

Senate Joint Resolution 1 of the 79th Session: Proposes to amend the Nevada Constitution to expressly provide for the State Board of Pardons Commissioners and revise the duties of the State Board of Pardons Commissioners. (BDR C-567)

Senator David R. Parks, Senate District No. 7:

Thank you for bringing up for consideration Senate Joint Resolution 1 of the 79th Session, which amends Article 5, Section 14 of the *Nevada Constitution* regarding the State Board of Pardons Commissioners. This measure must be approved by the 2019 Legislature in identical form to the measure as it was passed by the 2017 Legislature. It then must be approved by the voters in 2020 in order to take effect and amend the *Nevada Constitution*. The several items in S.J.R. 1 of the 79th Session that would change include:

1. That the Board of Pardons Commissioners shall meet at least quarterly;
2. That each member of the Pardons Board may bring forth items for consideration; and

3. That the action of the Pardons Board would be based on a majority vote, removing the provision that the Governor has veto authority. That majority vote would require five of the nine members of the Pardons Board to vote in the affirmative.

I hope that you will act favorably on S.J.R. 1 of the 79th Session. Thank you. That concludes my formal presentation.

Chair Jauregui:

Thank you, Senator Parks. Committee members, do you have any questions for Senator Parks?

Assemblywoman Monroe-Moreno:

How often does the Pardons Board meet now?

Senator Parks:

At this time, there is no set schedule for the Board of Pardons Commissioners to meet. They have met on a somewhat irregular basis. What this would require would be that they meet at least quarterly. In recent meetings, they have had in the range of, I believe, 10 to 12 candidates for consideration. Some of these individuals are members of the community who seek to have their rights restored and they would go through this process. What we would like to have is a set routine. We realize that would require some work on the part of the Division of Parole and Probation, which provides the clerical support to the Board of Pardons Commissioners.

Chair Jauregui:

Members, are there any other questions? Seeing none, I will open it up to testimony in support.

Ben Graham, Governmental Relations Advisor, Administrative Office of the Courts:

I am here today on behalf of the Administrative Office of the Courts and the Supreme Court of Nevada. It is interesting, I see five or six of you in the morning and it is nice to know that we are still at it in the afternoon. The court, as you can see, constitutes a majority of the people who work on pardons now. What this proposed amendment does is to, in a sense, almost depoliticize the process. It is something that had worked fairly well over the years, but as polarization occurs, there are times when even people who are seeking a pardon and truly, truly are innocent of the offense that they are charged with, sometimes there has been a reluctance on the part of some to vote for the pardon. So hopefully, with your support, this can be overcome to take the politics out of pardons. When you take a look at who is on the Board of Pardons, as you can see, you are not going to find anybody on there who is too extreme, so you will not get a lot of people whom you and I probably do not think should be pardoned.

It is going to be a better process. The next Board of Pardons hearing is in June. With this, we would have it quarterly and the members could submit the names of people who they feel are worthy of a pardon. The process is very, very lengthy. I have gone through the forms

that you have to fill out and be involved in. We would like to see this happen this session. If you have any questions, we can certainly go over this.

I am here on behalf of Associate Justice Hardesty and Chief Justice Gibbons and the other members of the Supreme Court who are on your Pardons Board, who actually created it formerly.

Chair Jauregui:

Who makes up the Board of Pardons now?

Ben Graham:

The Governor, the Attorney General, and then the seven justices of the Supreme Court. Those who sit on it now include Governor Sisolak, Attorney General Aaron Ford, Chief Justice Mark Gibbons, Associate Chief Justice Kristina Pickering, and Associate Justices James W. Hardesty, Ron D. Parraguirre, Lidia S. Stiglich, Elissa F. Cadish, and Abbi Silver. I do not see Oliver Fumo on here, though. Yet. I apologize for the Oliver though. I have a grandson named Oli and we go back and forth between Ozzie and Oli. I am a little dyslexic, I guess.

Chair Jauregui:

Members, do you have any questions for Mr. Graham? [There were none.]

Lisa Rasmussen, representing Nevada Attorneys for Criminal Justice:

I am here in support of S.J.R. 1 of the 79th Session. This bill came through in the 2017 Session and Nevada Attorneys for Criminal Justice supported it then and we support it now. There is a lot of pressure currently with the way the hearings are twice per year. We believe that having them four times per year will add some additional flexibility. I do not believe that it is necessarily going to result in more applicants, but what we have seen in the past is that there has not been time to get people onto the calendar when they are held every six months, and that results in some people having to wait an additional six months. If the parole hearings were quarterly, it would ease that process. I think it would give more flexibility to people who are applying for community pardons as well as people who are applying for clemency who are also heard in the context of these pardon hearings. As Mr. Graham noted, the change that would be made also provides for a more democratic process and for that reason, we also support S.J.R. 1 of the 79th Session. Thank you.

