MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON JUDICIARY

Seventy-Eighth Session
April 10, 2015

The Committee on Judiciary was called to order by Chairman Ira Hansen at 8 a.m. on Friday, April 10, 2015, in Room 3138 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 www.leg.state.nv.us/App/NELIS/REL/78th2015. In addition, copies of the audio or video of the meeting may be purchased, for personal use only, through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblyman Ira Hansen, Chairman
Assemblyman Erven T. Nelson, Vice Chairman
Assemblyman Elliot T. Anderson
Assemblyman Nelson Araujo
Assemblywoman Olivia Diaz
Assemblywoman Michele Fiore
Assemblyman David M. Gardner
Assemblyman Brent A. Jones
Assemblyman James Ohrenschall
Assemblyman P.K. O'Neill
Assemblywoman Victoria Seaman
Assemblyman Tyrone Thompson
Assemblyman Glenn E. Trowbridge

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Assemblywoman Victoria A. Dooling, Assembly District No. 41
Assemblyman Edgar Flores, Assembly District No. 28
Assemblyman John Moore, Assembly District No. 8

STAFF MEMBERS PRESENT:

Kevin Powers, Chief Litigation Counsel
Diane Thornton, Committee Policy Analyst
Brad Wilkinson, Committee Counsel
Janet Jones, Committee Secretary
Jamie Tierney, Committee Assistant

OTHERS PRESENT:

Jeremy Tedesco, Senior Legal Counsel, Alliance Defending Freedom
Karen England, representing Capitol Resource Family Alliance
Kaylyn Taylor, Private Citizen, Las Vegas, Nevada
Lisa Mayo-DeRiso, Private Citizen, Las Vegas, Nevada
Erin Phillips, Private Citizen, Las Vegas, Nevada
Janee England, Private Citizen, Reno, Nevada
Jennifer Howell, Sexual Health Program Coordinator, Washoe County Health District
Tamara Zuchowski, APRN, FNP-BC, Northern Nevada HOPES, Reno, Nevada
Brock Maylath, President and Advocate, Transgender Allies Group, Reno, Nevada
Vanessa Spinazola, Legislative and Advocacy Director, American Civil Liberties Union of Nevada
Shane Greener, Private Citizen, Las Vegas, Nevada
Cassandra Charles, Private Citizen, Las Vegas, Nevada
Jackson Nightshade, representing Gender Justice Nevada
AJ Holly Huth, Advocacy Coordinator, Gender Justice Nevada
Caitlyn Caruso, Private Citizen, Las Vegas, Nevada
Jeremy Wallace, Private Citizen, Las Vegas, Nevada
Kimi Cole, representing Transgender Allies Group
Melissa Clement, representing Nevada Right to Life
Kim Guinasso, Private Citizen, Reno, Nevada
Stacy Mellum, M.D., Physician, Reno, Nevada
Kathleen Miller, President, Nevadans for Life, Las Vegas, Nevada
Otto Kelly, Executive Director, Crisis Pregnancy Center, Reno, Nevada

Mechele LaBrie, Center Director, Crisis Pregnancy Center, Reno, Nevada
Desiree Davis, Private Citizen, Reno, Nevada
Rosie Tillis, Private Citizen, Reno, Nevada
Robyn Mazy, Private Citizen, Reno, Nevada
Erin Miller, Private Citizen, Reno, Nevada
Kathleen J. England, Attorney, Las Vegas, Nevada
Laura Deitsch, Private Citizen, Las Vegas, Nevada
Kristina Trejo, Health Care Manager, Planned Parenthood of Southern Nevada
Yesenia Valencia, Private Citizen, Las Vegas, Nevada
Ben Graham, Governmental Relations Advisor, Administrative Office of the Courts
Samuel P. McMullen, representing Nevada Bankers Association
Brian Wilson, Policy Director for Assemblywoman Michele Fiore
Tonja Brown, Private Citizen, Carson City, Nevada
Jonathan Friedrich, Private Citizen, Las Vegas, Nevada
John Ridgeway, Private Citizen, Las Vegas, Nevada

Chairman Hansen:
[Roll call was taken. Committee protocol and rules were explained.] We will be hearing two bills this morning and then have a work session this evening. I will keep order in the room. I will not allow any personal attacks or hateful statements to be made during the hearing. If anyone creates a problem, I will have you escorted out of the hearing. I hope that we will all be able to keep civil and show respect to the opposite views that may upset you. We are going to try to work out both sides as best we can.

We have two bills today, Assembly Bill 375 and Assembly Bill 405. We are going to begin with Assembly Bill 375. I am going to give 45 minutes for both sides to testify. We will stop the hearing at 9:30 a.m. on this bill. We will give the same amount of time for Assembly Bill 405. I will not be able to get everyone in, and I apologize for that in advance. You may want to submit your comments to the Committee in writing.

We will begin the hearing on A.B. 375.

Assembly Bill 375: Revises certain provisions concerning public schools. (BDR 34-806)

Assemblywoman Victoria A. Dooling, Assembly District No. 41:
Thank you for the opportunity to present Assembly Bill 375. Let me begin by clarifying that I am removing the second part of the bill on sex education.

There is a mock-up posted on the Nevada Electronic Legislative Information System (NELIS) deleting section 2 of the bill (Exhibit C). My remarks today are only going to address the privacy for students in certain school situations.

I want to review the key provisions of the bill and then I am going to read you a letter which I think better explains the need for this bill. Section 1 requires school districts to limit the use of locker rooms, bathrooms, showers, and similar areas to children of the same biological sex. This restriction only applies to areas of the school where students would be undressed or undressing. Section 1 goes on to require the school districts to provide the best possible accommodations to students who assert a gender different from their biological sex. Examples of such accommodations would include, but not be limited to, a private single-stall bathroom or controlled use of a faculty restroom or locker room. [Read from prepared testimony (Exhibit D).]

While I understand that some school districts are concerned about the cost of possible remodels, our largest school district in Clark County has gone on record that it can implement this new policy at little to no cost. I am hopeful that other districts will find low-cost ways to adopt this new policy.

That concludes my overview and now I would like to read a letter that I received from a doctor (Exhibit D), which demonstrates the need for this bill.

> Dear Nevada Legislature:
>
> I am writing as a concerned parent, and as a physician serving children and adolescents with special needs in Nevada. Throughout this letter, to avoid confusion and ambiguity, I will be using terminology and references from the American Psychiatric Association's *Diagnostic and Statistical Manual of Mental Disorders (DSM-5)*.
>
> This letter of concern is in response to reports of school districts in Nevada changing their bathroom and locker room privacy policies to allow students to use the bathroom of their gender preference based on self-report of gender preference.
>
> I have very serious concerns about these policy changes due to the resultant decrease in safety they create for students. I want to be clear in stating that I do not believe that students with Gender Dysphoria (as defined in the DSM-5 pages 452-453) pose a safety risk for other students. The policy changes however, leave the

> door open for students with Conduct Disorder (as defined in the DSM-5 pages 469-471) and other impulse-control and disruptive disorders to take advantage of the self-report feature of the policies to gain entrance into bathrooms and locker rooms of the opposite gender to stalk and sexually abuse others. The students that run the greatest risk of abuse are those with intellectual, social, and physical disabilities. [Assemblywoman Dooling continued to read from letter (Exhibit D).]

I would now like to introduce Jeremy Tedesco, who is the Senior Legal Counsel and Director of Secondary School Project, Alliance Defending Freedom. He will be testifying via phone. I also want to introduce Karen England, the Executive Director of Capitol Resource Institute, an educational nonprofit that works to educate, equip, and engage citizens in the area of public policy throughout Nevada and California.

Jeremy Tedesco, Senior Legal Counsel, Alliance Defending Freedom:
I work with our public school litigation team and Secondary School Project. You have a written legal analysis (Exhibit E) before you and I would like to address a couple of points that I think will be of interest to the Committee.

First, I would like to point out that the federal statute Title IX [of the Education Amendments of 1972] does not prohibit the enactment of A.B. 375. I want to make you aware of a federal court decision that came down just a few days ago which relates directly to this bill. The case is *Johnston v. University of Pittsburgh of the Commonwealth System of Higher Education,* No. CIV.A. 3:13-213, 2015 (W.D. Pa. Mar. 31, 2015), which was decided by a federal judge in Pennsylvania. The court summarized the issue in that case and the ruling in this way: "[T]his case presents one central question: whether a university, receiving federal funds, engages in unlawful discrimination, in violation of the United States Constitution and federal and state statutes, when it prohibits a transgender male student from using sex-segregated restrooms and locker rooms designated for men on a university campus. The simple answer is no." From that description, the case directly relates to the subject matter of this bill. It is also important because the court undertook a thorough analysis of Title IX and the relevant case law and found that a transgender student has no legal right under the *U.S. Constitution* or Title IX to access the bathroom that corresponds to their gender identity.

Specifically in Title IX, the federal court in that case said the following: "Having carefully reviewed the relevant language of Title IX and the applicable case law, and having considered the erudite arguments of counsel, the Court finds that Plaintiff has failed to state a cognizable claim for discrimination under Title IX."

The court went on to say, "Specifically, the University's policy of requiring students to use sex-segregated bathroom and locker room facilities based on students' natal or birth sex, rather than their gender identity, does not violate Title IX's prohibition of sex discrimination."

I think it is important to note that in that case, one of the many cases they cited was a case from the United States Court of Appeals for the Ninth Circuit, *Kastl v. Maricopa County Community College District,* 325 Fed. Appx. 492 (9th Cir. 2009). It was important because the Ninth Circuit Court has jurisdiction over Nevada. In the *Kastl* case, Maricopa County Community College barred a transgender man who was both a student and an employee from using the women's restroom. The plaintiff sued the college for discrimination under Title IX, Title VII, and the First and Fourteenth Amendments. The Ninth Circuit Court rejected all the plaintiff's claims including his Title IX claim. The bottom line is that from a legal perspective, no federal statute or case law prohibits the enactment of A.B. 375.

Another point that I wanted to make you aware of is that Title IX actually authorizes schools to enact laws like A.B. 375. The federal court in Pennsylvania made this observation, noting that Title IX's implementing regulations expressly allow schools that receive federal funds to designate the restroom, locker room, and showers for use by only one biological sex. The specific implementing regulation states the following: "A recipient may provide separate toilet, locker room, and shower facilities on the basis of sex, but such facilities provided for students of one sex shall be comparable to such facilities provided for students of the other sex." Based on this and other relevant regulations, the federal court in the *Johnston* case concluded the Title IX analysis by saying this: "Title IX and its implementing regulations clearly permit schools to provide students with certain sex-segregated spaces, including bathroom and locker room facilities, to perform certain private activities and bodily functions consistent with an individual's birth sex."

The third point I want to address is the Department of Education's April 2014 guidance document regarding Title IX. It has been suggested that the guidance document bars bills like A.B. 375, which makes them illegal. That is simply not the case. Of course, that particular guidance document does say this: "Title IX sex discrimination prohibition extends to claims of discrimination based on gender identity." However, the important point is that significant guidance documents have no binding legal authority whatsoever. The federal regulations under which these kinds of guidance documents are promulgated make clear

that significant guidance documents issued by executive agencies are "nonbinding in nature and should not be improperly treated as legally binding requirements." The Department of Education's significant guidance document has no force of law.

Some concerns have been raised regarding Nevada's public accommodations law regarding whether it has any relationship to this bill. As far as I can tell, there is none. My understanding is that the law has now been interpreted to require transgender persons be allowed to use the restrooms that correspond to their gender identity. Even if it were interpreted in that way at some point in the future, nothing would bar the Legislature from enacting a law similar to A.B. 375. Other courts have looked at this issue in states that have laws similar to Nevada's public accommodations law and have come to different conclusions. Minnesota has said that their public accommodations law does not allow access for transgender individuals to the bathroom that corresponds to their gender identity. Maine has said that their public accommodations law does require such access. Therefore, there is no foregone conclusion that because this law is on the books that it will be interpreted in a way to require access. The important point is no federal or state constitutional provision or statute prohibits Nevada from enacting the public policy standards of its choice in this area.

In conclusion, I want to commend to you some other information in our legal analysis regarding the countervailing interests in these issues of the privacy and safety of students, preserving parents' fundamental rights, and several other interests that are important to balance in this delicate area.

Karen England, representing Capitol Resource Family Alliance:
I serve as the Executive Director of Capitol Resource Institute and the Capitol Resource Family Alliance, but my most important jobs are that of wife, mother, and grandmother. As I have watched legislation in Carson City over the past few sessions, I am growing increasingly concerned that we are becoming more like California. Coed bathrooms in public schools is one of the policies that deeply concerns me as a mother and grandmother. Over the past few years, school districts around the nation have been coerced into implementing policies that violate the privacy of the majority of students the school districts are to serve. Following the lead of several other states, A.B. 375 is a bill that protects a student's right to privacy. This legislation seeks to protect the privacy of students in school restrooms, showers, and locker rooms by keeping the facilities sex-separated.

Recently, the Washoe County School District (WCSD) quietly, without a vote of the board, began implementing coed facilities in K-12 schools. The Clark County School District (CCSD) has been working to implement a similar bathroom and locker room policy. The WCSD policy declares the right to privacy for students who self-identify as a different gender than their physiological or biological sex. While this policy is creating a number of special rights for transgender or gender nonconforming youth, this new regulation is silent as to the privacy rights of students who feel that access to these facilities should be based on gender reality and not gender identity.

Drafts of the CCSD proposed policy have been leaked to the public but officials at CCSD are not responding to questions when parents are calling them about this. The WCSD policy and the proposed CCSD policy are perfect examples of why this legislation is needed in Nevada. The district administrators are favoring special rights for a few over the concerns regarding privacy, modesty, and comfort for the majority of students.

The Students' Right to Privacy Act is simple; it is straightforward. Assembly Bill 375 provides that restrooms, locker rooms, and showers designated for use by one biological sex must only be used by members of that biological sex. The legislation also provides options for students who have asserted a gender identity different than their biological sex. Assembly Bill 375 strikes a perfect balance for all students. It shows compassion for those who feel uncomfortable in traditional sex-separated facilities, but it respects the rights of privacy and modesty for the majority who would be intruded upon if access to these facilities is based on their identity rather than reality. I am encouraging you to support the Students' Right to Privacy Act. Let what happens in California stay in California. I have distributed packets of information regarding this bill to the Committee (Exhibit F).

Chairman Hansen:
I want to give as many people as I can the opportunity to testify, so I will limit the questions to one question per assemblyman.

Assemblyman Araujo:
I want to note that it is unfortunate that I am not able to direct my questions to the bill sponsor. I have serious concerns that this bill will open the floodgates for potential civil rights violations for many of our students, including our transgender and gender nonconforming students. I want to share some statistics with you from the Gay, Lesbian, and Straight Education Network.

Chairman Hansen:
Assemblyman Araujo, if you have a question you can ask it.

Assemblyman Araujo:
I do, and this is leading to that question. According to the Gay, Lesbian, and Straight Education Network, nearly nine in ten transgender students have been verbally harassed at school due to their gender expression, and more than half have been physically assaulted. According to <www.transequality> 15 percent of transgender people report being forced to leave an educational program due to harassment and discrimination. According to numerous studies, the transgender community faces high rates of suicide. Forty-one percent of transgender people report attempted suicide....

Chairman Hansen:
Assemblyman Araujo, I want your question now.

Assemblyman Araujo:
Nevada is one of 17 states that have adopted laws to help protect our most vulnerable communities. This law seems to do anything but help the legislation that was previously passed. If we have not had school districts report any incidents, if we have not had anyone report any specific cites of violations, why are we putting this bill forward? Why should this bill supersede previous legislation that has proved to be effective?

Karen England:
This bill is obviously needed. The bill that was passed in 2011 said schools need to publicly accommodate transgender and nonconforming students. Our bill encourages schools to keep them sex-segregated but accommodating. The language of the bill actually uses the words "the best available accommodation" for nonconforming students. As far as the civil rights question, the attorney might be able to address it.

Jeremy Tedesco:
There are no civil rights claims that will be successful in this area. Title IX equal protection claims have been flatly rejected by the courts. The most recent decision I stated in my testimony makes it clear that there is simply no claim to be brought under these statutes in this regard. That does not mean we do not have a responsibility and if the Legislature feels that it should enact a law like this, they can provide accommodations and take care of the competing interest in this delicate area. The important thing is there are countervailing interests on the other side that are also based on law—privacy rights and parental rights to direct and control the upbringing of their children, including children's religious liberty related to modesty where they are in vulnerable situations in close

quarters with students of the opposite sex in a state of undress. Those are the kinds of considerations and competing interests that legislators are supposed to try to balance, accommodate, and figure out a way to make sure that everyone's interests are satisfied under circumstances like this.

Assemblyman Thompson:
Ms. England, you stated some situations where the WCSD and CCSD are working on this issue. I want to state for the record that I have served as the Regional Initiatives Coordinator for the Southern Nevada Regional Planning Coalition which addresses the homeless situation. Homeless shelters have been working on this issue. A lot of the homeless shelters are religious-based. I truly commend them for trying to work this out. My question is, why can we not allow things to be worked out with a dialogue on the lowest level possible so we can have that balance? I am very concerned about one of your statements in which you used the term segregated. I do not think the transgender community wants to be segregated. They just want things equal and balanced.

Karen England:
Thank you for the work you do on behalf of the homeless. The WCSD has implemented this policy without taking it before the elected officials that are held accountable to the parents. They are forcing this policy on the schools. They are not working on it; they have mandated it. They have sent out the regulation. I have spoken with their legal counsel and was told they put out a press release but did not notify the parents that the restrooms and locker rooms were going to be coed. The CCSD has been working on this policy for over a year, distributing it to principals, and keeping the parents in the dark. This is a serious issue that I believe the state has an interest in.

Our bill allows for local control. Assemblywoman Dooling sponsored this well-written bill saying specifically that you need to keep the biological sex separated, which to me is common sense. However, you must give the best accommodation possible, which would be based on local control. Even within a district, this bill allows each school to handle it differently. The accommodations and need for accommodations may be different based on every school district and the schools within the district. This bill allows for that. I feel you have a compelling interest to respect the privacy and modesty of all our students.

Assemblyman Ohrenschall:
The sponsor read a letter into the record by a doctor but I did not get his name.

Chairman Hansen:
It was redacted at my request.

Assemblyman Ohrenschall:
I am looking at the state Office of Suicide Prevention website and the data states children between 10 to 19 years of age were the tenth highest in the nation; at 15 to 24 years of age it jumps up to the fourth highest suicide rate. Looking at the language in section 1, I am concerned that this one-size-fits-all approach will lead to more bullying. We all know that the teen years are difficult and children want to fit in. I am wondering if you thought about that. Could this lead to increased bullying or are we going to come back in two years and see that we are number one in teenage suicides? It is a big concern of mine and I wonder what the thoughts are from the presenters.

Jeremy Tedesco:
As far as I know, there is no connection from an evidentiary standpoint between these kinds of accommodations and bullying. The purpose of bills like this is to try to diminish the circumstances where these situations could arise. It is a strong argument to say that accommodating transgender students in this way puts them in a safer situation. There have been situations where transgender students enter a bathroom that corresponded to their gender identity that has led to high instances of harassment and bullying.

Assemblyman Ohrenschall:
Do you have any data showing suicide rates have gone down among teenagers?

Chairman Hansen:
Assemblyman Ohrenschall, only one question. Let him address it and then we will go to additional people who would like to testify. Finish your statement, Mr. Tedesco.

Jeremy Tedesco:
That was sufficient. Thank you.

Kaylyn Taylor, Private Citizen, Las Vegas, Nevada:
I am a senior in the Clark County School District. I am currently serving on the State Board of Education, and was appointed by Governor Sandoval to serve a one-year term. Although I am not speaking on behalf of the State Board of Education, I am very aware of the current issues facing the students in the state of Nevada. I have sat in on all the meetings with the Board and have read hundreds, if not thousands, of pages of research and data affecting the students today.

I am also heavily involved in the cultural arts. I have had the privilege of participating in many great theater productions in my high school, local community, and on Broadway in New York City. While working in these

productions, I have made very close friends with those among the lesbian, gay, bisexual, transgender, and questioning (LGBTQ) community whom I respect and adore. They are some of the most talented and genuinely kind people I have ever come in contact with. I appreciate the anti-bullying awareness programs that have brought to the forefront protection for everyone. That is what I would like to encourage: protection for everyone. Assembly Bill 375 protects all students, and says it best in the first three paragraphs.

Section 1, subsection 1 states, "Any school facility in a public school, including, without limitation, a restroom, locker room or shower which is designated for use by persons of one biological sex must only be used by persons of that biological sex."

Section 1, subsection 2 states, "In any school facility or setting where a pupil may be in a state of undress in the presence of other pupils, a public school shall provide separate, private areas designated for use by pupils based on their biological sex."

Section 1, subsection 3 states, "For any pupil who asserts at school a gender that is different than the pupil's biological sex, a public school shall provide the best available accommodation that meets the needs of the pupil, but such accommodation must not include access to a school restroom, locker room or shower designated for use by persons whose biological sex is different from the pupil's biological sex."

After sitting on all the Board meetings, I am aware of progressive agendas trying to break down the natural modesty that people have, especially teenagers. Privacy is a huge concern for girls. I know it is a concern for me.

Please pass laws that ensure the protection of privacy and modesty so we all feel safe at school. I need to know that you will watch out for my LGBTQ friends, but I also need to know that you will watch out for me. I love Nevada and all the students in it. Please support privacy for all students and vote yes on A.B. 375. [Ms. Taylor submitted her written testimony (Exhibit G).]

Lisa Mayo-DeRiso, Private Citizen, Las Vegas, Nevada:
I am here in support of A.B. 375 as a parent of two CCSD students and a board member of Power2Parent. I am a mother of five children, three of whom are young adults and have graduated from college, and two children who are still in the CCSD, one at Bonanza High School and one at Johnson Middle School. My experience with raising five children makes me an expert in child rearing. I know what is best for my children and have at all times their best interest, safety, and health as my first priority.

This bill was crafted as a response to a document that was issued by the Clark County School District (page 10, Exhibit F). At the top of the document it clearly says, "Privileged and Confidential Attorney Work Product." This document was never presented to me as a parent and, more importantly, as a customer of the Clark County School District. I was not consulted on this policy at any time. This is a policy that clearly impacts my children's daily experience at school, their privacy rights, my parental rights, and my right to parent and look out for the best interest of my children. I was never asked for my opinion on this matter and how it may impact my children's experiences at school when it comes to the restroom, the locker room, and showers.

The document states clearly that a student who has a sincerely held belief that they are of a biological sex other than their physical biological sex may choose to use a restroom that adheres to their held belief. It is imperative as a parent that I would have had an opportunity to weigh in on such a policy, but I did not have that opportunity and it was not afforded to me. Only today in this open public forum am I given the opportunity to speak out about this topic and the impact on my children. It is important that parents have the right to make decisions and be involved in these conversations as they impact our children. For the Clark County School District to carry on and try to pass policy where they say, "The purpose of this guidance is to assist administrators in the provision of a safe, secure, and respectful educational environment." Never anywhere in this document do they say the purpose of the guidance is to assist parents and students in addressing this very sensitive issue.

