

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

**Seventy-Seventh Session
April 18, 2013**

The Committee on Legislative Operations and Elections was called to order by Chair James Ohrenschall at 1:38 p.m. on Thursday, April 18, 2013, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 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 James Ohrenschall, Chair
Assemblywoman Lucy Flores, Vice Chair
Assemblyman Elliot T. Anderson
Assemblyman Wesley Duncan
Assemblyman Pat Hickey
Assemblywoman Marilyn K. Kirkpatrick
Assemblyman Andrew Martin
Assemblyman Harvey J. Munford
Assemblyman James Oscarson

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Senator Moises (Mo) Denis, Clark County Senatorial District No. 2
Senator Ruben J. Kihuen, Clark County Senatorial District No. 10



STAFF MEMBERS PRESENT:

Susan Scholley, Committee Policy Analyst
Kevin Powers, Committee Counsel
Karen Pugh, Committee Secretary
Macy Young, Committee Assistant

OTHERS PRESENT:

Tray Abney, Director of Government Relations, The Chamber
Gail Tuzzolo, representing the Nevada State AFL-CIO

Chair Ohrenschall:

[Roll was taken.] Today we are hearing Senate Joint Resolution 15. We are privileged to have Senator Mo Denis and Senator Ruben Kihuen to present the measure.

Senate Joint Resolution 15: Urges Congress to enact comprehensive immigration reform. (BDR R-1208)

Senator Moises (Mo) Denis, Clark County Senatorial District No. 2:

First of all, let me put you at ease by clarifying that the S.J.R. 15 I am here to present to you today is of the current session of the Legislature, the 77th Session, not from 2011, and has nothing to do with taxing mining.

To the contrary, S.J.R. 15 concerns something that all of my colleagues in the Senate agreed upon. This resolution urges Congress to enact comprehensive immigration reform. [Read from prepared text ([Exhibit C](#)).]

The funding stream issue has to do with the potential fiscal impact on states. If they require certain things, such as that the immigrant must learn English, then the federal government will need to provide funding so the states can teach English and not incur those costs.

The genesis of this immigration reform resolution came forth when I was asked to serve on the National Conference of State Legislatures (NCSL) Task Force on Immigration and the States. This special task force was established in 2006 to craft a policy statement that would guide NCSL with its lobbying efforts and to give recommendations to Congress. The Task Force on Immigration and the States was a bipartisan task force with members from all over the country. We traveled to the Mexican border, the Canadian border, and to the Federal Reserve in New York to examine the fiscal impact of immigration.

We held meetings in Philadelphia and in Washington, D.C., and discussed and debated the issue until we came up with this reform.

Senator Ruben J. Kihuen, Clark County Senatorial District No. 10:

As most of you know, I am currently the only legislator serving in this body who is an immigrant. So the issue of immigration is close and dear to my heart. My family is a perfect example of what can happen when you give a hardworking immigrant family an opportunity to succeed. We are all citizens today thanks to the Immigration Reform and Control Act of 1986. [Read from prepared text ([Exhibit D](#)).]

We live in the greatest country in the world, and it was built by immigrants. Unless you are a Native American, your ancestors were immigrants to this country. This is the country where if you come here and you work hard, dedicate yourself, educate yourself, and play by the rules, you could be afforded the opportunity to someday be a teacher, a lawyer, or even sit in one of these chairs, as all of us are. This is a country that provides those opportunities. This is a country that leads the world. Passing immigration reform would send a strong message to the rest of the world that we continue to be the country that leads and the country that is open and accessible to everyone.

Chair Ohrenschall:

What you say brings to mind an article I recently read about the undocumented workers here in the United States. Today's workers, as compared to those of 30 years ago, are having taxes withheld from their paychecks and are contributing to the overall economy and the support of the government at the state and federal levels. That is something I do not believe many people realize. You are right. When Speaker Ocegüera left, we lost the only Native American member that I knew of in the Legislature. Are there any questions for either of the Senators?

Assemblyman Hickey:

I have one question for Senator Denis and one question for Senator Kihuen. Senator Denis, in Utah they have tried to take a few steps in this direction with new work permits and things like that. Now that the federal government has joined the conversation on comprehensive immigration reform, are the programs from states like Utah or Nevada going to play much of a role in fashioning the comprehensive reform, or do you expect it primarily to come from whatever Congress does or does not work out?

Senator Denis:

As you know, this week, the Border Security, Economic Opportunity, and Immigration Modernization Act of 2013 was introduced. I think that you are

referring to the Utah Pilot Accountability Permit Program, which pertained to the state issuing work permits to illegal immigrants who would pay a fee for the permit, undergo criminal background checks, and pay taxes. I believe the types of things that they and other states have done are being considered on the national level. It is just important, especially for our state, to make sure that our thoughts and our wishes are conveyed to Congress as they go through this process.