Chair Jauregui:

Is there anyone else who wishes to testify in support? Seeing no one, we will open it up for testimony in opposition. Seeing no one, we will move to testimony in neutral.

Tom Lawson, Captain, Division of Parole and Probation, Department of Public Safety:

I represent the Department of Public Safety, Division of Parole and Probation. The division is offering testimony in the neutral position today. Some of the concerns are not like concerns, but I guess like considerations that the division has. We have submitted a fiscal note that is really undefined because the way the resolution is written, we do not know the

intent of what size the agenda will be for these quarterly meetings. Currently, if on average there are 20 applicants per agenda, is the intent to continue with the number of 20, which would essentially double our demand—which could quite possibly require additional staff—or do they intend to only hear 10, which would be the same volume as now? Our fiscal note is undefined, but primarily I am here today to answer any questions the Committee may have regarding the Pardons Board investigation process and how this bill would impact the operations, if you have any. Thank you.

Denise Davis, Executive Secretary, State Board of Pardons Commissioners:

If you have any questions, I am here to answer them.

Chair Jauregui:

Thank you for being here. Committee, do you have any questions for the Pardons Board?

Assemblyman Roberts:

How many pardons do you hear now on a regular basis? On an annual basis? Could you give us an idea?

Denise Davis:

For the July agenda, we have four inmates and approximately nine or ten community cases.

Assemblyman Roberts:

Is that the only one you have done this year?

Denise Davis:

Yes.

Assemblyman Roberts:

Is that the only one you have planned for this year?

Denise Davis:

No. We have one scheduled for November 6, 2019.

Assemblyman Roberts:

You do not know how many will be on it?

Denise Davis:

No, and the applications just went out.

Assemblyman Roberts:

So on average, maybe ten or so per year?

Denise Davis:

Ten to fifteen community cases, and one to four or five inmate cases.

Assemblywoman Monroe-Moreno:

Is the makeup of the agenda determined by who actually applies? Are the inmates applying? Or who makes up—you said you do not know the cost because you do not know what is going to be on the agenda. What are the determining factors that go into creating the agenda?

Denise Davis:

The inmates have criteria. A justice member or actually any member can support an inmate case. Currently, after they support the case, it goes to the Governor for approval on inmate cases. For community cases, currently I decide who goes on the agenda.

Assemblywoman Monroe-Moreno:

You are the only one who decides who goes on the agenda?

Denise Davis:

No. The Governor can pull them off and also Supreme Court justices will say, I want to support this case, and then I put it forward to the Division of Parole and Probation. There are criteria met. If the criteria are not met, the members can waive any criteria that they wish.

Chair Jauregui:

So there are criteria that have to be followed in order for them to be considered to be on the agenda?

Denise Davis:

Yes, but that can be waived also.

Chair Jauregui:

Then you have the final say on whether it goes on the agenda?

Denise Davis:

I will get the packet and if I believe—yes, and then the Governor can pull off any community cases that he wants. Supreme Court justices will also decide—any member can decide who goes on the agenda. If I find a case that has met the criteria, then I will pass it forward to the Division of Parole and Probation also.

Assemblyman McCurdy:

If you will, walk the Committee through the process that currently stands on how we get to a point where it is before you and it gets to the point where it is before the Governor where he can then pull it if he so chooses. Let us just start from the very beginning and walk the Committee through that, please.

Denise Davis:

I will receive an application through the community. I will see if it meets the criteria. If I believe it does, I will send it through to the Division of Parole and Probation. They will put it on their queue for investigation. Another way a community case can also apply is going straight through the members. If they go straight through the members, it is a sponsored case

and it will get pushed to the front of the line. Inmate cases will apply usually for about a six-week period before a meeting. I review the applications and if they meet the criteria, I will pass it on to the Department of Corrections for an investigation. A member of the board, which is the Governor, Supreme Court justices, or Attorney General, may also sponsor inmate cases. If that is the case, it will go to the Governor. Any inmate case, currently, the Governor has to approve since he has veto power. So if he is going to pull an inmate, there is no point of having a hearing if he is going to vote no on it because he has the veto power. The Division of Parole and Probation will finish the packet, get it to me, and then I will put it on the agenda. It is a background packet. They do a complete history, financial history of their life.

Assemblyman McCurdy:

The financial history of the inmate's life?

