

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

**Eightieth Session  
June 3, 2019**

The Committee on Legislative Operations and Elections was called to order by Chair Sandra Jauregui at 5:12 p.m. on Monday, June 3, 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](http://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  
Assemblyman Tom Roberts  
Assemblywoman Selena Torres

**COMMITTEE MEMBERS ABSENT:**

Assemblyman John Hambrick (excused)  
Assemblywoman Daniele Monroe-Moreno (excused)

**GUEST LEGISLATORS PRESENT:**

Senator Yvanna D. Cancela, Senate District No. 10

**STAFF MEMBERS PRESENT:**

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



**OTHERS PRESENT:**

Elisa Cafferata, representing Planned Parenthood Votes Nevada  
Holly Welborn, Policy Director, American Civil Liberties Union of Nevada  
Brooke Maylath, President, Transgender Allies Group  
Christine Saunders, Policy Director, Progressive Leadership Alliance of Nevada  
Shane Piccinini, representing Human Services Network; and Food Bank of Northern Nevada:  
Marlene Lockard, representing Nevada Women's Lobby; and Service Employees International Union Local 1107:  
Janine Hansen, State President, Nevada Families for Freedom; and Private Citizen, Elko, Nevada  
Lynn Chapman, Treasurer, Independent American Party of Nevada  
Melissa Clement, President, Nevada Right to Life  
Karen England, Executive Director, Nevada Family Alliance  
Shawn Meehan, Private Citizen, Minden, Nevada  
Durward James Hindle III, Private Citizen, Virginia City, Nevada  
Annette Magnus, Executive Director, Battle Born Progress  
Theresa DeGraffenreid, Private Citizen, Gardnerville, Nevada  
Kendra G. Bertschy, Deputy Public Defender, Washoe County Public Defender's Office  
John J. Piro, Deputy Public Defender, Legislative Liaison, Clark County Public Defender's Office  
Izzy Youngs, representing Nevada Women's Lobby  
Samuel P. McMullen, representing Aladdin Bail Bonds

**Chair Jauregui:**

[Roll was called.] Welcome, everyone, to the Assembly Committee on Legislative Operations and Elections. I want to give everyone a lay of the land because it is Day 120. I am going to have Vice Chair Fumo take over, and we will be down a few members because we are having concurrent meetings running at the same time that require our membership for the hearings. We will only be hearing Senate Joint Resolution 8, Senate Concurrent Resolution 10, and Senate Concurrent Resolution 11. These will just be Committee hearings today. We are going to go in order of the agenda. I also want to let everyone know because of the time restraints and the sensitive nature of some of the items we will be discussing, we will be limiting the testimony to two minutes in support, neutral, and opposition. We do request that you keep your comments under the purview of the bill. With that, we can go ahead and get started. I would remind everyone to silence anything that makes noise and be nice to each other. With that, I will open the hearing on Senate Joint Resolution 8.

[Assemblyman Fumo assumed the Chair.]

**Senate Joint Resolution 8: Proposes to amend the Nevada Constitution to guarantee equal rights. (BDR C-1278)**

**Senator Yvanna D. Cancela, Senate District No. 10:**

Thank you for making the time to hear this important measure on such a busy day. I have the honor of stepping in for Senate Majority Leader Cannizzaro on Senate Joint Resolution 8. I will briefly talk through what the resolution intends to do and explain why it is important.

Senate Joint Resolution 8, quite simply, codifies the Equal Rights Amendment (ERA) into Nevada's *Constitution* and adds other protections for different categories into the *Constitution*. It is a long process before this gets enacted. It would have to be voted out of this session, voted on again in 2021, and then in 2022 voters would have to decide if these are protections they want in the *Constitution*. The intention behind codifying the ERA and these protections in our *Constitution* is to ensure equality under the law. It is undeniable that inequalities continue to exist in the job market, in wages, and when it comes to how people are treated by our justice system. There are a number of inequalities today that people lack the legal resources to fight against based on the lack of protections in our state *Constitution*. By codifying the protections outlined in Senate Joint Resolution 8, we put into our *Constitution* Nevada's values of true equality.

The resolution would propose creating protections for race, color, creed, sex, sexual orientation, gender identity or expression, age, disability, and ancestry or national origin into the *Nevada Constitution*. As a side note, I would say that many of these categories are covered under Title VII, which is federal law, and many of these protections exist in Nevada statute based on employment, but are not codified in our *Constitution*. Many of these protections exist today. I say that because what you will hear from the opposition is that this will lead to catastrophic events; that it will lead to things like state-paid abortions; that it will lead to things like inequities within sporting; that it will lead to all sorts of different scenarios. Because these protections exist to varying degrees in federal or state law, I find those arguments to be, frankly, difficult to swallow. I would ask that as you hear these different challenges, that you keep in mind the question of how, because I think that is where there fails to be a connection.

I will close by saying it is a long time coming that we have true equality, not only in society, but protected under the law. As Nevadans, I believe that we are a state that has benefitted tremendously from our diversity, but that has not caught up in our law with the necessary protections for all Nevadans. That is what S.J.R. 8 does.

**Vice Chair Fumo:**

Are there any questions from the Committee?

**Assemblyman Roberts:**

You covered some of it in your presentation regarding what the other side might say, so I would like to ask about the intent of this. If approved, it comes back next session, then goes to the voters. If approved by the voters, would it be a violation if biological girls were to

compete in transgender sports? Would that be the interpretation? Maybe that question is not for you. It might be for Mr. Powers to answer. I want to ascertain the intent. Would it be a violation if a girls-only sports team did not allow transgender or other athletes?

