

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON JUDICIARY**

**Seventy-Seventh Session
March 25, 2013**

The Committee on Judiciary was called to order by Chairman Jason Frierson at 9:09 a.m. on Monday, March 25, 2013, in Room 3138 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 nelis.leg.state.nv.us/77th2013. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblyman Jason Frierson, Chairman
Assemblyman James Ohrenschall, Vice Chairman
Assemblyman Richard Carrillo
Assemblywoman Lesley E. Cohen
Assemblywoman Olivia Diaz
Assemblywoman Marilyn Dondero Loop
Assemblyman Wesley Duncan
Assemblywoman Michele Fiore
Assemblyman Ira Hansen
Assemblyman Andrew Martin
Assemblywoman Ellen B. Spiegel
Assemblyman Jim Wheeler

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Assemblywoman Teresa Benitez-Thompson, Washoe County Assembly
District No. 27



STAFF MEMBERS PRESENT:

Dave Ziegler, Committee Policy Analyst
Linda Whimple, Committee Secretary
Olivia Lloyd, Committee Assistant

OTHERS PRESENT:

John R. McCormick, Rural Courts Coordinator, Administrative Office of the Courts
Ben Graham, representing the Administrative Office of the Courts
Connie Bisbee, Chairman, Nevada Board of Parole Commissioners
Vanessa Spinazola, representing the American Civil Liberties Union of Nevada
Renée Ocougne de Gascon, Private Citizen, North Las Vegas, Nevada
Astrid Silva, member, Progressive Leadership Alliance of Nevada; and Nevada Immigrant Coalition
Cristina Sanchez, Private Citizen, Las Vegas, Nevada
Lorena Pike, President, Nevada Interpreters and Translators Association
Amber Sallaberry, General Manager, Great Basin Community Food Cooperative, Inc.
Luke Busby, representing the Great Basin Community Food Cooperative, Inc.
Dagny Stapleton, representing the Great Basin Community Food Cooperative, Inc.

Chairman Frierson:

[Roll was taken. Protocol was explained.] Welcome, everyone. We have two bills on today's agenda, but first we have three measures to introduce. I have Bill Draft Request (BDR) 14-741 and will be seeking a motion to introduce it.

BDR 14-741—Revises provisions governing reports of presentence investigations. (Later introduced as [Assembly Bill 423](#).)

ASSEMBLYMAN OHRENSCHALL MOVED TO INTRODUCE
BDR 14-741.

ASSEMBLYWOMAN DONDERO LOOP SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chairman Frierson:

I also have BDR 11-806 and will be seeking a motion to introduce it.

BDR 11-806—Revises provisions governing parentage. (Later introduced as [Assembly Bill 421](#).)

ASSEMBLYWOMAN COHEN MOVED TO INTRODUCE BDR 11-806.

ASSEMBLYMAN CARRILLO SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chairman Frierson:

Lastly, I have BDR 16-1143 and will be seeking a motion to introduce it.

BDR 16-1143—Requires an autopsy under certain circumstances when an offender in the custody of the Department of Corrections dies. (Later introduced as [Assembly Bill 422](#).)

ASSEMBLYMAN OHRENSCHALL MOVED TO INTRODUCE
BDR 16-1143.

ASSEMBLYWOMAN DONDERO LOOP SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

We will go to the agenda and open the hearing on [Assembly Bill 365](#).

[Assembly Bill 365](#): Revises certain provisions relating to court interpreters.
(BDR 1-483)

Assemblywoman Olivia Diaz, Clark County Assembly District No. 11:

I would like to tell you why this bill came about. When my colleague, Assemblywoman Flores, and I were doing a series of town halls in our district, we often needed the use of an interpreter during those town halls. After we concluded one of them, two court interpreters that had so graciously volunteered to translate for our event came to us. They said that they themselves were certified court interpreters, Ms. Gascon and Mr. Evans, and they saw that sometimes when people were going in the courts and were defendants in legal proceedings, the translation was not always the best when they were not using the best of the best to interpret for that individual. That is what started [Assembly Bill 365](#). As we know, no bill has been created perfectly this session. We have our bills now, and we did not really have time to look through the language or go back and forth with the Legal Division, so as I walk through the bill today, I will be telling you some of the amendments that we have working so far ([Exhibit C](#)).

The solution this bill is seeking is to make sure that courts use the best interpreter available, so the judge would make sure they used a certified interpreter when possible. The second preference would be a registered interpreter, and then the bill establishes an alternate interpreter.

Section 1 establishes a procedure for alternate court interpreters and it also describes an individual with language barriers. Why are we using an individual with language barriers versus limited English proficiency? It is to be more in compliance with the federal government regulations.

Section 2 establishes a procedure for an alternate court interpreter as well. Section 3 is pretty much following in line with it. Section 4 requires a certified court interpreter to be provided for various judicial proceedings. Section 5 clarifies who pays the claim. I would like the Committee to know that we did strike the language of section 5, subsection 5. "If the judicial proceeding is civil in nature, the reasonable fees of an interpreter must be paid by the requesting party" is being removed ([Exhibit C](#)). Mr. Graham will shed some light as to why, but we think we might be in violation of the 1964 Civil Rights Act. We do not want to do that.

In section 6 we wanted to extend the same access to the juvenile court system that we are doing to our regular court system. We did not ask for any changes to sections 7, 8, and 9, but I think Legal extended it to them. It has been brought to our attention that it would have a hefty fiscal impact on those jurisdictions, so for the time being we are going to leave those sections as they originally were. We are not affecting sections 7, 8, and 9.

We are adding section 10. We did not want to create unintended consequences or place an undue burden on our court system. I understand, as an English language learner teacher, it is very important that we do not assume because a person is nodding his head that it means he understands. In a lot of cultures, they are just being compliant and respectful, and they do not want to cause any big commotion, but it does not mean that they understand what we are saying to them. To the same end, we do not want to overburden the courts if they do not have the resources. I understand that. We do not have certified court interpreters for many languages. We do not have registered court interpreters.

With the diversity and the different aspects that affect the different areas in our state because of the rural court system and the diversity in Las Vegas, we felt that it would be a wise step to initiate a study in the interim to see where all of our courts are with providing these vital services in order to make sure that everyone gets the proper information the first time they are before the court. In that way, they can remedy their situation in a fast and efficient manner and

without their having to come through it one, two, three times, or maybe get aggravated because they did not understand the first time. Section 10 is going to dictate that. We are still deciding who is going to have the purview of this study, but it will have an evaluation of our current system and how we are doing in it. We need this data in order to make sound prescriptive decisions when we meet again in two years, and hopefully that will shed light on things that are needed in the different areas of the state.

