

**MINUTES OF THE  
SENATE COMMITTEE ON LEGISLATIVE OPERATIONS AND ELECTIONS**

**Seventy-Eighth Session  
April 1, 2015**

The Senate Committee on Legislative Operations and Elections was called to order by Chair Patricia Farley at 3:37 p.m. on Wednesday, April 1, 2015, in Room 2144 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator Patricia Farley, Chair  
Senator James A. Settelmeyer, Vice Chair  
Senator Greg Brower  
Senator Kelvin Atkinson  
Senator Tick Segerblom

**GUEST LEGISLATORS PRESENT:**

Senator Moises (Mo) Denis, Senatorial District No. 2  
Senator Aaron D. Ford, Senatorial District No. 11  
Senator Pete Goicoechea, Senatorial District No. 19  
Senator Scott Hammond, Senatorial District No. 18  
Senator Ruben J. Kihuen, Senatorial District No. 10  
Senator Michael Roberson, Senatorial District No. 20  
Assemblyman Nelson Araujo, Assembly District No. 3  
Assemblywoman Irene Bustamante Adams, Assembly District No. 42  
Assemblywoman Olivia Diaz, Assembly District No. 11  
Assemblyman Edgar Flores, Assembly District No. 28

**STAFF MEMBERS PRESENT:**

Michael Stewart, Policy Analyst  
Brenda Erdoes, Legislative Counsel  
Haley Johnson, Committee Secretary

**OTHERS PRESENT:**

Bruce Fuh, Director General, Taipei Economic and Cultural Office, San Francisco  
Janine Hansen, President, Nevada Families for Freedom; Independent American Party

Norm Halliday, Secretary-Treasurer, Nevada Alliance for Retired Public Safety Officers

Bonnie McDaniel

Jim Sallee

Joannah Schumacher

Richard Ellis, Communication Workers of America

Tom Jones, Chairman, Independent American Party, Clark County

Kevin Ranft, American Federation of State, County and Municipal Employees, AFL-CIO Local 4041

Peter Long, Deputy Administrator, Division of Human Resource Management, Department of Administration

Kareen Masters, Deputy Director, Administrative Services, Department of Health and Human Services

Elvira Diaz, Campaign Manager, Immigration Reform for Nevada

Jahahi Mazariego

Jaime Edrosa

Otto Merida, President, Latin Chamber of Commerce, Nevada, Inc.

Leo Murrieta, Latino Leadership Council

Amanda Cuevas

Ivon Padilla-Rodriguez

Jacki Ramirez

Andres Ramirez

Cory Hernandez

Alex Turner

Rolando R. Velasquez, National Federation of Filipino American Associations; Filipiniana Dance Company of Las Vegas

Rozita Lee, Asian Pacific American Advocates; National Federation of Filipino American Associations; Bamboo Bridges; Filipino American Chamber of Commerce of Greater Nevada

Fernando Romero, President, Hispanics in Politics

Jim Hindle, Chair, Storey County Republican Party

Alex Ortiz, Clark County

Sue Merriwether, Clerk/Recorder, Carson City

Liane Lee, Washoe County

Senate Committee on Legislative Operations and Elections  
April 1, 2015  
Page 3

Joe Gloria, Registrar of Voters, Clark County  
Doug Goodman  
Richard Winger  
Tom Jones, Chairman, Independent American Party, Clark County  
Juanita Cox, Citizens in Action

**Senator Farley:**

We will begin the meeting with Senate Joint Resolution (S.J.R.) 20.

**SENATE JOINT RESOLUTION 20:** Urges the President and Congress of the United States to support the participation of the Republic of China on Taiwan in the Trans-Pacific Partnership. (BDR R-1264)

**Senator Scott Hammond (Senatorial District No. 18):**

Senate Joint Resolution 20 represents a collaborative effort between Nevada and the Republic of China on Taiwan. I have submitted my prepared testimony ([Exhibit C](#)).