**Senator Cancela:**

The intent is to codify protections into our *Constitution*. I will leave it there and allow for Mr. Powers to answer.

**Kevin Powers, Committee Counsel:**

This proposed constitutional amendment deals with classifications in law. When the Legislature passes any law, it determines who the law applies to and therefore creates classifications. What this provision does is say, If the Legislature under the law creates a classification of one of these protected categories, then it has to do so in a way that extends equality of the law. What that means is that courts have interpreted similar provisions to apply a certain level of scrutiny to these types of classifications.

For example, let us say an ordinary classification is distinguishing between different types of employers whether it is gaming companies or mining companies. They are not protected categories, so when a court reviews those classifications, they say, Is there a rational basis for distinguishing between gaming companies and mining companies? Generally, the presumption is that there is, and that legislation is upheld. When you have protected classifications like this in the *Constitution*, courts apply a higher level of scrutiny often known as "heightened scrutiny" or "strict scrutiny." In that circumstance, the legislation would be upheld as a proper classification if there is a compelling state interest and the legislation advances that compelling state interest.

In the context of Assemblyman Roberts' question about using gender and other classifications for sports teams, I have seen some people testify that it would affect how bathrooms are distributed and who can go to which bathroom. Those types of classifications would be supported by compelling state interest. They would advance that state interest because the state has an interest in having separate bathrooms for different genders. The state has an interest in having different genders play different sports. There is compelling state interest for those classifications. They should be upheld under this provision because they are not discriminatory; instead, they are based on compelling state interest and the advancement of that interest.

**Assemblywoman Miller:**

I wonder if you are able to answer this. There may be some legality to it. Under section 24, why was religion not included?

**Senator Cancela:**

Rather than "religion," the language uses the term "creed," which is more expansive than "religion," so as to encompass or cover what religion would normally cover. That is my understanding.

**Kevin Powers:**

That is correct. "Creed" would cover the religious face that we understand. But in addition, the *Constitution* in Article 1 already protects freedom of religion, so there is already a constitutional provision that covers that. The reference of creed here provides the same type of protection, but it is also already included in the *Nevada Constitution*. It is also protected, obviously, by the First Amendment to the *U.S. Constitution*.

**Assemblyman Leavitt:**

When we are talking about putting this into the *Constitution*, I wanted to go more toward the intent. The definition is a little more expansive than we have seen before. I do not know how it would normally be under federal law, but was the intent to promote or to have anything to do with clarifying state-sponsored or state-paid abortions in any way?

**Senator Cancela:**

No, that is not part of the intent. The intent is to codify equality in the *Constitution*.

**Assemblyman Roberts:**

This is probably another question for Mr. Powers. I know other states have adopted similar language in their constitutions. I am just curious. Has there been a legal challenge to those? Are you aware of any lawsuits based on those amendments in other states?

**Kevin Powers:**

There are similar provisions in other state constitutions, and there have been lawsuits under those provisions.

Following up on the prior question regarding the funding of abortions, there are some cases that deal with that issue. Let us keep in mind that those cases deal with situations where a state benefits program provides benefits for medically necessary procedures. Some of those jurisdictions have passed laws prohibiting state benefits from being used to pay for medically necessary abortions. Some of those courts have concluded that if it is medically necessary and it would be paid for in any other circumstance as a medically necessary service, then the state cannot distinguish between that medically necessary service and any other medically necessary service. Keep in mind, though, a medically necessary abortion is not a voluntary choice to have an abortion under any circumstance at any time. It is a medically necessary abortion due to the fact that the pregnancy could harm the health of the mother, and a doctor determines that the mother's health has to take precedence in that circumstance. That is then a medically necessary abortion. If a state has a benefit program that provides indigent people with medically necessary services, that abortion would have to be covered as a medically necessary service under that circumstance. Again, public funding does not pay for every abortion every time someone wants one. It is only when the health of the mother is at risk and a doctor determines that it is medically necessary.

The answer is yes, there are other state constitutions with this type of provision, and it has been interpreted that a public benefits program is required to pay for a medically necessary abortion just as it would pay for any other medically necessary service.

**Vice Chair Fumo:**

Are there any other questions? Seeing none, we will move to testimony in support.

**Elisa Cafferata, representing Planned Parenthood Votes Nevada:**

I have been coming to the Legislature for six sessions. We have been doing one-at-a-time bills to address equality in housing, employment, and public accommodations. We support this amendment to the *Constitution*, which would universally say we should not discriminate against people because they are in a specific class. Feminists have always said, Equal rights for sex and gender issues will ultimately benefit not just women, but will also benefit men. There was a case recently of JP Morgan Chase having to offer the same paternity leave as they offer maternity leave. We are starting to see the benefits also accrue to men. We hope you support this legislation.

**Holly Welborn, Policy Director, American Civil Liberties Union of Nevada:**

For 100 years, the American Civil Liberties Union has been at the forefront of the struggle to win full equality for women. Since our founding, we have argued more cases on women's rights before the United States Supreme Court than any other organization in the country. We have made many great strides for equality, but there still exists a pay gap. Women are minorities in corporate employment and, with the exception of Nevada, in government. We face violence, harassment, and a multitude of other issues in the way our laws are applied. The Equal Rights Amendment is one way to say that women are equal under the law once and for all.