Assemblyman Hickey:

Senator Kihuen, you are a shining example of what this is all about, and that is not lost on any of us here. You referenced that along with this pathway to citizenship being envisioned and planned for, the reform is going to involve paying some type of fine or fee. Do you see that money staying in federal hands or will some of it make its way back to the states, back to us here in Nevada?

Senator Kihuen:

Assemblyman Hickey, we are hopeful that since Nevada has a significantly large immigrant population, including an undocumented population of over 100,000, whatever comes out of Congress through this immigration reform, some of that money will get invested back into our states. I think what is important, though, is that for the first time in 30 years both parties are actually talking about immigration reform, not only here in the state of Nevada through my colleague's bill with the driver's privilege cards, but also federally. Again, this is the first time that eight U.S. Senators, four Republicans and four Democrats, have sat down, had a significant discussion, and come up with an actual proposal. So again, we do not know exactly what is going to come out of all this as it was just introduced in the U.S. Senate yesterday. I am hopeful that a lot of that money will stay here in the state. I know through the bill [Senate Bill 303] we are sponsoring on the driver's authorization card, that money will stay here in the state of Nevada. That is going to be an economic stimulus for our state, but again, that is a completely separate bill.

Senator Denis:

I happened to have been visiting my cousin, Senator Marco Rubio of Florida, in his office in December, and he was on the phone with the Governor of Texas. I know that all eight of these U.S. Senators who have been working on this issue have tried to reach out to each of the states to make sure that their needs are being considered as they come up with these different plans.

Chair Ohrenschall:

Thank you. Are there any other questions?

Assemblywoman Flores:

I wanted to note that the bill speaks directly to the economic impact that this is going to have. That is why we have managed to get the support, because it has been widely documented that once we address this immigration issue, it will become an economic stimulator. There will be many ways to have that kind of positive economic impact in Nevada.

Senator Kihuen:

I would reference the numbers that I presented earlier. Again, we are talking about amounts in the billions in the state of Nevada and in the trillions nationwide.

Chair Ohrenschall:

Thank you. Are there any other questions?

Assemblyman Duncan:

I know that the Border Security, Economic Opportunity, and Immigration Modernization Act came out yesterday and is 844 pages long, but I was curious if you thought the bill meets the goals of this resolution. Can you comment on that?

Senator Denis:

I have not seen it; I have only heard and read what is being presented in the news at this point. What we are trying to do with our resolution is to provide a broad framework so that if they do things within those areas, they would benefit Nevada.

Senator Kihuen:

By looking at the initial reports on what was presented yesterday, we do know that it covers a path to citizenship, but it is not going to be an easy path. It will take several years to become a citizen. The bill also covers the Dreamers, the undocumented students who are here and want to go to college or serve in the military. The bill will offer them an expedited process. The Border Security, Economic Opportunity, and Immigration Modernization Act also includes border protection, learning English, and paying back fines and taxes. Those are bipartisan ideas.

As an immigrant coming to this country, I am one of the first ones to say to the Latino community when I give speeches, if you want to become successful in this country, you need to learn English. I have been criticized for supporting that specific portion of the bill, but I think it is crucial. If you want to become successful, if you want to achieve the American Dream, you have to learn

English. You do not have to forget about your roots, and you do not have to forget your native language.

Assemblyman Martin:

I am in support of this resolution, but as for the contents of those 800 pages, do you know if it is going to be easier for immigrants to get personal taxpayer identification numbers (PTIN)? In the situations that I have dealt with, I have noticed some people are very hesitant to come forward. I am hoping that there is some kind of reform that will reach out to this constituency to say, you need to work legally, and having a PTIN will enable you to file a tax return and Nevada employers to pay unemployment taxes, et cetera. I was wondering if you have any comments as to where the federal government is with the PTIN program.

Senator Denis:

I do not know that I have any specific information on that, other than in researching and working on what we now call the driver's authorization card, or DAC, we looked at using that as one of the identifiers. We considered using the individual taxpayer identification number (ITIN), which may be similar to the PTIN you mentioned, but they have made it much more difficult to obtain. Now it can take almost a year to get one. We took that out because we did not want to hinder a person from securing the DAC, but I am sure that if a process is put in place for citizenship, they will be able to use normal channels to obtain a social security number and they will try to facilitate that. That would be my hope, but I have not seen how that ties in yet with everything else. Those are discussions that need to take place.

Chair Ohrenschall:

Thank you. Are there any other questions?

Assemblyman Munford:

You know the responsibility of immigration, constitutionally, is left up to the federal government in determining the parameters, the rules, the criteria, the steps you have to take. I feel the biggest opposition you receive when it comes to immigration is job competition. That has been the case in America historically. Going back to my teaching roots, any new group that came to America, especially at the turn of the 20th century, there were always immigrants coming in and there was always job competition with citizens who were already established here. How would you deal with that in terms of people saying we feel this plan is going to deny us some of our opportunities? That is what I hear from many people, and I am sure you have heard it too. How do you react to that? What answer would you provide?