Denise Davis:

The community cases, if they are in the community. For inmates, there is a background check, but it is not as extensive as it would be for the Division of Parole and Probation.

Assemblywoman Torres:

What would happen if an individual wants to appeal your decision? You review the information; ultimately, you have the power to say, No, this does not qualify. What if they want to appeal the decision?

Denise Davis:

Currently, there is no appeal process.

Assemblyman Fumo:

I have a couple of questions, if I could. First, do all the cases that meet the criteria get a hearing, or do you have discretion to deny them?

Denise Davis:

If they meet the criteria, I push them forward.

Chair Jauregui:

But do you have the discretion to deny them?

Denise Davis:

No, the Pardons Board denies them.

Assemblyman Fumo:

I mean to put them on the agenda even.

Denise Davis:

Yes, if they meet the criteria, they go forward.

Assemblyman Fumo:
Automatically?

Denise Davis:
Correct. If they meet the criteria, it goes forward.

Assemblyman Fumo:
Why are there so few cases on the June or July agenda? Are there just that few people who apply?

Denise Davis:
No. There are currently approximately 200 who are waiting for community cases.

Assemblyman Fumo:
Are we not meeting frequently enough? Is it because we cannot get a quorum together to meet?

Denise Davis:
I do not make the reports; I just put whatever reports I get on the agenda.

Assemblyman Fumo:
But how come we are having so few hearings? If there is such a backlog, why could we not have a hearing, say, every month?

Denise Davis:
I will give that question to you [Tom Lawson] because you make the reports.

Chair Jauregui:
Who schedules the hearings? Who convenes the meeting?

Denise Davis:
I schedule the hearings, but I can only schedule hearings for the packets I have. I cannot put somebody forward without the background information I receive. I have received, so far, about seven packets from the Division of Parole and Probation.

Assemblywoman Monroe-Moreno:
Maybe I am not understanding this right. I am a little confused. Just a few minutes ago, you said you have 200.

Denise Davis:
People waiting to be heard.

Assemblywoman Monroe-Moreno:
Hold on, before you go any further. You have 200 waiting to be heard. So they have already submitted their packets to you. Do you need to go through those packets? Or you have not

put them on the list, or they are just waiting because you have not felt like doing it? Tell me why they are waiting.

Tom Lawson:

To answer your question regarding the investigation process, an applicant is passed to the Pardons Board secretary either as a sponsored or a self-submitted unsponsored case. As a self-submitted unsponsored case, she forwards those to us and they are placed into a queue. We are authorized two pardons investigators for the entire state and every application that comes through. We have submitted a decision unit seeking to increase our pardons staff this year and, of course, our budget is set to close next week so—fingers crossed—we will find out how that turned out for us next week.

So the applicant comes in. If it is a sponsored case, it is placed at the front of the line because for that member, one of the constitutional officers has said, I would like to see this case on this specific date. So we apply the resources to that in a priority order to complete the investigation that has been requested. Those investigations take over a month each. It is a very intense deep dive into every possible element of this person's life. Unfortunately, we have applicants who have committed one crime in their life and that deep dive is very shallow and they are seeking a pardon on that one mistake in their life. Conversely, we have people who have undisclosed 25-plus felonies that we discover as part of that. Some of those undisclosed criminal elements are some of the disqualifiers that Ms. Davis has mentioned in that review. Some of these packets have turned into eight inches of printed material and multiple binders of consideration.

Some people who are asking for the right to bear arms who have insisted that they have never owned a gun in their life, we then find pictures of them on Facebook with hunting trophies and shooting guns and things like that. We are very thorough on that so that the Pardons Board can make an informed decision on whether this person deserves to have their rights restored and granted a pardon on this case. We turn these in-depth investigations, when we discover those disqualifying elements, back to the Pardons Board with our form letter that outlines the criteria we have noticed have been violated. At that point, the constitutional officer has the right under statute to waive the criteria that have not been met, and if that is the case, then that is returned to us to continue the investigation for ultimate consideration by the full board.

Again, we have two pardons investigators. For these cases, the applications have increased dramatically over the past two years. The number of sponsored cases has increased dramatically as well. Anecdotally, I have heard commercials in the Las Vegas area of attorneys soliciting people to apply for pardons. So that is part of the reason why our demand has increased and, again, because of that increased demand, why our decision unit was submitted to increase our staff as well.

Chair Jauregui:

Who calls the Pardons Board to order? Who says, I want to meet on this day; we should have a meeting on this day?

Denise Davis:

I will go to the Governor and set the dates and then go to all the members to ensure they can all meet on that certain date.

Chair Jauregui:

Who decides how many times per year they are going to meet?