As a result of A.B. 375, I have had an opportunity to discuss this topic with my two children, ages 14 and 16. They are a little bit more liberal on this topic than their mother, but we discussed it at length over the last few days. I will tell you that my 16-year-old son's biggest concern with this policy is regarding boys his age trying to get around this and going into the girls' restrooms and making a joke of this policy, claiming they are of a different biological sex so they can sneak into the bathroom. Those are some of the consequences we have to think about with children. My daughter was certainly much more concerned about it. They are both in support of A.B. 375. I ask you today as the lawmakers of our state and who have afforded us this opportunity to debate this issue and hear both sides of it—which the Clark County School District did not allow—to support and pass A.B. 375.

Erin Phillips, Private Citizen, Las Vegas, Nevada:
I am a Nevada resident of 28 years and a mother of three boys, two of whom are currently in the Clark County School District. I am also a Clark County foster parent. I support this bill because I am very interested and concerned in protecting all Nevada students and children, not just my own.

The word discrimination has been thrown around very aggressively by opponents of this bill, but I would argue that accommodation is not discrimination. We provide reasonable accommodations for students with many different struggles in order to help them navigate their school experience successfully. We do this through separate testing, separate behavior plans, and even classrooms for resource or gifted and talented education programs. Each student is an individual and we should treat them as such. Children of every gender and sexual orientation have the right to go to school without being used as a social experiment. The idea that allowing a student of the opposite biological sex to use the facilities of their self-identified gender helps them avoid being singled out or bullied is backwards thinking. It seems more likely that a young, still-maturing student would recognize the differences of the student changing next to them in the locker room and invite much more unwanted attention. Individuality, comfort, and expression of gender must be protected for all sexual orientations including heterosexual. We need to teach children and adolescents to respect individuality, both the majority and minority expressions of gender. Children need the option to use facilities that meet their individual and developmental needs. Having the option of an individual gender-neutral bathroom allows for students who are struggling with this very real issue to protect their own privacy. Inclusion means exposure to options and privacy for everyone, not limiting options and ignoring diversity. Many families want the option of separate gender facilities. Thank you for taking this into consideration.

Janee England, Private Citizen, Reno, Nevada:
I have been a Nevada resident since 1963. I have raised three children here who graduated from Galena High School. We homeschooled them before their high school years for various reasons. Without this bill being in place, I probably would not have even sent them to high school. This bill is necessary for our children's privacy and I encourage you to support A.B. 375.

Assemblyman Elliot T. Anderson:
I want to be frank. I think you are playing fast and loose with the law. First of all, we are in the Ninth Circuit Court of Appeals. A federal district court decision from Pittsburgh, Pennsylvania, is not binding law here either. Federal administrative agencies are given much deference by every court and under the *Kastl* ruling, a transgender plaintiff stated a claim for sex discrimination, or Title VII and Title IX, on the bathroom issue. I would like you to comment about *Kastl*, which is based off of *Price Waterhouse v. Hopkins,* 490 U.S. 228 (1989), and *Schwenk v. Hartford,* 204 F.3d 1187 (9th Cir. 2000), another noncircuit case dealing with sex for a transgender situation. Would you please comment about the applicability of *Kastl,* which is a case out of the Ninth Circuit Court of Appeals, which is binding authority in Nevada?

Jeremy Tedesco:
Kastl addressed each one of those claims—Title IX and Title VII equal protection—and dismissed all of those claims. They found there was no claim under Title IX that was very similar to the factual scenarios being contemplated by passage of this bill. You are correct that the plaintiff in that case stated a claim but ultimately lost on the merits. In the Pennsylvania case, the court said they did not even manage to state a claim. I think the importance of the Pennsylvania case is that it does a thorough and exhaustive review of the case law across the country. It includes statements like this: "Nearly every federal court that has considered the question in the Title VII context has found that transgender individuals are not a protected class under Title VII." The same conclusion applies to Title IX. I appreciate your position that I am playing fast and loose with the law, but I am confident that I am not. The Ninth Circuit Court of Appeals is also consistent with what the Pennsylvania court said.

Assemblyman Elliot T. Anderson:
Mr. Chairman, I would just note that stating a claim means, as a matter of law, the factual situation is bad enough and so as a matter of law it is not precluded. We are taking a risk with this bill.

Chairman Hansen:
That will be noted, Assemblyman Anderson. Are there any further questions for these testifiers?

Assemblywoman Diaz:
I am an elementary school teacher and it has been stated that this is providing accommodations and protections for everyone, but my reading of the bill does not necessarily agree. I think the language could be crafted in another way where we are not discriminating. As a teacher, I am supposed to accept and help all of my students regardless of who they are or how they come in. I am there to be their number one supporter and to educate them. I think this bill is very overreaching because now if Christian comes through my door, I have to verify that Christian is a boy. How am I going to do that as a public school educator? I do not think it is my place to be policing bathrooms or determining gender identity and what restroom they should use. My question is to anyone who wishes to answer. If this is really about accommodating and protecting everybody, should we not ideally be stating that a unisex bathroom needs to be in place?

Erin Phillips:
I do not think anyone is stating there should not be a unisex bathroom; a gender-neutral bathroom. I think that accommodation is pretty straightforward. It is just stating that each biological sex uses their biological

sex-assigned bathrooms. That being said, there are a lot of accommodations that are made for students that you, as an individual classroom teacher, do not have to determine. I think those accommodations are determined by other means, other teachers, and other specialists. I did not write the language in this bill, but from my personal experience of having a student who needs accommodations, his classroom teacher helps with those accommodations, but she did not determine the accommodations and his need for them.

Chairman Hansen:
Are there any further questions? [There were none.] We will now move to the opposition.

Jennifer Howell, Sexual Health Program Coordinator, Washoe County Health District:
Washoe County Health District opposes A.B. 375 due to the provisions that eliminate sexual health education.

Chairman Hansen:
That has already been deleted by an amendment from the bill.

Jennifer Howell:
Just reviewing that amendment, the entire thing was struck out but there was a note that the current law would be in place and that was confusing to us [submitted written testimony (Exhibit H)].

Chairman Hansen:
We will need to stick to the part that is actually the bill at this point. If anyone wants to testify on the original bill, do not waste your time on the sex education portion because it has been deleted.

Tamara Zuchowski, APRN, FNP-BC, Northern Nevada HOPES, Reno, Nevada:
I am a nurse practitioner at Northern Nevada HOPES, a community center that provides comprehensive health care to underserved populations, including many members of the transgender community. I oppose A.B. 375 because of the consequences I believe it will have on transgender youth. Assembly Bill 375 will legalize targeted discrimination in Nevada's schools where students should feel supported, protected, and empowered. If passed, this bill will put all transgender students in danger by forcing them to use biologically congruent restrooms, locker rooms, and shower facilities that go against their core gender identity. I also have the question of who will be doing genital exams to determine which children belong to which biological sex?

Medicine is evidence-based for a reason. There is absolutely no evidence that supports the premise of this bill. Science shows us that there are brain scans of transgender youth that are consistent with their identified gender, seen as early as age five. Being transgender is not a disorder, a choice, or a phase. I will not review the high statistics of suicide rates and harassment; we have all talked about that several times this morning, but they are extremely disturbing. This bill will mean that it will only perpetuate and exacerbate this kind of abuse for transgender students, who are already physically and emotionally unsafe at school.

I would like to point out that the American Psychiatric Association, which has changed its classification in the newest version of the *Diagnostic and Statistical Manual of Mental Disorders*, supports transgender rights. It supports laws that protect the civil rights of transgender people. It urges the repeal of laws and policies that discriminate against transgender people. It opposes all public and private discrimination against individuals in areas such as health care, employment, housing, education, and licensing. Furthermore, it also declares that "no burden of proof such as judgment, capacity, or reliability shall be placed upon these individuals greater than that imposed on any other persons."

Similarly, the American Medical Association has also affirmed that transgender people should be allowed to change their gender marker on their birth certificates regardless of sexual reassignment surgery. This goes directly against A.B. 375, which rejects a transgender youth's identity and recognizes only their biological sex.

As a medical provider with over 18 years of experience in mental health and several years treating the transgender community, I urge you to reject this bill. I feel it would be detrimental to the health, safety, and psychological welfare of the development of transgender youth. It has no place in our educational system. [Ms. Zuchowski submitted a letter in opposition from Northern Nevada HOPES (Exhibit I)].

Brock Maylath, President and Advocate, Transgender Allies Group, Reno, Nevada:

For the purposes of today's hearing and the rest of the day, I would like to be considered as male, and I would like you to use male pronouns.

First, when looking at Assembly Bill 375, it talks about biological sex. Biological sex is a very indeterminate matter. The issue is that we cannot necessarily determine biological sex by external genitalia, so a physical exam of a student is

not going to be enough to give you a proper documentation. There are over 76 different genetic variations, that we know of, within the human body. A simple XX or XY is not enough to be able to determine biological sex, even on a chromosomal level.

Second, segregation is not equal. I rather thought we had covered that in 1965 during the civil rights issues. Separate is not equal and segregating a marginalized community is not appropriate.

There have been 12 states that have had inclusive policies in their schools and in general public accommodations. There have been absolutely no issues of safety with a transgender person perpetrating a violent issue or an issue of any type on a normally gendered person. There are laws that are already in place regarding behavior and conduct disorder. The idea that a doctor would conflate two separate diagnoses—gender dysphoria and conduct disorder—and try to be able to combine them to create this fear-based propaganda is absolutely outrageous, bordering on misconduct for his professional oaths.

We have talked about the 2009 overruling in the Ninth Circuit Court of Appeals and we have looked at an issue out of Pennsylvania that is not covered under our federal jurisdiction, but when we look at a 2013 resolution agreement with the Arcadia Unified School District [California] with the Department of Education on exactly these Title IX sex discrimination issues, we see the fact that Arcadia agreed that they did violate the sex education guidelines under Title IX. We also look at a defining memo that was published by the U.S. Department of Education on December 1, 2014, that specifically says transgender students are covered under Title IX and that sex discrimination against them can be ruled if you are deciding against them based on their perceived gender identity. There are no special rights that are being asked in the Washoe County School District or the Clark County School District of transgender children. There are only equal rights. Equal means equal. It does not mean separated. It does not mean segregated.

The accusations that the WCSD passed inappropriate bills without due disclosure are completely and totally false. The WCSD Board of Trustees did vote on the appropriate policy and enacted appropriately by the Superintendent. There was full disclosure. If this bill had not been moved so quickly, there would have been time to provide you with all of the information; however, with the short notice that we had, there was not time to present you with the absolute facts of the public notice. The entire issues that are predicated here by the proponents of this bill do not have a firm foundation. For that fact, what I really have to say is that a vote in favor of this bill will lead to institutionalized marginalization, which we know leads to depression, isolation, suicide, and an

increased likelihood of violence perpetrated against this community, including murder. The blood of innocent children affected by this act will be on the hands of anyone who votes to pass this bill. This proposed bill is driven by nothing but hate coming from unjustified fear and, if adopted, sets a dangerous precedent for how we treat the humanity of all the people in Nevada. If you truly care for the people of Nevada, vote no on this bill. [Mr. Maylath submitted written testimony (Exhibit J).]

Vanessa Spinazola, Legislative and Advocacy Director, American Civil Liberties Union of Nevada:
I completely disagree with Mr. Tedesco's assessment of the law. The case he cites from the Ninth Circuit Court of Appeals is an unpublished decision. It is three pages long, and it admits that you do have a claim for sex discrimination as a transgender individual. They made no finding on the pretextual concern about safety concerns. That was not briefed in the case. That could very well be a pretext. If this bill passes that pretext, it will be something that the American Civil Liberties Union (ACLU) will be litigating in court.

We have the risk of losing federal funds for our schools and federally engaged investigations by both the U.S. Equal Employment Opportunity Commission, that decision was referenced the other day, and the U.S. Department of Education, who has also recently stated that they believe this is a bad policy. We risk the possibility of addressing this at the local level with our local communities. The most important thing that we lose is the possibility that even one transgender child decides to take their own life. That could happen. It is already happening. I just wanted to note that I completely disagree with that assessment and this law will be litigated if it passes.

I have submitted a letter regarding privacy concerns (Exhibit K). The privacy concerns in repeated cases come down on the side of the transgender individual. That is the person who has the privacy concerns here. What we are dealing with are children who may decide that they want to be a boy or girl. Nobody else in their class even knows it. You are asking them to disclose their personal gender identity to other people in their classroom when they may not want to. The recent series of stories in the *Reno Gazette-Journal* indicated that one student did not want to necessarily come out to her classroom. She is fine the way she is. We are regulating sex education, we are not providing it at a decent enough level, and then we are going to ask people to come out and talk about something they do not understand? This is an extreme violation of privacy.

I agree with Ms. Howell's assessment. I am very concerned about the fact that the bill mock-up completely deletes sex education from the *Nevada Revised Statutes* (NRS). I understand what the intent is, but it absolutely has to be addressed.

Assemblyman Nelson:
If there is someone who has not come out—to use your language—then how would anyone even know? If that person went into the same restroom which identified with their biological sex, no one would know anyway. Is that correct?

Vanessa Spinazola:
That is correct. My understanding of the bill is that children in school will be required to go to their biological sex bathrooms. It is unclear to me whether, as Assemblywoman Diaz stated, there is going to be some sort of chromosome testing that is going to happen. If I was a transgender student and walked into a school, I would not know which bathroom to use. You are absolutely right. If the school policy is that I should use my biological sex bathroom and I have not come out publicly, what decision do I make? If I am a 13-year-old girl, do I break the school policy and get detention, or get in trouble with the principal? It will potentially bring attention to someone who does not know what choice they are supposed to make.

Assemblywoman Seaman:
Will the ACLU represent the parents who will be suing for the privacy of the majority of the students?

Vanessa Spinazola:
As stated, the privacy concerns in the court cases that I have submitted come down on the side of the transgender individual. Right now, we have parents from school districts in the state who have already come to us and said that they felt their transgender children have been bullied, and some of them have committed suicide. Those are the parents we are currently representing and will continue to represent.

Assemblyman Gardner:
I would disagree with you that my children have no privacy rights when it comes to the bathrooms. It seems to be what you were saying. I have been looking through the opposition and have read a lot of articles about this law and it looks like most of the people opposed to this kind of bill are special interest groups. It also seems that most people in support of this bill are parents with students in CCSD or WCSD. I know that CCSD has a history of attempting to pass things without notifying parents. My concern is, why should we be forcing parents and their students to comply with this kind of policy when they

have no input and they are opposed to it? Why should we be forcing parents and their students to do this because some special interest groups are asking us to?

Vanessa Spinazola:
I am familiar with WCSD. I believe that Mr. Maylath stated there was a public process of notification for it to be dealt with at the local level. I feel something like this should be dealt with as a local issue because it is a very highly contested issue. School districts in our state are very different from each other and it should be up to the parents in their community to help guide what their schools do. That is typically how we have dealt with schools in this state.

The state of the law says the privacy falls on the transgender individual. There are parents on both sides of this issue and their beliefs are on every side. There are parents with transgender children who feel that their children are being bullied. It is not just special interest groups; it is students on both sides who feel bullied and feel they have privacy issues. It is complicated and should be dealt with locally and not at the state level.

Chairman Hansen:
If you believe in local government—local control like you are suggesting on these decisions—and if the Elko County School District passed a policy that actually said whatever your biological makeup is you have to use the biological bathrooms, would the ACLU accept that?

Vanessa Spinazola:
The law and litigation is all about plaintiffs. If we had a parent or student from that district who complained to us, we would consider taking their case. There has to be an interest in the community to challenge whatever the law happens to be. Right now, I can say there is a strong interest in the community if this bill is passed at the state level.

Shane Greener, Private Citizen, Las Vegas, Nevada:
I am not a special interest group; I am a person. I am a 16-year-old who attends Valley High School and I am a transboy. That means that while I am biologically a female, I identify and express myself as a boy. I have never seen myself as a girl and once I could talk, I began to express this to my family members. My mother did not quite understand my discomfort during my early years but once I found the words to express it in a better way, my gender expression completely changed. I was in elementary school when I finally took the label as transgender and in school I am known by my preferred name and pronouns. It has been this way for as long as I can remember.

School is a scary place for anyone who is different. For myself, it is even more daunting. Although my school is very accepting overall, there is still the fear in the back of my mind that I may be harassed one day due to my sexual orientation or gender identity. I struggle with which bathroom to use on a daily basis and thanks to the public accommodations law, I can use the one I feel comfortable in. But if you take that away from me, I will face another wall of humiliation. Asking a teacher to escort me to a faculty bathroom or asking for a nurse's pass every time I need to use the bathroom fills me with anxiety. If high schools had unisex facilities, actual gender neutral bathrooms, this may be a different story, but they do not. The best accommodation available makes me feel alienated and makes me feel that this is an attack geared toward myself and trans youth. I should not feel singled out when I am at school for reasons I view as negative [submitted written testimony (Exhibit L)]. I oppose A.B. 375.

Cassandra Charles, Private Citizen, Las Vegas, Nevada:
I am a senior in the Clark County School District. My preferred pronouns are she, hers, they, them, or theirs. I am part of the Nevada Teen Health and Safety Coalition and I oppose this bill. I oppose this bill because it will be segregating all transgender youth. Doing this will make them subject to more bullying. In a 2012 survey, 50 percent of transgender youth reported harassment in public places and passing this bill will only make the harassment worse. It is astounding that you will be forcing this upon youth who are already at risk. No one should have to prove their gender to use the bathroom or take a shower. Providing the best accommodation possible for these transgender youths is subjecting them to segregated, unequal, and subpar facilities. Throughout my years in high school, I have befriended many trans youths and as I was telling them about this bill, they grew scared. They began to fear going to school every morning. They began to fear having to use the restroom, and they began to fear the harassment that will follow them from being separated from the restrooms they have been using for the past three years of their high school experience. I also began to fear for them. I have recently made the decision to graduate a year early, but a county that subjects at-risk youth to harassment and bullying is not one that I would be proud to graduate from. [Cassandra Charles submitted written testimony (Exhibit M).]

Jackson Nightshade, representing Gender Justice Nevada:
I recently graduated from the University of Nevada, Las Vegas, with a master's degree in marriage and family therapy, and I am currently pursuing licensure as a state intern. We oppose A.B. 375 because there is no need to pass this bill. All it does is restrict bathroom access. There is no problem in Nevada currently regarding transgender students entering bathrooms which correspond to their gender identity.

Reading this bill, I notice section 1, subsection 3, says, "a public school shall provide the best available accommodation...." It then goes on and says, "must not include access to a school restroom, locker room or shower designated for use by persons whose biological sex is different from the pupil's biological sex." I find that is very contradictory. Some opponents will say that there may be increased risk and harm to transgender students by allowing them to use the bathrooms, but there are no statistics to back this up. In most cases, if not all cases, when transgender students and transgender people are allowed to use the bathroom that corresponds and feels most comfortable for them, everyone around them and they themselves actually function better in society and have lower rates of depression and suicide.

With my clients, there are also medical issues that arise when we start policing people's right to use the bathroom that feels most comfortable for them. I agree with Assemblywoman Diaz's comment regarding who will be the person deciding what bathroom transgender students are going to use. I do not think it is her right as a teacher. I do not think it is a principal's right to force people to prove what biological sex they are.

If this bill were to pass, it would violate federal and state civil protections. The Washoe County School District's Chief General Counsel, Randy Drake, is just following the public accommodation laws that were passed in 2011. I think it is about time we all begin following these laws. If this bill were to be passed, it would be flying in the face of the civil rights protections that were passed in 2011 [submitted letter (Exhibit N)].

AJ Holly Huth, Advocacy Coordinator, Gender Justice Nevada:
I am urging everyone to stop this bill. I recently obtained my master's degree in marriage and family therapy and am currently working as an Advocacy Coordinator for the Crimes of Violence Project of Gender Justice Nevada. During my internship, I facilitated a youth group for transgender nonconforming persons. I continue to cofacilitate an all-ages peer support group at the Gay and Lesbian Center of Southern Nevada, and I am also a former Hillsborough County, Florida, teacher.

This morning I received word that another trans teen had committed suicide largely due to being bullied at school. I cannot tell you how many times I have received this message. It always fills me with deep sadness. The deaths of these young people are unnecessary; they have so much to offer this world. These children are not throwaways. Trans and gender nonconforming youth that I have met in this city are some of the most amazing teens I have ever had the pleasure of meeting. They are talented, smart, driven, creative, strong, and brave people. They need places that are supposed to protect them, to actually

protect them. I feel this is another form of bullying and it is coming from the top. How can we protect our children from bullying if we are the bullies? I do not care what your personal belief systems are. I need you to do what needs to be done to protect our youth—all of them. Our children look up to you and me and the adults around them to set the tone of justice. If you teach them that shaming, excluding, and othering is okay, then you are partially responsible for the harm they inflict on their peers. In the names of Leelah Alcorn, Ash Haffner, Zander Mahaffey, Melanie Rose, Sage David, and Taylor Alesana, I beg you not to pass this bill, because you may be saving a person's life by not doing so.

Caitlyn Caruso, Private Citizen, Las Vegas, Nevada:
I am a high school senior in the Clark County School District and an Advocates for Youth national representative. Before I start my testimony, I want to preface with this statement: Gender nonconforming students and trans students have been allowed to use the facilities of their gender identities for over a decade in Los Angeles and San Francisco, and there have been no reported incidents from those districts.

Preventing children from using the restrooms with their peers is an example of bullying. Keeping our transgender youth safe like those who have spoken out today, and in the news in Reno, means creating a safe and tolerant environment for them. Checking their biological sex before allowing them to use the restroom at recess is not creating a safe and tolerant environment. Forcing them into a faculty bathroom will only result in public humiliation and further taunting from peers. Young trans children are not criminal; they just need to use a restroom. The fact that we are trying to legislate this is intrusive and, quite honestly, just mean. By age three children are aware of gender. Do you want to be the one to force a five-year-old into a faculty restroom because they have long hair and wear dresses? Lesbian, gay, bisexual, transgender, and questioning children who experience bullying and harassment earn lower grade point averages than their counterparts. We want to increase our graduation rates and attention rates, but here we are trying to force state-sanctioned bullying onto them. Our Legislature is supposed to prevent bullying.

We just heard Senate Bill 504, which was the Governor's attempt to create a safe and respectful learning environment. What about this bill will make our transgender children feel safe and respected? Trans children will be outed by this legislation, forced to break line with fellow classmates, and be dragged into the nurse's bathroom when they feel in their heart they should be using the bathroom with their peers. How will you explain this separate but equal

doctrine you are imposing on children? Our Legislature is supposed to be our protectors, not the bullies we stay home from school to avoid. At least 30 percent of LGBTQ students missed one day of school in the last month because they felt unsafe there. This bill has good intentions, but it does not cut it. The unintended consequences of this bill could leave me or one of my fellow students in the ground, as LGBTQ youth are seven times more likely to attempt suicide while the trans side of the statistics is projected to be even higher. This bill will not create a safe and respectful learning environment for our children.