**Bruce Fuh (Director General, Taipei Economic and Cultural Office, San Francisco):**

I am honored to have the opportunity to speak before you to request your kind endorsement of the proposed resolution, S.J.R. 20, urging the U.S. Congress and the President to support the Republic of China, Taiwan's participation in the Trans-Pacific Partnership. I have submitted my prepared testimony ([Exhibit D](#)).

**Janine Hansen (President, Nevada Families for Freedom):**

My opposition to S.J.R. 20 has nothing to do with Taiwan because I have been a lifelong supporter. I oppose the Trans-Pacific Partnership (TPP).

Nevada Families for Freedom is the state affiliate of the National Eagle Forum, which has opposed the TPP for many years. We are concerned about the drop in potential jobs for Americans. When the U.S. government passed the U.S.-Korea Free Trade Agreement (KORUS), the President predicted that it would create 70,000 jobs for Americans who would then pay taxes and not have the need for government assistance.

The adverse effect upon its passage was immediate. In the first year after KORUS took effect, the U.S. trade deficit with South Korea increased by \$5.8 billion, costing 40,000 American jobs, mostly in manufacturing, according

to the Economic Policy Institute. The KORUS was great in creating jobs in Korea but caused a big loss of jobs in America.

While the U.S. trade deficit with the world increased 21 percent, our trade deficit with Korea jumped to 81 percent. This is what we can expect if we pass the TPP, except much worse. The Trans-Pacific Partnership will subject American sovereignty to international corporations, and we will lose our sovereignty with regard to international trade.

According to Jim Clifton, the CEO of Gallup, the biggest lie in America is that there is a 5.6 unemployment rate. Only 44 percent of Americans are working 30 hours a week or more. The reason that there is such a discrepancy in these figures is that everyone who has been on unemployment has just given up or has been taken out of the unemployment figures.

We oppose S.J.R. 20, not because we do not support Taiwan but because we oppose the TPP as a bad deal for Americans that will create huge job losses just as other trade agreements have done.

**Norm Halliday (Secretary-Treasurer, Nevada Alliance for Retired Public Safety Officers):**

Let me introduce you to a term that is synonymous with the TPP. It is known as fast-track or the Trade Promotion Authority (TPA). It is the process where the President asks Congress to approve or disapprove an agreement without the review of the documents or the negotiations of an agreement.

These negotiations are being conducted by trade negotiators and multinational corporations and are being kept secret from our own government. If these negotiations were so beneficial to the U.S., why are they not being posted in every newspaper in this Country for all to see?

The President is asking for approval with no investigation while acting on blind faith that these corporate negotiators conducting business in secret and without oversight are looking out for the best interest of the citizens of our Country.

Would you sign an agreement with potentially devastating long-lasting effects without knowing what it contains? I urge each of you to ask our Congressional Delegation in Washington, D.C., to know more about this agreement before any action is taken on S.J.R. 20.

**Bonnie McDaniel:**

I oppose S.J.R. 20 not because I am against Taiwan but because I am against the TPP. It sells us out to the communist countries of the Pacific Rim, Russia, South and North Korea, China, Japan, Indonesia, India and others. We already have a trade agreement between the USA and these countries. It will not create jobs for Americans as stated but will instead give our jobs to countries overseas.

The TPP will further push the USA into Agenda 21, which is a grave mistake. If you think that Taiwan is going to buy American-made products en masse, you are mistaken. The foreign countries make and build items for Americans that are inferior and not up to USA environmental rules and regulations. For example, the flooring made for Lumber Liquidators was full of formaldehyde. We do not allow such production, but it was sent to liquidators anyway. Manufacturers lied to Lumber Liquidators about its inclusion, causing purchasers in America who bought and installed it in their homes to become sick. This will only continue if we agree to the TPP.

Vote no to protect the people and sovereignty of America.

**Jim Sallee:**

I support Janine Hansen and Norm Halliday's testimony; both expressed my concerns with S.J.R. 20 very well.

**Joannah Schumacher:**

I represent a large group of bipartisan men and women who are concerned about the Trans-Pacific Partnership. It is difficult to get information on what is happening in these negotiations. We are not against Taiwan; we recommend that Taiwan does not engage in the TPP either.