John R. McCormick, Rural Courts Coordinator, Administrative Office of the Courts:

I am here to provide a little background and answer any questions you may have regarding A.B. 365. Senate Bill No. 329 of the 68th Legislative Session, the first legislation that authorized the court administrator to begin certifying court interpreters and setting up guidelines, passed in 1995, and this bill is an extension of it. It allows the court administrator in the current structure to set up procedures and guidelines for the appointment of alternate court interpreters. This will set a baseline so we know that anyone who is interpreting in one of our court proceedings meets a certain threshold and is able to effectively convey what is going on in the court proceeding. It also codifies practices, particularly in criminal court, that have been going on in Nevada since at least 1994. We have discussed the study idea with the sponsor, and it lets everyone come to the table and figure out how to best continue to provide quality language access to the citizens of the state.

Ben Graham, representing the Administrative Office of the Courts:

I anguished over this over the weekend, and see that it was totally unwarranted because of the presentation made this morning by Ms. Diaz and Mr. McCormick. On a side note, with section 5, subsection 5, it plays into why we need to look at the overall system, not only what we are doing in Nevada—in the rural courts and the urban courts—but what we are doing in the federal system and potentially our sister states on language barrier situations. There is strong sentiment that, in the long haul, interpreters are to be provided for all litigants, and it may reach further down than that. One of the reasons we asked that sections 7, 8, and 9 not be amended at this time is because we need to find out just how far down this language access thing is going to be.

When we talk about 1964, it is important to bring everything together from the executive, local, and county level, and other branches of government, including this body. We could do this study, and come back in 2015 to suggest some amendments that will make this even better. There are folks concerned that this may not go far enough. As the Committee and others know, we need to take steps, and this is a good step.

Assemblyman Hansen:

I am looking at the existing law. Section 1 says, "The Court Administrator shall, in consultation with the committee . . . adopt regulations which, subject to the availability of funding, establish a program for the certification of court interpreters" It says, "The regulations . . . must set forth the specific language . . . examinations . . . renewal of the certification." Is the court administrator not already doing what the bill wants to have done, or is there some gap in this whole thing that needs to be plugged with this bill?

John McCormick:

Currently, the court administrator certifies court interpreters, and certification is the highest level of proficiency. There is a fairly extensive nationally recognized test that people have to take, and I certainly would never want to take that test. It is brutal. This bill asks the court administrator to come up with criteria and procedures for appointing alternates. So in the situation where you could not get a certified or registered interpreter, there are guidelines on how to make sure the person you do have as an interpreter meets those basic qualifications, so we know that we are getting some level of reliability in the proceedings. This bill lets the court administrator broaden the scope and to acknowledge the fact that we do not necessarily have enough certified interpreters for every proceeding.

Assemblyman Hansen:

You could not do that right now under existing regulation? Do we need to have a brand new bill to do this? It seems to me that we gave broad powers to the court administrator to do all the things you just mentioned. Is there some reason they have not been able to do that successfully?

Assemblywoman Diaz:

If this was already being implemented, there would be no need to bring this before you today. I have two certified court interpreters in the trenches day to day that see we do not necessarily do what is best for the person in the proceeding. It has brought them a lot of angst and concern that many of the court proceedings were being lost in translation. If it was already being done, these certified court interpreters would not have these issues that I am bringing before you today.

We feel that this is a good step to take to educate everyone in our court system. I hope you consider supporting this measure because it will bring it to the forefront for judges. They will then go through what is acceptable practice. Use a certified court interpreter; if not, use a registered interpreter; if not, use an alternate interpreter. We want the judges to get into the practice of doing what is best for everyone. In the end, if we have people on this merry-go-round

going around and around because they did not understand the first time, we are creating a greater backlog on our court system. We want to make sure we get it done right the first time for everyone.

Assemblyman Wheeler:

If we restrict the pool of interpreters to make sure that they are all very proficient, would that not drive the cost of interpreters up to some of these small counties, and slow down our caseload while we wait for a super-certified interpreter to come in?

John McCormick:

The idea with this is not to necessarily restrict the pool but, through these guidelines and criteria, give the judges the tools to make sure that the person they are appointing meets that basic level of qualification. There are a lot of tools available in rural Nevada to make sure we get interpreters. We have the certified interpreters who can come out from the urban area; there are the registered interpreters; and there is a language line that they are able to utilize where they can call and do it via phone. They are already doing that. We are also exploring videoconferencing options that would allow courts to utilize interpreters at a central location via videoconferencing equipment. While we are trying not to restrict the ability of the courts to appoint interpreters, we want to make sure there is some basic level of proficiency, and we are also examining and giving them more tools to be able to appoint qualified people.

Assemblyman Wheeler:

Do you know of any program that is available right now to train interpreters? Obviously, it would be Spanish and some of the more used languages. Are there programs to train people to interpret for a court system with the specialized verbiage that is used in court?

John McCormick:

Yes. At the Administrative Office of the Courts, we currently operate the certified interpreter program, and we offer skill-building workshops to help folks out as well as testing. We are also partnering with the University of New Mexico to do an online skill-building workshop to allow anyone who has access to a computer to start that educational process. We have also been able to offer scholarships to candidates from the rural communities if they are supported by their court to come to one of these trainings, and we have paid the registration fee for that as well.

Assemblyman Duncan:

I know we have talked about if we are not able to get an actual certified interpreter, there is going to be criteria and procedures for the alternate court

interpreters. Does the federal government have alternates that establish criteria? There are obviously terms of art that are very germane to courts. I am curious as to what sort of training these alternates will get and what criteria we are setting. It almost sounds like if you cannot get a certified interpreter, then you are going to get an alternate interpreter that may have a little bit lower skill level. If it is an assumption that is not correct, please let me know, but I am curious about your thoughts on it.

John McCormick:

We have already looked at this issue at the Administrative Office of the Courts, and we have come up with a voir dire type of procedure for judges to use when they cannot get a certified court interpreter. We put that on an informational bench card that the judges have as a tool on the bench. Those have been developed by our certified interpreter program coordinator. They recognize the national standards from The Consortium for Language Access in the Courts, which is part of the National Center for State Courts. It is based upon those kind of recognized policies and procedures.

Assemblyman Duncan:

Is an alternate interpreter taking a proficiency test or a language-type test? Would you explain that process a little more?

John McCormick:

An alternate interpreter may not necessarily take a specific certification or a test like that, but the idea is to provide the judge with some tools to make sure they meet a basic standard, and also to not use family members. Obviously, certified interpreters are tested, but the reality of the situation is that we cannot always get certified interpreters. The idea with the alternate interpreters is to bring up that floor and make sure that anyone we are appointing meets some basic set of qualifications. As far as a specific test, I do not think that is envisioned here, but the court interpreter advisory committee is going to examine it to make those regulations.