**Brooke Maylath, President, Transgender Allies Group:**

This is a great bill that is able to elucidate the rights of every human being who needs to be considered in our society here in Nevada. I take exception to the vulgar types of misrepresentations from the opposition. I notice the opposition never complains about the transition from female to male, but that male to female kind of terror that they speak of—nobody would transition from male to female simply to get a job, to apply for a woman-run business, to get a scholarship, or to win an athletic competition. Think about the body chemistry that goes on. I assure you I am more than likely the person who has the lowest blood serum testosterone levels in this entire building. To think there is an advantage for a man—a person who was identified as male at birth—to transition and to have an athletic advantage is just simply poppycock. This kind of Chicken Little, sky-is-falling hysteria that is being promoted by the opposition is just simply outrageous. They are, as a matter of fact, not really complaining about rights. They are complaining about the loss of privilege—the privilege of wrapping their hateful ideology in a blanket of religion and believing they can still propagate that and punish others whom they do not understand and do not wish to identify with. Thank you for voting for this bill. It will improve everyone's lives.

**Christine Saunders, Policy Director, Progressive Leadership Alliance of Nevada:**

We are here in support of S.J.R. 8. I want to echo the sentiments of those who spoke before me. Guaranteeing equal rights for all does not take away rights from others. Rights are not a pie to be divided. We urge you to vote to affirm that the state values and respects all Nevadans.

**Shane Piccinini, representing Human Services Network:**

In the interest of brevity, I want to say please pass this bill.

**Marlene Lockard, representing Nevada Women's Lobby; and Service Employees International Union Local 1107:**

We strongly support this measure.

**Vice Chair Fumo:**

Is there anyone else in support? [There was no one.] We will move to opposition.

**Janine Hansen, State President, Nevada Families for Freedom:**

I think it is unfortunate that we have to be verbally attacked in this Committee. I am the original chairman in the state of Nevada for the Pro-Family Coalition which defeated the so-called Equal Rights Amendment in 1978 by 68 percent. The reason that happened was because of the concerns over what it means. We need to realize that this particular amendment has far expanded over the original one which only uses the word "sex." What does this mean, "equality of rights under the law shall not be denied or abridged . . . on account of . . . sex"? We do know that in New Mexico, the Supreme Court unanimously agreed that their state's ERA language mandates taxpayer-funded abortions.

What about sexual orientation? Does this mean that those whose religion does not accept homosexuality or lesbianism will be attacked as we were today? Will we lose our religious liberty to practice our religion in our everyday lives, in our churches, businesses, jobs, homes, and in teaching our children what we believe to be right and wrong? We already find that, due to gender identity or expression, our children are subjected to having children of the opposite sex in bathrooms and possibly showers and locker rooms. This has recently happened in Elko under the law. If this is codified in the *Nevada Constitution*, will our children lose their right to privacy? This is a particular concern. I have 15 grandchildren.

*New York Magazine* said in February 2019, that 68 percent [of Americans] oppose tax-funded abortions. The majority of Americans, 56 percent, say that bathrooms, locker rooms, and showers should be separate according to one's sex at birth. Only 27 percent say they favor allowing people to use showers and locker rooms according to their professed identity. That means two-thirds oppose that. Please realize there is much more mischief here than is being noted ([Exhibit C](#)).

**Lynn Chapman, Treasurer, Independent American Party of Nevada:**

Steve Tobak of MoneyWatch had Marty Nemko, who is a highly acclaimed career expert and best-selling author, on his show. He said, "The data is clear that for the same work men and women are paid roughly the same."

There is a report titled *An Analysis of the Reasons for the Disparity in Wages Between Men and Women* prepared under contract for the U.S. Department of Labor in January 2009. The report said, "This study leads to the unambiguous conclusion that the differences in the compensation of men and women are the result of a multitude of factors and that the raw

wage gap should not be used as the basis to justify corrective action. Indeed, there may be nothing to correct. The differences in raw wages may be almost entirely the result of the individual choices being made by both male and female workers."

Marty Nemko talked about how men are far more likely to choose careers that are more dangerous. Men are more likely to work in higher-paying fields and occupations by choice. Men are far more likely to take jobs in uncomfortable, isolated, and undesirable locations. Men are more likely to take jobs that require work on weekends and evenings. Even within the same career category, men are more likely to pursue high-stress and higher-paid areas of specialization. Despite the above, unmarried women who have never had a child actually earn more than unmarried men. Female business owners make less than half of what male business owners make. I wanted to bring this up because it is very important that we understand there is no wage disparity ([Exhibit D](#)).

**Melissa Clement, President, Nevada Right to Life:**

I deeply regret that you cut so many people out of the opportunity to speak to you today. I had two families who came here yesterday and spent eight hours waiting to talk to you. It is too bad they cannot be here today.

I want to deal specifically with how this is related to abortion. *Roe v Wade* [410 U.S. 113 (1973)] was decided on the basis of privacy issues. It is a faulty decision; everybody from Ruth Bader Ginsburg on down says so. They would much rather have a decision based on equality of rights, which is why I will read to you from The Daily Beast, a somewhat unbiased source.

*Roe v Wade*, the judicial cornerstone of abortion rights, was not decided as a grand gesture towards women's equal rights. In fact, the decision was based largely on the right to privacy . . . . "Both the basis of the privacy argument and even the technical, technological underpinnings of [Roe] always seemed likely to expire, said Jennifer Weiss-Wolf, Women and Democracy Fellow at NYU's Brennan Center for Justice. "Technology was always going to move us to a place where the trimester framework didn't make sense. If you are rooted in an equality argument, those things would not matter," she said.