Denise Davis:

The Governor and the board members.

Assemblywoman Monroe-Moreno:

Why are the 200 still waiting for the hearing? What is the reason there are 200 applicants who are still waiting for a hearing?

Tom Lawson:

That is demand. There is greater demand than we have resources and capacity to produce completed reports.

Assemblywoman Monroe-Moreno:

Going back to something you said with the deep dive. I sincerely hope it is not just Facebook you are looking at. I am a gun owner and my children all know how to shoot guns. They never became an owner of a gun until they were 18 years old, but I know for a fact—you might look at my Facebook page and see the family out shooting, but that does not make them the gun owner. I hope that Facebook is not the only thing you are looking at when you do a deep dive.

Tom Lawson:

You are absolutely correct; that is an example of only one element we seek. Again, we are talking about convicted felons who are prohibited from possessing a weapon. The fact that they are holding it in that picture that is date-stamped after their conviction is a violation of the law in and of itself. But absolutely not. We examine every element of their criminal history when we have undisclosed violations by the offender, by the applicant. We contact the state. We look into the arrest reports. We contact the convicting court, the prosecuting attorney, all the victims who are in the file, other witnesses, law enforcement agencies, every stone is turned over two or three times. Ultimately, we want to give the best information to the constitutional officers so they can make an informed decision of whether this person truly deserves a pardon.

Chair Jauregui:

I also have a question just for my own personal interest. If it is lengthy, I would ask that you send this to me, but I would love to see what the criteria are for a full application.

Denise Davis:

Yes, I will. It is also available at pardons.nv.gov.

Assemblywoman Monroe-Moreno:

Regarding the two positions that you are hoping to get in the decision, what will their duties be if those two positions are granted?

Tom Lawson:

Just to clarify, we submitted a decision unit requesting an additional one person. Also, as I am sure you are well aware, our staffing is driven by the JFA Institute numbers and our caseload analysis. I have not been privy to the final numbers of that, so I do not know which way the JFA analysis is leaning as we speak today. That additional pardons writer will be assigned full-time to pardons. The position classification is rather high. It is very focused under class specifications of what that position can do as a pardons writer. There are only two elements there that high of a class will do and one of them is pardons. This person would be 100 percent dedicated to pardons investigations here in Carson City at our headquarters.

Assemblywoman Torres:

I am not understanding based on what you have said about the waiting and the processing—it takes a month, but then we have not had hearings over a long period of time as well. So if an individual put in an application in January, for example, when would we expect for them to have that hearing?

Tom Lawson:

We will answer this in combination. The first, I guess, is depending on whether it is sponsored by a constitutional officer. If that were the case, then, again, it would jump to the front of the queue as resources are available. In the past, if we had a pardon in process and another one came in that was sponsored, prior to my tenure in this position, the investigation would stop. So three to four workweeks of resource allocation could possibly be wasted for six to eight months until resources were available for the investigator to return to that. We changed that practice because after that much time, we were essentially starting the investigation over again. We will complete the pardon and each of our workers—pardons investigators—has about six to eight active investigations going at any one time because the investigator sends out letters to victims, reaches out and contacts, waits a period of time for replies, and then moves on to the next one in sequence. Some of these take time because the investigator identifies that some victims are not available, some do not want to be contacted, the judge who heard the case is no longer on the bench, so there are some roadblocks to finding all this information. From there, as to the calendaring, I will let Ms. Davis speak.

Chair Jauregui:

I think we were just looking for, if they applied in January, when will they be heard: a number?

Denise Davis:

Usually, when they apply, it takes about two years before I get the packet back from the Division of Parole and Probation.

Assemblyman Leavitt:

With the gubernatorial disqualification of an applicant, when does that process take place? Is it after an investigation has taken place? Do they do their own investigation? How is that in the process?

Tom Lawson:

In response to your question, as those disqualifiers are identified—if it is one element of an omitted misdemeanor violation, we are not going to stop an investigation for that. If we find a discovery of omitted felonies or omitted convictions in other states and things like that, that is when we stop the investigative process. If we identify that they are a bad candidate because of those disqualifiers, we would rather provide our resources to candidates who seem more likely to get a pardon, so we would then refer that back to Ms. Davis for consideration by the constitutional officer whether he or she would wish to waive that criterion and have us proceed. That waiver process is outlined in the statutes that are controlled pardons investigations.

Assemblyman Leavitt:

I think you misunderstood. As far as when the Governor can disqualify a pardon, according to this, the Governor can disqualify a pardon, correct? At what time does that disqualification come into effect?