I think it would be really amazing to see all those in opposition stand up. Everyone who is in opposition, please stand up and let the camera zoom out so the legislators can see. Obviously, we have plenty of trans people and allied people here to say that this bill is not what our school district needs. We do not need this sort of state-sanctioned bullying in our classrooms. As we saw during the hearings on S.B. 504, we want to create a safe, tolerant, and respectful learning environment. I urge you to keep our children safe by allowing equal access to restrooms for all.

Jeremy Wallace, Private Citizen, Las Vegas, Nevada:
I am here to voice my concerns regarding Assembly Bill 375. I have lived in Nevada for the better part of 17 years and have been a successful business owner for the past 14 years. Currently, I am a published author, professional speaker, and I also happen to be a transgender man. Assembly Bill 375 and its negative consequences are very near and dear to my heart. I need to speak up on behalf of those who are transgender and feel that they do not or cannot have a voice. I was assigned female at birth and transitioned six years ago at the age of 37. I commend those youths who have the courage to speak up for themselves and transition early, foregoing the many decades of turmoil that I have endured. When I was in school I was depressed, isolated, and suicidal, as are many transgender people. This bill is not about protecting anyone. It is about isolating and singling out transgender students even further in promoting hate, discrimination, and creating a platform for bullying. Growing up is hard enough for any child, but adding an extra layer of pain and suffering onto a child is absolutely unacceptable.

Passing this legislation is saying to the transgender youth that they do not matter and that the public school system and the Nevada Legislature does not care if they stay in school or, more importantly, if they live or die. Without a doubt, with a yes vote, two statistics will increase, which is the student dropout rate and youth suicide rate. I think everyone can agree that those are two statistics that we do not want to see an increase in. Is there anyone on this Committee who is willing to personally stand up and tell a transgender child

that they are not worth protecting and that their life does not matter? I am here before you as an example of what being transgender can look like, and I am not anything to be feared. I am not a predator nor is any other transgender person, young or old. I am a successful member of society. We need to make sure that all children have the same opportunity to grow up in a safe environment, receive an education, and contribute to this world. Please vote no on A.B. 375 and prove to the children of the state of Nevada that you care about their well-being. [Jeremy Wallace submitted written testimony (Exhibit O)].

Assemblyman Nelson:
I was going to focus on the legal niceties of this bill, but I am going to change it because there have been so many anecdotal stories. I am going to tell you my experience as a father and grandfather. I will say that no one in this room is in favor of hate or persecution. We are all in favor of tolerance and protection.

Let me tell you what has happened to three of my children. My oldest daughter was a star softball player at Bonanza High School. She was harassed and intimidated and had to quit the team because she did not identify with gays. I also have a 16-year-old son who two weeks ago was forced to dress for a volleyball game but had to leave his restroom because he did not feel comfortable with what was going on in there. I have a 14-year-old daughter and I have spoken with her and a number of her friends and I have asked her, "How would you feel if someone wanted to come into your bathroom who was transgender but was actually biologically a male?" Her response was, "I would feel very uncomfortable." A number of her friends feel the same way. My question to you is, We agree with tolerance for those who are in opposition to the bill but is tolerance a two-way street? Do you believe in tolerating and protecting the privacy of those people who feel otherwise?

Caitlyn Caruso:
I think tolerance is a two-way street, but I also think that our most vulnerable communities are in need of protection and a safe and respectful learning environment. I would also like to say that when you learn statistics and are taking studies, you cannot ask leading questions. You cannot insert your own bias into the questions you are asking. When we see communities asking within their communities, such as me asking my little brother—who also wears makeup, paints his nails, and likes to wear his hair long—there is always going to be some sort of bias. When we see this, it is really who needs the most protection? Who are the ones getting harassed and bullied, dropping out of school, and committing suicide? It is the trans students. While it is wildly unfortunate that your son and daughters are experiencing persecution, the

true people who are experiencing the persecution and dying from it are the trans students. They are the most vulnerable people in our community so why are we trying so hard to discriminate against them and hurt them further? I do not think we agree on the same message of tolerance.

Kimi Cole, representing Transgender Allies Group:
First of all, I want to read section 1, subsection 1: "Any school facility in a public school, including, without limitation, a restroom, locker room or shower which is designated for use by persons of one biological sex must only be used by persons of that biological sex." Then we go down to subsection 4: "based on physical differences or, if necessary, at the chromosomal level." I am admittedly openly transgender. If we got down to the chromosomal level it would show that I am a male in that regard. I have numerous grandchildren in the Washoe County schools and I have good relationships with them. When I go to the schools—which I have done many times in the past—I have always used the most appropriate restroom, which for me has been female and there have never been any questions or problems. I would be willing to test the chromosomal nature of a bill such as this. Who would want me in the men's or boy's room? I do not think that would be appropriate, but the language of this bill would effectively do just that in the public schools.

I have heard so many testimonies today and they have been portrayed as the very worst case scenarios. I hear a lot of "suppose this," "hypothetically if." Of the cases I am personally familiar with, I know some dear sweet children whose entire intention is to go to school, get an education, and be able to use the restroom that is appropriate for them whenever it is necessary, which is a necessary biological human function. I would say to anyone in this room that in these cases, unless they came up and told you that they identified as transgender, you would never know. A lot of the time, the students actually have very close instincts and it is not our part as parents, grandparents, and the adults in the room to start singling out and segregating the children. I always use the analogy that if you get a couple of children playing in the sandbox, they do not know the difference in color, they do not know anything else, they are just in there to dig holes, fill their buckets with sand, and it usually takes a parent to come along and tell them that the other child is different. I will reemphasize that there has been longstanding, historical, and practical applications of these implemented in California. The part that was not brought up regularly is the fact that there have been no incidents. Schools have gone on about their lives, the quality of life for the students is good, and there have been no issues based on a transgender student going in the wrong restroom.

One final thing that I will emphasize here is that none of this is taken lightly. In the cases that I know of personally, there has been great turmoil, great scrutiny, great evaluation, and a very profound determination of the background of these children. I am not saying that there never could be an exception, but to fabricate this scenario that all of a sudden the guys are going to want to put on dresses and go play in the girl's room—I have never seen it happen. That is more embarrassing for a potential perpetrator than it would be for anyone else. I have never encountered anyone who would want to do that. I oppose A.B. 375 and really encourage everyone in this room to also oppose A.B. 375. [Kimi Cole submitted written testimony (Exhibit P).]

Chairman Hansen:
Thank you for your testimony. I will now close the testimony on the opposition. I will have Melissa Clement and Karen England come back up and they will have five minutes for closing statements.

Karen England:
First of all, let us tie up the issue with the Washoe County School District. Here is a copy of their regulation. One of the school board members was so mad this was not brought before him and done through a regulation that he has now put it on the board agenda for late April. I also spoke at length with their legal counsel. They used an anti-bullying policy to slide in coed restrooms.

I believe that when children are registered at school, they have parents that register them and they fill out all sorts of records; immunizations, whether they are a boy or a girl, et cetera. That is when these things are determined—when parents are involved in registering their children in school. This policy is simple and straightforward.

I met with Kimi and Brock several weeks ago to talk about this bill. I was asked, "Why are you doing this?" and "Why are you bringing this forward?" and "Who are you advocating for?" I want you to know who I am advocating for. I am advocating for all of the students. I believe that this is the best policy that gives the best balance to accommodate all students, kindergarten through twelfth grade, in Nevada public schools.

When you have a biological male that is gender nonconforming, he feels betrayed by biology and he believes himself to be a girl. Whether that child is a sixth grader, eighth grader, or tenth grader and they access the restroom or the locker room of the opposite biological gender and disrobe, they are still biologically a male. Those girls are uncomfortable and I do not believe that being uncomfortable, being modest, and wanting to have privacy in that situation is equal to hate, bullying, or being intolerant. It is natural for children

to want to have their privacy respected. I am encouraging you to support a policy that best accommodates all the students in kindergarten through the twelfth grade in Nevada.

Chairman Hansen:
In concluding the testimony on this bill I have asked our legal analyst, Brad Wilkinson, to address one quick point that was brought up regarding the amendment.

Brad Wilkinson, Committee Counsel:
I just wanted to clarify that the deletion of section 2 of the mock-up bill is not repealing the section of NRS 389.065. It is only removing the provision from the bill that would have amended NRS 389.065.

Chairman Hansen:
We will close the hearing on Assembly Bill 375 and open the hearing on Assembly Bill 405.

Assembly Bill 405: Revises provisions regulating certain abortions. (BDR 40-755)

Melissa Clement, representing Nevada Right to Life:
I am the mother of a teenage daughter and in support of Assembly Bill 405, which provides for parental notification for underage girls seeking an abortion. I must begin with a heartfelt thanks. I did not think I would see this happen as we have waited for 30 years to fix a flaw in the law.

Currently in Nevada, adolescent girls as young as 11 or 12 years of age can obtain an abortion without their parents ever knowing. Imagine you are a parent and your daughter comes home after having an abortion, but you do not know. You are unable to give her any postoperative care that she needs, because you do not know. She has kept it a secret from you. Will she tell you if she has a medical complication? Will she tell you if she is struggling from the psychological impacts? If she regrets it? Is she going to feel like she can talk to you, because it is already a secret? Probably not.

Lack of parental involvement during the decision drives a wedge into families that remains long after the decision is made. A parental notification law is merely common sense—so much so that 38 states have some form of parental involvement law currently in place. Such law simply ensures that a parent or guardian is involved when a girl under the age of 18 seeks an abortion, which is an invasive surgical procedure.

My 16-year-old daughter cannot get a tattoo without my permission, she cannot miss school without permission, and the school nurse cannot give her over-the-counter medications like Benadryl or Tylenol without my approval. As of the last session of the Legislature, she cannot, with or without my permission, use a tanning bed. But she can get an abortion. In the first examples, common sense and erring on the side of caution argue for parental consent. We are not asking the parents to consent; mere notification for a procedure involving anesthesia remains shrouded in secrecy by the state.

Why is there no parental notification law currently in Nevada? Nevadans have long understood the need for such laws. In fact, 30 years ago, in 1985, a bipartisan parental notification bill for underage girls seeking an abortion passed both houses of the Nevada Legislature, 33 to 8 in the Assembly and 18 to 3 in the Senate. It was signed into law by Governor Richard Bryan. This law was immediately challenged by Planned Parenthood and the Reno abortion provider and enjoined by the court. It has never been enforced. In 1991, the United States Court of Appeals for the Ninth Circuit found it unconstitutional in *Glick v. McKay,* 937 F.2d 434 (9th Cir. 1991). Parental notification was not enforced. The Attorney General at the time did not challenge this ruling. In 1995, the Legislature tried to repair the statute but the political climate did not allow it and the effort failed.

In 1997, the U.S. Supreme Court heard the case *Lambert v. Wicklund,* 520 U.S. 292 (1997), a challenge of a similar parental notification law from Montana. The Supreme Court upheld the Montana statute, one that is much like ours. It is clear from reading *Lambert* that the U.S. Supreme Court strongly disagreed with the decision in *Glick* that addressed our statute. I would like to read from the opinion as they reference our statute:

> Despite the fact that *Akron* [*Ohio v. Akron Center for Reproductive Health,* 497 U.S. 502 (1990)] involved a parental notification statute, and *Bellotti* [*Bellotti v. Baird,* 443 U.S. 622 (1979)] involved a parental consent statute; despite the fact that *Akron* involved a statute virtually identical to the Nevada statute at issue in *Glick*; and despite the fact that *Akron* explicitly held that the statute met all of the *Bellotti* requirements, the Ninth Circuit in *Glick* struck down Nevada's parental notification statute as inconsistent with *Bellotti.*

They go on to say, "As should be evident from the foregoing, this decision simply cannot be squared with our decision in *Akron*." Clearly Nevada's previous parental notification law would withstand constitutional scrutiny. The U.S. Supreme Court has said it would and the Court appears to be inviting the state of Nevada to fix it. That is what we are asking you to do today.

Passing A.B. 405 is the most immediate and efficient means of enacting parental notification. Concerns that this bill would be unconstitutional are unfounded. This bill is patterned after the Montana and Minnesota laws and those have been established as constitutional. Assembly Bill 405 is patterned after Minnesota and it requires notification of one parent or guardian and a 48-hour waiting period. It also includes a judicial bypass and a provision in the case of medical emergency. This law does not apply to women 18 years of age and older. I know there has been a lot of confusion because the title of the bill does not tell you what is inside the bill. It sounds like it is changing abortion law in Nevada. All it is doing is placing parents squarely where they should be, involved in a very important decision at a crisis point in their teenager's or preteenager's life.

Adolescents do not know their medical history. Medical care for minors seeking abortions will be improved in three very important ways. First of all, parental notification allows the parents to be involved in choosing the abortion provider and choosing the means of abortion. The second way is that parental notification will ensure parents have the opportunity to provide additional medical history and information to the abortion providers, such as allergies and blood type, prior to the performance of the abortion. Parental notification will also improve medical treatment of pregnant minors by insuring the parents have adequate knowledge to recognize and respond to any postabortion complication that may develop.

We have several cases of girls who were seriously harmed and in some cases killed. In fact, Rachel Eliah was a 17-year-old unmarried high school student who was afraid to tell her parents that she was pregnant. Rachel had an abortion on the advice of a high school counselor without her parents' knowledge. Several days after the abortion, Rachel became quite ill and went to another doctor. Thinking the symptoms were not related, she did not tell the doctor about the abortion. Rachel was left a permanent paraplegic, forced to use a wheelchair from a condition they later found was directly attributable to a postabortion surgical infection. Rachel had not been told that there were alternatives to abortion. Had her parents known their daughter was pregnant, they would have provided her with the alternatives of keeping the child or

placing the child for adoption. Had her parents known of the abortion, they would have questioned the possible connection between the infection and the abortion. I think that is every parent's nightmare. My daughter comes home, I do not know why she is sick, and I cannot help her.

Another thing that is very important to consider is, who are we protecting at this point in the law? Are we protecting predators or are we protecting teenagers and their parents? Lack of parental notification laws protect predators and human traffickers. Without the requirement of notification, abusers can cover up their crime and continue to abuse.

In the last several legislative sessions, you and your colleagues have made human trafficking and the protection and restoration of its youngest victims a primary goal, and you must be commended for it. Here is an opportunity to add significantly to those efforts.

This is a highly popular law. Polls continue to show that a substantial majority of Americans favor parental involvement laws. Pro-choice, pro-life, Democrat, Republican, women, and men recognize the value and necessity of parents' involvement in a major medical decision such as abortion. In fact, a 2011 Gallup poll found 71 percent in favor of parental consent, a much higher standard than what you are considering today. When it is a similar law to what you are considering, that approval goes to 80 percent. Women are more in favor of these kinds of laws than men. We, as women, recognize the importance of being involved in every decision that our daughter makes when it comes to health.

Assembly Bill 405 is not a pro-life or pro-choice bill, and it is not partisan. It is a protection for parents and their most precious gifts, their daughters. Assembly Bill 405 is not controversial. It merely seeks to enact a proven, effective protection that currently exists in a majority of other states. It is time for the state to take action. I cannot take my neighbor's 16-year-old son and get him a tattoo, but that same neighbor can take my 16-year-old daughter and get her an abortion and I would never know.

Kim Guinasso, Private Citizen, Reno, Nevada:
I am an attorney from Reno and for many years had the honor of serving this body in the Legal Division. I am a paid lobbyist, but I am not here to represent any client. I have never testified on a bill before. This bill is extremely important to me. Six months ago, I took my almost 12-year-old daughter to get her ears pierced. I had to provide my photo identification, her birth certificate, and her photo identification to establish she was indeed the child named in the birth certificate and I was indeed her mother. I had to stay in the room and not

look away while her ears were being pierced. At about the same time, I learned that there is no requirement to be notified if someone were to take my daughter for an abortion. I cannot describe to you how appalled I am at that possible situation. Because of the judicial history mentioned by Ms. Clement, essentially the state enables a wedge to be driven between me and my daughter. I cannot imagine why that would be.

This bill is relating to parental obligations and responsibilities, and does not relate to the issue of abortion and whether you are pro-choice or pro-life. One issue I would like to point out very strenuously is that even after a parent is notified and even if the parent is not in favor of the abortion, the girl can still go and obtain the abortion under this bill. There is nothing preventing it.

I would like to quickly go through the bill with you. I have given you a section-by-section analysis (Exhibit Q). I will emphasize that this bill has been very carefully crafted to pass constitutional muster. Sections 1 and 2 are technical language providing that these provisions will go into Chapter 442 of the *Nevada Revised Statutes* (NRS), which governs abortion. Section 3 defines abortion and refers to NRS 442.240. I would like to read to you what that provision provides so you understand what we are talking about: "'[A]bortion' means the termination of a human pregnancy with an intention other than to produce the birth of an infant capable of sustained survival by natural or artificial supportive systems or to remove a dead fetus." We are talking about parents and guardians in the case where a guardian has been appointed. We are talking about minors under 18 years of age, but we are also talking about wards and those who are of a certain mental capacity that is not sufficient for the ward to make her own decision.

Section 5 defines "medical emergency," and this is important because that is one of the exceptions for the notification requirements. Section 6 defines a minor as a person who is less than 18 years of age, and who is not married or has not been judicially declared emancipated. There would be cases of a girl under 18 not having to comply with parental notification requirements if she was married or she was judicially declared emancipated.

Section 7 specifically defines a parent as meaning only one parent. Both parents are not required to be notified. It specifically requires that it is a parent whose rights have not been terminated judicially.

Section 8 defines "petition" and simply refers to a petition filed pursuant to section 13, which is the judicial bypass section. Section 9 defines "ward" as a person who is mentally or intellectually incapacitated.

Sections 10 through 18 set forth the requirements for notifying a parent or guardian when abortion is sought by a pregnant minor or ward. Sections 19 through 23 relate to reporting requirements.

Section 10 makes formal declarations and findings by the Legislature. This is so it is on the record why the Legislature is enacting this legislation. Specifically, it is that a minor or ward who is pregnant may not have the necessary maturity, emotional development, or mental competency to be able to make a knowing and intelligent decision concerning a proposed abortion on her own without the assistance of a parent. This is a difficult, stressful, and often overwhelming decision involving potentially significant short-term and long-term consequences. The provisions of the act are intended to assist a minor or ward who is pregnant with making such overwhelming and life-altering decisions by requiring notification of a parent or guardian and a waiting period of 48 hours in order to encourage and support the minor and to facilitate and foster the involvement of the parent. In other words, the 48 hours is there just to enable the parent time to speak with the child, to determine the best course of action, to do some research, and find out where the best provider would be. Two days is really not very long.

Section 11 is an important provision as it provides direction for the manner in which the sections must be interpreted. It provides specifically that the sections supplement rather than supplant the section of NRS relating to abortion and it provides that the sections must not be interpreted to affect in any way the provisions of NRS 442.250, which is the provision providing the conditions under which an abortion is permitted. It also specifies that the sections must not be interpreted to provide that a physician must notify more than one parent. I am just going to generally say parent, but meaning it as parent or guardian.

Section 12 is the section that specifically prohibits a physician from performing an abortion unless written notice is provided to one parent or guardian and then allowing 48 hours to elapse. It provides that a physician needs to deliver the written notice personally or via certified mail with restricted delivery to protect privacy. It is restricted only to that person with return receipt requested. It also provides that notification is not required if a medical emergency exists, it provides that notification is not required if a parent has already been notified, and it provides notification is not required if there is judicial authorization for the abortion.

Section 13 provides a judicial bypass for the notification. It also establishes protections for anonymity and privacy as does section 14. Sections 15, 16, and 17 govern the procedure for filing a petition, review, and appellate review.

Again, all of these things are specifically designed to be expedited. Rather than saying that these cases have to be heard as soon as possible, there are specific deadlines: within five judicial days, within two judicial days, et cetera.

Sections 19 through 23 are simply reporting requirements. It requires physicians to report information when they conduct abortions under these circumstances, and requires the Division of Public and Behavioral Health of the Department of Health and Human Services to oversee that process, although there are some reporting requirements for the Administrative Office of the Courts so that information concerning the court's involvement is reported.

The other sections are conforming changes. The final section is the repealer of the old provisions requiring parental notification. Finally there is the effective date, which is October 1, 2015, although it is effective upon passage and approval for the purpose of adopting regulations. [Ms. Guinasso submitted the analysis of the bill (Exhibit Q).]

Stacy Mellum, M.D., Physician, Reno, Nevada:
I practice gynecology in Reno, Nevada. I grew up in Carson City. I did my undergraduate work at the University of Nevada, Reno and trained at St. Joseph Hospital in Denver, Colorado. I have delivered around 5,000 babies and have counseled hundreds of women. I support parental consent for minors. I have talked to many women who have had abortions and many of them do very well and are happy with their decision. I have had many where it was a very difficult decision. It is the skeleton in the closet, Do not tell my husband, do not tell my parents. They are struggling with a very simple but profound question, "Did I take the life of my baby?" As a parent—I have a son and three daughters—I would be devastated if they were able to walk down that road alone and not have any input from me on this decision.

Just to give you an anecdotal story, I had a patient who was a 17-year-old young lady who was in her second trimester. She was a very good girl and had great parents, but did not want to tell them. She was ashamed, disappointed, and afraid she would let her parents down. I always encourage my patients to talk to their parents. Their parents almost always are going to be their best friend. I told this girl to please talk to her parents. If I was your father and I found out that you went down this road and I saw the devastation, it would kill me. When you tell me, would I be disappointed? Yes. Would I be angry? Yes. Give me a day and I will be over it and I will be your best friend. We want our parents to be involved in every aspect of their children's lives: their education, sex education, decisions on drugs, their boyfriends or girlfriends, and job decisions. All of a sudden, when it comes to abortion and one of the most profound decisions they can make, we are cut out of the page, which makes

absolutely no moral sense. I would advocate, as a physician, that in 24 years, I have never had to do an abortion for a life-threatening situation. I have come close one time. From a medical perspective and a parent perspective regarding the health of your child, getting the parents involved is a morally sane decision. I advocate this bill.

Assemblyman Thompson:
I think we understand that parents want their daughters to talk to them about these issues, but I want us to keep this real. If a girl cannot or will not talk to her parents, can you really force her to talk to them by passing such a law? Can the proponents of this bill satisfy the needs by proposing to work on the relationship with their daughters? It is all about the relationship. That is the core of it—your relationship with your daughters.

Stacy Mellum:
I agree with the relationship, and sometimes children do have a good relationship, but because of embarrassment, disappointment, and fear of letting their parents down, they do not want to talk to them. I would not want the parents excluded in that decision. Can we force them to talk to their parents? No, we cannot force them to talk, but the doctor cannot legally do abortions unless the parents have been notified. It at least gives the parent the opportunity to give their input, which I think is totally sane. We have to give it in everything else; why would you not give it in this decision? It can have profound implications for the rest of their life, both healthwise and emotionally.

Melissa Clement:
The judicial bypass in the law addresses your very real concern. If it is a situation where a girl fears for her life or for whatever reason she is not able to talk to her parents, a third party can help her through that process. I think it is unfair that we would allow a young girl to walk that very lonely road by herself. We do not ask that of our boys. I am involved in my son's medical decisions.