Assemblyman Duncan:

Ms. Diaz, do you know if, based on the two people that approached you about this, they were alternate interpreters, or were they actual certified court interpreters?

Assemblywoman Diaz:

They were certified court interpreters, so they had completed the battery of tests to get certified in the state as interpreters in Spanish. They were the ones who brought this concern before me. They saw the floor, as Mr. McCormick so eloquently speaks of, as very low. So we wanted to bring it to the forefront to

ensure that judges are making good calls in terms of who can translate and who cannot. There are some people who have good dexterity and good levels of the language and can translate, but there are others who might have third-grade schooling in Spanish and cannot really translate high academic language. As the judge is talking, they might not have knowledge in both languages to translate. Our optimum is always certified. If that is not available, then we go registered. It is just putting some safeguards in place to ensure that we are not just getting someone who "habla español" and bringing him up to translate.

Chairman Frierson:

For those of you who do not know, that meant, "I speak Spanish."

Mr. McCormick or Mr. Graham, would either of you elaborate on what is happening right now? Sometimes—and Ms. Diaz just touched on it—it is the 13-year-old child who happens to be there with his parent that day. What happens in the court system when someone later says he did not understand it when it was explained to him, or he used words that are not conversational? What happens to those cases in those circumstances that you know of?

John McCormick:

If an individual later contends that he did not understand the proceeding against him, there is the normal appellate procedure. Beyond that, we can take various steps that exist within statute to remedy it. Generally what we are seeing, particularly with the situation you alluded to, would be in a family or civil proceeding. Those matters would have to come back before the court if one of the parties indicated he did not fully understand, and we would have another hearing, hopefully, with better language access to address it.

Ben Graham:

People who have language barrier issues are sometimes trailed to the end of the calendar in order to get an interpreter who may be in another courtroom. If they cannot come in during that proceeding, it may be passed until the next day or until they can get an interpreter there. The system makes every effort to bend over backwards to make sure that, regardless of what your barrier is, you are not being coerced or railroaded into something without full knowledge that you are getting into a situation. Passing for the availability is very, very common.

Assemblyman Martin:

If someone needs an interpreter, registered or otherwise, there is a pool of contractors; they are not employees. Will this bill, if it were to pass, still maintain this contract so they are used as needed on a case-by-case basis?

I am looking to see if that is the case and whether it is going to change. I am trying to gain an understanding of the pay differences between someone who is certified versus an alternate. Ms. Diaz, in your opening statement, you used the term, "registered," which implies an in-between kind of registration. What is the scope? Are we talking one in ten cases in Clark County or the state, or one in one hundred? I am trying to get a feel for it.

John McCormick:

Many courts operate with them as independent contractors. In Clark County, for example, there is an office that schedules interpreters and those interpreters act as independent contractors with the county to provide services. This bill would not necessarily impact the contractor versus public employee status. In some jurisdictions—I think Washoe County—they have some people who are staff members who do this. Again, it is whatever works best for that court in that county and that city, as far as providing the services.

Certified means that they have taken the appropriate classes, passed a written and oral examination, and they are number one in terms of it. In some languages, we do not have an oral examination to certify, and that is where we go registered. They do what we call an oral performance interview, where there is a national body, and they call on the phone and they have a conversation in that language, and the person rates their ability. Then you can register in that, because there is no certification examination, but it makes that assurance. Obviously, certified interpreters would command the highest rates, particularly in languages like Spanish where there is the test. A registered interpreter would command a higher rate than an alternate as well.

An alternate receiving compensation would depend on the jurisdiction, if the person was volunteering, if the person was being appointed by the court and paid by the court, as in a criminal case. In a civil case, they may volunteer for some other situation. As far as the need for interpreters, I cannot give you the specific number off the top of my head, but I will look that up and get back to you. That is also something that we hope the study can look at to really determine the idea of the actual need rather than me trying to come up with an anecdotal number or talking to one or two specific jurisdictions.

Chairman Frierson:

Are there any other questions? [There were none.] I have a question regarding section 5, subsection 1. Why are we proposing to strike the family members or persons who might have an interest otherwise? I apologize if I missed that, but are we adding that somewhere else or is it something we found not to be a problem?

John McCormick:

By removing paragraphs (a), (b), (c), and (d) at the beginning of section 5, subsection 1, we are hopefully allowing for the alternate interpreter and those qualifications. In qualifying the alternate interpreter, part of it is going to be, "Is this person related to the litigant?" No, that is something that is not going to be in the alternate standard. Basically, this could be addressed in the alternate procedure which is going to be created.

Assemblyman Ohrenschall:

I wonder if the definition of a person with a language barrier is broad enough. You could have someone who can function day to day in terms of conversational English, but you get into the justice court or district court, and all these legalese terms are being thrown about, and maybe they become a person with a language barrier. I am just wondering if there is any consideration if the net needs to be broader.

Ben Graham:

We know some counsel who have been down in the trenches, so to speak, where they see this happening. Although it is not totally broad, I think the definition under *Nevada Revised Statutes* (NRS) 1.510 would lead to an appointment or at least the assistance of an interpreter if someone does get totally rattled and is unable to communicate, and would be deemed to have a language barrier. As Ms. Diaz said, I think the questions and issues raised here this morning emphasized even more the importance of taking a good, hard look at this over the interim.

In regards to section 5, we want to make sure the testimony that is coming before the court is a testimony of the person involved that is saying what they are saying. Some of the concern about the witnesses that are being struck from section 5 is that you want to make sure it is the witness' statement and not the sentiment of the spouse or one of the other parties involved. I do not think that we need to broaden the barrier definition. There is some interesting case law which I think has been made part of the record from 2007 in Ely where they talk about language proficiency and the possible appointment of interpreters.

Assemblyman Ohrenschall:

Would this study that you are considering be conducted by the Nevada Supreme Court, or by the Legislature during the interim?

Ben Graham:

Did I hear you volunteer to chair a committee?

Assemblyman Ohrenschall:

Just asking.

Ben Graham:

I think Mr. Chairman has some thoughts on that, and there will possibly be some discussion prior to a work session.

Assemblywoman Diaz:

We are not necessarily wed to the language. If there is any way we can clarify and make it better, then we will certainly consider everything we can do in order to make sure that we do not assume that everyone is a native speaker or very proficient in English. We want to make sure that everyone that we might need to probe and ensure their language proficiency level, we do. We are open to any insights to clarifying it.

Chairman Frierson:

Are there any other questions? [There were none.] I will invite those here in Carson City to offer testimony in support of A.B. 365 to come forward.