**Senator Brower:**

I am just wondering if you could explain why you and this large group of people are concerned about this partnership?

**Ms. Schumacher:**

We are actually concerned about the corporations that are involved in this. One of the concerns that our group has is about genetically modified organisms and how the proliferation of them might possibly be interfering with native species, causing problems throughout the United States.

Ms. Hansen also said several things that we are also concerned about, one being the reduction of the standard of living for Americans. We are being hard hit here in Nevada with the TPP.

**Richard Ellis (Communication Workers of America):**

We have no problem with Taiwan; however, we are opposed to the TPP. This will be the third time that this has been tried. The North American Free Trade Agreement cost us 700,000 jobs, and the North Korea agreement cost us another 60,000 jobs. I would like to echo the remarks of the others who have spoken before me in opposition.

**Senator Hammond:**

I appreciate the opposition to S.J.R. 20. This resolution urges Congress and the President to consider the inclusion of Taiwan in the arrangement and not just the TPP specifically.

If there is going to be an arrangement, we encourage them to allow Taiwan to participate. For the stated reasons illustrated by Mr. Fuh, the importance of being a trade partner and trading in general for the island of Taiwan is of grave importance. A large percent of Taiwan's GDP is connected to trade; therefore, it is important that if we are going to have a trade association, then we should include Taiwan.

**Senator Settlemeyer:**

Looking online, I gather the United States has been an original signatory to the Trans-Pacific Partnership since February 2008; it is not necessarily a new concept.

**Senator Hammond:**

Exactly. We are urging the participation of a country that we have a long and deep relationship with, that we care about, that we have been a sister state to for 30 years.

**Chair Farley:**

I will close the hearing on S.J.R. 20 and open the hearing on Senate Bill (S.B.) 307.

**SENATE BILL 307**: Revises provisions relating to public officers and candidates for public office. (BDR 17-768)

**Senator Michael Roberson (Senatorial District No. 20):**

It is an honor to introduce S.B. 307 which addresses a number of important lobbying disclosure and campaign finance issues to promote more openness, transparency and clarity in Nevada's reporting requirements. I have submitted my prepared testimony ([Exhibit E](#)).

**Senator Segerblom:**

You have to disclose the value of educational trips or meetings?

**Senator Roberson:**

Yes, you would have to disclose the value of those. What it would require is a change to the financial disclosure form to include a section for educational trips.

**Senator Segerblom:**

But it would not be listed on the contribution forms? It would be on a different form?

**Senator Roberson:**

It would be listed, I believe, on the financial disclosure form. Legally, if it is not a gift today, it will not be a gift tomorrow. If it is not a gift, there is no place on the financial disclosure form to list it. This would require listing of those trips; they would just not be categorized as gifts.

**Senator Segerblom:**

I think that clarifies what I perceive as a real problem as far as how it is done now. Are you doing anything with the way our reporting system seems to never balance out because we carry money forward?

**Senator Roberson:**

Senate Bill 307 does not address that, but of course this bill as any other bill can be amended. If that is something that you are interested in, we can certainly talk about it.

**Senator Settlemeyer:**

Within the concept it says "soliciting or accepting any gifts in any amount from lobbyists." I would assume that does not mean we are all in trouble for all of the Christmas cards we get sent?

**Senator Roberson:**

If you go to the bill, section 9 says “any ceremonial gifts received for a birthday, wedding, anniversary, holiday or other ceremonial occasion from a donor who is not a lobbyist” would be excluded from the definition of a gift. But that is from someone who is not a lobbyist, so if it is a lobbyist, I believe that they cannot give a gift whether it is ceremonial or not. The intent of this bill is to ban gifts from lobbyists, period.

**Senator Segerblom:**

Is this taking away the current provision where if all Legislators are invited, then we do not have to report the cost of a ...

**Senator Roberson:**

Senator Segerblom, no. There is an exception under the definition of expenditure in the instance that you are referring to where a lobbyist can provide food and beverages and invite everyone at the Legislature. Only if every Legislator is invited to the event will it not be considered a gift. It would be an expenditure that the lobbyist would have to disclose, but it would not be considered a gift.