Assemblyman Thompson:
But it is about relationships.

Melissa Clement:
It is about medical.

Kathleen Miller, representing Nevadans for Life, Las Vegas, Nevada:
I am the founder of Nevadans for Life and a licensed marriage and family therapist. One of the things I deal with as a therapist is women and men who are seeking counseling after having an abortion. The psychological

consequences are long-term and very real. Parental notification as opposed to parental consent is the lowest bar one could ask for. As has already been mentioned, parental consent is required for all other medical procedures. The fact that we had a law on the books for almost 30 years that was not able to be implemented—every time I had a parent come to town who wanted to be involved in their child's life would say that we have a parental notification bill on the books, that they found it in NRS. I would have to tell them that we did not. This has been in effect in 38 states and there is no indication that any pregnant young woman has been harmed by this legislation. Yet parents every day are under the impression that, just like they have to give consent for tattoos, ear piercings, et cetera, they also have to give consent for medical care.

The logic behind the parental notification bill is pretty sound. If you, as a legislative body, felt it necessary—not counting relationships—to pass legislation requiring minor children to get written consent to have any other medical procedure or even nonmedical procedure, then it just makes sense for this bill to be passed. In my practice with women and men who have had abortions, I had one young lady—who has since passed away—who was being molested by her uncle and he took her for her first abortion the day before her twelfth birthday. He told her mother he was taking her to get her birthday present. She subsequently had five abortions and when she turned 18 years old, she left the state in order to get away from this perpetrator. She died at an early age and partly as a consequence of the physical trauma that resulted from the sexual abuse over many years but also as a result of five traumatic surgical procedures that were done on her before she was 18 without her parents ever knowing about it. I urge you to just follow common sense, move this legislation to the full body for a full hearing, and pass this bill for the protection of our children and parental relationships.

Otto Kelly, Executive Director, Crisis Pregnancy Center, Reno, Nevada:
I have been a resident of Nevada for over 40 years and graduated from the University of Nevada, Reno. I support this bill because on a daily basis I see these young ladies coming into our facility in a crisis situation and we see the overwhelming sense of feeling as if they are alone and by themselves. Our desire is to provide as much assistance to them as possible. One of the main things we see lacking is the assistance from a parental perspective. I strongly urge this Committee to consider supporting this bill.

Mechele LaBrie, Center Director, Crisis Pregnancy Center, Reno, Nevada:
In 2014, we met with over 400 abortion clients at our Reno and Fernley centers, and approximately 227 of them were minors. Many are afraid or ashamed to tell their parents, so they choose abortion. They do not have the mental capacity to be able to weigh the situation they are faced with or even to

comprehend that they may have to deal with the long-term effects of the choice to abort. Young people already have the mindset that it will not happen to them, yet they are sitting in front of me with a positive pregnancy test. They cannot foresee future problems or even fathom the heartfelt pain or any physical consequences they may experience if they have an abortion.

I met with a high school couple who were considering abortion and encouraged them to talk to their parents first. A couple of weeks later, the young man called me wanting to know if he could make an appointment with me because he was hurting and needed to talk. They had made the decision to abort, yet he told me he could not stand to look at his girlfriend or be around her because she reminded him that they killed their baby. Another client was 15 years old and abortion-minded and did not think she could be pregnant because she did not do enough to be pregnant. They had to walk through the situation with her because she could not identify if she really had sex.

The vast majority of women we see at the center regret having an abortion and say they would never do it again. They really did not know what they were doing, did not know the lasting consequences, and did not realize how it was going to change everything. At the age of 50, a client went through our postabortion counseling and education program and told us that she was pregnant as a teenager, had an abortion, and could never have children again. She stated that she killed the only baby she could have had. A client was pregnant at 16 years old and said the only reason she did not have an abortion was because she told her parents and to this day she is very glad she spoke with them. Physical maturity happens no matter what, but emotional maturity takes time and needs the instruction of parents.

Chairman Hansen:
Before we go on to questions, I want to thank both of you for what you are doing for the people who are struggling in these situations.

Assemblyman Elliot T. Anderson:
My question is for Ms. Miller. I want to direct your attention to section 5 of the bill that includes a definition of a medical emergency, which ties into section 12 that does not require notification in a medical emergency. The way I read it, it looks different than our existing statutes on consent and parental involvement. *Nevada Revised Statutes* 129.030, subsection 1, paragraph (d) specifically leaves the judgment of what constitutes a medical emergency to the physician. It is appropriate because you are a marriage and family therapist. The definition of a medical emergency explicitly gets rid of psychological, mental, or emotional conditions. As a counseling professional, you know this can have a huge effect on a person. The mind is a powerful thing. I am wondering why should we,

as a Legislature, in contradiction to other laws for other types of procedures, substitute our judgment of what is a medical emergency for the judgement of professionals?

Kathleen Miller:
I do not have the bill in front of me.

Chairman Hansen:
Ms. Miller, we will have someone address the legal portion of the question later, but go ahead and answer if you would like to address the general philosophy behind the question.

Kathleen Miller:
As a marriage and family therapist, our philosophy is assistance. Something that impacts one person in the family impacts the entire family. Think of an alcoholic, addict, or someone with cancer. It impacts the entire family. I am not sure exactly what you were getting at with your question. My understanding of the psychological problems is that a parent guiding a daughter who is in a crisis pregnancy is not going to cause psychological damage. In my years of practice, I have never dealt with someone whose parental involvement in a young person's pregnancy has caused psychological damage. The combination of the physician and a family therapist would welcome, in almost all instances, the input of the family. The judicial bypass is there for those few instances where that is not the case. Does that answer your question, sir?

Assemblyman Elliot T. Anderson:
Just to clarify, I would just say I know children who have extremely bad relationships and the parents are the problem in some cases. I think most parents are very good parents and, as Dr. Mellum said, they should talk about these things. I just worry about those situations—the small 10 percent—where there is a crisis and the physician needs to use his judgment, which is contemplated for every other medical procedure under NRS 129.030, subsection 1, paragraph (d).

Desiree Davis, Private Citizen, Reno, Nevada:
I am an older sister and aunt of three nieces or nephews that were never born due to underage abortion. Unbeknownst to my family or me, my sister had three abortions during her sophomore and junior years of high school. It was not until several years later that this was revealed to us. It was not by my sister's choice, but it was after an angry encounter with the aborted infants' father that we came to know.

My point in telling you these details is to show that there is no good way for this to be exposed. It is always heartbreaking. Even if she was able to tell us on her own terms in her own way, it would have been devastating. We had to grasp not only that there were three absent members of our family, three people that we will never get the opportunity to know and love, but also that my sister had been carrying this burden alone in emotional turmoil for years. These girls, like my sister, are so young. My sister was unable to see past her current situation and wanted what she thought would be a quick fix. It was anything but a quick fix. [Ms. Davis continued to read from written testimony (Exhibit R).]

Chairman Hansen:
Thank you for sharing that from your family. I am sorry we have to bring those things to the public, but I think it is very important that people see the real side of these issues.

Rosie Tillis, Private Citizen, Reno, Nevada:
I am a teacher and mother of three children, one boy and two girls. I am here to express my support for A.B. 405. As a middle school teacher, I deal with children on the younger side of adolescence. Their maturity level is still that of a child, preferring the guidance of an adult to that of full responsibility. Their state of development physically and emotionally does not prepare them to make life-changing decisions independently. As a mother of two young girls, I am concerned because I know that at this young age they need their family's support. Having parental advice and support is vital. Parents not being notified at this critical point in a young girl's life is detrimental to her and could have lifelong consequences.

Chairman Hansen:
We will now open the hearing up to the opposition testimony.

Robyn Mazy, Private Citizen, Reno, Nevada:
I am here to oppose A.B. 405 as written. I have two short stories to share. One is from a friend of mine, who is now 71 years old. When she was in high school, she had a friend who was afraid to tell her parents that she was pregnant. At that time there were no abortions or legal birth control. Therefore, she used a coat hanger and attempted to abort the fetus herself. She could no longer have children and has regretted that decision. The second story is about another friend, who is a juvenile diabetic. After being in a two- to three-year-long relationship she found herself pregnant. She medically cannot have children. She came to me and not her mother.

We called the clinic together and made the appointment together. When she was admitted to the hospital, they found that her sugar levels were out of whack. For those of you who know about diabetes, her levels were in the high 400s and in the low 60s and 80s. The pregnancy was literally killing her. They had to admit her to the hospital and wait until her blood sugars leveled out for them to do the abortion. A 48-hour waiting period would have killed her. I would be talking to a tombstone instead of my best friend today. She has not regretted the decision to get the abortion, although she wishes there was more money for medical research so that she could have a child someday.

As a parent, I have two daughters. I have many nieces and nephews; I have sisters and cousins. I am not afraid of my child not telling me because I have told them that they can come to me for anything, including pregnancy and abortion. I have told my eight-year-old that when she becomes pregnant, whether it is in her teens or adulthood, she can come to me. If you are afraid of your child not telling you something, you need to tell them yourself that they can come to you about anything. That is what this comes down to. Yes, we want our child to come to us and tell us what they are choosing and what is going on, but we have to open that door and let them know that we are here to help them. Without them being told, they may not know.

My mother and father were drug abusers. I was not able to tell them until I was 16 years old that I was sexually abused when I was 8 years old. I was not able to tell my father and he died without knowing. Again, I did not tell my mother or grandmother until I was between 16 and 18 years old. I knew when I was a teenager that I could not go to my mother for most things and had to raise myself. Having to tell my mother if I had to go to the doctor to get an abortion or sexually transmitted disease testing would have devastated the home. I do not know now if she would have kicked me out of the house or not, but that was my fear because we did not have a good relationship. I know too many that have a relationship with their parents that if they were to come to them they would be kicked out of the house. This bill passing, although yes, we want our children to come to us, I think it would cause more damage. Again, I plead to many parents, if you are afraid of your child not coming to you, you need to open that door and let them know they can come to you.

Erin Miller, Private Citizen, Reno, Nevada:
I submit my testimony in opposition to A.B. 405. The topic of parental notification is very involved and incredibly nuanced. Taken at face value, it seems like a good idea that will serve to benefit the children in question.

However, looking deeper into this issue, many problems become apparent: the health and safety of the minor involved, the right of a pregnant person to retain bodily autonomy, and the fact that this bill underestimates the difficult position a pregnant teenager is in. These main issues are what I will be covering today.

In regard to health and safety, I would like to emphasize that I mean both the emotional and physical well-being of the minor involved. The nature of this bill does not allow much consideration to families of nontraditional backgrounds. Take Kiera, for example, a 17-year-old girl living in Florida, a state that has passed legislation similar to that of A.B. 405. Her legal guardian was her mentally unstable mother. Kiera lived in constant fear of her mother kicking her out of her house should her mother find out that Kiera was pregnant. Kiera's situation is not unique, and is not the only case where children will end up without a legal guardian to grant permission for an abortion. This forces girls to seek permission from a judge to get an abortion, which is a daunting task for anyone, let alone a teenager without a support system. [Ms. Miller continued to read from written testimony (Exhibit S).]

Kathleen J. England, Attorney, Las Vegas, Nevada:
I have been active in regard to reproductive rights and appeared before many legislative committees. I am here to talk about the judicial bypass and the legal impediments that otherwise might be presented to a young woman who is faced with one of the most difficult decisions that she will make.

The problem with this bill is similar to the issues that we have been enjoined by the Ninth Circuit Court for so long. First and foremost, without talking about the implications, we are placing the decision in the hands of government, essentially a judge, to make a decision about whether that young woman can have an abortion with or without notifying her parents.

More importantly, the fact that the access to the legal system for a young woman of 16 or 17 years of age would be daunting and virtually inaccessible. The implications on the court system are difficult as well. If you look at the timing in all of the bills, if the decision were made and the appeal was taken up to the Nevada Supreme Court, it would take a minimum of a month for the young woman to ultimately get a decision. I think the bill sponsors were trying to fix what was already an unconstitutional bill, which did not require the decision to be made.

A young woman is entitled to file confidentially. In the Eighth Judicial District Court, there is a very small court clerk's office and it would be virtually impossible to confidentially file something in person. Under this bill, that young woman is also entitled to ask for legal counsel. She has to be told that she is

entitled to ask for legal counsel. If she asks for it, the court clerk is going to have to figure out how to get her an attorney and in a very confidential way. Within five judicial days of her filing that allegedly confidential petition and the court clerk securing her legal counsel if she wants it, a judge has to schedule a hearing. Five judicial days means a week. Within two days of the court scheduling the hearing and adjudicating it under the standards that are in this statute, which require some findings, the judge is to issue a decision. If she is denied the right not to have parental notification, she then has five judicial days to file a notice of appeal with the district court. Upon filing that notice of appeal, the district court has to perfect the appeal and send it to the Nevada Supreme Court. The Nevada Supreme Court then has to put aside all of its other business, just as the district court has had to put aside all of its other business, and within five judicial days, they are supposed to hold a hearing on the denial of the notification.

If this sounds complicated, it is. Imagine if you were not in the Eighth Judicial District, which is Clark County, but perhaps you were in Ely or Elko where there are only two judges, and perhaps those judges are heavily involved in community activities and may need to recuse themselves from this decision about whether to notify a minor's parents because he or she knows the parents. A new judge would have to be brought in from a different judicial district, once again delaying this process, which at best can only be accomplished in about a month. What does that month mean? That month means that a young woman has been denied the right to safe, inexpensive medical care, and she is possibly forced to go into her second trimester, which is a more difficult procedure for her and her health.

Requiring a young woman to go through this process implicates a lot of other things. The courts are not prepared to handle these kinds of matters. The Nevada Supreme Court would have to step up to the plate and require that they do. It would put an incredible burden on our already overburdened courts to make decisions they do not want to make. Committing these kinds of decisions to judges as to whether or not a young woman's testimony that she tells the judge why she does not want to tell her parents, and whether that is a good enough reason for that judge to decide that she does not have to tell her parents, is exactly the kind of government interference that the Nevada voters voted on many years ago [1990] when they passed Question 7. They embodied our then-existing abortion statute into law and made it impossible for this legislative body to change it. The Nevada voters spoke very clearly. They believe the government should not be involved.

We applaud the idea that everyone wants to have their child come to them. Everyone wants great parental involvement and wonderful parents to be involved in every imaginable opportunity with their children. This bill is designed to implicate, harm, and make it unsafe for those young women who believe they do not have that kind of relationship. You need only look at yesterday's front page of the *Las Vegas Review-Journal* to see a family that is so dysfunctional that a young teenager whose stepfather impregnated her, left her home, one child is dead, the mother is with the stepfather, and now the teenager has been arrested. That young woman, who apparently was not allowed to leave the house, would not have been allowed to secure medical care much less an abortion without going through this judicial aspect. She could not call 9-1-1, so for us to think that a law can now make better parental involvement in children's life-altering decisions is very naïve.

Assemblyman Ohrenschall:
Under section 13, the judicial bypass, say you have a 15- or 16-year-old girl and there is an active abuse and neglect case against her parents. Maybe she is at Child Haven or living in a group home and she is pregnant and wants an abortion. The way I am reading this bill, she would either have to notify the parents against whom there is an active abuse and neglect case, or she would have to get to the courthouse to file the correct paperwork. My experience in court and in talking to people who are trying to file actions in small claims court or family court, is that adults are intimidated by the process. They are confused, and lucky if they can get some help. Often they make mistakes when they have to file on their own. I am a little concerned about how a teenager would be able to get to the courthouse and do this, especially if there is an abuse and neglect case against the parents.

Kathleen England:
What you have pointed out is exactly right. This is an overly simplistic and naïve addressing of a problem that we cannot solve by legislation. As you pointed out, how does the young woman get from Child Haven to the courthouse? I am more concerned about the woman who is in Elko, Ely, or Winnemucca. If you need to go to the courthouse, the clerk's office is only open from 8 a.m. to 5 p.m. Would that be an excused absence from the school district? You have to disclose the reason you are taking time off from school. Not only would she have to take the time off from school to go down and file, but then within seven days, the judge is going to ask her to come in and testify and have the court hearing. There is no exception if there is an ongoing abuse or neglect investigation occurring. There are very elaborate notification periods—some of the notifications have to be sent as a return receipt requested. If she filed confidentially, the post office would send her a note saying that this is waiting for her at the post office. So if the young woman is being notified

about what her court decision is, she will now have to take another day off from school to go down to the post office. If she did not file confidentially, that mail from the courthouse would go to her house where her parents would probably see it. As well-meaning as it might be, it is impossible to attach the confidentiality that this young woman is entitled to. The anecdotal stories that we have heard here, the heartbreak of unplanned pregnancies and having abortions, it is very touching to everyone. This process would be impossible.

Assemblywoman Seaman:
You mentioned in your testimony that this bill is a government interference. You do not think this bill would take out the government interference. Would we not be giving back a parent's fundamental right to care for their children, especially being notified when they are undergoing a very invasive surgery? I am seeing this bill as getting government out of the way and allowing parents to have their fundamental right to take care of their children.

Kathleen England:
Thank you for that observation. If we simply left our statute alone the way the electorate passed it, it keeps the government out of it, period, and end of discussion. That is what the voters of Nevada said. This is an encroachment and is putting up barriers by constitutionally offering a judicial bypass, which engenders government interference. This means a judge is going to make the decision about whether a parent is going to be notified.

Assemblywoman Diaz:
As this law is crafted, will it overregulate doctors performing abortions? Will it make it more onerous and more of a liability on them? I am concerned that many of them will not want to perform abortions anymore. This may force young women to seek an abortion in unsafe conditions, which I think would put their lives at greater harm. I am reading provisions about how parents can bring actions upon the doctors. I am thinking we want the parents to be informed but at the same time we want to make sure our young women are safe. What are your thoughts?

Kathleen England:
It does seem to do that. I think it was Assemblyman Anderson who pointed out that this bill would remove the specifically designated exceptions that are recognized as medical emergencies. In fact, this bill says that a physician is not allowed to consider psychological, mental, emotional conditions, events, or claims that a young woman would engage in self-destructive or suicidal behavior. It specifically indicates to a physician that they are not allowed to do that. Similarly, it burdens a physician by the notification requirements. It is indicating that the physician has to do personal service or hand the notice

directly to the parent. It makes it all the more difficult for the physician. Their patient is that young woman in front of them. This makes it far more burdensome for abortion providers to provide the care they deem appropriate and that they are being asked to provide.

Assemblyman Gardner:
We have heard several bills in our Committee this session about the development of teenage brains and how they are prone to not consider the long-term consequences. One of my concerns, by not having parental notification, is that you have someone who has been proven by medical fact to not be thinking about those long-term consequences just by the development of the prefrontal lobe. I am concerned that we may be doing them harm, especially when they are minors. They are under the obligation of their parents. Their parents are liable for the things they do. With that understanding—which is, in fact, not debatable—why would you oppose the request that there be a parent involved?

Kathleen England:
We are talking about a law that is attempting to do that which we would hope would always occur, which is that there would be parental guidance. We cannot legislate that people be good parents. We cannot legislate that they have great relationships with their children. We cannot legislate that they would step into the teenage brain and understand what this young woman is facing when she is deciding whether or not to have an abortion or to carry the pregnancy. There are wanton consequences admittedly; everyone knows that. That is why we need to provide other services, such as Planned Parenthood services and crisis pregnancy services, which support the young woman and offer her good, appropriate, scientifically and medically accurate information. This legislation does not do that. It does not require the parent to get her medically accurate and scientifically appropriate care. That is because we cannot legislate how we parent. That is what we are saying. We think it is better because there is a small portion of these young women who will be very seriously harmed if a parent is told. Those are the young women we are trying to protect. She will be harmed by that parent or she will have to undergo a judicial bypass, which will take so long that she herself will be harmed.

Chairman Hansen:
There are 38 states that have similar laws to what we have here in Nevada. I am looking at statistics from Minnesota. After the passage of this law, there was a dramatic decline in the number of abortions. Is there any statistic showing that there was a dramatic rise in the number of young ladies who were abused by their parents after the passage of one of these laws?

Kathleen England:
It would be difficult to collect those statistics. I would beg to differ; I do not believe there are 38 states that have parental notification. I can certainly make sure that my representations are correct.

Chairman Hansen:
I stand corrected; you are right. Thirty-eight states require parental involvement, 21 states require parental consent, and 12 require parental notification. The one that is almost identical to our law is Minnesota. We are talking about hypothetical children being abused if they go to their parents and tell them they are pregnant. This statistic clearly shows a dramatic drop in the number of abortions. Is there a corresponding rise in the number of child abuse cases?

Kathleen England:
There are not. That is not a statistic that is tracked. What we are talking about is something that is very nuanced. Whether a young woman commits suicide because she was denied an abortion in a state where she could not get one or did not want her parents to be told, or her father is the father, we do not track any of those statistics.

Chairman Hansen:
I am sorry to interrupt, but child abuse cases are criminal matters so they are tracked. If there is a report of child abuse, that is something to get arrested for. There has to be some evidence somewhere that you see a rise when you see these kinds of laws passed if, in fact, that is the case.

Kathleen England:
I was looking at the Minnesota and Montana statistics that were offered. Neither of those states have an abortion statute similar to ours, which is very clear and allows no interference up to the 24th week of pregnancy. The overriding is the *Bellotti* decision by the U.S. Supreme Court with the four *Bellotti* factors as to parental notification. I think the statistics you might look at are the ones from Massachusetts. The most recent collection of statistics in Massachusetts are the young women that access the judicial bypass and the reasons given therefore. I think that might be the best evidence that these laws perhaps do not accomplish what we would all like them to accomplish, which is that no young woman ever gets pregnant unless she wants to be and that no parent who is a responsible parent is shut out from decision-making. But we cannot legislate that. If we could wave that magic legislative wand, I know you would and I would too.

Laura Deitsch, Private Citizen, Las Vegas, Nevada:
Assembly Bill 405 is not only unnecessary but it is dangerous and creates obstacles in already trying situations. The week before I started ninth grade and was 13 years old, my sister had a party when my parents were out of town. At the party, in my twin bed, a 19-year-old former high school wrestler raped me. This was 1984. We did not call it rape then; it was a different time. Rape was something that happened down a dark alley with a knife to your throat, not in your bedroom while your older sister was in another room.

The following week I started high school and confided in some friends. I still did not call it rape. I just knew that pregnancy was a real risk. I waited impatiently for eight weeks for my period to come, a sign I knew would point to me not being pregnant—a fact I learned about in my eighth grade health class the year before. During those eight weeks, I investigated abortion centers. I learned the address, the cost, and some things about the procedure. I was 13. I was scared but resolute.