Connie Bisbee, Chairman, Nevada Board of Parole Commissioners:

We appreciate this bill, and we were in support of it all along, even without withdrawing the requirements under sections 8 and 9. The only problem it would have caused applying it to the Board would have been a fiscal one, and it would have been a shame for that to have killed this bill. I am hoping that in the future as Nevada's economy recovers, this could be brought back in whole and could also be applied to the parole board.

Chairman Frierson:

Are there any questions for Ms. Bisbee? [There were none.]

Vanessa Spinazola, representing the American Civil Liberties Union of Nevada:

We are here in support of A.B. 365, in particular section 4, which has to do with providing an interpreter in a criminal proceeding. There is widespread consensus of state and federal courts that have addressed the question of whether English-deficient folks have access to an interpreter. Under the Fifth Amendment; the Fourteenth Amendment, due process and the right to a fair trial; and the Sixth Amendment, right to confront witnesses, be present at your own trial, and receive effective assistance of counsel; folks who have a language barrier should be provided an interpreter in criminal proceedings. We understand it is case law; in fact, there is a Nevada Supreme Court case, *Ton v. State* [110 Nev. 970, 878 P.2d 986 (1994)], wherein the Nevada Supreme Court said "a criminal defendant who cannot understand the proceedings going on around him has not received due process of law. He or

she might as well have been tried in his or her absence." There is a strong sentiment here, but we always feel that a statutory recognition of that right is definitely preferable.

I would like to point out a recent case that the American Civil Liberties Union of Georgia litigated, called *Ling v. State of Georgia* [Brief of the American Civil Liberties Union of Georgia, et al. as Amici Curiae Supporting Appellant, *Ling v. State*, 288 Ga. 299, 702 S.E. 2d 881 (2010) (No. S10-C0460)]. This is a case where Ms. Ling was from Malaysia, spoke Mandarin Chinese, and was accused of child abuse by the state welfare agency. Before her trial, she was offered a plea deal, and her husband conferred with her for ten minutes, and she rejected the plea deal. She went through the trial and she was accused. It was appealed all the way up to the state Supreme Court and ultimately reversed which, of course, is a huge expense of taxpayer money, because that was not effective assistance of trial. Just to point out in that particular case, there could have been domestic violence issues or any other sort of cultural issues that may not mandate or permit a husband translating for a woman to actually get that out into the open. It is really dangerous to have family members translate.

We also support the extension to the civil sections as a temporary step of the alternate court interpreters, as well as the study proposed in section 10. I would like to give you an example of my own experience, because I am bilingual Spanish, I am an attorney, and I did a lot of cases in Louisiana where I represented Portuguese- and Spanish-speaking folks. I have had bad interpreters. It can make a difference in civil cases. One example that I can think of is that there is a thing called a quincenal, and it can basically either mean twice a month, or every 15 days. I did a lot of wage and hour cases, and a fact like that is really, really important. So I had my client on direct examination and I asked him, "How often did you get paid?" He said, "Quincenal", and the interpreter translated it wrong. As a lawyer, you are left in this position where you ask yourself, "Do I ask the client again, and then he thinks that I want a different answer from him, and then that messes up the record, or do I call into question my interpreter, which basically is going to undo the entire testimony that I just did?" So when you do not have a good interpreter, you can get a mistrial or it can be a waste of time. It is really important.

Again, we think the alternate is a good step in the right direction. Hopefully, we will be in a place where we can have more certified interpreters down the road.

Chairman Frierson:

Are there any questions? [There were none.] Is there anyone in Las Vegas to testify in support of A.B. 365?

Renée Ocougne de Gascón, Private Citizen, North Las Vegas, Nevada:

[Ms. Gascón submitted prepared testimony ([Exhibit D](#)).] I am one of the two interpreters who initially approached Assemblywoman Olivia Diaz about the problem with the use of noncertified interpreters in court proceedings. I am certified in Spanish and Portuguese by the State of Nevada. My certification number is NVODGR311. Up until the end of last year, I was registered in Portuguese until an oral examination was provided for Portuguese. Most people think Spanish is the language that needs to be interpreted; however, when you consider all the languages that make up the population of this state, the use of anyone off the street to help out without being properly identified as being qualified poses an enormous problem. As was mentioned before, if a person does not understand legal vocabulary, but also does not understand and is not able to convey different legal concepts that might not exist in different countries where you simply do not have one word for that concept, then you are creating a bigger problem. I have also seen interpreters of Spanish helping out Portuguese speakers without taking into account the fact that they are different languages and they are using false cognates, where the word for office in Spanish means something very different in Portuguese. Instead of going to an office, you are going to a desk.

I want to mention the fact that when an interpretation of a judicial order is not rendered correctly, it brings consequences not only to the defendant, because the defendant, rather than complying with the court order regarding a simple traffic misdemeanor, by not complying with that court order could end up going into warrant, which then will incur fees so he can quash the bench warrant, or, in a worst case scenario, be arrested for the warrant, and now they have an arrest on their record when they have to fill out a job application and an immigration application, so it has more far-reaching consequences. In the court system, it will create a backlog by keeping that case open longer. It will also create a cost that might be higher by having further proceedings than simply hiring a certified interpreter to do it right the first time.

I think this is one of the reasons why we approached Assemblywoman Diaz. Give the courts the tools so they can identify qualified interpreters to be the alternate interpreter rather than calling the 45-year-old supply clerk who participated in a student exchange program when he was in high school, and gets very excited to be called upon to help out with a defendant because that is the only time when he gets to practice what he learned 30 years before.

Chairman Frierson:

Are there any questions? [There were none.]

Astrid Silva, member, Progressive Leadership Alliance of Nevada; and Nevada Immigrant Coalition:

I would like to mention that this bill qualifies as a racial equality report card because of its benefit to the communities of color. I would also like to speak as a bilingual person who has grown up having to translate for many people. There is such a huge ability to have a small flaw that will affect someone for a very long time. I think it is really important for this bill, and I would like to thank Assemblywoman Diaz and Assemblywoman Flores because this is something that our community is seeing so much. It is not only the Spanish-speaking community, it is so many other communities, especially with many cultures, where a person just wants to say, "Yes, I want to be out of the situation," which is why you need a court interpreter. People will say that they do understand because they think it is what is being asked of them. Sometimes this can lead to a really big problem. As a person who has translated for people—and my Spanish is still not even on par to what it should be—I think this bill would really help a lot of members of our community.

Chairman Frierson:

Are there any questions for Ms. Silva? [There were none.] I will invite those in Carson City who would like to testify in opposition to A.B. 365 to come forward. [There was no one.] Is there anyone in Las Vegas to offer testimony in opposition?