**Ms. Hansen (Independent American Party):**

We support most of this bill. The only problem we have begins on page 20, sections 35 to 38. We are concerned about having additional reporting requirements. Right now there are five requirements for candidates during the election season between filing in March and the election. This bill would make candidates file every single month.

This is a burden, especially on minor party candidates who are challengers. This is particularly favorable to incumbents who have plenty of staff, money and accountants. It is difficult for other people who want to run to file these reports every single month.

Those who are really interested in this information are the opponents of candidates and the news media, not the general public. I doubt they ever even look up the expenditures. It will discourage good people from running for office with more regulations, requirements and reporting that is required.



**Tom Jones (Chairman, Independent American Party, Clark County):**

I echo the comments made by Ms. Hansen. On the reporting requirements, if a candidate has to report campaign expenses every month, it puts an undue hardship on the smaller candidates. Instead of making more reports, there should be three: one at the beginning of the year, one after the primary and one at the end of the year. It creates extra work on the Secretary of State's Office that has to compile and look at all of the reports.

**Chair Farley:**

I will close the hearing on S.B. 307 and open the hearing on S.B. 315.

**SENATE BILL 315:** Revises provisions concerning pay for certain state employees for legal holidays. (BDR 23-508)

**Senator Michael Roberson (Senatorial District No. 20):**

It is an honor to introduce Senate Bill 315, upon the request of one of my constituents, which ensures fairness for State employees who work a nontraditional workweek. I have submitted my written testimony ([Exhibit F](#)).

**Kevin Ranft (American Federation of State, County and Municipal Employees, AFL-CIO Local 4041):**

I represent State employees, and the Majority Leader had it correct. This issue has gone back and forth for a long time. We feel the inequity occurs when someone has to use annual leave for a holiday that either falls on one of his or her days off or a State holiday. This is a strong bill that we support.

This bill will affect approximately 1,200 State employees who work 10-hour shifts, so there may need to be a minor adjustment.

**Peter Long (Deputy Administrator, Division of Human Resource Management, Department of Administration):**

We are testifying neutral today on S.B. 315 because we do have some concerns about the bill.

Section 1 of the bill addresses employees who work 10-hour days, 4 days a week. As Mr. Ranft pointed out, agencies try very hard to work with employee schedules. We have a lot of employees who do not strictly work 4 days of 10-hour shifts. They might work 4 days at 9 hours and 1 day at 4 hours or 4 days at 8.5 hours and 1 day at 6 hours, whatever they work out with their

employer to meet the business needs. This would exclude them from being paid those additional hours on a holiday.

In addition, by paying someone 10 hours on a holiday, say the holiday falls on a Monday, the employee would then have to work Tuesday, Wednesday and Thursday to get 40 hours. That is only 30 hours more that they would have to work as opposed to someone who works 5 days at 8 hours. The employee would get 8 hours for the holiday and then have to work 32 hours the rest of the week. So we see an equity issue in how the holiday pay is applied.

I have submitted my prepared testimony ([Exhibit G](#)).

**Kareen Masters (Deputy Director, Administrative Services, Department of Health and Human Services):**

We are neutral on S.B. 315, but I want to point out a couple of issues. I echo the remarks of Mr. Long. This issue has been considered in the past through the personnel regulation adoption process.

One of the issues is if you look at hours versus days, adoption of this bill would result in a certain group of employees receiving more holiday pay hours than most other employees. If there are 11 holidays a year, those employees who work 5 days at 8 hours a day would get 88 hours of holiday pay. If you compensate them for 10 hours on a holiday, it would be 110 hours that other employees would receive, which would be a difference of 22 hours a year.

The other issue from the Department's standpoint is that we do have some 24-hour facilities, like psychiatric hospitals, youth correctional facilities, etc. Whenever someone is off additional hours, we must ensure additional staffing to cover those hours.

**Senator Roberson:**

I appreciate the comments by the two previous witnesses, and I request that they come forward with solutions to the issues they presented.