I am so glad I did not need to access those services, because I did not even know the words to describe what had happened to me. I was sure I had done something wrong and that it was my fault and that my parents would kill me. The only sex education I received at home was that if I ever got pregnant, my mother would "break my legs." She will say now that she was kidding but I did not know that then. I could have handled the situation by myself then but luckily I did not have to. Four years later, when I started college at 17 years old, my mother went with me to the Gainesville Women's Health Center and I received my first pack of birth control pills with the instruction to start taking them the first Sunday of my period, again, a time frame familiar to me from my high school health class. I waited for that first Sunday of my period, but it did not come. A few weeks went by, my mother was back in West Palm Beach, and I drove myself to that same clinic and took a pregnancy test. It was positive. I was 17, attending college, and five hours from home. I knew immediately what I wanted to do and was fully prepared to do it. I scheduled my abortion for two weeks later, called my boyfriend, and waited. I got the abortion, went back to my schoolwork, and went on with my life. Not only do I not regret my abortion, I celebrate it every August 2. It gives me the life that I have now.

When I was 35, I ended up telling my parents both of these stories. They had never known about either of them. They never questioned why I was so passionate about working in reproductive health and teaching children how to be safe and being the trusted adult that I did not have when I was a child. They finally understood, apologized, and were sad because they knew they could have and should have done better. But it was a different time. They absolutely

supported me in my choices and never suggested that I needed their help or permission. They knew I was smart enough to make the decisions that were best for me. They trusted me.

I would like to say that I cannot imagine what would have happened to 13-year-old me had I been pregnant, but I actually can. I lived that for nearly 15 years as an educator at Planned Parenthood watching girls grapple with that very question. My parents were white, religious, married, upper-middle-class people who loved me and took amazing care of me. I still could not tell them what was going on. I have watched scores of girls over the years come from much more dysfunctional households, sometimes full of abuse, poverty, and addiction. Did I encourage them to reach out to a trusted adult to help them? Of course I did. Every single time I pleaded with them. I offered to help break the news. But if they insisted that there was no one, no trusted adult to help them, then we proceeded. We honored their wishes and trusted them. What I cannot imagine is having to tell them that they must tell a parent or a judge in order to get the care they want and need. I do not know how I would have handled that. I just always remembered my 13-year-old self and knew I would never have been able to handle someone making that decision for me back then. Do not do it to these girls now. It is not your place; it is not your choice. Do not pass A.B. 405. [Ms. Deitsch submitted written testimony (Exhibit T).]

Kristina Trejo, Health Center Manager, Planned Parenthood of Southern Nevada: Planned Parenthood of Southern Nevada provides preventive and reproductive health care to both women and men. As a health care provider, I see firsthand how important it is for women to have access to accurate information and full support in making their decision. Every day we make sure women who come to our health centers have that. Assembly Bill 405 is an unnecessary bill that will do nothing to protect women. I strongly oppose A.B. 405. We all want women to have the information and support they need to make careful, considered decisions about pregnancy.

We provide counseling and information to every woman regarding all her options. Most of our patients are over 18 years of age but when a young woman under the age of 18 comes into our center, we encourage them to include their parents in their decision. Indeed, the majority of young women do include one or both of their parents. According to a national study, a mere 19 percent of young women do not include their parents in their decision. There are a variety of reasons why some young women cannot talk to their families about their pregnancies. Forcing them to do so is unnecessary and delays access to safe and legal health care, and puts them in danger.

I understand the Legislature's desire to make sure young women are not making a decision to terminate a pregnancy lightly, and that they are talking over their decision with a trusted adult. Any responsible medical provider can and does serve this role.

At Planned Parenthood, when a young woman comes in to discuss her pregnancy options, we sit down with her and explain all her options—parenting, adoption, or abortion. We make sure she has medically accurate information and we patiently answer any questions she has. Prior to providing abortion care, we always make sure the patient understands the abortion procedure and is confident in her decision. We ask the patient if she has the support of family and friends. We provide counseling referrals to any patient who needs them. We also make sure that a young woman is not being abused or coerced into having an abortion. We report all instances of abuse immediately to the police. Women need to talk to a medical provider about their pregnancy options, not a judge. There is no medical reason to deny this care to women of need.

I would like to conclude with a story about a patient a local provider recently took care of. A young girl who I will call Donna came in and seemed particularly distraught. She was 17 years old. She had just broken up with her boyfriend and discovered she was pregnant. She lived alone with her father because her mother had just died of cancer. Her father was abusive and when I asked her if she could talk to him about this decision and mentioned how parental notification could be part of Nevada's future, she said, "No way. I would just kill myself if that was my only option." Stories like this are all too common. We need to protect young women and make sure that they have access to safe and legal health care. Please vote no on A.B. 405. [Ms. Trejo submitted written testimony (Exhibit U).]

Yesenia Valencia, Private Citizen, Las Vegas, Nevada:
I will be very brief because everyone already covered all the points I wanted to make. I commend everyone for wanting parents to be involved in their child's life but, unfortunately, youth like myself do not have caring parents who they can go and talk to. Maybe their parents are emotionally unstable. Every time I was upset or crying, my parents would tell me to be quiet or they would give me a reason to cry. They would never ask me what was wrong, so I never felt comfortable confiding in them.

I know the bill says that it intends to facilitate and foster the involvement of the parent or guardian but laws cannot do that. It is up to the parents to let their child know from the beginning that they must make healthy choices about their body, but if they happen to make a human mistake, they can come forward and talk to them about the mistake they made so they can make

informed decisions. They can also let them know that they may be angry but they will help them down that road. For someone who is deemed emotionally unable to make decisions about their own body, how can they make those decisions to raise another life? The people who cannot get parental consent are already going through this emotional and psychological trauma and to add on top of that, all the legal hurdles they would have to go through, which are very complex. Even adults have difficulty understanding the process. I agree with the intention of this bill. I wish parents were more involved in their children's lives, but that is not the reality in all cases.

Chairman Hansen:
That is going to wrap up the opposition testimony at this time. I have one quick legal question. Mr. Kevin Powers from the Legislative Counsel Bureau, was there anything unconstitutional on this? I want to get it on the record regarding this bill.

Kevin Powers, Chief Litigation Counsel, Legislative Counsel Bureau:
Given the nature of the controversy, I want to emphasize that the Legislative Counsel Bureau is a nonpartisan legal agency. We are tasked with drafting legislation in a constitutional manner. We reviewed all U.S. Supreme Court decisions relating to these issues. We also reviewed all Ninth Circuit Court of Appeals decisions regarding these issues. From our research, the Ninth Circuit Court has the most stringent requirements for these types of judicial notification laws. We took all of those decisions into consideration in drafting this piece of legislation, and it is the opinion of this office that this legislation is facially constitutional and will withstand constitutional scrutiny even before the Ninth Circuit Court of Appeals.

Chairman Hansen:
With that, we will bring up the original spokesperson for the bill, Ms. Clement.

Melissa Clement:
Parental notification involves parents in a crisis decision, the kind of situation that all of us as parents think about almost every day. It can happen to everybody. Every family is touched with this issue. Every family is also touched by abortion and by the physical and psychological effects. The difference between adult women who make that choice and a 12-year-old is great. It is an established fact that teenagers do not have the decision-making ability of an adult. In fact, we have testimony and many amicus briefs in court cases on capital punishment and life sentences for juveniles.

One of the reasons why the Supreme Court made that illegal and unacceptable was because juveniles are seen as not being able to see the long-range consequences of decisions they make today under pressure. As parents, I would urge you all to support this. This brings down teen pregnancy rates, and it brings down all those metrics. I have sat through many committee meetings where you really grapple with how do we bring the teen pregnancy rate down? How do we bring the abortion rate down? This is a proven method of doing it. It is done in over half the states and we have two decades' worth of experience in those states in order to address the very real concerns the opponents have.

Chairman Hansen:
I would like to thank everyone for the civility that was displayed today with these highly emotionally charged issues. I will now close the hearing on A.B. 405. We will go into recess and will return on the call of the Chair

[The Committee recessed at 10:59 a.m. and reconvened at 5:44 p.m.]

We are back from a recess; this is the work session. As Chair of the Assembly Committee on Judiciary, I am discharging the subcommittee that I created on homeowners' associations. This will allow the full Committee to consider any bills that were under the purview of the subcommittee. Thank you very much for your excellent work on that. It takes a lot of time.

We are going to start with the very first bill we heard this morning.

Assembly Bill 375: Revises certain provisions concerning public schools. (BDR 34-806)

Diane Thornton, Committee Policy Analyst:
Assembly Bill 375 revises certain provisions concerning public schools. It was sponsored by Assemblywoman Dooling and Senator Hammond and was heard in Committee earlier today. This bill requires that any school facility in a public school, including a restroom, locker room, or shower which is designated for use by persons of one biological sex must only be used by persons of that biological sex, as determined at birth. The bill requires a public school to provide separate, private areas designated for use by pupils based on their biological sex for any school facility where pupils may be in a state of undress in the presence of other pupils. The bill provides that such a course [course of instruction on AIDS and the human reproductive system] may not be offered to pupils in kindergarten to grade 6, inclusive, and also requires that such a course may be taught only by a teacher or nurse employed full-time by the school district and no other person or entity may assist in teaching the course.

There is an amendment offered by Assemblywoman Dooling. This would delete section 2 of the bill and would delete the education requirements of the bill (Exhibit V).

Chairman Hansen:
I will entertain a motion on A.B. 375 as amended by the recommendation of the sponsor.

> ASSEMBLYMAN TROWBRIDGE MOVED TO AMEND AND DO PASS ASSEMBLY BILL 375.
>
> ASSEMBLYMAN GARDNER SECONDED THE MOTION.

Assemblyman Araujo:
I am disappointed that we are voting on this measure today. I want to go on the record that I will be voting no on this piece of legislation because I feel it genuinely targets one population of students and makes them feel ostracized. It makes them feel like "others" in a society where we should be supporting our youth. I do not think this bill in any way serves the intent that it is being described as serving. I urge the body to please vote no on this bill.

Assemblyman O'Neill:
I will be voting yes on this bill; however, I would like to reserve my right to change my vote on the floor. I am really disappointed that the local school boards did not step up to do their work. I would like to hear more from them, but I know it is a deadline and we have to get this bill out so it can be further discussed and corrected.

Assemblyman Ohrenschall:
I am going to be voting no. Assemblyman O'Neill brought up a good point. At the hearing today, I did not hear from school boards. I did not hear about a problem. I think there are laws on the books in terms of any kind of inappropriate activity that might happen at a school. I agree with Assemblyman Araujo that these kinds of policies are going to make those teenage years even harder for some kids. I am really worried about the unintended consequences. I mentioned the data we have about how high our rate of teen suicide is in this state versus the rest of the country. I am very concerned about what kind of effects policies like this are going to have.

Chairman Hansen:
Is there any further discussion? [There was none.]

THE MOTION PASSED. (ASSEMBLYMEN ELLIOT T. ANDERSON, ARAUJO, DIAZ, AND OHRENSCHALL VOTED NO. ASSEMBLYMAN THOMPSON WAS ABSENT FOR THE VOTE.)

Assemblywoman Dooling will do the floor statement.

Assembly Bill 405: Revises provisions regulating certain abortions. (BDR 40-755)

Diane Thornton, Committee Policy Analyst:
Assembly Bill 405 revises provisions regulating certain abortions. This bill was sponsored by Assemblyman Hambrick and was heard in Committee earlier today. This bill revises requirements for notification of a parent or guardian under certain circumstances before a physician performs an abortion. The bill provides expedited procedures for petitioning a court for judicial authorization and adds certain reporting requirements. There is a proposed amendment to delete the reporting requirements in sections 19 through 23 (Exhibit W).

Chairman Hansen:
I will entertain a motion to amend and do pass.

ASSEMBLYMAN GARDNER MOVED TO AMEND AND DO PASS ASSEMBLY BILL 405.

ASSEMBLYMAN JONES SECONDED THE MOTION.

Assemblywoman Diaz:
I just want to reiterate my stance from earlier this morning that I think instead of helping our young women make a decision—a decision that may not be forced upon them—we are going to force them to seek clandestine abortion clinics and put their lives at risk. We are taking away a right that has already been established through *Roe v. Wade* [410 U.S. 113 (1973)].

Assemblyman Ohrenschall:
I will be voting no on this bill. Ms. England talked about how you cannot legislate loving parents and you cannot legislate a good relationship between parents and their children. I work in the juvenile justice arena and, unfortunately, I meet many children who have been kicked out of their house by their parents and end up couch surfing, becoming victimized, and falling into all sorts of trouble with drugs and crime. Unfortunately, there are a lot of families out there with a lot of issues. I am just concerned about what this bill is going to do when this unfortunate situation is happening to a teenage girl. I know there is the judicial bypass, but have you ever walked into a courthouse and

watched adults trying to figure out how to file something in small claims court or a consideration for custody in family court? They are confused and intimidated by the legal process. Regarding the idea that a teenage girl who already has a major crisis in her life is going to be able to go to the courthouse and even get that first step done in terms of getting the petition filed, I think what is going to happen is you are going to have a number of teenage girls that will run away rather than go through the notification process. They will not be on the radar and will be vulnerable to all sorts of bad elements.

Earlier there was testimony that there is no provision for parents who have a Child Protective Services case against them. I think we are going to see a lot of unintended consequences with this bill. I think in the ideal world every parent would be a loving parent and have a great relationship with their daughter. Unfortunately, we live in the real world and I do not think A.B. 405 is going to make that happen. I urge its defeat.

Assemblyman Gardner:
I am in support of the bill and I think it is high time that we get with the times. There are 38 states that have either consent or notification laws. As far as I know, in those states they have not had a massive loss of life. I have not seen a huge number of killings. I think there is a lot of exaggeration coming from the opponents of this bill. It has been tried for decades in a lot of these other states and none of these apocalyptic kind of ideas have actually happened. I am in support of this bill and I ask you to be in support as well.

Assemblyman O'Neill:
I will be voting for this bill and part of the reason is because of what Assemblyman Ohrenschall and Assemblyman Gardner said. We have to get this bill moving. I am sorry that it came up so late in the session. We really did not have a full discussion. I think there are still things to do on it. I am happy that we took the reporting out of it and I am looking for further discussion to really refine this bill. The intent is there that we involve parents with their children on these decisions. The child can still go forward with the abortion. It is her choice, but we have to move this bill so we can continue the conversation.

Chairman Hansen:
There were a lot of hypotheticals thrown out and to follow up with what Assemblyman Gardner said, I actually did look at several states that have very similar laws. These laws have been on the books for a while, and what you see in those states is a dramatic drop in the abortion rate. You see no increase in domestic abuse. So many of the fears that if a girl has to tell her parents that you are going to see a spike in beatings or whatever is just not there.

If we look at the hard evidence rather than the hypotheticals, this bill stands head and shoulders above the concerns. Also, you should note that the sections we removed—sections 17 through 23—removed the fiscal note, so this bill does not need to go to the Assembly Committee on Ways and Means. With that, I will call for a vote.

> THE MOTION PASSED. (ASSEMBLYMEN ELLIOT T. ANDERSON, ARAUJO, DIAZ, AND OHRENSCHALL VOTED NO. ASSEMBLYMAN THOMPSON WAS ABSENT FOR THE VOTE.)

Assemblyman Nelson will do the floor statement.

Assembly Bill 193: Makes various changes relating to criminal procedure. (BDR 14-911)

Diane Thornton, Committee Policy Analyst:
Assembly Bill 193 makes various changes relating to criminal procedure. It was sponsored by this Committee and heard on April 3, 2015. The bill revises provisions governing the waiver of a preliminary examination. The measure requires the magistrate to ask the defendant whether they are waiving the preliminary examination in order to face the original charge or as part of a plea agreement. Certain conditions apply if the waiver is part of a plea agreement. If the magistrate accepts the plea agreement, a presentence investigation and report are requested and a sentencing date must be set in district court. Hearsay evidence and unlawfully acquired evidence is admissible at a preliminary examination and grand jury, and probable cause may rest solely on hearsay evidence. The bill requires the defendant to be present at a preliminary hearing (Exhibit X). Assemblyman Hansen has proposed a conceptual amendment (Exhibit Y) and our legal counsel, Brad Wilkinson, will go over that.

Brad Wilkinson, Committee Counsel:
The revised proposed conceptual amendment for A.B. 193 would revise the bill to include only the following provisions: (1) it would allow the use of audiovisual testimony at preliminary hearings and grand jury proceedings for witnesses who live more than 100 miles away, which is in sections 3 and 7 of the bill; (2) it would retain section 5, subsection 3, and section 10, subsection 5, which pertain to grand jury proceedings; and (3) it would provide that hearsay would be allowed in preliminary examinations and grand jury proceedings, but only in cases involving felony child abuse, sexual offenses committed against children under the age of 16, and felony domestic violence involving substantial bodily harm to the victim. All other provisions of the bill would be deleted (Exhibit Y).

Chairman Hansen:
I will entertain a motion at this time on A.B. 193.

> ASSEMBLYMAN JONES MOVED TO AMEND AND DO PASS ASSEMBLY BILL 193.
>
> ASSEMBLYWOMAN FIORE SECONDED THE MOTION.

Just so the Committee knows, I have worked harder on this bill than any bill ever in the Legislature. I have really struggled with this one for a variety of reasons. What it really came down to was the way it was originally drafted. It gave too much authority to the prosecution side of the equation. I received a good education in those areas from the Churchill County District Attorney, Arthur Mallory. I want to thank him for educating me in some of these areas. There were several other cases where I realized that when it comes right down to it, the state has immense powers, and for the ordinary citizen, the due process procedures we have are extremely important. To quote William Blackstone, "It is better that ten guilty persons escape than one innocent suffer." We were tampering with some due process procedures that have existed in this state for over 100 years. I felt highly uncomfortable in going beyond the fairly minimal steps that both sides agreed to in this bill.

Assemblyman Elliot T. Anderson:
Thank you for agreeing to dial this back a bit. I have not been shy about saying I was completely uncomfortable with unlimited hearsay. Hearsay is unreliable evidence. There may be some special cases here for children who have gone through a lot of trauma. Now that it is dialed back, I am a little more comfortable, so I will be supporting this measure.

Assemblywoman Diaz:
Being that it is a late hour and my brain is not up to snuff to digest all of the changes, I want to reserve my right to change my vote later. I will be voting it out of Committee, but I need to see what the final outcome is.

Chairman Hansen:
Is there any further discussion? I hear some dittos. This bill was vetted all the way from the highest levels of the Supreme Court down to a series of justices of the peace, every district attorney in this state, a series of defense attorneys, and public defenders. It was very thoroughly vetted.

Assemblyman Ohrenschall:
I appreciate all the time you spent meeting with great prosecutors and defense attorneys on this issue. Certainly, we have had a lot of input from a lot of

different parties. I think the original bill went too far and tipped the scale too far in favor of the state. I think the preliminary hearing and justice courts play a vital gatekeeping role in terms of trying to make sure that cases without merit do not go to trial and that defendants are not caught up in the system when there is no need to be, especially indigent defendants who often cannot afford to post bail and will be sitting in a county or city jail awaiting trial. I am glad that you were open to listen to both sides. We are lucky to have a chairman who is willing to listen to both sides. I will be voting yes but I will be reserving the right to change my vote on the floor.

Chairman Hansen:
Is there any further discussion? [There was none.]

> THE MOTION PASSED. (ASSEMBLYMAN THOMPSON WAS ABSENT FOR THE VOTE.)

Assemblyman O'Neill will do the floor statement.

Assembly Bill 435: Provides for the realignment of certain judicial districts. (BDR 1-302)

Diane Thornton, Committee Policy Analyst:
Assembly Bill 435 provides for the realignment of certain judicial districts. It was sponsored by this Committee and heard on April 8, 2015. There is an amendment proposed by Ben Graham, Administrative Office of the Courts, Nevada Supreme Court. The intent of the amendment is to clarify that the new Eleventh Judicial District will be composed of the Counties of Lander, Mineral, and Pershing, while the Sixth Judicial District will be only the County of Humboldt. The amendment is on page 2 and 3 of the work session document (Exhibit Z) for the Committee members to review.

We have one quick clarification. Mr. Graham needs to read into the record a critical point on Assembly Bill 435.

Ben Graham, Governmental Relations Advisor, Administrative Office of the Courts:
When Assembly Bill 435 was presented by Chief Justice Hardesty and Commissioner French from Humboldt County, they emphasized the importance of an amendment that would be coming with regard to the Humboldt River Decree from 1930 and 1935. That is in the work session document; I just wanted to mention that so the record is clear.

Chairman Hansen:
I will entertain a motion at this time.

> ASSEMBLYMAN GARDNER MOVED TO AMEND AND DO PASS ASSEMBLY BILL 435.
>
> ASSEMBLYMAN OHRENSCHALL SECONDED THE MOTION.
>
> THE MOTION PASSED. (ASSEMBLYMAN THOMPSON WAS ABSENT FOR THE VOTE.)

I will handle the floor statement as it is in my district. We would like to thank the Nevada Supreme Court for all the work they did on our behalf.

Assembly Bill 50: Revises provisions concerning the solicitation of contributions. (BDR 7-447)

Diane Thornton, Committee Policy Analyst:
Assembly Bill 50 revises provisions concerning the solicitation of contributions. It was sponsored by the Committee on Judiciary on behalf of the Secretary of State and heard in Committee on April 8, 2015. Scott Anderson, Chief Deputy Secretary of State, proposed an amendment, which can be found on page 2 of the work session document (Exhibit AA). The amendment includes alumni associations or other organizations directly affiliated with an accredited institution which solicits only persons who have established affiliation with the institution including, without limitation, current and former students, members of the faculty or staff, or persons who are within the third degree of consanguinity or affinity of such persons.

Chairman Hansen:
Assemblyman Jones, you had some concerns with this bill. Are you satisfied with the amendments?

Assemblyman Jones:
Yes.

Chairman Hansen:
I will entertain a motion to amend and do pass on A.B. 50.

ASSEMBLYWOMAN DIAZ MOVED TO AMEND AND DO PASS ASSEMBLY BILL 50.

ASSEMBLYWOMAN FIORE SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN THOMPSON WAS ABSENT FOR THE VOTE.)

Assemblyman Jones will do the floor statement.

Assembly Bill 233: Repeals provisions governing common-interest communities. (BDR 10-1025)

Diane Thornton, Committee Policy Analyst:
Assembly Bill 233 was sponsored by the Assembly Committee on Judiciary and was heard in Committee on April 2, 2015. This bill repeals existing laws governing common-interest communities and, in turn, provides for the enforcement of matters relating to common-interest communities through private civil action. There is an amendment sponsored by Chairman Hansen. The amendment transfers the Office of the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels from the Real Estate Division, Department of Business and Industry, to the Office of the Attorney General.

Sections 2, 3, 10, and 11 make conforming changes to certain required forms. Section 6 provides that any costs or expenses of the Office of the Ombudsman may be paid from the Account for Common-Interest Communities and Condominium Hotels. Sections 7, 8, 14, and 15 provide for the continuing jurisdiction and protection from liability of the transferred Office of the Ombudsman. Finally, section 16 provides that all pending claims or complaints will transfer to the new Office of the Ombudsman on July 1, 2015 (Exhibit BB).