I will provide the link to this particular article ["Wanna Save Roe v. Wade? Don't Look To The Courts" by Stephanie Russell-Kraft, The Daily Beast, published July 27, 2018] because it has a lot to do with how this will, in fact, pay for abortions, and, in fact, will throw abortion law completely out.

I would like to address what Mr. Powers said, that this would only happen in cases of health of the mother. There was a companion case, *Doe v. Bolton* [410 U.S. 179 (1973)], that was decided at the same time as *Roe v. Wade* that dealt directly with the health of the mother. In fact, that is where it comes from. According to *Doe v. Bolton*, health of the mother is a medical judgment that may "be exercised in light of all factors—physical, emotional, psychological, familial, and the woman's age—relevant to the well-being of the patient."



All these factors may relate to health. That is how abortion will be taxpayer-funded given the ERA.

**Karen England, Executive Director, Nevada Family Alliance:**

We are in opposition of S.J.R. 8. It would destroy equality and opportunities that women have worked hard to achieve in education, athletics, and business. Yes, there have been other state ERAs; however, this is the very first state to include gender identity and gender expression. Even California has not attempted that in their state *Constitution*. It does not say that someone has to be transitioning. The language of the bill is very clear. It is gender identity and gender expression. By enshrining gender identity in the state *Constitution*, that mandates that men who self-identify as women be allowed to compete for spots on female sports teams. As a matter of fact—after waiting eight hours yesterday—a father from Reno was here because he is very frustrated that a biological male who asserts to be a female is playing girls' softball while girls sit on the bench at his high school. It is happening. This enshrines it.

That is not good for women. It takes away Title IX advantages for women. The whole point of Title IX is to give women a leg up. There is a biological difference between boys and girls, men and women. Gender identity advocates repeatedly assert that not allowing them to fully live their gender expression is discriminatory. That is how it is interpreted.

We hear a lot about intent. I want to quote your colleague, Senator Keith Pickard, from his speech just hours ago on the floor. He said, "There are several ways to subvert intent." I would agree there are. My question is, Could this allow a biological male who asserts to be a girl—and really genuinely believes it—play on a girls' sports team and, therefore, take away advantages from another girl? That is my big problem. You may choose to look the other way, but you cannot say you did not know. We have talked about what this bill does.

**Shawn Meehan, Private Citizen, Minden, Nevada:**

In light of what I have heard at this hearing, I am not even going to refer to my prepared testimony ([Exhibit E](#)). Before I came in here, I ran into one of our Senators to whom I have been trying to talk for several days. She gave me five minutes to talk about this. I will be honest with you, she gave me some things to think about. I may have to consider where I am on this issue, but that only further codified my problem with this situation.

For the last six years, I have spent a great deal of my life learning about the federal and state *Constitutions* and the amendment processes thereof. The writers of those documents were deliberate in the process. Amendment changes take two separate legislative sessions to thoughtfully consider them and then a vote of the people. I was essentially told in the Senate Committee on Legislative Operations and Elections not to worry, that this has to come back another session and then go to the people.

I think there is a lot of passion and a lot of information that is conflicting. Some of it is right and some of it is wrong. I cannot tell you conclusively which it is, and we are going to amend the most powerful governing document in our state or start it on that path. That is not

why I served 20 years in the U.S. Air Force protecting people's rights. This is an important discussion, as we have heard from all sides. It is a real discussion, and it is not being treated like a discussion.

**Durward James Hindle III, Private Citizen, Virginia City, Nevada:**

As has been brought up, many people who wanted to testify on this bill were not able to be here today, although they waited for a long time yesterday. One of those people is Jim DeGraffenreid, and I would like to read into the record his statement:

For the record, I am Jim DeGraffenreid, Vice Chairman of the Nevada Republican Party and Chairman of the Douglas County Republican Party. Although on its face S.J.R. 8 appears to be a good resolution because all of us want equality, unfortunately, the language is such that resolution creates unintended consequences and inequality that may actually harm women.

I am an insurance agent, and I know that women generally pay lower insurance rates because they typically present less risk than men. However, acts like S.J.R. 8 have been used in other states to mandate equal rates just as the Affordable Care Act mandates that men and women pay the same rates even though the risk is very different. Unlike the national ERA, which has been debated in this building before, S.J.R. 8 mandates equal rights for more than just women, causing more unintended consequences.

Regardless of intent, equality for transgender women means that biological males must be allowed to participate in women's sports, which is clearly damaging to biological female athletes. No matter how long or how hard they train, they cannot hope to prevail against biological males.

These are just a couple of the immediate and obvious examples of problems with S.J.R. 8. Given the time to properly consider the implications and research the effects, we would find many more issues. That is the real problem with this resolution. Senate Joint Resolution 8 abuses the emergency process by not allowing time for thoughtful consideration or debate on an issue which is actually not an emergency.

The framers of the *Nevada Constitution* deliberately set a high bar for amending the *Constitution* requiring the amendments be considered by two separate legislative bodies and then ratified by a vote of the people.

Thank you.

**Vice Chair Fumo:**

Is there anybody else in opposition? Seeing no one, we will move to neutral. [There was no one.] With that, we will bring up the sponsor to give any final remarks and for one question.

**Assemblywoman Torres:**

I am a daughter of multiracial parents. My parents are different races. I keep thinking that only 60 years ago it was illegal for them to be married. They did not have that equality. I am struggling trying to think of a time when equality was a threat to our country. I wonder if you can think of a time yourself. I have not seen anything bad come from equality. In fact, I think it is equality that made this Legislature have a female majority and equality that allows me to sit next to my brother, Assemblyman McCurdy.