What I know from my constituent is that she is required to work 4 days at 10 hours and when the holiday falls on a day that she is not working, she has to come in an extra day to put in 2 extra hours or she has to work through her lunch. There is a problem. I would like to see some proposed amendments so that we can work through the issues.

**Chair Farley:**

I close the hearing on S.B. 315 and open the hearing on S.J.R. 21.

**SENATE JOINT RESOLUTION 21**: Urges Congress to enact comprehensive immigration reform. (BDR R-1266)

**Senator Moises (Mo) Denis (Senatorial District No. 2):**

It is an honor to be here today to assist my colleague, Assemblywoman Irene Bustamante Adams, in introducing Senate Joint Resolution 21, which urges Congress to enact comprehensive immigration reform. I have submitted my prepared testimony ([Exhibit H](#)).

The principles contained here are also being heard in a committee that I serve on with the National Conference of State Legislators, the Task Force on Immigration and the States. It is a bipartisan group of legislators from across the Country. We have also come to the conclusion that these are the types of things that need to be addressed.

**Senator Ruben J. Kihuen (Senatorial District No. 10):**

I am here to speak in support of S.J.R. 21. As the only Legislator serving in this body who is an immigrant, I would like your help in urging Congress to pass comprehensive immigration reform. I have submitted my prepared testimony ([Exhibit I](#)).

**Chair Farley:**

You talked about fees, penalties and back taxes. Is that going to deter people from coming forward and actually achieving the goal to move forward as citizens? If it comes with a huge price tag, is it self-defeating to even put that out there? That concerns me.

I am in the construction industry, and I think getting a path established will actually be very good for the industry and our State because we hire a lot of Latino workers. Unfortunately, some are not legal and they end up making substandard wages or do not get workers' compensation and health insurance. The employers are also not paying taxes or if they are, the employee is not paying taxes.

My biggest concern is that I do not want to create an obstacle to the path that you are describing.

**Senator Kihuen:**

This bill has been researched and worked on both by Republicans and Democrats. This bill could potentially get support from both parties to meet the needs of undocumented immigrants who are willing to complete the necessary steps for an opportunity to succeed in this Country.

Most people want to learn English, most people want to be able to pay taxes and get taxes in return, most people are willing to stand in back of the line—but not for 15 to 20 years—as the system requires. Most people want to do things the right way, and I think that this bill is the right solution at this time.

Most of my constituents whom I have talked to know what the requirements would be, and they would be willing to abide by every one of them.

On the second point, I do agree that we have a lot of undocumented people who are working in the construction industry. Unfortunately, because they are working undocumented, they are being discriminated against and are paid low wages, way below what they should be paid. Many go work a job, then do not get paid.

You see instances where you have day laborers who are waiting outside of the Home Depot stores. They get picked up to go do a job, spend 12 hours out in the heat working the job and then do not get paid. We want to avoid all of these situations, and the solution is comprehensive immigration reform.

**Senator Settlemeyer:**

We did this bill last year or a version thereof, so what are we doing to make Congress listen this time versus last time, and why the differences?

**Senator Denis:**

The important thing is to keep the pressure on and not let Congress feel that since we did not do anything that it is not important to us. By continuing to remind Congress that this is important to us in Nevada, we hope that something will happen.

**Senator Settlemeyer:**

Why the differences?

**Senator Denis:**

There have been a few changes because progress has been made. We tried to update it based on the new things that are going on.

**Senator Settelmeyer:**

I am looking at the section that reads, "whereas, the growth in our State's population has also been driven by unauthorized immigrants who comprise approximately 8 percent of our population." We cannot say that because we do not actually have an accurate number of how many people are here unauthorized.

Also when it says unauthorized immigrants provide \$15 million in property taxes, \$110 million in sales taxes, I have a problem putting something out that lists data that we cannot firmly stand behind. I know that unauthorized workers contribute and that they are a percentage of our population, paying sales and property taxes, but attributing an absolute number to that ...