Chairman Hansen:
This is another one of those bills I have been working on. My goal is to get many of these homeowners' association issues that frankly do not belong at the state level out of here. The reality is no one wants to deal with homeowners' associations. The Attorney General's Office does not want it, the court systems do not want it, and the local city and county governments do not want it. There is immense unhappiness. I am hoping tonight to move this bill forward. This idea came from former Senator Schneider, who had worked years on this. The problem we have run into is that the Ombudsman and the Commission for Common-Interest Communities and Condominium Hotels have no teeth, so he suggested to give them some teeth and put them where the

state has substantial legal authority to get things done, although the record definitely reflects that the Attorney General's Office is not anxious to take that job on. Before I take a motion, is there any discussion on this bill?

Assemblyman Ohrenschall:
I have a lot of respect for what you are trying to do here. I am just concerned. What should be three co-equal branches of government and with the state Legislature that meets four months every two years, this is still too much of a delegation to the Executive Branch. I will be voting no today.

Chairman Hansen:
I will entertain a motion at this time on A.B. 233.

> ASSEMBLYMAN GARDNER MOVED TO AMEND AND DO PASS ASSEMBLY BILL 233.
>
> ASSEMBLYWOMAN FIORE SECONDED THE MOTION.
>
> THE MOTION PASSED. (ASSEMBLYMEN ARAUJO, OHRENSCHALL, AND SEAMAN VOTED NO. ASSEMBLYMAN THOMPSON WAS ABSENT FOR THE VOTE.)

I will do the floor statement on it because it is my bill.

Assembly Bill 283: Revises provisions governing law enforcement powers on certain lands. (BDR 14-397)

Diane Thornton, Committee Policy Analyst:
Assembly Bill 283 revises provisions governing law enforcement powers on certain lands. The bill was sponsored by Assemblyman Hansen and heard on March 23, 2015. There are three proposed amendments. One is proposed by Ramona Morrison, and it revises the definition of "federally managed land" to delete references to the land being "owned by the United States."

The second amendment, proposed by Robert Roshak, Nevada Sheriffs' and Chiefs' Association, changed the specific requirements of a training course that a federal officer must complete to be eligible to enforce state and local laws pursuant to an agreement entered into by a sheriff of a county and a federal agency that grants limited authority to specific federal employees to exercise law enforcement powers. Instead of a 40-hour course concerning criminal law and procedure in Nevada, a federal officer would be required to complete an 80-hour online training course approved by the Police Officers' Standards and Training Commission. The amendment also clarifies that the completion of

such a course must not be construed as certification as a Nevada peace officer pursuant to Chapter 289 of *Nevada Revised Statutes* or Chapter 289 of *Nevada Administrative Code.*

The third amendment was proposed conceptually by Ramona Morrison. It expands existing law, which currently prohibits impersonation of a state or local officer, to include impersonation of federal officers (Exhibit CC).

Chairman Hansen:
I am going to consider all three of these amendments friendly. This bill is very important for our rural sheriffs who are having struggles and need some support. This actually came from them and the Nevada Sheriffs' and Chiefs' Association, the concept behind it, and a series of meetings after some very difficult issues throughout our state. I will entertain a motion on A.B. 283.

> ASSEMBLYMAN GARDNER MOVED TO AMEND AND DO PASS ASSEMBLY BILL 283.
>
> ASSEMBLYWOMAN FIORE SECONDED THE MOTION.

Assemblywoman Fiore:
Thank you for bringing this bill forward. It is one of my favorites this session.

Chairman Hansen:
Is there any further discussion? [There was none.]

> THE MOTION PASSED. (ASSEMBLYMEN ELLIOT T. ANDERSON, ARAUJO, DIAZ, AND OHRENSCHALL VOTED NO. ASSEMBLYMAN THOMPSON WAS ABSENT FOR THE VOTE.)

I will do the floor statement.

Assembly Bill 238: Makes various changes to provisions relating to a homeowners' association. (BDR 10-808)

Diane Thornton, Committee Policy Analyst:
Assembly Bill 238 makes various changes to provisions relating to a homeowners' association. It was sponsored by Assemblywoman Dooling and others and was heard on March 26, 2015. The bill adds three categories of persons who are not eligible to serve as a member of a board or as an officer. It also requires the solicitation of at least three bids for an association project, and adds "professional services" to the definition of "association project."

Assemblywoman Dooling has proposed an amendment and there is a mock-up starting on page 2 of the work session document (Exhibit DD). In addition to the mock-up, Assemblywoman Dooling has proposed a conceptual amendment to section 2, subsection 1, paragraph (a). She would tier this so that it says $500 to $2,500 under 1,000 units and $5,000 over 1,000 units as the thresholds for requiring three bids.

Chairman Hansen:
I will entertain a motion to amend and do pass A.B. 238.

> ASSEMBLYMAN GARDNER MOVED TO AMEND AND DO PASS ASSEMBLY BILL 238.
>
> ASSEMBLYWOMAN FIORE SECONDED THE MOTION.

Assemblyman Elliot T. Anderson:
I just wanted to say that I appreciated the sponsor being willing to work with my concerns regarding this bill. She did work hard to try to ensure that the small and large associations would be treated differently. I am not sure if the amounts are exactly right, but I am going to support it. I think the associations would know better if that is a reasonable amount for their size, but for now I am comfortable with the changes that have been made. I will be supporting this measure.

> THE MOTION PASSED. (ASSEMBLYMAN THOMPSON WAS ABSENT FOR THE VOTE.)

Assemblywoman Dooling will do the floor statement.

Assembly Bill 352: Revises provisions relating to permits to carry concealed firearms. (BDR 15-1070)

Diane Thornton, Committee Policy Analyst:
Assembly Bill 352 revises provisions relating to permits to carry concealed firearms. This bill was sponsored by Assemblymen Ellison, Wheeler, Fiore, Oscarson, and Dooling and Senator Gustavson, and it was heard in Committee on April 6, 2015.

There is a proposed amendment by Assemblyman Ellison starting on page 2 of the work session document for the Committee members to review (Exhibit EE). The amendment deletes all sections of the bill except for section 2. In section 2 of the bill, the language is amended to a public building that has a metal detector at each public entrance and a sign posted at each public entrance indicating that no firearms are allowed in the building.

Chairman Hansen:
I will entertain a motion to amend and do pass A.B. 352.

> ASSEMBLYWOMAN FIORE MOVED TO AMEND AND DO PASS ASSEMBLY BILL 352.
>
> ASSEMBLYMAN JONES SECONDED THE MOTION.
>
> THE MOTION PASSED. (ASSEMBLYMEN ELLIOT T. ANDERSON, ARAUJO, DIAZ, AND OHRENSCHALL VOTED NO. ASSEMBLYMAN THOMPSON WAS ABSENT FOR THE VOTE.)

Assemblywoman Fiore will do the floor statement.

Assembly Bill 370: Revises provisions governing child visitation. (BDR 11-201)

Diane Thornton, Committee Policy Analyst:
Assembly Bill 370 revises provisions governing child visitation. The bill was sponsored by Assemblyman Stewart and heard in Committee on April 1, 2015. This bill revises the factors the court must consider in determining whether a person seeking visitation rights has rebutted the presumption that granting visitation rights is not in the best interests of the child.

Specifically, this bill provides that if the child and the person seeking visitation rights do not have a prior relationship, the court is required to consider any attempt by the person seeking visitation to establish a meaningful relationship with the child and whether, if it were not for a parent of the child denying or unreasonably restricting visits with the child, the person seeking visitation would have had a meaningful relationship with the child.

There are no proposed amendments for this measure (Exhibit FF).

Chairman Hansen:
I will entertain a motion to do pass on A.B. 370.

> ASSEMBLYMAN TROWBRIDGE MOVED TO DO PASS ASSEMBLY BILL 370.
>
> ASSEMBLYMAN GARDNER SECONDED THE MOTION.

Assemblyman Elliot T. Anderson:
I appreciated the intent on this. Of course, everyone loves grandparents; however, I am concerned that the language is vague. It talks about no prior relationship, so I do not know what the consequences of writing it that way would be. I will vote no at this time.

Chairman Hansen:
Is there any further discussion? [There was none.]

> THE MOTION PASSED. (ASSEMBLYMEN ELLIOT T. ANDERSON, ARAUJO, DIAZ, OHRENSCHALL, AND SEAMAN VOTED NO. ASSEMBLYMAN THOMPSON WAS ABSENT FOR THE VOTE.)

Assemblyman Stewart will do the floor statement.

Assembly Bill 371: Revises provisions governing the destruction of certain physical evidence. (BDR 4-734)

Diane Thornton, Committee Policy Analyst:
Assembly Bill 371 revises provisions governing the destruction of certain physical evidence. It was sponsored by Assemblyman Stewart and heard in Committee on April 2, 2015.

The bill authorizes a law enforcement agency to destroy any amount of an alleged controlled substance or dangerous drug that exceeds 10 pounds if the substance is alleged to be marijuana or one pound of any other substance without court approval if the law enforcement agency weighs the substance, takes and retains certain samples of the substance for evidentiary purposes, and takes photographs that reasonably demonstrate the total amount of the substance.

There are no proposed amendments for this measure. [Referred to work session document (Exhibit GG)].

Assemblyman Elliot T. Anderson:
I thought the discussion was going to be that the Las Vegas Metropolitan Police Department wanted to amend it for marijuana. I would feel more comfortable if it was limited that way.

Chairman Hansen:
We can add that as a conceptual amendment. This is really a storage issue, not a drug issue.

Assemblyman Elliot T. Anderson:
I just want to make sure the language is tight. If you would accept that amendment, I would agree to amend and do pass on this bill.

Chairman Hansen:
I will accept that. It seems to be the bulky product. I will entertain a motion to do a conceptual amendment as proposed by Assemblyman Anderson on A.B. 371.

> ASSEMBLYMAN GARDNER MOVED TO AMEND AND DO PASS ASSEMBLY BILL 371.
>
> ASSEMBLYMAN O'NEILL SECONDED THE MOTION.

Assemblywoman Fiore:
I am not comfortable with this bill and will be voting no.

Assemblyman Ohrenschall:
I still have some concerns as to whether there will be some issues in regard to appeals or something that the defense may be needing that actual information for a retest. I am going to vote yes but reserve my right to change my vote on the floor.

Chairman Hansen:
There were some concerns that if they destroyed evidence and someone was not found guilty, how would they take care of that? There are statutes in law already to make sure that they would be compensated for the market value of the product.

> THE MOTION PASSED. (ASSEMBLYWOMAN FIORE VOTED NO. ASSEMBLYMAN THOMPSON WAS ABSENT FOR THE VOTE.)

Assemblyman O'Neill will do the floor statement.

Assembly Bill 244: Provides an enhanced penalty for committing three or more graffiti offenses. (BDR 15-736)

Diane Thornton, Committee Policy Analyst:
Assembly Bill 244 provides an enhanced penalty for committing three or more graffiti offenses. It was sponsored by Assemblymen Stewart and Ellison and heard on March 24, 2015. This bill provides that if a person commits three or more offenses of placing graffiti on or otherwise defacing certain property, regardless of the value of the loss, the person is guilty of a category C felony.

An amendment was proposed by A.J. Delap, representing the Las Vegas Metropolitan Police Department. It is on page 2 of the work session document (Exhibit HH) for the Committee to review. The intent of this amendment is for the measure to apply to persons who have been convicted of two prior graffiti crimes and that upon the third conviction for a graffiti crime, regardless of the value of the damage, or the crime classification, that there is the possibility of being charged and convicted for a category C felony.

Chairman Hansen:
I will entertain a motion at this time on A.B. 244.

> ASSEMBLYMAN JONES MOVED TO AMEND AND DO PASS ASSEMBLY BILL 244.
>
> ASSEMBLYMAN GARDNER SECONDED THE MOTION.

Assemblywoman Diaz:
This bill will incarcerate many of our Hispanic and African-American young men. It really does not speak to the problem. If the Las Vegas Metropolitan Police Department really wants to get to the root of the problem regarding getting rid of the graffitists, they need to come up with a diversion program. I feel it is a felony stupid bill. Are you going to slap a C felony on someone who will have to carry that for the rest of their life? It will make it harder for those young men to be employed. I think it is going to have a disparate impact on communities of color. We are basically saying, "Lock them up after they graffiti three times." I do not think the crime fits this punishment.

Assemblyman Ohrenschall:
I will be voting no. We have scarce resources as a society, and incarcerating individuals is very expensive. As much as I detest graffiti, the idea of incarcerating people for nonviolent crimes like this just goes against my grain. There was an article in the *Las Vegas Review-Journal* last week about possibly opening up another prison in Jean, Nevada, that has been closed because of some of the legislation coming down the pike this session. If you show me a violent offender and we need to protect our community, then I can vote for incarceration. As much as I hate graffiti and property damage, I do not believe creating a new felony and new beds in our state prisons and new prisons that are going to have to open for offenses like this is really the kind of policy we want, even with the amendment. We have seen how badly three-strike laws have worked in California and the habitual criminal statutes we have in Nevada. A lot of times we get unintended consequences.

The way I read this amendment, that third strike could be a little marker. I represent children in juvenile court who are charged with graffiti because they have a marker or shoe polish and do not graffiti much, they do not paint a mural or do a lot of tagging, but there is a little bit of destruction. As bad as that is, now we are going to have an adult who could be doing one to five years in a state prison because of that. It is also a bed that we are not going to have for a rapist, murderer, or someone who does a home invasion—we are not going to have a bed for that violent felon, but we are going to have it for this graffiti tagger. As much as I detest graffiti, I think this bill is felony stupid.

Assemblyman Elliot T. Anderson:
I want to echo what my colleagues said but also add that we talk about restoration of rights in this Committee a lot. I am not clear, but I believe with C felonies you lose some of your civil rights. I do not think that is necessary for this crime. I think we are also punishing the taxpayers if we put these graffitists in jail for this. I think we ought to be having these children go out and do remediation on all the graffiti out there and enlist them to fix the problem. I respectfully dissent.

Assemblyman Jones:
I want to vote yes for this law because we are talking about a third time offense. What always gets left out of this conversation are the business owners and property owners who have to continually repaint these things and spend the money to do that. As a business owner, I understand that difficulty. If you are caught three times, it is time you are stopped. Hopefully, this will help deter them from continuing.

Chairman Hansen:
As I recall the testimony, it was $30 million a year in Clark County alone. I really doubt when they reopen the Jean prison it is going to be filled with people who use shoe polish and markers. I have a little confidence in our criminal justice system. Is there any further discussion? [There was none.]

> THE MOTION PASSED. (ASSEMBLYMEN ELLIOT T. ANDERSON, ARAUJO, DIAZ, AND OHRENSCHALL VOTED NO. ASSEMBLYMAN THOMPSON WAS ABSENT FOR THE VOTE.)

Assemblyman Trowbridge will do the floor statement.

Assembly Bill 414: Revises provisions governing agreements with certain governments for purposes of interactive gaming. (BDR 41-1072)

Diane Thornton, Committee Policy Analyst:
Assembly Bill 414 revises provisions governing agreements with certain governments for purposes of interactive gaming. It was sponsored by the Assembly Committee on Judiciary and heard in Committee on April 7, 2015. This bill revises provisions authorizing the Governor to only enter into interactive gaming agreements that enable patrons in the signatory states to participate in Internet poker.

The bill also defines Internet poker and clarifies that interactive gaming does not include any gambling game other than Internet poker. There are no proposed amendments for this measure (Exhibit II).

Chairman Hansen:
I will entertain a motion on A.B. 414.

> ASSEMBLYWOMAN FIORE MOVED TO DO PASS ASSEMBLY BILL 414.
>
> ASSEMBLYMAN GARDNER SECONDED THE MOTION.

Assemblyman Nelson:
I will vote for this to get it out of Committee, but I would like to reserve my right to change my vote on the floor. The reason is I tried to figure out exactly what happened last session. I talked to probably 10 people and have gotten 11 different versions. I do not think anyone was trying to mislead me, but I would like to get into the salient question of whether or not this was really the deal that was passed at the eleventh hour in 2013.

Assemblywoman Seaman:
Ditto.

Chairman Hansen:
Is there any further discussion? [There was none.]

> THE MOTION PASSED. (ASSEMBLYMEN ELLIOT T. ANDERSON, ARAUJO, DIAZ, AND OHRENSCHALL VOTED NO. ASSEMBLYMAN THOMPSON WAS ABSENT FOR THE VOTE.)

Assemblyman Gardner will do the floor statement.

Assembly Bill 433: Revises provisions concerning the interception of wire, electronic or oral communications. (BDR 14-913)

Diane Thornton, Committee Policy Analyst:
Assembly Bill 433 revises provisions concerning the interception of wire, electronic, or oral communications. Assembly Bill 433 was sponsored by the Assembly Committee on Judiciary and heard in Committee on April 7, 2015. There are two amendments proposed for this bill.

The first amendment is prosed by the Nevada District Attorneys' Association, represented by John T. Jones, Jr. of the Clark County District Attorney's Office, and Kristin Erickson, of the Washoe County District Attorney's Office. The amendment proposes that it is not unlawful for certain interceptions, listening, or recording of wire, electronic, or oral communication by a peace officer or a person under the direction or request of a peace officer if the person or peace officer is intercepting the communication of the person who is not exiting or surrendering at the lawful request of the peace officer, and there is imminent risk of harm to life of others as a result of his or her actions.

The amendment also proposes a revised definition of when a barricade occurs and a revised definition of a peace officer as a category I peace officer as defined in *Nevada Revised Statutes* 289.460.

The second amendment is proposed by Andres Moses, representing the Eighth Judicial District Court. The amendment allows a judge to accept a facsimile or electronic copy of the signature of any person required to give an oath or affirmation as part of certain applications (Exhibit JJ).

Chairman Hansen:
I believe these were considered friendly amendments. I will entertain a motion to amend and do pass A.B. 433.

ASSEMBLYMAN GARDNER MOVED TO AMEND AND DO PASS ASSEMBLY BILL 433.

ASSEMBLYMAN TROWBRIDGE SECONDED THE MOTION.

Assemblyman Elliot T. Anderson:
I sought and requested substantial changes to this measure, so I am going to support it. I am particularly thankful for changing section 6, subsection 1, paragraph (a), on line 8 of the first page, to "lawful." That is a huge change from the way it was originally written where a police officer could just knock on your door and if you did not come out, whether that police officer had a right to

knock on your door or not, this warrantless wiretap could apply. The way that I read this now, it states probable cause would be required and there would have to be a barricade hostage situation or a life-threatening situation, so I am more comfortable with how this reads. For the sake of officer safety, I am going to support it.

Assemblywoman Diaz:
Unlike my colleague, I do not see the change that I requested. I do not think the language is tight enough as far as who can intercept and receive this communication. I have concerns about who will have access and be able to do this intercepting. I will be voting no.

Assemblyman Araujo:
I have similar concerns that were expressed by Assemblywoman Diaz and I will be voting no.

Chairman Hansen:
I also had concerns on the civil rights side of this bill. I think the amendments took care of that issue.

Assemblyman Ohrenschall:
I appreciate everyone working together on this bill. However, I am still not there yet with this bill. I work in criminal defense and very often I will see warrants that are signed by judges at 2 a.m., where the officer calls the judge, a fax is sent out, and there is a judge assigned to be on call to make sure that the cell phone is on and to make sure there is a fax machine or a scanner available. We have a system that works and the Founding Fathers wanted a separation of powers so that you would have to go to a judge and try to get a warrant. I have tremendous respect for the law enforcement officers. Working as a public defender, I have gotten to know many of them and know the dangers and perils of their work. I would never want to put a law enforcement officer in peril, but I also believe that that is why we have a judiciary. That is why we want separate powers. We do not want a police officer to decide that they have met the probable cause burden. You might as well not even have judges then. Because I am worried this might be abused, I will be voting no.

Assemblyman O'Neill:
I will be voting yes on this bill because one of the things I have learned in my short time here is that I have to think just beyond my immediate Assembly District No. 40 and look at the state as a whole. Clark County may have a nice

system with a regular routine and contacts at 2 a.m., but if you go to some of the other counties, they do not have the abilities to do that. This will provide safety for the officers. It has nice guidelines in it, and I will be voting yes.

Chairman Hansen:
Is there any further discussion? [There was none.]

> THE MOTION PASSED. (ASSEMBLYMEN ARAUJO, DIAZ, AND OHRENSCHALL VOTED NO. ASSEMBLYMAN THOMPSON WAS ABSENT FOR THE VOTE.)

Assemblyman Gardner will do the floor statement.

Assembly Bill 129: Makes various changes relating to judgments. (BDR 2-541)

Diane Thornton, Committee Policy Analyst:
Assembly Bill 129 makes various changes relating to judgments. It was sponsored by the Assembly Committee on Judiciary and originally heard in Committee on February 20, 2015. This bill increases the percentage of the judgment debtor's disposable earnings. The bill authorizes a judgment debtor who is a resident of the state to bring a civil action against a creditor who obtains a writ of garnishment without domesticating a foreign judgment. The frequency in which the garnishment must be renewed is changed from 120 days to 180 days.

There is an amendment proposed by George Ross and Sam McMullen of the Nevada Bankers Association. The amendment is on page 2 of the work session document (Exhibit KK) for the Committee members to review. The amendment deletes the bill in its entirety and replaces it with an amendment that would allow a bank to collect against certain assets in the event of a loan default, whether or not the assets are in an annuity.

Chairman Hansen:
I will entertain a motion to amend and do pass A.B. 129.

> ASSEMBLYMAN GARDNER MOVED TO AMEND AND DO PASS ASSEMBLY BILL 129.
>
> ASSEMBLYWOMAN FIORE SECONDED THE MOTION.

Assemblyman Elliot T. Anderson:
Could we have Mr. Ross or Mr. McMullen come up and explain the intent of the amendment?

Samuel P. McMullen, representing Nevada Bankers Association:
I am available for questions.

Assemblyman Elliot T. Anderson:
I do not see a traceability requirement in the amendment. I am wondering what situation would the court be looking for. Normally, when you have a proceeds conversion issue, you want to know which funds. Could you give me some intent? I know this was in a previous measure from last session. What situation would you expect to see and where would this apply?

Sam McMullen:
By traceability, I think you mean the listing of the assets on the application by the applicant for a loan. By conversion, you mean either those converted into an annuity or some other asset. It is not and never was anyone's intent to attack annuities. It is not an all-encompassing attack on annuities. This bill says if an application was filed and there were funds that ultimately make it into an annuity, which I think is the crux of your question—or actually the annuity in itself. Those were used by the applicant to justify the credit for the loan and the approval of the loan. All we are asking for is to the extent that if that is the case, that we would be able to go after those assets. I think the traceability comes with possibly the cash. Our opinion is that this is the practical solution.

Where there are no other assets, and the annuity was either utilized in the application or the cash was changed and all that is left is an annuity of any value and all of the other assets are gone, then we would be able to go after that annuity. I think the traceability is basically the fact that there was an application that showed a certain asset structure and then it was reduced at the time of a default on the loan. When the loan is distressed, you would see what the assets were, and if there was a transfer into an annuity, that would be easy for a judge to see. That is the kind of situation we are talking about. They tell us that this is a customer relations problem for them. They do not treat annuities lightly and they are only looking at it in the serious cases where it is either the last resort or it is a feasible resort that makes customer relation sense.

Chairman Hansen:
Is there any further discussion? [There was none.]