**Senator Cancela:**

I cannot think of a time where equality pushed our society backwards. Rather, I think the fight for equality has forced our differences to unite us and to allow us to see that, despite our differences, we all do deserve to be equal under the law.

**Vice Chair Fumo:**

Are there any other questions? [There were none.] Senator, do you want to have the final word to wrap up?

**Senator Cancela:**

I appreciate the thoroughness of the hearing considering the time constraints we were under. I am hopeful that those who were not able to testify yesterday will submit their comments for the record and will reach out to their legislators. There are a lot of ways to make their voices heard. Because this is a five-year process, the questions about unintended consequences and about what, if any, potential risks there are in putting this in the *Constitution* should be thoroughly vetted. Ultimately, the final say goes to the same people who put us in these seats: the voters of Nevada. I think it is important to remember that these discussions can oftentimes lead to all sorts of what-if scenarios, but if we do not have a direct link to how the legislation would lead to that result, it is hard to imagine that those are accurate scenarios that deserve the same attention as those that allow for us to see A leads to B leads to C. I would ask that the Committee remember that as they are considering this measure.

[Submitted in opposition to Senate Joint Resolution 8 but not discussed were ([Exhibit F](#)), ([Exhibit G](#)), ([Exhibit H](#)), and ([Exhibit I](#)).]

**Vice Chair Fumo:**

With that, we will close the hearing on Senate Joint Resolution 8. We will move on to Senate Concurrent Resolution 10.

**Senate Concurrent Resolution 10: Directs the Legislative Commission to study the feasibility, viability and design of a public healthcare insurance plan that may be offered to all residents of this State. (BDR R-1284)**

**Senator Yvanna D. Cancela, Senate District No. 10:**

I have buckled in to the seat up here with the Assembly Committee on Legislative Operations and Elections. I have the distinct honor of stepping in for Senate Majority Leader Cannizzaro on Senate Concurrent Resolution 10. This resolution allows for the state of

Nevada to study whether or not using the Public Employees' Benefits Program is the appropriate vessel to offer to all Nevadans as a public option for health insurance. What we know today is that public health insurance is more affordable than private sector insurance. What we also know is that while there has been an increase in the number of Nevadans who have insurance, we still have about 11 percent of all Nevadans who are uninsured. Even within those who are insured, we have a population of folks who are underinsured. For example, when you think about a 60/40 plan or a catastrophic event plan, those may not be full insurance that allows people to access the care they need to be fully healthy and engaged.

As a result of that, we have an opportunity to look at one of our best-run insurance programs in the state, the Public Employees' Benefits Program, and conduct a study as to whether that is an appropriate vessel to open up to all Nevadans. What Senate Concurrent Resolution 10 outlines are the parameters of what that study should be. It allows for the state to work with a private consultant to examine whether the Public Employees' Benefits Program is a good vessel for public option and whether there are other public-private opportunities that exist that perhaps we are not thinking about. The study will report its findings to the Legislative Commission and to the Legislature. I believe that data will be tremendously valuable as we continue to examine the rising costs of being healthy and the rising costs of insurance.

**Vice Chair Fumo:**

Do we have any questions for the Senator? Seeing none, we will move to testimony in support.

**Annette Magnus, Executive Director, Battle Born Progress:**

Today I am here to represent the 20,000-plus subscribers to our Battle Born Progress network statewide. We rise in strong support of S.C.R. 10. As an organization, we have worked to make health care more accessible for all Nevadans. This study is critical because if we plan to be leaders on this issue in our state, we must know how to do this and in the most effective way. We must be able to look at options to solve the health care and insurance crisis in this country. As you have heard in the introduction, we still have a large number of Nevadans who do not have access to health insurance or are uninsured. This is not right. We need a healthy Nevada and this study would guide us in the right direction. We thank both Senator Cannizzaro and Senator Cancela for their leadership on this important bill. Please support S.C.R. 10.

**Christine Saunders, Policy Director, Progressive Leadership Alliance of Nevada:**

We believe everyone should have access to quality, affordable health care and urge your support of this resolution.

**Marlene Lockard, representing Nevada Women's Lobby; and Service Employees International Union Local 1107:**

We think a study would be very beneficial for the reasons already stated. It could lead us to make significant policy decisions in the future. I also represent the Retired Public Employees of Nevada who have the benefit of having their health insurance provided by the

Public Employees' Benefits Program. I think it is very important that the study also include any impact to current state employees and retirees as part of the overall study and results.

**Shane Piccinini, representing Human Services Network; and Food Bank of Northern Nevada:**

We would like to echo the comments that were already made.

**Vice Chair Fumo:**

Is there anybody else in support? [There was no one.] We will move on to opposition.

**Janine Hansen, Private Citizen, Elko, Nevada:**

I am speaking for myself. I do not have any health insurance. I oppose this resolution because if the government can give you something, it can certainly take it away. Ronald Reagan said, "The government is the problem." I have found one of the problems with health insurance is that it does not provide the kind of health care I want. I want alternative health care. I want natural health care. I want options that are not available under insurance companies. With that, I find the more health insurance we have through the government, the fewer choices we have. It is unfortunate that those of us who disagree have to be laughed at. I am very concerned that as we move forward, our choices will be reduced more and more and our money and taxes will be used to pay for someone else's health insurance. I would like to keep my own money and not be taxed for someone else's health insurance. I want a choice—a lot of people in this building have talked about choice—and options that work for me. I do not take any prescriptions because I use alternatives. There are many options available in the real world, in the private sector and government health care, as we have seen in other countries such as Canada, United Kingdom, and the European Union. Government health care simply destroys the options and health care.