Cristina Sanchez, Private Citizen, Las Vegas, Nevada:

[Ms. Sanchez submitted prepared testimony ([Exhibit E](#)).] I am a federally certified court interpreter. I am also a state-certified court interpreter in California and Nevada. I would like to thank Assemblywoman Olivia Diaz and Assemblywoman Lucy Flores for taking the interest in the provisions relating to court interpreters. I would also like to thank this Committee on Judiciary for your hard work and dedication. Indeed, there is a huge need to revise this statute. I would like to take this opportunity to address this Committee in reference to the proposed amendment to NRS 1.510, NRS 1.530 in A.B. 365, and the possible negative fiscal impact and repercussions to the equal access to the judicial system by individuals with limited English proficiency as defined by the U.S. Department of Justice.

The language in this bill does not contain a clear and proper definition of the term "alternate interpreter." The Administrative Office of the Courts through the National Certified Court Interpreters program have worked in conjunction with the National Center for State Courts to give a clear definition of the

qualifications a court interpreter must possess. I would like to refer to the actual guidelines issued by the Nevada certified court interpreter program, which state that a Nevada certified court interpreter must possess the following credentials: He has to complete a mandatory orientation workshop, has to have the minimum passing grade of 70 percent, has to have 40 hours of court observation within 12 months, has to complete and submit a Request for Certification Form, has to pay an administrative fee, has to be sworn and the oath set up by NRS 50.054, and has to abide by the canons of the court of professional responsibility. There are also different levels already set forth in the certification program. The master level designation is for those who have achieved 80 percent or above, or those who have federal certification. In my case, I am deemed a master-level certified court interpreter. There is also the term defined for qualified interpreters. There is also a term for registered interpreters at different levels. There is a level 2, level 3, and that is already in existence. That is already defined and in existence. This bill is duplicating that effort that has already been established.

The second point is that the language does not provide a clear-cut instruction given to where a preference must be given to a certified court interpreter. I heard the testimony. I agree with you. Indeed, there should be a certified court interpreter in any legal proceeding at any level. However, this language does not specify that this preference must be given to a certified interpreter. It also does not specify that an alternate can be used when there is no certification available for this language. That is a big problem. It also does not say that a certified court interpreter must be sought. It basically says that if one is not available, that the judges have the latitude to appoint alternate interpreters. So the fiscal impact of repeating, delaying, and cost of interpretations can cost a lot of money in the long run. There is a program already in existence to evaluate, test, and certify the validity of individuals who wish to become court interpreters. This program provides accountability. It defines that a certified court interpreter must abide by the code of ethics and undergo a rigorous background check. Basically, we have to make sure we do not have felonies and that we do not have any criminal record. This is sent to the Federal Bureau of Investigation. We have to repeat this process every recertification period.

Going back to what the Administrative Office of the Courts through the certification program has done, we currently, in the state of Nevada, have 86 active Spanish interpreters. There are also other certified interpreters in different languages. We have two Vietnamese and one in Portuguese. There are also registered interpreters in languages that are active. We have Amharic, Bosnian, Croatian, Serbian, Cantonese, Farsi, German, Italian,

Portuguese, Korean, Mandarin, Tagalog, and Slavic. There is already a system to keep track of all these interpreters.

There is no clear language that specifies that an alternate interpreter is required to undergo—in any way, shape, or form—a process by which he or she has been qualified other than judicial appointment. Basically, we are putting the judges in an inadequate position to evaluate the abilities of a person to communicate legal matters effectively in a language they themselves are not familiar with. As stated before, being bilingual does not qualify a person to interpret in a legal setting.

Establishing criteria for alternate interpreters is a duplication of effort, since a court certification program already exists and has already given those definitions. The advisory committee with the Administrative Office of the Courts has developed a language access plan, which basically sets forth which parameters to follow to be in compliance with Title VI. Title VI is the federal Civil Rights Act of 1964 and established that "no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

In section 4, basically the paragraph regarding conflict of interest has been crossed out in section 5, leaving open the possibility that in a haste of effort to resolve a matter, the judge may appoint an alternate interpreter, who may be any person standing by. We know that the court proceedings for the most part occur as a life disruption, and it can be rather intimidating for anyone to appear, whether it is for a summons as a witness, as a party of a lawsuit, or as a person charged with breaking the law. The legal language could be downright confusing for any individual who does not have everyday dealings with the legal field, even for an English speaker. Imagine a person who has limited English proficiency. What happens now is that judges and other people related to the judicial field, in the haste of expedience and money saving, and as well intended as that might be, allow unqualified persons to act as interpreters. Lawyers who happen to be bilingual, who are willing to have dual roles, acting as attorneys and interpreters for their clients, are just basically telling him, "Do not worry; I will explain to you later on what happened." You mentioned the possibility of an 11-year-old coming to the court with his mom or dad and being put in the position to become an interpreter for legal matters. The language in A.B. 365 is a clear example where the intended ends do not justify the means. Trying to be expedient or thrifty does not warrant the risk that the administration of justice could be trampled with any of these individuals, however well intended, misinterpreting and causing delays and additional costs.

I would like to end stating that the effort to revise a Nevada Revised Statute with reference to the work of interpreters is needed. Nevertheless, the proposed changes as they are being presented would cause further misinterpretations and trample the administration of justice. Thank you.

Chairman Frierson:

I think there was testimony that oftentimes in court, in particular in criminal cases where they do not have an interpreter available, they have to, under the current process, make do. The concerns that you express seem to already exist, and it sounds like this bill is trying to increase the quality assurance under those circumstances with the ability to adopt regulations. They have not been adopted yet, so we do not know what they would be. In the instance of a criminal case, under existing procedures, it seems that they have two options. One is to go with the relative or the passerby who has absolutely no approval of anyone under any regulations, or the other is that the person has to wait in custody longer. What is your proposal to deal with the person in custody when there is no interpreter available?

Cristina Sanchez:

I agree with you. There are a lot of situations that are currently causing delays, especially in languages that are not as common as Spanish. There are efforts to get telephone interpretation or videoconferencing available in those cases. The Administrative Office of the Courts has taken those things into consideration, such as the language access plan. I admit that they did a wonderful job with this plan, and I am sure Mr. McCormick may be able to give you a little more background on that. This plan has been drafted and is prepared to go before the Supreme Court. This provides for judges and courts different possibilities they can have to access these interpreters, and qualified interpreters, whether it is via videoconference or via telephone.