THE MOTION PASSED. (ASSEMBLYMAN THOMPSON WAS ABSENT FOR THE VOTE.)

Assemblyman Elliot T. Anderson will do the floor statement.

Assembly Bill 386: Revises provisions relating to real property (BDR 3-921)

Diane Thornton, Committee Policy Analyst:
Assembly Bill 386 revises provisions relating to real property. It was sponsored by Assemblymen Flores, Seaman, Dooling, Carrillo, and Kirkpatrick and heard in Committee on April 7, 2015. The bill sets forth the acts that constitute the criminal offenses of housebreaking, unlawful entry, and unlawful reentry, and the penalties that attach upon conviction. The bill revises provisions governing the service of a notice to surrender. The measure revises the summary procedures for eviction of a tenant who is guilty of unlawful detainer.

The bill revises the provisions that warrant the commencement of proceedings to remove the tenant. The bill establishes requirements relating to a notice to surrender that must be served upon a person who commits forcible entry or forcible detainer and authorizes the entry of judgment for three times the amount of actual damages for such offenses under certain circumstances. The bill also establishes a procedure by which an owner of a dwelling that is the object of a forcible entry or forcible detainer may retake possession of, and change the locks on, the dwelling. The bill establishes a procedure where an occupant who has been locked out of a dwelling may seek to recover possession of the dwelling. Lastly, the bill repeals a provision that authorizes treble damages in a recovery for a forcible or unlawful entry to certain types of real property.

Assemblyman Flores proposed an amendment; it is not the amendment starting on page 2 of the work session document (Exhibit LL). Assemblyman Flores is here to explain his amendment.

Assemblyman Edgar Flores, Assembly District No. 28:
Upon the presentation of my bill on Tuesday, I had an opportunity to sit down with the opposition to discuss the issues they had with the bill. We gutted about 20 sections that were mostly intended to be cleanup so that we would avoid cross referencing. It was my understanding that we came to a consensus on what sections we agreed upon. This morning I learned that I misinterpreted that conversation. I thought we were in agreement and the opposition was not. They interpreted our meeting that they were to bring it back to their client.

After speaking again with the opposition, there was originally an issue with sections 2, 3, and 4, but now there is no issue with it. There are two sections that are still of concern, which are sections 20 and 23. In my opinion, section 23 is necessary because it sets the parameters on how to serve a squatter. Without it, there is nothing in the bill explaining how to process-serve a squatter. Regarding section 20, the law—this is coming directly from the courts to me—as it is currently written, there is no summary eviction for things like nuisance, holdovers, et cetera. They wanted to create that consistency. The reason that was important to them is that we will not always have a squatter's situation. There will be other scenarios and you want to be able to do a summary eviction because you want to be able to get rid of them quicker. That is all we left in there from section 20 and 23; however, there is still an opposition. I think the concern is that they are not sure exactly how it works, and that is where my bill stands as of this point.

Chairman Hansen:
Hang on for one minute; we are trying to get something figured out. I originally moved this on to a work session with the understanding that everybody had worked it out, but apparently it has not been worked out. I understand that you want section 23 in and the opposition wants section 20 and 23 in?

Assemblyman Flores:
No, the reverse. They would prefer to have sections 20 and 23 out. My intent of the bill is that section 23 has to be there because without it we do not have a process on how to serve squatters. The reason I have section 20 in there is because we want to make sure that there are summary evictions for things like nuisance and tenant holdovers. If we want to make it clear that it is the legislative intent not to be able to do summary evictions, I am comfortable removing section 20 completely. But the squatter law we are trying to create here cannot work without section 23.

Chairman Hansen:
We are going to move this as it is a very important bill. There appear to be some glitches between the various parties, but this measure will die tonight if we do not vote on it. We will vote with the understanding that you will continue to work diligently on it. The Las Vegas Metropolitan Police Department wanted this; everybody needs this bill. Squatters in Clark County are outrageous. I commend you for your bill, but we definitely do not want to have unintended consequences that we can avoid. With the conceptual amendment and keeping sections 20 and 23 for the time being, I will now entertain a motion on A.B. 386.

Assemblyman Flores:
We will continue having dialogue with the opposition in order to make that if anything affects the opposition, then we will remove it, but if it is just a misunderstanding or misreading, which I think is happening, then we will leave it in the bill.

ASSEMBLYMAN O'NEILL MOVED TO AMEND AND DO PASS ASSEMBLY BILL 386.

ASSEMBLYMAN ARAUJO SECONDED THE MOTION.

Assemblyman Nelson:
Thank you for bringing this bill forward, Assemblyman Flores. In section 23, I see the various ways you can effect service of process, but I do not see any "or" after the subsections. Are those all alternative ways of serving?

Assemblyman Flores:
If you look at section 23, you will see that we reference sections 2, 3, and 4. The reason we reference them is to ensure that the way we normally process a tenant would be the same for a squatter. There is also language that speaks to having a witness present when a constable wants to process-serve someone. We thought this was not needed as it is currently not being done in practice. We thought that it was best to remove that language. We are not changing how you serve anyone; we are ensuring that the way you normally serve a tenant is also how you serve a squatter and that is why we reference back to sections 2, 3, and 4.

Assemblyman Nelson:
I will vote it out of Committee, but you will need to show me where it says that because I do not see it. We can work it out later.

Assemblyman Hansen:
That is a critical point and we are going to move it with that understanding. I do not want to see this stuck on the Chief Clerk's desk forever, so hopefully you will get it worked out. Is there any further discussion? [There was none.]

THE MOTION PASSED. (ASSEMBLYMAN THOMPSON WAS ABSENT FOR THE VOTE.)

Assemblyman Flores will do the floor statement.

Assembly Bill 219: Revises provisions relating to court interpreters. (BDR 1-272)

Diane Thornton, Committee Policy Analyst:
Assembly Bill 219 revises provisions relating to court interpreters. This bill was sponsored by Assemblywoman Diaz and was heard in Committee on March 16, 2015. The bill changes the language from "certification" to "credentialing" and replaces the term "person with a language barrier" with "person with limited English proficiency." The bill requires that an interpreter must be appointed at public expense for a person with limited English proficiency who is a party or witness in a civil proceeding. There are no proposed amendments for this measure (Exhibit MM).

Chairman Hansen:
I will entertain a motion at this time on A.B. 219.

ASSEMBLYMAN GARDNER MOVED TO DO PASS ASSEMBLY BILL 219.

ASSEMBLYMAN OHRENSCHALL SECONDED THE MOTION.

Assemblywoman Diaz:
I have had continued conversations but things are moving so quickly, especially this week due to deadlines. I wanted to give my word on the record that I will continue to work with parties who still have concerns, especially Clark County. There were also some concerns brought to me regarding defining limited English proficiency and how that might impact the deaf and hard of hearing. This is still a work in progress and there could possibly be some amendments coming on the floor.

Assemblyman Jones:
I will be voting no because I think it is too expansive and provides for interpretation in civil lawsuits. Generally, in civil lawsuits the participants incur the expenses. I think this is adding beyond what we do in our normal court systems.

Chairman Hansen:
It was my understanding that was amended out. Is that correct, Assemblywoman Diaz?

Assemblywoman Diaz:
No, it is not amended out. I am still having dialogue regarding this issue. I did want the Committee to be educated about what civil means. Civil means child support, child custody, guardianships, landlord, and tenant issues, so it is not just about a frivolous lawsuit that you are hearing. It is about things that impact people's everyday lives. It can have unintended consequences if people are not understanding what they are going through in the courts.

Assemblyman Elliot T. Anderson:
I just wanted to relay my experience. Every Thursday at the Legal Aid Center of Southern Nevada we would have a consumer case review, and every Thursday my opinion of the world went down just a little bit more. Quite honestly, there are people who get preyed upon because they cannot speak English. I think this is absolutely critical to stop the people who are abusing other people. I think this is a way to help people get the help they need. There are a lot of people who need help with these issues.

Assemblyman Trowbridge:
With that explanation I think I have a little better grasp of what the intent is with this bill. When you are redrafting this bill and working through it, I think some clarification on the intent is better than a blanket provision.

Assemblyman O'Neill:
I will vote yes for this but I would like to reserve my right to change my vote on the Assembly floor. I have some concerns on a fiscal note, but out of respect for Assemblywoman Diaz and the best of intentions, I will vote yes for now.

Chairman Hansen:
Assemblywoman Diaz has assured the Committee that she will do her best to work with all the parties involved. Is there any further discussion? [There was none.]

> THE MOTION PASSED. (ASSEMBLYMEN FIORE, JONES, AND SEAMAN VOTED NO. ASSEMBLYMAN THOMPSON WAS ABSENT FOR THE VOTE.)

Assemblywoman Diaz will do the floor statement.

Assembly Bill 214: Makes various changes related to public safety. (BDR 16-568)

Diane Thornton, Committee Policy Analyst:
Assembly Bill 214 makes various changes related to public safety. This bill was sponsored by Assemblyman Sprinkle and heard in Committee on March 18, 2015. The bill increases the penalty for a person who solicits a child for prostitution. The first offense is punishable as a category E felony and a mandatory fine of not more than $5,000. The second offense is punishable as a category B felony with imprisonment in the state prison for a minimum of two years and a maximum of ten years and a fine of not more than $10,000.

The measure also authorizes a limited portion of the money in the Contingency Account for Victims of Human Trafficking to be used for fundraising for the direct benefit of the Contingency Account for the Grants Management Unit of the Department of Health and Human Services. Section 2 eliminates the requirements of review and recommendation by the Grants Management Advisory Committee if the Director of the Department of Health and Human Services determines that an emergency exists and an allocation of money from the Contingency Account is needed immediately.

An amendment was proposed by Assemblyman Sprinkle. This amendment provides for appropriate escalating penalties for repeat offenders (Exhibit NN).

Chairman Hansen:
I will entertain a motion on A.B. 214.

> ASSEMBLYMAN ARAUJO MOVED TO AMEND AND DO PASS ASSEMBLY BILL 214.
>
> ASSEMBLYMAN GARDNER SECONDED THE MOTION.
>
> THE MOTION PASSED. (ASSEMBLYMAN THOMPSON WAS ABSENT FOR THE VOTE.)

Assemblyman Sprinkle will do the floor statement.

Assembly Bill 258: Exempts certain offers or sales of securities from registration requirements for securities. (BDR 7-700)

Diane Thornton, Committee Policy Analyst:
Assembly Bill 258 exempts certain offers or sales of securities from registration requirements for securities. This bill was sponsored by Assemblywoman Bustamante Adams and heard in Committee on March 25, 2015. There is an amendment proposed by Assemblywoman Bustamante Adams and the mock-up starts on page 2 of the work session document (Exhibit OO). The Administrator of the Securities Division of the Office of the Secretary of State worked with the sponsor of the bill to clarify provisions of the bill.

Chairman Hansen:
I will entertain a motion on A.B. 258.

ASSEMBLYMAN ELLIOT T. ANDERSON MOVED TO AMEND AND DO PASS ASSEMBLY BILL 258.

ASSEMBLYMAN ARAUJO SECONDED THE MOTION.

Assemblyman Gardner:
I am going to reserve my right to change my vote on the floor. I do appreciate the bill.

Assemblyman Jones:
I will be voting no. I think the regulations brought in the bill are too onerous and it is going to be impractical to implement it in the real world with all the requirements that are listed.

THE MOTION PASSED. (ASSEMBLYMEN FIORE, JONES, AND SEAMAN VOTED NO. ASSEMBLYMAN THOMPSON WAS ABSENT FOR THE VOTE.)

Assemblywoman Bustamante Adams will do the floor statement.

Assembly Bill 263: Revises provisions governing the custody and support of children. (BDR 11-199)

Diane Thornton, Committee Policy Analyst:
Assembly Bill 263 revises provisions governing the custody and support of children. It was sponsored by Assemblyman Stewart and heard in Committee on March 26, 2015. This bill relates to domestic relations; repealing certain provisions relating to the custody of children and enacting certain similar

provisions relating to the custody of children; prohibiting a parent with primary or joint physical custody of a child from relocating with the child outside this state, or to certain locations within this state, without the written consent of the noncustodial parent or the permission of the court as the circumstances require; authorizing a nonrelocating parent to recover reasonable attorney fees and costs in certain circumstances; providing a penalty; and providing other matters properly relating thereto. Assemblyman Stewart has offered an amendment and the mock-up starts on page 2 of the work session document (Exhibit PP) for the Committee's review.

Chairman Hansen:
I will entertain a motion on A.B. 263.

> ASSEMBLYMAN GARDNER MOVED TO AMEND AND DO PASS ASSEMBLY BILL 263.
>
> ASSEMBLYMAN NELSON SECONDED THE MOTION.

Assemblywoman Diaz:
I am not sure what this amendment would or could do, so I will be voting no unless I find out otherwise that the amendment is good for children.

Assemblyman Ohrenschall:
If you look at the Nevada Electronic Legislative Information System materials from the previous hearing, Mr. Willick, who is one of our premier family law attorneys, submitted a letter highlighting a few points regarding how the Family Law Section of the State Bar of Nevada or the Nevada chapter of the American Academy of Matrimonial Lawyers really have not had a chance to look at this issue. The problem I see—I do not practice in the family courts but I know many people who do—is that you can take problems that you hear about with a certain case or with a certain judge and if you try to write a new statute based on the problems you heard about, I think very often we end up with policy that is not going to be good for those judges. We elect our judges in Nevada, voters have had a chance to vet them, and I think we have to have some faith in the judges. I am a little concerned that this will tie judges' hands and not lead to good decisions. I think the proper course would be to hopefully let the Family Law Section come back with a recommendation. We heard testimony from Mr. Willick and Mr. Rath that they were committed to attempt to do that at their next annual meeting and come back to the next session with policies on this and other legislation. I think we need to defer to the experts.

Assemblywoman Fiore:
I just cannot get on board with this bill and will be voting no.

Assemblyman Araujo:
For the reasons cited by my colleagues, I will be voting no today.

Chairman Hansen:
Is there any additional discussion? [There was none.]

> THE MOTION PASSED. (ASSEMBLYMEN ELLIOT T. ANDERSON, ARAUJO, DIAZ, FIORE, AND OHRENSCHALL VOTED NO. ASSEMBLYMAN THOMPSON WAS ABSENT FOR THE VOTE.)

Assemblyman Stewart will do the floor statement.

Assembly Bill 362: Revises provisions relating to domestic relations. (BDR 11-745)

Diane Thornton, Committee Policy Analyst:
Assembly Bill 362 revises provisions relating to domestic relations. This bill was sponsored by Assemblywoman Swank and heard in Committee on April 1, 2015. The bill provides that, at any time, a party in a divorce, separate maintenance, or annulment may file a postjudgment motion to obtain an adjudication of any community property or liability that was omitted from the final decree or judgment. This bill provides that the court has continuing jurisdiction to hear such a motion and must make an equal disposition of the omitted community property or liability unless the court finds that certain exceptions apply.

There is an amendment on page 2 of the work session document (Exhibit QQ) for the Committee's review. The proposed language is added to the existing section 1, subsection 3. It clarifies that the court has continuing jurisdiction to hear a postjudgment motion in any action for divorce, annulment, or separate maintenance to obtain adjudication of any community asset or liability omitted from the judgment and the court will equally divide the omitted community asset or liability under certain circumstances.

Chairman Hansen:
I will entertain a motion on A.B. 362.

> ASSEMBLYMAN OHRENSCHALL MOVED TO AMEND AND DO PASS ASSEMBLY BILL 362.
>
> ASSEMBLYMAN GARDNER SECONDED THE MOTION.

Assemblyman Ohrenschall:
I had some initial concerns at the hearing, but I know the sponsors worked with the different family law attorneys and there is an amendment now that I think makes it entirely reasonable. It is inequitable if something like a pension or asset is not considered at the time of divorce. It should be considered. There are a lot of unintended consequences if the court is not allowed to consider that and I believe the sponsor has a good balance here. This is not open-ended and does provide some finality.

Assemblyman Elliot T. Anderson:
I just wanted to state the same as Assemblyman Ohrenschall and I appreciate Assemblywoman Swank working with me to address my concerns.

Assemblyman Nelson:
I just want to commend Assemblywoman Swank for bringing this bill forward. In my practice and also dealing with friends, I have seen situations where people have totally forgotten about assets or did not realize they were community property. This is an important way to promote fairness.

Chairman Hansen:
Is there any further discussion? [There was none.]

> THE MOTION PASSED. (ASSEMBLYWOMEN FIORE AND SEAMAN VOTED NO. ASSEMBLYMAN THOMPSON WAS ABSENT FOR THE VOTE.)

Assemblywoman Swank will do the floor statement.

Assembly Bill 359: Revises provisions governing common-interest communities. (BDR 10-910)

Diane Thornton, Committee Policy Analyst:
Assembly Bill 359 revises provisions governing common-interest communities. It was sponsored by Assemblyman Gardner and heard on April 2, 2015, in the Judiciary Subcommittee on Homeowners' Associations. This bill specifies additional requirements for the written notice provided to owners or other persons of alleged violations of an association's governing documents and provides for a hearing process on such allegations modeled on court procedures for exchanging evidence.

In addition, the bill prohibits the imposition of a fine if the violation is cured within the allotted time. The measure allows bylaws to include a provision for payment of per diem expenses not to exceed $100 per day. Also, capital

improvements greater than $5,000 would require the approval of a majority of unit owners. The bill would also require that homeowners' associations (HOA) enforce their liens through judicial foreclosures.

Finally, A.B. 359 adds "breaches" of the governing documents of homeowners' associations to the jurisdiction of the Real Estate Division, Department of Business and Industry; the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels; and the Commission for Common-Interest Communities and Condominium Hotels, for purposes of investigation, dispute resolution, and disciplinary actions. An amendment was proposed by Assemblyman Gardner that is on page 2 of the work session document (Exhibit RR).

Chairman Hansen:
I will entertain a motion on A.B. 359.

> ASSEMBLYMAN JONES MOVED TO AMEND AND DO PASS ASSEMBLY BILL 359.
>
> ASSEMBLYMAN TROWBRIDGE SECONDED THE MOTION.

Assemblyman Ohrenschall:
My question is for the sponsor. The requirement of a majority vote of all unit owners for capital improvement is the major stumbling block for me. Otherwise, I like the rest of the bill. I do not live in a homeowners' association, but with what limited experience I have by attending board meetings in my district, it is hard to get many people to attend. I am wondering if you might be setting a bar that is insurmountable.

Assemblyman Gardner:
How the bill came out originally and what it is now, I think we removed every section but section 9 and that was the section you are referring to. I dealt with the HOA managers and we agreed to amend it to if it is 20 percent or more of your budget, it would require a majority of 15 percent of the unit owners, or basically 7.5 percent of your homeowners' association to approve.

Regarding the other sections, I am still working on some due process issues with Mr. Garrett Gordon and some of the other people. Unfortunately, we just ran out of time. I received some of their objections last night and have not had a chance to look at them. We are cleaning up some election language that was received from Mr. Decker at the Real Estate Division. There is another section that was taken from Assemblywoman Spiegel's bill stating that if there is only one opening and one person applies that they do not have to go through

the entire election. That is the gist and I am working with the homeowners, HOA managers, and the Division. There will be more amendments, but the majority of the bill is complete.

Assemblyman Ohrenschall:
I will vote yes but will reserve my right to change my vote on the floor. I appreciate your commitment to work with all of the different stakeholders.

Assemblyman Elliot T. Anderson:
I have heard that we are just keeping section 9, but there are a lot of pages here. Could I get some clarity on exactly what the motion is?

Chairman Hansen:
We will take a five-minute recess for you to work it out, and we will be back here at 7:10 p.m.

[The Committee recessed at 7:05 p.m. and reconvened at 7:10 p.m.]

We need clarification on the amendment.

Assemblyman Gardner:
Basically, what happened is the original bill is gone. All of the issues requiring judicial foreclosure and super priority liens were taken out. The conceptual amendment is the new bill. I have been working with the HOAs, homeowner representatives, and the Real Estate Division. This is a pass so we can keep working on it.

Assemblyman Elliot T. Anderson:
I want to reserve the right to change my vote on the floor. I did speak with some of the stakeholders and they are working on it in good faith.

Chairman Hansen:
We are all going to reserve the right to change our vote on the Assembly floor.

> THE MOTION PASSED. (ASSEMBLYMAN THOMPSON WAS ABSENT FOR THE VOTE.)

Assemblyman Gardner will do the floor statement.

Assembly Bill 240: Revises provisions governing liens of a unit-owners' association. (BDR 10-821)

Diane Thornton, Committee Policy Analyst:
Assembly Bill 240 revises provisions governing liens of a unit-owners' association. It was sponsored by Assemblymen Moore, Seaman, Fiore, Jones, and Dooling and was heard in the Judiciary Subcommittee on Homeowners' Associations on March 19, 2015. Assemblyman Moore proposed an amendment and the mock-up starts on page 2 of the work session document (Exhibit SS). Among other things, the amendment retains the revisions granting the homeowners' associations lien priority over other liens.

Chairman Hansen:
This bill needs some clarification; we had several different people working on it. Is that the amendment your group—Assemblymen Trowbridge, Nelson, and Gardner—all worked on?

Assemblyman John Moore, Assembly District No. 8:
I will just break it down in layman's terms. What we are doing here is that super priority stays and nonjudicial foreclosure will stay. The lenders and the homeowner will have a 60-day right of redemption to cure any defaults.

Chairman Hansen:
I think that is what we thought the amendment was; I wanted to make sure it was made clear for the record. I will now entertain a motion on A.B. 240.

> ASSEMBLYMAN JONES MOVED TO AMEND AND DO PASS ASSEMBLY BILL 240.
>
> ASSEMBLYWOMAN FIORE SECONDED THE MOTION.

Assemblyman Nelson:
I appreciate Assemblyman Moore clearing that up. For the record, we are preserving nonjudicial foreclosure and based on that I will vote for this.

Chairman Hansen:
Are there any further comments? [There were none.]

> THE MOTION PASSED. (ASSEMBLYMAN THOMPSON WAS ABSENT FOR THE VOTE.)

Assemblyman Moore will do the floor statement.

Assembly Bill 404: Revises provisions concerning the issuance and renewal of permits to carry concealed firearms. (BDR 15-840)

Diane Thornton, Committee Policy Analyst:
Assembly Bill 404 revises provisions concerning the issuance and renewal of permits to carry concealed firearms. The bill was sponsored by Assemblywoman Fiore and heard in Committee on April 6, 2015. The bill provides that if the sheriff does not grant or deny an application for a permit to carry a concealed firearm within 120 days, the sheriff must refund the respective application fee to the applicant or permittee. The bill provides that if a permittee submits an application for the renewal of a permit before the expiration date, the permit remains valid until the sheriff grants or denies the application for renewal.