**Theresa DeGraffenreid, Private Citizen, Gardnerville, Nevada:**

I work in the insurance industry, and government-run health care has historically produced worse results than private insurance. The reason the cost of private health insurance has increased by three to four times is due to the government interference in that market. We risk both the stability of private insurance markets and the Public Employees' Benefits Program if it is expanded.

**Vice Chair Fumo:**

Is there anybody else in opposition? [There was no one.] Is there anybody in neutral? Seeing no one, we will bring up the bill sponsor for final words.

**Senator Cancela:**

I want to make sure it is on the record that I do not disagree with the opposition and the need to have choices and affordable health insurance. While I may disagree on whether the government is an appropriate and able actor in that, the importance of the study is to allow us to explore what a Public Employees' Benefits Program benefit would look like. The reason the Public Employees' Benefits Program is a solid method of insurance today is that it has the ability to manage itself as a benefit. It has the ability to decide what is covered. It has

the ability to decide its formulary. All of those control mechanisms are what make it an attractive potential vessel for a public option for all Nevadans.

**Vice Chair Fumo:**

With that, we will close the hearing on Senate Concurrent Resolution 10. We will move to open the hearing on Senate Concurrent Resolution 11.

**Senate Concurrent Resolution 11: Directs the Legislative Commission to appoint a committee to conduct an interim study of issues relating to pretrial release of defendants in criminal cases. (BDR R-1295)**

**Holly Welborn, Policy Director, American Civil Liberties Union of Nevada:**

It is my pleasure to present this bill on behalf of Senate Majority Leader Cannizzaro. Most of you, with the exception of maybe two of you, sit on the Assembly Committee on Judiciary. A lot of you are familiar, especially you, Vice Chair Fumo, with your efforts to reform bail in the state of Nevada this legislative session. This is the culmination of the breakdown in negotiations on those different bail bills. The bail bills ended up in such a state that we as an organization could no longer support them, and the negotiations broke down to the point we were passing bills that could not be called true bail reform.

I am speaking on behalf of the Mass Liberation Project NV, which is a part of the Progressive Leadership Alliance of Nevada, members of affected communities, faith leaders, et cetera, who are fighting for various criminal justice reform policies in the state. We think this is an opportunity for the Legislature to take a deep-dive look into bail practices in the state of Nevada. It is pretty straightforward and simple. It will be a committee that is appointed by the Legislative Commission that is made up of two members of the Senate appointed by the Majority Leader, two members of the Assembly appointed by the Speaker, and one member of the minority party from each house who will look at these different issues.

I want to point out what is most important in this bill to us as an organization and how this is different from other committees that have looked at bail in the past. The Supreme Court of Nevada had a bail reform pretrial release committee that looked at risk tools, risk-assessment tools, and how they determine release. We have criticized those risk-assessment tools because of the inherent bias. That committee looked at it without any real input from affected communities.

I want to point out how important it is that this bill ensures and requires that affected community members have an opportunity to speak to lawmakers about what they think is the best type of bail reform, since it affects them and their families on a daily basis.

**Vice Chair Fumo:**

Are there any questions from the Committee?

**Assemblyman McCurdy:**

I want to recognize all your hard work, Ms. Welborn. I am very impressed by all that you have done this session. I want to say thank you and keep it going.

**Vice Chair Fumo:**

Does anyone want to try to do better than that?

**Assemblyman Leavitt:**

I want to thank you for all the work you have done too. I am not going to let him be the only one who thanks you.

**Holly Welborn:**

Thanks, everyone.

**Vice Chair Fumo:**

I want to thank you for working so hard on the committee. We did try to come together. We were very, very close before it came to a stall. I hope the members of the Senate and the Assembly who will be appointed to this committee, should it go through, are experienced attorneys who have actually argued a bail case in court. Seeing no more statements or comments, we will move on to support.

**Christine Saunders, Policy Director, Progressive Leadership Alliance of Nevada:**

Our Mass Liberation Project looks forward to continuing the conversations on comprehensive bail reform and ensuring that the community voice is present during the interim. I urge your support.

**Shane Piccinini, representing Human Services Network:**

A lot of work has gone into this issue during the session. I am deeply grateful for all of the stakeholders who came together. We urge your support.

**Kendra G. Bertschy, Deputy Public Defender, Washoe County Public Defender's Office:**

We support Senate Concurrent Resolution 11. For those who have been on the Senate Committee on Judiciary, this has been a very divisive topic that we have discussed at great length. One of the most disconcerting aspects is how differently people are treated depending on the jurisdiction in which they are arrested.

I had a client who had a very minimal criminal history who was in custody for over 16 days on a minor offense before she finally saw a judge. Ultimately, this case resolved in a very favorable fashion where she was able to get her life together. However, that came at the expense of losing custody of her child to the Division of Child Protective Services, as well as losing her job and her house. We want to make sure that does not happen to anyone else.

**John J. Piro, Deputy Public Defender, Legislative Liaison, Clark County Public Defender's Office:**

We look forward to taking part in this study, to looking at all the issues, and to bringing best practices into place, not only where I practice in Clark County, but across the state. Other municipalities like Henderson, Las Vegas Municipal Court, and North Las Vegas Municipal Court are some of the worst offenders when it comes to keeping poor people in jail for seriously long periods of time for things as small as traffic tickets. We look forward to shining a light on some of the inequities in the criminal justice system that bail has wrought and bringing that to this body next session to, hopefully, find a solution.