However, in reference to A.B. 365, the language in the bill does not provide the clear clarification of alternate interpreter and, therefore, causes a problem. It does not clarify that the alternate interpreter should be only used in those instances where there is no certified interpreter or the language has not been provided with a certification process. That becomes a problem. I agree that right now the situation in some of the rural areas is that the interpreters are not readily available and there may be a need to request an interpreter travel or be available via telephone to interpret. Again, it needs to be a person who has been evaluated, has been accountable, and who does not have a criminal background before they step in to try to be helpful. Someone mentioned volunteers. Someone who comes off the streets and steps in can cause misinterpretation and could eventually cause someone his life.

Chairman Frierson:

My point is, the concerns that you have expressed seem to be the genesis behind the bill. Those things are already happening and, in the opinion of the sponsor, will continue to happen unless we provide an opportunity to deal with it to prevent it from happening. It does seem that the intention of the bill is to provide an alternate in the event there is not a certified interpreter. I will not speak for the sponsor, but during closing remarks they may be able to clarify it. It is good that we are exploring other options, but simply put, when there is no videoconferencing or currently certified person available, we either have a completely unregulated passerby or relative, or they need to sit in jail longer until we get someone. I think this is trying to deal with that situation.

Cristina Sanchez:

My concern is primarily with the language. I feel it should specify that when there is a certified interpreter available, that the certified interpreter will be used in any and all court proceedings. When there is not, then the alternate interpreter can be appointed, but cannot be appointed by judicial decision on the spot. It must be someone who at least has been evaluated before they can step into being an alternate interpreter. Those are my two main concerns.

Chairman Frierson:

I think that, at least from my reading of it, it is the intention to create some sort of guideline so it is not just a random person. I will let the sponsors address it when they close. Thank you for your concerns. They are valid concerns, of course, with quality assurance, which I think we all want.

Is there anyone else in Las Vegas to provide testimony in opposition to A.B. 365?

Lorena Pike, President, Nevada Interpreters and Translators Association:

[Ms. Pike submitted prepared testimony ([Exhibit F](#)).] I am a certified court interpreter, and I am here to speak on behalf of the Nevada Interpreters and Translators Association. We recognize the efforts of the sponsors for this bill draft proposal so every citizen in Nevada has equal access to the administration of justice, specifically one that is fair, unbiased, and honors the dispositions of the Civil Rights Act. We want to address this Committee regarding some issues that we are concerned about, and of course, some of the language used in several subsections.

Should one of the intentions to create an alternate interpreter or the concept thereof cover court interpreter needs in rural areas, there might be other initiatives that the court administrator, in collaboration with the rural courts, could undertake in order to provide limited English proficient people with

qualified interpreters. For instance, in 2011, the National Center for State Courts published a paper entitled, *Strengthening Rural Courts: Challenges and Progress*. In this paper, the author explains how the significant growth of immigrant population in rural areas has become an increasingly important challenge; however, court administrators have found innovative ways to ensure that qualified interpreters are available in court cases for witnesses, litigants, and defendants who have limited English proficiency. For instance, the Administrative Office of the Courts provides training to interpreter candidates in rural locations via webinars. Another example is the use of technology. Courts in the state of Nebraska rely on computers with free Skype software and video cameras to provide interpreter service for remote locations when qualified interpreters cannot physically be in the courtroom. Nebraska initiated a remote interpreter program through which on-call interpreters are available to courts and probation offices during business hours. I also know that two years ago the state of Colorado initiated the remote interpreter program. There are more instances in other states where it has been going on and has been working very well.

In 2003, the Judicial Council of the State of Nevada issued a report to the Commission of Rural Courts which, among other considerations, recognizes the need for rural courts to "explore the possibility of using video or audio conferencing for short hearings rather than having translators travel many miles for limited use."

Other issues that we identified in A.B. 365 are as follows. I do not need to be repetitive; I just want to expand the concern of the issue a little bit about using the word or the term "alternate" interpreter.

Chairman Frierson:

I appreciate that, Ms. Pike. In the interest of time, if we could make sure not to repeat the points that Ms. Sanchez made, because we have another bill that we have to hear before we go to floor today.

Lorena Pike:

May I address this last part that we are concerned about? I think this is important.

Chairman Frierson:

Sure.

Lorena Pike:

It has to deal with the Civil Rights Act. Assemblywoman Diaz already said that the wording in section 5, subsection 5 is going to be deleted because it violates

Title VI of the Civil Rights Act. I would like to add that these pages are already in violation of Title VI of the Civil Rights Act, because the courts, as of now in Nevada, do not provide free qualified interpreters to people in divorce, custody, family mediation, and other civil proceedings. The Department of Justice has been sending warrants to several states: Colorado, California, Utah, among others, to address clear violations of Title VI of the Civil Rights Act. Some states have done their part to cure some deficiencies by providing free interpreters to litigants in civil matters. Therefore, many states in the country already offer interpreters in civil and criminal court proceedings. So this bill should include some wording to require qualified interpreters in civil proceedings as well.

As a side commentary to this, there was already a similar study in California to the one that was already mentioned in this session, and I believe the Lincy Institute from UNLV should be a good candidate to start doing this study here in the state of Nevada.

Chairman Frierson:

I believe they are proposing a study in the bill. It sounds like conceptually we are on the same page. Are there any questions? [There were none.] Is there anyone in Carson City who would like to offer testimony in a neutral position? [There was no one.] Is there anyone in Las Vegas who would like to offer testimony in a neutral position? [There was no one.] I will invite Ms. Diaz to come and offer closing remarks.

Assemblywoman Diaz:

If you will indulge me, Mr. McCormick will offer some remarks based on what we just heard.

John McCormick:

This is not necessarily in response to that, however, this program has existed since 1995 and we are exploring options for alternate delivery of services. Ultimately, our understanding of this measure is that it is designed to improve the quality of interpretation services in this state.

Ben Graham:

I am entirely in accord with much of what has been said, and to make sure that we do have proper access to language barrier situations. We will provide information to the Committee about some of the programs that we currently have and show you where we are going. Hopefully, with this legislation and the study which will follow, we can define specifically where Title VI might have us all going.

Assemblywoman Diaz:

I would like to end with emphasizing that it was not ever the intent of this bill to trump certified court interpreters. I believe that we need to continue to use the best of the best, and I know that the courts would agree with me that the best of the best are the certified court interpreters. However, since sometimes we do not have enough court interpreters that are certified to service all of the diversity and all of the needs of the court system at one time, we need to do what is in the best interest of all the parties involved. We will work to clean this bill up as much as we can, and tighten language where it needs to be tightened or broadened. I look forward to bringing a new and improved A.B. 365 before you for consideration on moving this measure.

Chairman Frierson:

Thank you, Ms. Diaz.

[Also submitted but not discussed were ([Exhibit G](#)), ([Exhibit H](#)), ([Exhibit I](#)), and ([Exhibit J](#)).]