Denise Davis:

It depends on if it is either an inmate case or a community case. For an inmate case, I will send over all the information, such as the presentence investigation, the judgment of conviction, and other information to the Governor saying, This inmate was sponsored; do you want to sponsor him and put him on the agenda or do you want to pull him? So on inmate cases: before. But the Governor may also pull it after the investigation is back and if it is not a good investigation and the applicant is worse than he thought he might have been, then he can pull it at any time. On community cases, he can pull it at any moment, too, but usually—he would get the packet from the Division of Parole and Probation, review it, and then pull it.

Chair Jauregui:

Assemblyman McCurdy, you will ask the last question.

Assemblyman McCurdy:

We have heard a few things this evening as it relates to the time frame in which a petition is submitted for pardoning. It is a little vague, a little hazy, to me as to the time frame in which you are—I do not know if it is by statute that you have a time frame in which you have to respond to a petitioner. Do you have a time frame in which you have to respond or do you have an internal policy and say, Hey, we will get to you when we get to you? Can you talk a little bit to that?

Denise Davis:

Once I receive the packet from the division, it will go on the next available agenda. I do not have any packets that are completed that are just waiting. Once I get the packet, it is on the next available agenda.

Assemblyman McCurdy:

So you do not have any additional packets that have gone unreviewed?

Denise Davis:

No.

Assemblyman McCurdy:

But we do have 200 or so in the queue?

Denise Davis:

Approximately, yes.

Chair Jauregui:

I want an answer in one numerical fashion. How many meetings did you have in 2018?

Denise Davis:

We had two.

Chair Jauregui:

How many meetings have you had in 2019?

Denise Davis:

One, but we also have consent agendas.

Chair Jauregui:

I just wanted to know how many meetings. Is there anyone else here wishing to testify in neutral? Seeing no one, I will invite the bill sponsor back up.

Senator Parks:

Thank you for considering S.J.R. 1 of the 79th Session. I think you have certainly heard a fair amount of testimony dealing with the statutes and the regulations relative to the pardons process. This bill in front of you today strictly deals with changing the *Constitution*, and we think with the recommendations that have come forward it is the right thing to do at this time. I think if there were to be changes relative to the process leading up to the Board of Pardons Commissioners hearings, that would be something that the Legislature should consider separate from S.J.R. 1 of the 79th Session.

I would also like to comment that we know that our justices have very busy schedules, as do the Governor and Attorney General, so the dates for these hearing get set way out in advance in the hope that all the members can attend. We know that in recent years, there have been a

number of members—or at least one member—who did not routinely attend and the Pardons Board was able to continue its meetings. Setting the time up far in advance is definitely a requirement. Thank you. I appreciate it. Mr. Graham has perhaps a little more information that can shed light on the discussion that preceded.

Ben Graham:

I am apologizing at this stage. I hold in my hand something that each of you probably would like to have seen if I had realized we were going to do this. I am going to violate the rules and ask it be submitted as an exhibit ([Exhibit C](#)). It is the application for commutation. It has the questionnaire, where you get started and fill things out. Have you been housed in disciplinary segregation for any period of time within the past 36 months? Have you been denied release on parole? So it gives some guidelines to answer a lot of the questions I think we had here. The good thing about this resolution is, it sets some structure up that we have not had before. You know that there are going to be at least four hearings per year when these folks can hopefully—and some of them successfully—be pardoned. We were talking about additional expenses that may be incurred from putting this into place. I can imagine there would be significant savings if we can pardon some people who need to be out of custody and those certainly should offset that. Structure, depoliticization, and some guidelines I think is what this resolution is going to do. With the Chair's permission, I would like to give this to the staff and have them make it available. It is an interesting process. I appreciate the opportunity to be here this afternoon with you folks and Senator Parks. Thank you.

Chair Jauregui:

Thank you and Senator Parks so much for bringing this bill forward. If you would leave that with the committee assistant and secretary, that would be great. I will now close the hearing on S.J.R. 1 of the 79th Session.

The last item on the agenda is public comment. Is there anyone who wishes to give public comment? Seeing no one, I will see you at 4 p.m. next Tuesday, April 30, 2019. We are adjourned [at 5:14 p.m.].

RESPECTFULLY SUBMITTED:

RESPECTFULLY SUBMITTED:

Nancy Davis
Recording Secretary

Catherine Bodenstein
Transcribing Secretary

APPROVED BY:

Assemblywoman Sandra Jauregui, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is a letter from the State Board of Pardons Commissioners, dated January 14, 2019, with a copy of the Application for Commutation of Sentence, submitted by Ben Graham, Governmental Relations Advisor, Administrative Office of the Courts.