Senator Kihuen:

I have spoken to hundreds of people and given dozens of speeches on immigration, and obviously job competition is one of the issues that comes up. Let us not forget that if you pass immigration reform, it is going to be an economic stimulus for the entire country. This is why the U.S. Chamber of Commerce is in support of immigration reform. They know that if you legalize these people who are undocumented and you give them the opportunity to work, not only are they going to start making money, but they are going to spend money, which will stimulate the economy and create jobs for everybody.

I have heard, for example, that agricultural employers seeking farmworkers in California have a hard time filling those positions. Those are not jobs that people in America want, like jobs in housekeeping and janitorial. When I speak to the representatives from these industries, they acknowledge that they have a hard time filling those positions. Again, if you pass this, it is going to be an economic stimulus for this country and Nevada, and that in exchange is going to strengthen our business community and create jobs.

Assemblyman Munford:

In Las Vegas, if you look at culinary jobs, most of them are filled by Hispanics. When I first arrived in Las Vegas, many of those culinary jobs were filled by African Americans. I receive feedback from the people in my district, and they say that the culinary jobs are not available for African Americans anymore. And they sometimes find that they have an opposition, maybe a resentment or ill feeling, about immigration. By and large, most African Americans understand opportunity, they understand civil rights, but there is sometimes a little grumbling, a little concern in the community, and sometimes I am obligated to answer them.

Chair Ohrenschall:

Thank you.

Senator Denis:

When the economy was booming in Nevada, our unemployment rate was under 5 percent. Anytime you are at or under 5 percent, that is considered full employment. Yet that is when we had the highest number of undocumented workers in the state. As for the argument about taking jobs from others, we were at the peak and yet everybody was working. I think the opportunity for work is there when the economy is robust and things are working. I believe we see that they really are not taking jobs.

Chair Ohrenschall:

Thank you. Are there any other questions?

Assemblyman Elliot Anderson:

Thank you for bringing this resolution. If you would not mind, I would like to be added as a cosponsor.

Chair Ohrenschall:

I think there are a number of us who want that if it is acceptable.

Assemblywoman Kirkpatrick:

To clarify, that would include an amendment, which is another time-consuming process. Not to say that anyone does not want to be on this resolution, but I understood from the Senators that it was important that we get this to Congress sooner rather than later. If I am not mistaken, we are putting everyone's name on the resolutions that are passed.

Senator Denis:

Correct. As the resolution goes out, it will include everyone.

Chair Ohrenschall:

I have had personal experience with constituents who grew up here in the United States but were born abroad and are facing deportation. They grew up here and are as American as anyone else is. It is a situation that I hope Congress will address, and I think this resolution goes a long way to help that.

Senator Kihuen:

For the record, I wanted to note that this resolution passed unanimously from both the committee and the Senate floor.

Chair Ohrenschall:

Do either of you wish to make any closing remarks?

Senator Denis:

My colleague mentioned that he is an immigrant to this country. I myself am the first one in my family born in the U.S., so my family immigrated here as well. This truly is a country of opportunity. That is all these individuals are looking for. The reason for the time issue on this is that the immigration reform bill was presented to Congress this week, and I believe the timing is perfect as we move forward with this.

Chair Ohrenschall:

Is there anyone else who is in support of S.J.R. 15 and would like to speak?

Tray Abney, Director of Government Relations, The Chamber:

We obviously support this effort. As was mentioned, the U.S. Chamber of Commerce and the AFL-CIO on the federal level worked for months on this. If border security is your main concern, this concept as proposed in Washington has it—\$3 billion in new border security funding. If your concern is making sure that we can have agricultural workers here and that we do not have arbitrary caps on workers who come from different countries, this bill includes that. Many of my members are concerned about being able to find a well-educated workforce and being able to keep people here once they have gone to college, so they are working and contributing to our economy. This bill includes things to fix that issue. We have had arbitrary caps in the past on the number of the highly skilled, educated people that we let into this country, and that has never made any sense. So without belaboring this, we support this concept and we urge this Committee to vote for it.

Chair Ohrenschall:

Are you finding that many undocumented persons are actually having withholding tax taken from their check? It is no longer the cash economy that it might have been 40 years ago.

Tray Abney:

I do not have any evidence for or against that or whether that has come to me personally or to The Chamber. Certainly, everything I have read has said they are. If they are receiving a paycheck, there are plenty of people putting into the system, social security included, who right now would never be able to get the benefits of that. I think there is overwhelming evidence of all the money they contribute and never get to pull back out of those systems they have paid into.

Chair Ohrenschall:

Are there any more questions for Mr. Abney?