With that, I will close the hearing on A.B. 365 and open the hearing on Assembly Bill 366.

Assembly Bill 366: Revises certain provisions governing nonprofit cooperative corporations. (BDR 7-764)

Assemblywoman Teresa Benitez-Thompson, Washoe County Assembly District No. 27:

I am here today as an enthusiastic supporter of the northern Nevada food co-op. I want to make sure you are clear about the type of chapter we are talking about today. I know that with so many bills dropping so quickly, it might be very easy to confuse the chapter that this bill is in. We are dealing with *Nevada Revised Statutes* (NRS) Chapter 81, the chapter specific to nonprofit cooperative corporations. This bill is not about nonprofit corporations. Right now, the specific NRS that we are looking to change and amend in NRS Chapter 81 is most closely applied to hay co-ops, but in northern Nevada and throughout the state, we have an exciting trend of food co-ops that are coming around. In Reno, we have the first food co-op that has been established. The rural areas are looking to establish one. There is one trying to get off the ground in southern Nevada as well, but there is not a current framework in statute that really addresses the unique needs of a food co-op and what they seek to do in a community. We found NRS Chapter 81, which is kind of the hay co-op, and are looking to make some modifications for it so that we can allow these food co-ops in Nevada to better serve the community and get off the ground.

I am going to introduce you to Amber Sallaberry, who is going to talk to you about the co-op that is currently established in Reno. It is the first and only. Then Mr. Luke Busby is going to be walking you through the bill and addressing your technical questions. There is an amendment on Nevada Electronic Legislative Information System, so you can refer to that amendment as Mr. Busby is walking through that bill. He will be sure to highlight it and talk about why we need a technical change in the amendment.

Amber Sallaberry, General Manager, Great Basin Community Food Cooperative, Inc.:

I would like to give you a little background on the co-op to help everyone understand the importance of co-ops coming up in the state of Nevada and having good models for incorporation for co-ops that would like to get started as well.

A food co-op is an association or organization that is mutually owned by its members ([Exhibit K](#)). The Great Basin Community Food Cooperative in Reno, Nevada, has over 5,480 members to date. For the past eight and a half years we have pooled our resources together. There is an annual membership fee of \$20, and everyone buys into the business and we spread those resources to support local producers, buy in bulk, and generally run a community-owned grocery store.

We got our start eight and a half years ago in a dirty, dusty garage. Within nine months, we were able to save \$814, by which we thought we were rich. At that point, we were offered a small space in the back of the record store Sound and Fury, and we took the \$814 and bought a bunch of bulk bins, and a cash register was donated from another co-op in California. In California, there are over 65 different food co-ops and buying clubs to date. There are hundreds of food co-ops nationwide that are owned by their community.

Once we opened the tiny storefront in the back of the record store, we saw that people just came out of the woodwork. Right now it is starting to change, but at the time we were doing this, we reached out to three of our producer friends, and not a lot of the small sustainable producers in northern Nevada, both rural and urban producers, had access to a market where they could sell their goods. There were restrictive insurance requirements for being able to sell to a grocery store, and there were a lot of hoops to jump through. So we started out with three producers at the time, and that was also right at the time of the national local food movement of which everyone is probably well aware.

We lasted in that space for about six months, again charging everyone \$20 to become a member with a max-out of ten years. After about six months,

we were able to turn that \$814 into almost \$13,000. From there we purchased refrigeration equipment that was commercial. We spoke with the health department and found out that our space was not suited to be fully open to the public, so we decided to move again. We moved over to a small spot which was not much larger. It was 480 square feet, pretty much the size of some people's walk-in closet, and opened up shop. In a small period of time, about a year, the membership almost doubled at this spot, and we had grown to serve over 40 local producers, and this included everything from animal products, beef, pork, and lamb that were all USDA certified, a variety of vegetables, seeds, honey, value-added goods such as jams, eggs, and whatnot. We did become open to the public at this point, and we were able to offer better access and accept food stamps, which was a really big turning point for us.

At this point in time, because it had grown so much, people were making jokes that you had to take a ticket and wait outside to do your shopping because it was too packed, so we started planning for a move. The time of this move was both fortunate and unfortunate and planning for a large amount of funding to come from our community, because we were at the height of the recession and everyone was struggling economically. I think this is one of the finer points of this movement and of the cooperative, even though we were at the peak of unemployment across the nation and people were really struggling, we were able to raise over \$700,000 within our community. We did not qualify for any traditional bank loans for funding because that is the nature of cooperatives, and just from our membership alone, we wrote grants, we received donations, we took in over \$416,000 in just member loans, people contributing to the co-op in that way, and then thousands of people paying their membership equity up front, paying ten years at a time, which allowed us to move into the building that we are in now.

We are now downtown Reno's only full-service grocery store, which has addressed a couple of issues, some food security issues and food access issues. We were technically in a food desert, which is basically defined by the National Food Security Coalition as any area where you cannot get a fresh tomato within two miles walking distance. As we all know, a lot of convenience stores are switching to selling bananas and apples and fruit items, but not a lot of fresh produce. We helped to address that issue. We are open to the public every single day of the week. We take all forms of payment. We are hoping to get into the WIC program now that we have been successful at being in the food stamp program for a period of time. To date, we have over 5,400 members. We now also buy from—it says 75 local producers, but I just spoke with our sustainability coordinator, and it looks like we are at 82 local producers, which supports a huge number of sustainable producers, both in the urban community and the rural community. This has been a huge economic

factor for people like a lot of our ranchers who used to only be able to sell at auction for a quarter of the price as opposed to bringing the meat to the retail market and tripling or quadrupling the amount of money that they can get on their goods.

Another really exciting thing about our co-op is that we have recently been accepted into the largest national cooperative buying club. We have been applying with this group and trying to gain access for six years, and we were finally approved as an associate member. It is called the National Cooperative Grocers Association. They host the second-largest buying power for organics in the nation, which will vastly improve our buying power, and will be able to pass that on to our members at large in the community. We are a full-service grocery store that is open to the public. There is no price difference. Anyone can shop there. This will also allow us to help bring more small sustainably produced local food items to market, and help to subsidize some of those prices for the time being while we realize and have the educational uphill battle of recognizing the true cost of real food and how it is produced, especially as we see gas prices go up, because we will see all of our basic commodities go up again.

Another exciting thing with this move—the first stages of the cooperative did not allow there to be any employees for a great period of time. Most of us have just volunteered for a significant period of time. After about four years, we were able to hire two people part-time. To date, we are nearing 30 employees, which is really exciting, and we pay everyone true cost-of-living wages. We are also opening our community café this August, which we hope to bring on another 12 employees at that point in time.