There is an amendment starting on page 2 of the work session document (Exhibit TT) submitted by Assemblywoman Fiore. The amendment requires that the chief law enforcement officer, within 15 days of a request for certification required by federal law or regulation for the transfer or making of a firearm, provide the certification and, if unable to provide certification, then provide the applicant written notification of the denial. If denied, an applicant may appeal the decision. The amendment allows the chief law enforcement officer to conduct a background check and delete an inquiry of the National Instant Criminal Background Check System, thereby removing the Department of Public Safety's involvement. For background checks for a new permit, a nonrefundable fee is set by the sheriff to not exceed $60. Renewals submitted prior to the expiration remain valid until the sheriff grants or denies the application. Lastly, the permit issued by another state remains valid until the sheriff grants or denies the application for permit.

Chairman Hansen:
I will entertain a motion on A.B. 404.

> ASSEMBLYMAN GARDNER MOVED TO AMEND AND DO PASS ASSEMBLY BILL 404.
>
> ASSEMBLYWOMAN FIORE SECONDED THE MOTION.

Assemblywoman Diaz:
I am not sure what this means, so I hope someone can enlighten me. It says, "The amendment allows the chief law enforcement to conduct a background check and delete an inquiry of the National Instant Criminal Background Check System, thereby removing the Department of Public Safety's involvement." In layman's terms, what does that really mean?

Brian Wilson, Policy Director for Assemblywoman Michele Fiore:
This is just a process. Right now, all of the paperwork for certain items under the National Firearms Act regulations are required to go to the federal government. At that point, the Federal Bureau of Investigation conducts all background checks. After the original hearing, we had discussions with the Department of Public Safety, which clarified they are not currently involved in the process, and the Bureau of Alcohol, Tobacco and Firearms and Explosives (ATF) prefers they stay out of it. The ATF handles the background checks, so they asked to remove that piece to not involve them in a process they are not already part of.

Chairman Hansen:
Is there any further discussion? [There was none.]

> THE MOTION PASSED. (ASSEMBLYMAN THOMPSON WAS ABSENT FOR THE VOTE.)

Assemblywoman Fiore will do the floor statement.

Assembly Bill 357: Revises provisions relating to the prohibition against the ownership, possession and control of firearms by certain persons. (BDR 14-846)

Diane Thornton, Committee Policy Analyst:
Assembly Bill 357 revises provisions relating to the prohibition against the ownership, possession and control of firearms by certain persons. It was sponsored by Assemblymen Fiore and Ellison and heard in Committee on April 6, 2015. There is a mock-up starting on page 2 of the work session document (Exhibit UU) of an amendment proposed by Assemblywoman Fiore. There is also a conceptual amendment proposed by Assemblyman Hansen to limit the restoration of rights only to the right to bear arms (Exhibit UU).

Chairman Hansen:
I am going to withdraw my amendment. I will entertain a motion on A.B. 357.

> ASSEMBLYMAN OHRENSCHALL MOVED TO AMEND AND DO PASS ASSEMBLY BILL 357.
>
> ASSEMBLYMAN ELLIOT T. ANDERSON SECONDED THE MOTION.

Assemblyman Ohrenschall:
I want to thank the sponsor for bringing this bill. Anyone who has tried to help someone get on the agenda for the State Board of Pardons Commissioners

knows it is very difficult. We do not adequately fund the Pardons Board in the state of Nevada. They only meet once or twice a year. This is providing an alternative route for someone who might have made a mistake in their life many years ago in their youth to try to get their rights back, which are not just rights to own a gun for pleasure, but to maybe work as an armed security guard or just get clearance for any job.

Chairman Hansen:
Is there any further discussion? [There was none.]

> THE MOTION PASSED. (ASSEMBLYMAN THOMPSON WAS ABSENT FOR THE VOTE.)

Assemblywoman Fiore will do the floor statement.

Assembly Bill 262: Revises provisions concerning the withdrawal of certain pleas. (BDR 3-124)

Diane Thornton, Committee Policy Analyst:
Assembly Bill 262 revises provisions concerning the withdrawal of certain pleas. It was sponsored by Assemblyman Ohrenschall and heard in Committee on March 26, 2015. This bill expressly provides that a motion to withdraw a plea of guilty, guilty but mentally ill, or nolo contendere pursuant to *Nevada Revised Statutes* 176.165 that is made after sentence is imposed, or imposition of sentence is suspended, is a remedy which is incident to the proceedings in the trial court. There are no proposed amendments to this measure (Exhibit VV).

Chairman Hansen:
I will entertain a motion on A.B. 262.

> ASSEMBLYMAN GARDNER MOVED TO DO PASS ASSEMBLY BILL 262.
>
> ASSEMBLYMAN ELLIOT T. ANDERSON SECONDED THE MOTION.

Assemblyman Nelson:
I want to commend Assemblyman Ohrenschall for bringing this bill. I have read all the Supreme Court cases on it. It is very critical because writ of habeas corpus does not apply if you are not in prison and this fills a gap. I think it is a good bill.

Chairman Hansen:
Is there any further discussion? [There was none.]

THE MOTION PASSED. (ASSEMBLYMAN THOMPSON WAS ABSENT FOR THE VOTE.)

Assemblyman Ohrenschall will do the floor statement.

Assembly Bill 281: Revises provisions relating to certain criminal offenses involving vehicles. (BDR 43-243)

Diane Thornton, Committee Policy Analyst:
Assembly Bill 281 revises provisions relating to certain criminal offenses involving vehicles. There is a proposed amendment by Assemblyman Hansen that deletes the original bill and in its place it creates a Subcommittee on Criminal and Civil Violations of Traffic Laws of the Advisory Commission on the Administration of Justice (Exhibit WW).

Chairman Hansen:
This bill was attempting to basically decriminalize traffic tickets, but there were too many issues that had to be worked out and that is why I am recommending a study. I will entertain a motion to amend and do pass A.B. 281.

ASSEMBLYWOMAN DIAZ MOVED TO AMEND AND DO PASS ASSEMBLY BILL 281.

ASSEMBLYMAN ELLIOT T. ANDERSON SECONDED THE MOTION.

Assemblyman Ohrenschall:
This is an idea that has had bipartisan support. Assemblywoman Fiore and former Assemblyman Frierson worked together on this last session. We were hopeful at the end of last session that there would be a study. I hope this bill will fare better than the attempt two years ago. We talk about victimless crimes and people who should not be using up bed space in county jails. I think traffic offenses are the kind of offenses where there are other routes for the fees to be collected. I hope the study will happen.

Chairman Hansen:
Is there any further discussion? [There was none.]

THE MOTION PASSED. (ASSEMBLYMAN THOMPSON WAS ABSENT FOR THE VOTE.)

Assemblywoman Fiore will do the floor statement.

Assembly Bill 225: Revises provisions governing programs for reentry of offenders and parolees into the community. (BDR 16-45)

Diane Thornton, Committee Policy Analyst:
Assembly Bill 225 revises provisions governing programs for reentry of offenders and parolees into the community. It was sponsored by Assemblymen Neal, Thompson, and Diaz and Senators Segerblom, Atkinson, and Ford. It was heard in Committee on March 18, 2015. There is a proposed amendment from Assemblywoman Neal starting on page 2 of the work session document (Exhibit XX) for the Committee's review.

Chairman Hansen:
I will entertain a motion on A.B. 225.

> ASSEMBLYMAN GARDNER MOVED TO AMEND AND DO PASS ASSEMBLY BILL 225.
>
> ASSEMBLYMAN ARAUJO SECONDED THE MOTION.

Assemblywoman Diaz:
I want to commend my colleague Assemblywoman Neal for taking an in-depth look at how we need to decrease recidivism rates and to make sure that when our inmates are leaving our institutions, they are on the right track and have the tools to carry on the rest of their lives successfully. I wholeheartedly support this measure.

Chairman Hansen:
Is there any further discussion? [There was none.]

> THE MOTION PASSED. (ASSEMBLYMEN O'NEILL AND SEAMAN VOTED NO. ASSEMBLYMAN THOMPSON WAS ABSENT FOR THE VOTE.)

Assemblywoman Neal will do the floor statement.

Assembly Bill 379: Revises provisions relating to commercial tenancies. (BDR 10-126)

Diane Thornton, Committee Policy Analyst:
Assembly Bill 379 revises provisions relating to commercial tenancies. This bill was sponsored by Assemblyman Ohrenschall, and it was heard in Committee

on March 31, 2015. Assemblyman Ohrenschall has proposed an amendment, which is on page 2 of the work session document (Exhibit YY) for the Committee's review. The amendment deletes all sections of the bill except for section 13. Section 13 is amended by adding the requirement that the landlord must provide the tenant with written notice of delinquency by certified mail, return receipt requested, at least three days prior to changing the door locks.

Chairman Hansen:
I will entertain a motion on A.B. 379.

> ASSEMBLYWOMAN FIORE MOVED TO AMEND AND DO PASS ASSEMBLY BILL 379.
>
> ASSEMBLYMAN ELLIOT T. ANDERSON SECONDED THE MOTION.

Assemblyman Ohrenschall:
I was working with all the stakeholders and I thought I had soup as of last night in terms of getting a take on this bill. We amended every section except for section 13. We proposed that prior to changing the locks on a commercial tenant, there should be a three-day certified mail notice. If you recall the testimony from Ms. Beverly Salhanick, accidents can happen. Checks can get lost in the mail, someone can write a check on a dead account, and there can be instances where real estate agents show up and see the locks changed and the sign saying where to call to get the new lock. They are going to just quit. A small business that is perhaps still viable may now go under. Hopefully, this will make sure things that happen by mistake do not happen. I have worked very closely with Mr. Jonathan Leleu of Greenberg Traurig and his clients, and they are neutral on this. As of last night, the Southern Nevada Chapter of NAIOP, the Commercial Real Estate Development Association, another stakeholder who was very active in the discussions, was neutral. I was informed today by their representative that now they have decided they are concerned and opposed to it. I do not have everyone neutral on this, so I am not sure I can call it a compromise. I think this bill is a small bit of extra protection to make sure that an incorrect lockout does not happen under the current commercial tenancy statutes. I hope the Committee will support it. I am committed to continue working with the stakeholders.

Chairman Hansen:
Is there any further discussion? [There was none.]

> THE MOTION PASSED. (ASSEMBLYMAN THOMPSON WAS ABSENT FOR THE VOTE.)

Assemblyman Ohrenschall will do the floor statement.

Assembly Bill 207: Makes various changes to provisions relating to the enforcement of judgments. (BDR 2-738).

[This bill was not considered (Exhibit ZZ).]

Assembly Bill 282: Revises provisions governing real property. (BDR 3-855)

[This bill was not considered (Exhibit AAA).]

Chairman Hansen:
I want to take a second to thank our staff. You do not know how much work was involved to put on this work session. Let us give Diane Thornton, the Committee Policy Analyst, and Brad Wilkinson, Committee Counsel, a big hand for all the things they do. While we are all in here acting like we are on top of the world doing everything, there are a whole series of secretaries and attaches working hard. I cannot start naming them because I will leave someone out. But believe me, we appreciate our staff and they do such a fantastic job for us. They make this process look very smooth. I just want to thank them and let them know how much we sincerely appreciate them—even working late with the homeowners' association subcommittees at night, and getting in early trying to go through all these stacks of paper to coordinate everything to make it look good.

Is there any public comment?

Tonja Brown, Private Citizen, Carson City, Nevada:
I just want to touch on Assembly Bill 401, which did not make it to Committee. I would like to personally thank Assemblyman Harvey Munford and Assemblyman John Moore for bringing it to the Committee. As an advocate for the innocent, I want to speak on behalf of them. It is a sad day that this bill did not get passed. Hopefully, somewhere along the line, it can be amended. I will continue to move forward.

I contacted Congressman Amodei's office several weeks ago and received a response. They have contacted the Federal Bureau of Investigation in Reno to look into the Washoe County District Attorney's Office with a lien of evidence that sent innocent people to prison. I am going to give them 30 days to contact me. In the event that I do not hear back from them within 30 days, as an advocate, I will move forward to Washington, D.C., to the U.S. Department of Justice to ask them to investigate the Washoe County District Attorney's Office, along with the Attorney General's Office. It appears

that not only has the District Attorney's Office been withholding evidence in cases, but the Attorney General's Office has too. That is documented by attachments to Senate Bill 57 in an appeal statement.

In the meantime, this book came out in 2005; an updated version was to go to the publishers, but I asked them to hold off until this hearing with the Legislature. It was supposed to go to the publishers March 30. On behalf of the innocent, I would just like to read it.

Chairman Hansen:
No reading at this point; we are going to wrap it up. I have other people I have to get to down in southern Nevada.

Tonja Brown:
In the meantime, it is moving forward and hopefully the Justice Department will come in to look into things. Hopefully, the bill will come back at the next session and will pass. Statistics show that approximately 130 innocent men and women are serving time in our Nevada prisons.

Chairman Hansen:
I did forget one thing. I forgot to thank the Subcommittee that also worked so diligently into the evenings. All of the members are here. I want you to know I sincerely appreciate your work on the homeowners' association issues. What reminded me of that was Mr. Friedrich.

Jonathan Friedrich, Private Citizen, Las Vegas, Nevada:
Just a clarification. On Assembly Bill 233, you put out two amendments and I wanted to know if the first one has been repealed or rescinded by issuance of the second one that came out today.

Chairman Hansen:
Mr. Friedrich, I honestly do not know the answer to that. Ms. Thornton can answer that for you.

Diane Thornton:
Regarding the amendment that Assemblyman Hansen had previously proposed, the original is now gone and it has been replaced by the one that transfers the Office of the Ombudsman from the Real Estate Division to the Office of the Attorney General. That is the current standing amendment.

Jonathan Friedrich:
I do have a copy of it. What happens to *Nevada Revised Statutes* Chapter 116? Does that disappear?

Diane Thornton:
No. *Nevada Revised Statutes* Chapter 116 is not touched in this amendment.

Jonathan Friedrich:
So NRS Chapter 116 remains as it is?

Diane Thornton:
Yes, that is correct.

Jonathan Friedrich:
Thank you. You have just prevented mayhem and chaos in this state.

Chairman Hansen:
We are trying. I admire your years of dedication with this issue. You are a persistent man. Did we answer your question, Mr. Friedrich?

Jonathan Friedrich:
Yes, sir. You have made me very happy and one million other people in this state are very happy.

Assemblywoman Diaz:
This has been a brutal week. I think we have all felt it. It was so nice to come and find the world famous Ben Graham cookies sitting here. He always does this every year for us and he knows the right time to do it. Thank you so much, Mr. Graham.

Assemblyman Jones:
I want to thank you, Mr. Chairman, because as a freshman I am sitting on other committees and we processed more bills in this Committee. I felt it has been the most efficient. The biggest reason is your willingness to listen to all points of view. I appreciate how you have been running this Committee.

Chairman Hansen:
Are there any further public comments?

John Ridgeway, Private Citizen, Las Vegas, Nevada:
I would like the people in Carson City know that the staff in Las Vegas is absolutely superb.

Chairman Hansen:
Thank you, we agree completely. Is there any further Committee business? [There was none.] The meeting of the Judiciary Committee is adjourned [at 7:38 p.m.].

[(Exhibit BBB), (Exhibit CCC), (Exhibit DDD), (Exhibit EEE), (Exhibit FFF), were submitted but not discussed.]

RESPECTFULLY SUBMITTED:

_____
Janet Jones
Committee Secretary

APPROVED BY:

_____
Assemblyman Ira Hansen, Chairman

DATE: _____

EXHIBITS

Committee Name: Assembly Committee on Judiciary

Date: April 10, 2015 **Time of Meeting: 8 a.m.**

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 375	C	Assemblywoman Victoria A. Dooling	Mock-up amendment
A.B. 375	D	Assemblywoman Victoria A. Dooling	Testimony
A.B. 375	E	Jeremy Tedesco, Senior Legal Counsel, Alliance Defending Freedom	Legal Analysis
A.B. 375	F	Karen England, representing Capitol Resource Family Alliance	Testimony in Support
A.B. 375	G	Kaylyn Taylor, Private Citizen, Las Vegas, Nevada	Testimony in Support
A.B. 375	H	Jennifer Howell, Sexual Health Program Coordinator, Washoe County Health District	Testimony in Opposition
A.B. 375	I	Tamara Zuchowski, APRN, FNP-BC, Northern Nevada HOPES, Reno, Nevada	Letter in Opposition from Northern Nevada HOPES
A.B. 375	J	Brock Maylath, President, Transgender Allies Group, Reno, Nevada	Testimony in Opposition
A.B. 375	K	Vanessa Spinazola, Legislative and Advocacy Director, American Civil Liberties Union of Nevada	Testimony in Opposition
A.B. 375	L	Shane Greener, Private Citizen, Las Vegas, Nevada	Testimony in Opposition
A.B. 375	M	Cassandra Charles, Private Citizen, Las Vegas, Nevada	Letter in Opposition from Nevada Teen Health and Safety Youth Group

A.B. 375	N	Jackson Nightshade, representing Gender Justice Nevada	Letter in Opposition
A.B. 375	O	Jeremy Wallace, Private Citizen, Las Vegas, Nevada	Testimony
A.B. 375	P	Kimi Cole and Brock Maylath, representing Transgender Allies Group	Letter in Opposition
A.B. 405	Q	Kim Guinasso, Private Citizen, Reno, Nevada	Analysis
A.B. 405	R	Desiree Davis, Private Citizen, Reno, Nevada	Testimony
A.B. 405	S	Erin Miller, Private Citizen, Reno, Nevada	Testimony
A.B. 405	T	Laura Deitsch, Private Citizen, Las Vegas, Nevada	Testimony
A.B. 405	U	Kristina Trejo, Health Care Manager, Planned Parenthood of Southern Nevada	Testimony
A.B. 375	V	Diane Thornton, Committee Policy Analyst	Work Session Document
A.B. 405	W	Diane Thornton, Committee Policy Analyst	Work Session Document
A.B. 193	X	Diane Thornton, Committee Policy Analyst	Work Session Document
A.B. 193	Y	Brad Wilkinson, Committee Counsel	Conceptual Amendment from Assemblyman Hansen
A.B. 435	Z	Diane Thornton, Committee Policy Analyst	Work Session Document
A.B. 50	AA	Diane Thornton, Committee Policy Analyst	Work Session Document
A.B. 233	BB	Diane Thornton, Committee Policy Analyst	Work Session Document
A.B. 283	CC	Diane Thornton, Committee Policy Analyst	Work Session Document
A.B. 238	DD	Diane Thornton, Committee Policy Analyst	Work Session Document
A.B. 352	EE	Diane Thornton, Committee Policy Analyst	Work Session Document

A.B. 370	FF	Diane Thornton, Committee Policy Analyst	Work Session Document
A.B. 371	GG	Diane Thornton, Committee Policy Analyst	Work Session Document
A.B. 244	HH	Diane Thornton, Committee Policy Analyst	Work Session Document
A.B. 414	II	Diane Thornton, Committee Policy Analyst	Work Session Document
A.B. 433	JJ	Diane Thornton, Committee Policy Analyst	Work Session Document
A.B. 129	KK	Diane Thornton, Committee Policy Analyst	Work Session Document
A.B. 386	LL	Diane Thornton, Committee Policy Analyst	Work Session Document
A.B. 219	MM	Diane Thornton, Committee Policy Analyst	Work Session Document
A.B. 214	NN	Diane Thornton, Committee Policy Analyst	Work Session Document
A.B. 258	OO	Diane Thornton, Committee Policy Analyst	Work Session Document
A.B. 263	PP	Diane Thornton, Committee Policy Analyst	Work Session Document
A.B. 362	QQ	Diane Thornton, Committee Policy Analyst	Work Session Document
A.B. 359	RR	Diane Thornton, Committee Policy Analyst	Work Session Document
A.B. 240	SS	Diane Thornton, Committee Policy Analyst	Work Session Document
A.B. 404	TT	Diane Thornton, Committee Policy Analyst	Work Session Document
A.B. 357	UU	Diane Thornton, Committee Policy Analyst	Work Session Document
A.B. 262	VV	Diane Thornton, Committee Policy Analyst	Work Session Document
A.B. 281	WW	Diane Thornton, Committee Policy Analyst	Work Session Document
A.B. 225	XX	Diane Thornton, Committee Policy Analyst	Work Session Document
A.B. 379	YY	Diane Thornton, Committee Policy Analyst	Work Session Document

A.B. 207	ZZ	Diane Thornton, Committee Policy Analyst	Work Session Document
A.B. 282	AAA	Diane Thornton, Committee Policy Analyst	Work Session Document
A.B. 375	BBB	Juanita Clark, Board Member, Charleston Neighborhood Preservation; Chauntay Earl, Private Citizen, Las Vegas, NV; Santiago Gonzalez and Nancy Sevilla, Private Citizens, Las Vegas, NV; Andres Leon-Vargas, Private Citizen, Las Vegas, NV; Georgina Lopez, Private Citizen, Las Vegas, NV; Terilyn Taylor, Private Citizen, Las Vegas, NV: Yuri Zamora and Ana Zurila, Private Citizens, Las Vegas, NV	Letters in Support
A.B. 375	CCC	Kayla Armbruster, Private Citizen, Reno, NV; Elisa Cafferata, President & CEO, Nevada Advocates for Planned Parenthood Affiliates, Inc.; Arli Christian, Policy Counsel, National Center for Transgender Equality; Gaylyn Daniels, Organizer, Nevada Teen Health and Safety Coalition; Latonya Dawson, Private Citizen, Las Vegas, NV; Allison Gill, Senior Legislative Counsel, and Steven Amend, Las Vegas Steering Committee, Human Rights Campaign; Ashley McHugh, Public Health Professional, Immunize Nevada, Reno, NV; Nevada Teen Health and Safety Coalition; Kristy Oriol, Policy Specialist, Nevada Network	Letters in Opposition Survey in Opposition

		Against Domestic Violence; Shannon Ryan, Private Citizen, Reno, NV	
A.B. 375	DDD	Kristy Oriol, Policy Specialist, Nevada Network Against Domestic Violence	Dating Violence Experiences of Lesbian, Gay, Bisexual, and Transgender Youth
A.B. 405	EEE	Susan Barnes, Private Citizen, Sun Valley, NV; Juanita Clark, Board Member, Charleston Neighborhood Preservation; Scott Fischbach, Executive Director, Minnesota Citizens Concerned for Life, Minneapolis, Minnesota; Janine Hansen, State President, Nevada Families for Freedom; Don Nelson, President, Nevada LIFE, Reno, NV; Erin Phillips, Private Citizen, Las Vegas, NV; Albin Rhomberg, Private Citizen, Sacramento, CA; Richard Ziser, Chairman, Nevada Concerned Citizens, Las Vegas, NV	Letters in Support Testimony in Support "Minnesota Abortions Drop Again Thanks to Parental Notification Letter"
A.B. 405	FFF	Jillian Anderson, Community Health Educator, Planned Parenthood, Reno, NV; Kayla Armbruster, Private Citizen, Reno, NV; Elisa Cafferata, President & CEO, Nevada Advocates for Planned Parenthood Affiliates, Inc.; Latonya Dawson, Private Citizen, Las Vegas, NV; Kristy Oriol, Policy Specialist, Nevada Network Against Domestic Violence; Vanessa Spinazola, Legislative and Advocacy Director, American Civil Liberties Union of Nevada	Testimony in Opposition Parental Notification Legislative Brief in Opposition