Assemblyman Hickey:

Do you have any sense where the fines or the monies being paid will go? Will they go to the federal coffers, or how might states benefit?

Tray Abney:

It makes sense for the money at the federal level to go back into the bureaucracy that supports the immigration system. Short answer, I do not know. Yes, part of this resolution is talking about being able to assist states in the efforts that they make with this issue and making sure that states are provided for. While the federal government does set guidelines for immigration, states do play a role, especially in law enforcement, so we want to make sure that states are compensated for that.

Chair Ohrenschall:

Are there any other questions for Mr. Abney?

Assemblyman Duncan:

The Federation for American Immigration Reform has done studies in different states about the economic impact of comprehensive immigration reform. I know that our neighbor to the west estimates they spend upwards of \$10 billion a year because of illegal immigration, whether it is because of health care costs or incarceration rates or public schools. Do you have any sense, or has The Chamber done any kind of studies, regarding what the offset of the economic benefit will be with comprehensive immigration reform? Will that number go down simply because people are no longer deemed illegal?

Tray Abney:

We have not done any studies on that. I know the U.S. Chamber of Commerce has done some over the years and, again, they support this effort. Yes, we have been told about the cost of people using the emergency room for health care; however, that goes across all ethnic and racial lines. That is a separate problem no matter who is using the emergency room and a problem that we need to address. I think it can be argued that the incarceration rate is a problem that we need to be concerned about in general, whether it involves immigrants or not. It costs a lot of money to keep people locked up no matter where they are from. I think the more people are able to stay here, with their families, and their children being educated here, there is a lot less chance they are going to be incarcerated and a greater chance that they will have a job that provides health care so they do not have to go to the emergency room.

Chair Ohrenschall:

I know that the bill with the driver's privilege cards is unrelated and we are not hearing it, but I have heard stories of undocumented persons who want to try to drive legally. These individuals obtain a driver's license and then are charged with felony burglary because they went into the DMV building to obtain a Nevada driver's license under another name. As a result, someone who is trying in his own way to comply with our laws ends up with a felony charge. Are there any other questions? [There were none.]

Gail Tuzzolo, representing the Nevada State AFL-CIO:

We stand strongly in favor of a comprehensive immigration reform with a roadmap to citizenship. We know by firsthand experience that families in our country and in our community are being torn apart every day, and the fear they live with is just heartbreaking. I have been to immigration court and testified for people to try to keep them in the country, to keep them from being torn away from their families or from having to take their kids back to some little village in

Mexico that they have never even heard of, without health insurance or a job. It really is the right thing to do. After the bombings at the Boston Marathon, it has been an emotional morning for those of us who grew up in Boston and still have our families there. President Obama spoke at the interfaith service this morning and said Americans have strength and grit. He said we are really one people, and I think immigration reform is the greatest way to demonstrate that we are one people. It is the right thing to do.

Chair Ohrenschall:

Are there any questions for Ms. Tuzzolo?

Assemblyman Hickey:

What is your opinion on the fines suggested for working immigrants and the pathway to citizenship?

Gail Tuzzolo:

I have never heard anyone complain about paying a fine. I think that they are paying a very high price by not being able to get their citizenship all these years. I think the price that they and their children pay by not being able to get good jobs or to drive a car, and so forth, far outweighs any fine that could be levied.

Chair Ohrenschall:

Are there any other questions for Ms. Tuzzolo? [There were none.] Is there anyone else who would like to speak in favor of S.J.R. 15? [There was no response.] Is there anyone who would like to speak in opposition to S.J.R. 15? [There was no response.] Is there anyone who is neutral on the measure and would like to be heard? [There was no response.] Are there any further comments or questions from the Committee?

Assemblyman Hickey:

It was mentioned that, as a resolution, the names of all legislators would be listed. If it is passed but not unanimously, would the names of those who did not vote for it be a part of the resolution or would they not be listed?

Senator Kihuen:

Assemblyman Hickey, I do not know the answer to that. I would think that they can get their names removed from the resolution, but I am not sure.

Chair Ohrenschall:

I can find an answer for you on that, Mr. Hickey. Are there any other questions? [There were none.] I will now close the hearing on S.J.R. 15 and I will open it to public comment. Is there is anyone from the public who would like to make a comment? [There was no response.] I will close today's hearing of the Assembly Committee on Legislative Operations and Elections. Meeting adjourned [at 2:23 p.m.].

RESPECTFULLY SUBMITTED:

Karen Pugh
Committee Secretary

APPROVED BY:

Assemblyman James Ohrenschall, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Legislative Operations and Elections

Date: April 18, 2013

Time of Meeting: 1:38 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
S.J.R. 15	C	Senator Mo Denis	Resolution presentation
S.J.R. 15	D	Senator Ruben Kihuen	Resolution presentation