**Izzy Youngs, representing Nevada Women's Lobby:**

I want to put my support on the record.

**Annette Magnus, Executive Director, Battle Born Progress:**

We want to say that we support this study, and we hope this issue continues to move forward next session.

**Samuel P. McMullen, representing Aladdin Bail Bonds:**

Aladdin Bail Bonds is not only a bail bonds company, but also an insurer of bonds. It has a total picture of this in multiple states. We were able to participate in the working group on Assembly Bill 325 and the other discussions that led to an amendment of Assembly Bill 125. We think this is a good process. It needs more exploration, and we would like to continue to see it happen. It is true that some things about this need to be fixed. We will be there, and we want to support it and urge your support of it. It is a good proposition.

**Vice Chair Fumo:**

Is there anyone else in support? Seeing no one, we will move into opposition. Is anybody opposed to this? [There was no one.] Is anybody neutral? [There was no one.] With that, we will close the hearing on Senate Concurrent Resolution 11.

Going to public comment, does anybody have public comment?

**Janine Hansen, State President, Nevada Families for Freedom:**

It is always a pleasure to be in your Committee. Two years ago, I worked with Senator Parks and asked him in his antidiscrimination bill to please add religion in all the places he was adding sexual orientation and other things. Unfortunately, he did not feel religion was important enough to add in those antidiscrimination statutes. That is very unfortunate. When Senate Joint Resolution 8 goes through, I know what I will be doing for the next two years: working to expose what will go on.

We were informed—I saw the email that was sent out at 10:27 p.m. on my Personalized Legislative Tracking—that S.J.R. 8 would be coming up. The next day we had a hearing. I believe a constitutional amendment deserves much more consideration than that. I am very unhappy. I have been a citizen lobbyist every session since 1971. I came here as a young



college student. I have been full-time since 1991. I have never seen anything like that. I was outraged.

I am also concerned about the outrageous remarks that were made this afternoon in attacking an alternative point of view. Had I said those words, I would have been shut down. I think it is very unfortunate that more was not said about that kind of outrageous behavior. You have always been very fair in this Committee, and I appreciate that. I also appreciate all of you treating me as well as you have. However, I find those who disagree are often discriminated against in this building.

**Melissa Clement, President, Nevada Right to Life:**

I have been coming here for probably 30 years as well. I started off as a student lobbyist for the University of Nevada, Reno. I have some of the best memories of how this process works because we live in an incredible state where anyone who lives here can come to speak. There are very few states like this. Assemblywoman Miller and I talked about that one day, and how important it is to protect this process.

You voted on something that is a constitutional amendment. There is a very specific way a constitutional amendment is to be processed. The opportunity for people to come tell you what they think about this was eliminated because this was done under the dark of night. Weak ideas do not survive the light. I am not saying what you are doing is a weak idea, but it appears you are telling the state that you are afraid it might be.

There were many people here the other day. They waited for hours for the Senate hearing. Literally, two people had great testimony that was not hateful. It had specific examples of what was going on in their lives since this is currently affecting people. To have treated us with such disregard breaks my heart, and I hope you will at least take that into consideration.

**Karen England, Executive Director, Nevada Family Alliance:**

Like my colleagues before me, I want to go on record about the process and how flawed it has been. As a conservative, I am obviously in the minority in the way I feel about these things. I worked 20 years prior to retiring here with my husband who is a native Nevadan. I am a University of Nevada, Reno graduate, and having come from California, I have always been a part of the minority party in what I think and believe on certain issues.

There is a lot that goes on behind the scenes in California. They call it "gut and amend." With all that goes on, in 20 years I have never seen something like this go on: waiting until a Thursday night at 10:27 p.m. to inform people of a hearing the next day so the people have absolutely no chance to respond.

The point of these meetings, hearings, and sacrifice—and I will say you all are not paid well—is significant, but it is not just so you all can talk about the bill since you do that in caucus. It is also so the public can weigh in on how they feel about the measure, to access our legislators, and to have time to speak with legal counsel to explain the bill other than on a Friday night, Saturday, or Sunday.

For the record, I object to the way this has been done, to eliminating the average citizen's voice, which is actually what our country is supposed to be about: we the people.

**Theresa DeGraffenreid, Private Citizen, Gardnerville, Nevada:**

Last night, when we thought you were going to hear our comments, I waited over six hours to speak—and I had great testimony that I turned in—but was not able to speak. Today, as I mentioned before, I was at work in the insurance industry, and just as I was going to leave at 4:45 p.m., a client came in to pay his bill. Obviously, I had to take his payment, but then I raced down here just in time to miss my opportunity to speak. I want you to know I had great testimony ([Exhibit F](#)) against [S.J.R. 8](#).

**Vice Chair Fumo:**

Is there anyone else for public comment? [There was no one.] We will close public comment. We are in recess [at 6:10 p.m.] until the call of the Chair.

We will call the Assembly Committee on Legislative Operations and Elections back to order [at 6:20 p.m.]. [Roll was called.] We have two bill draft request (BDR) resolutions that were brought in after we recessed. Mr. Powers, would you start with the introduction of BDR R-1296?

**BDR R-1296**—Amends the Joint Standing Rules of the Senate and Assembly for the 80th Session of the Legislature. (Later introduced as [Assembly Concurrent Resolution 10](#).)