Our projections for the year have far exceeded anything that we thought we were capable of doing. We hope to round out at close to \$3 million gross at the end of the year, and if we continue with the trends we have now, we will be adding on anywhere between five and ten employees per quarter to keep up with the demand and keeping the store clean and stocked.

We define local as our watershed. We believe that having good agricultural practices will play out in our environment—soil, water, and air in beneficial ways. We did not want to place an arbitrary radius number, because if you call local 200 miles, then we could still be getting things all the way from California. Anyone who has lived here for a long time understands that if the pass closes over I-80, we are pretty food insecure if we do not have trucks coming in for a while. The whole goal is to build food security in northern Nevada and make sure that we can feed everyone real, true, healthy, and sustainable food.

We have an annual seedling sale every spring, and our producers set up booths and tables, and they have grown thousands of seedlings that are already acclimated to the soil, air, and water in northern Nevada. It is a really fun event. Those are two of our oldest producers on the left ([Exhibit K](#), slide 13), Bill and Korena, and they have the best tomatoes you will ever try in northern Nevada, in my opinion.

Luke Busby, representing the Great Basin Community Food Cooperative, Inc.:

The bill would clarify a limitation on dividends. Essentially, the existing bill was drafted in 1915, and it was meant to apply to producer co-ops, such as the one Assemblywoman Benitez-Thompson referred to; not to consumer co-ops, which is how the food co-op operates. This change is required to allow these cooperatives, if they so choose, to deal on the products of nonmembers. If the Great Basin Community Food Co-op chooses to buy products from nonmembers, it needs to be able to sell those under the corporate statute.

Assemblywoman Fiore:

Is this all great and fresh organic food with no products with genetically modified organisms (GMO) in it?

Amber Sallaberry:

Right now, we are in the process of labeling all of the foods. Unless GMOs are labeled on the package, you do not have a 100 percent guarantee that they have them or not. It is pretty well standard, common knowledge that if you are dealing with beet, soy, or corn, they are all the three highest genetically modified foods. If they are not certified organic, you can be pretty certain that they are modified. We do our best not to buy any of those items, but at the end of the day, the majority of the pork products, poultry, and dairy that you are buying—if those animals are fed GMOs—and consuming are byproducts of that. Those are some of the harder parts to control. We do our best.

Luke Busby:

The bill clarifies a limitation in the statute on dividends, which was also meant to apply to producer co-ops. It essentially recognizes that these co-ops can distribute surplus funds and issue refunds to members in accordance with the articles of incorporation.

The bill also requires the use of cooperative in the entity name. It does not provide clarity in the market, such that consumers know when they are dealing with a cooperative or not. It allows directors to enact and amend bylaws. That is germane to the amendment which we offered to this bill ([Exhibit L](#)). We just wanted to clear up some of the language in section 3, subsection 2. It is clear what happens when members or directors originally create bylaws.

As the bill was drafted, it did not really provide a mechanism for directors to amend bylaws if they had passed them in the first instance. This just makes clear that it can occur. As you see in subsection 2, paragraph (c) of the offered amendment, the power over the cooperative is always vested in the members, and that owners of two-thirds of the stock or two-thirds of the members, can adopt or amend any bylaw they want in the cooperative.

The bill provides for facilitation of mergers and conversions by allowing directors more latitude to change the corporate form of cooperative if they choose to do so. An example of when this issue could arise is if a cooperative wanted to become a benefit corporation or otherwise change its corporate structure. In the case of the Great Basin Community Food Cooperative, they would have to get 5,300 people together to try and get a vote of members to determine whether or not that would be the right thing to do. In the case of the cooperative, the directors are elected by the members so they do represent their interests, and that is why we are requesting that change.

Chairman Frierson:

Are there any questions for Mr. Busby about the bill or the proposed amendment? [There were none.] My question is the level of conversation with stakeholders, in particular on the proposed amendment. What efforts have you put forth in contacting other stakeholders and other co-ops like this that would be affected? I am curious about the level of effort to talk to stakeholders about their concerns.

Luke Busby:

The only other cooperatives organized under the statute that I know of in the state are the electric and hay cooperatives that we referred to earlier. Our intention here is to provide greater flexibility in the statute, and not to take anything away from anyone; just add additional freedoms and latitude for cooperatives like the Great Basin Community Food Cooperative. We did not perceive that this could harm or disturb any existing cooperative entity in the state. It is my understanding that there are not that many of these out there.

Chairman Frierson:

Are there any other questions? [There were none.] I will invite anyone who wishes to testify in support of A.B. 366 to come forward, both in Carson City and Las Vegas. [There was no one.] Is there anyone to provide testimony in opposition to A.B. 366, either here or in Las Vegas? [There was no one.] Is there anyone in a neutral position either here or in Las Vegas? [There was no one.] I will invite the sponsors back in the event they have any closing remarks.

Dagny Stapleton, representing the Great Basin Community Food Cooperative, Inc.:

This statute covers primarily the only other cooperative, which is the hay cooperative, and our board did reach out to all of the hay cooperatives that are in rural Nevada. We shared the changes in statute with them, and none of them had concerns.

Amber Sallaberry:

I think the cooperative model is wonderful, and it keeps a lot of money in our community and in the northern part of the state right now. I think what the Great Basin Community Food Co-Op is doing will provide a lot more economic freedom and ability for these kinds of entities to grow. It does not necessarily have to be food. It can be bicycles or anything where people want to pool their money together and create a community resource. Thank you for your time today and for having us here.

Luke Busby:

I have nothing more to add.

Chairman Frierson:

I will close the hearing on A.B. 366. Seeing that we have no additional business and we have already introduced three BDRs today, is there anyone wishing to offer public comment either here or in Las Vegas? [There was no one.] I will now adjourn today's meeting on Assembly Judiciary [at 10:44 a.m.].

RESPECTFULLY SUBMITTED:

Linda Whimple
Committee Secretary

APPROVED BY:

Assemblyman Jason Frierson, Chairman

DATE: _____

EXHIBITS

Committee Name: Committee on Judiciary

Date: March 25, 2013

Time of Meeting: 9:09 a.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 365	C	Assemblywoman Diaz	Proposed Amendment
A.B. 365	D	Renée Ocougne de Gascon	Testimony
A.B. 365	E	Cristina Sanchez	Testimony
A.B. 365	F	Lorena Pike	Testimony
A.B. 365	G	Álvaro Degives-Más	Testimony
A.B. 365	H	Ed Brondo	Testimony
A.B. 365	I	Richard Evans	Testimony
A.B. 365	J	Vivian Wright	Testimony
A.B. 366	K	Amber Sallaberry	PowerPoint Presentation
A.B. 366	L	Luke Busby	Proposed Amendment