**Kevin Powers, Committee Counsel:**

As you know, the Legal Division of the Legislative Counsel Bureau is a nonpartisan staff. We do not support or oppose any particular policy, viewpoint, or piece of legislation. These two bill draft requests involve resolutions. They would be Assembly concurrent resolutions. They involve internal operations of the Legislature. First is Bill Draft Request R-1296.

It is a resolution that would amend the Joint Standing Rules, in particular, Joint Standing Rule 20.5 that deals with the working environment and sexual harassment complaints by or against lobbyists. It makes two changes to the existing joint rule.

Right now, under the existing Joint Rule 20.5, a sexual harassment complaint by or against a lobbyist could be submitted to the Speaker of the Assembly, the Majority Leader of the Senate, the Director of the Legislative Counsel Bureau, or the anonymous reporting system established by the Legislative Counsel Bureau. The changes would limit reporting the complaints only to the Director of the Legislative Counsel Bureau or the anonymous reporting system we have. In that way, complaints by or against a lobbyist would not go to the Speaker of the Assembly or the Majority Leader of the Senate.

The second addition to Joint Rule 20.5 is to provide that the provisions of this policy are not intended to address conduct between lobbyists and must not be used for that purpose. The policy is to address conduct from a legislator or legislative staff against a lobbyist or a lobbyist against a legislator or legislative staff. If the conduct is between two lobbyists,

that is private conduct. That is not being regulated by the Legislature under this policy. That is a description of the bill draft request.

**Vice Chair Fumo:**

Are there any questions for Mr. Powers? Seeing none, we are looking for a motion to introduce BDR R-1296. I want to point out that making the motion or voting it in is not an indication of support; it is only that we will hear the matter. Do we have a motion?

ASSEMBLYMAN LEAVITT MADE A MOTION FOR COMMITTEE INTRODUCTION OF BILL DRAFT REQUEST R-1296.

ASSEMBLYWOMAN TORRES SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED. (ASSEMBLYMEN HAMBRICK, JAUREGUI, AND MONROE-MORENO WERE ABSENT FOR THE VOTE.)

It will be introduced. Next, Mr. Powers, is Bill Draft Request R-1297.

**BDR R-1297**—Grants administrative leave to legislative employees in recognition of their service to the 80th Session of the Nevada Legislature. (Later introduced as [Assembly Concurrent Resolution 11](#).)

**Kevin Powers, Committee Counsel:**

The next bill draft request (BDR) is BDR R-1297. It is an Assembly concurrent resolution that would grant administrative leave to legislative employees in recognition of their service to the 80th Session of the Nevada Legislature. It has a bit of history. Prior to the 2009 Session, the Legislature regularly would grant a certain number of administrative leave days to employees in recognition of their dedicated service during the legislative session. Obviously, we have had difficult economic times beginning in 2008, so in the 2009 Session through the 2017 Session, the Legislature was not able to offer this administrative leave to its employees. This would bring that back into place and would offer three days of administrative leave to all of the employees of the Legislature, the Legislative Counsel Bureau, and those employees who are temporary session hires who continue their duties beyond the legislative session. That is the description of the resolution.

Once again, I am nonpartisan staff. I cannot support or oppose this particular piece of legislation.

**Vice Chair Fumo:**

I am looking for a motion to introduce BDR R-1297.

ASSEMBLYMAN McCURDY MADE A MOTION FOR COMMITTEE INTRODUCTION OF BILL DRAFT REQUEST R-1297.

ASSEMBLYWOMAN TORRES SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED. (ASSEMBLYMEN HAMBRICK, JAUREGUI, AND MONROE-MORENO WERE ABSENT FOR THE VOTE.)

It will be introduced. I think it is safe to recess now. Until the call of the Chair, we are in recess [at 6:25 p.m.].

[The meeting was adjourned at 11:28 p.m.]

RESPECTFULLY SUBMITTED:

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Catherine Bodenstein  
Committee Secretary

APPROVED BY:

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Assemblywoman Sandra Jauregui, Chair

DATE: \_\_\_\_\_

## EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is written testimony in opposition to Senate Joint Resolution 8, submitted by Janine Hansen, State President, Nevada Families for Freedom.

[Exhibit D](#) is an article titled "The Gender Pay Gap is a Complete Myth," by Steve Tobak, dated March 8, 2011, in opposition to Senate Joint Resolution 8, submitted by Lynn Chapman, Treasurer, Independent American Party of Nevada.

[Exhibit E](#) is written testimony in opposition to Senate Joint Resolution 8, submitted by Shawn Meehan, Private Citizen, Minden, Nevada.

[Exhibit F](#) is written testimony in opposition to Senate Joint Resolution 8, submitted by Theresa DeGraffenreid, Private Citizen, Gardnerville, Nevada.

[Exhibit G](#) is written testimony in opposition to Senate Joint Resolution 8, submitted by Alliance Defending Freedom.

[Exhibit H](#) is written testimony in opposition to Senate Joint Resolution 8, dated June 2, 2019, submitted by Don Nelson, Pro-Life League of Nevada.

[Exhibit I](#) is a memorandum to the Honorable Members of the Louisiana State Legislature, from Douglas D. Johnson, Senior Policy Advisor, National Right to Life; Sharon Rodi, Delegate to National Right to Life from Louisiana; and Benjamin Clapper, Executive Director, Louisiana Right to Life, dated March 29, 2019, and submitted by Melissa Clement, President, Nevada Right to Life, in opposition to Senate Joint Resolution 8.