**Senator Denis:**

The reason that those numbers are included is because we have information from a few studies that we did not have before. I know the Pew Research Center has a study where we have gotten data, and one other source has come out with specific data for Nevada that we have been able to use.

**Senator Kihuen:**

I agree with you. I do not think a study can tell us exactly how many undocumented people are in the Country. It is estimated that there are approximately 11 million. I do not think that any study would tell you the exact number.

As far as immigration reform, there is already a bill that passed out of the U.S. Senate in a bipartisan fashion with over 60 votes that, unfortunately, is stuck in the House of Representatives right now. That is why we are bringing this resolution forward.

People are going to continue to live in this Country; there is no practical way to round up 11 million people and deport them back to their countries. Our economy would take a serious hit. We have to figure out a realistic way; that is why we are presenting this resolution.

**Senator Settlemeyer:**

I appreciate that, but what I am indicating is that I find those sections problematic. By giving specific numbers, you are inviting someone to say, well what is the cost? And I do not want to go down that road; I would prefer to take the numbers out.

**Senator Denis:**

Anytime you have a resolution, the whereas clauses can be speculative. The most important thing is the resolution. If that is something that we need to take out, that is not a big issue and that can be managed. It is the resolution that is asking Congress to do something.

**Senator Brower:**

My colleague raises a good point, and I appreciate your response, Senator Denis. For consideration, maybe to simply take the numbers out and put in significant words or adjectives that might make sense. Then we do not get caught in the trap, as Senator Settlemeyer suggests, where someone questions the numbers and, consequently, the entire resolution's legitimacy because a number might be inaccurate.

**Senator Denis:**

I agree. That can definitely be done.

**Senator Ford:**

I am here today in support of S.J.R. 21 to urge Congress to pass a comprehensive immigration reform bill to expand the American dream. I have submitted my prepared testimony ([Exhibit J](#)).

**Assemblywoman Irene Bustamante Adams (Assembly District No. 42):**

I want to echo the statements of Senator Kihuen. There are significant economic opportunities available in this resolution for my constituents. I represent the Asian business district in all of Las Vegas. This is a very important issue for them.

As for the statistical information, Senator Settlemeyer, I have all the data to back up the numbers, but I can see the reasoning behind your concern. For the sake of the record, our sources were the U.S. Census Bureau, the Pew Research Center, University of Nevada, Las Vegas (UNLV), Immigration Policy Center and the White House.

**Assemblyman Edgar Flores (Assembly District No. 28):**

I am testifying in support of S.J.R. 21. My district is highly composed of Hispanics, self-identified Latinos. Outside of this building, I work in the immigration world a lot.

I want to clarify that when we talk about comprehensive immigration reform, it is important to point out that an individual who goes through the pathway will not automatically jump into citizenship status. There is a long pathway that goes from a nonimmigrant adjusting to an immigrant status. This is typically a legal permanent resident who after X amount of years can become a U.S. citizen after paying X amount of fees. There are a lot of different versions of comprehensive immigration reform.

I want to talk to you about why the immigration system is broken, using specific examples. If you ever have the opportunity to research the monthly Visa Bulletin, there are preference classes for allotment of family-sponsored immigrant visas as follows: F1, F2A, F2B, F3, F4, etc. These are family-based preferences.

So let us say I have a 19-year-old son who is trying to come into the Country. The wait period for that son would be 20-plus years under our Visa Bulletin right now. That son decides to go to the U.S. anyway because he cannot realistically wait 20 years in his harsh living conditions.

Once in the U.S., he waits for 10 years and then applies for something called INA 240A(b), which is cancellation of removal. Under this provision, there are four conditions: you must be in the Country for at least 10 years continuously, you must display good moral character for those 10 years, you do not commit a crime involving moral turpitude, and your family—either a spouse, child or parent—would suffer extreme hardship if you were deported.

In that scenario, it would be easier and faster for an individual to just come to the Country, marry a U.S. citizen and then meet those four requirements. That process would be faster than the 20-plus years we currently expect people to wait for citizenship.

There are many different means of adjusting status, even if you are in the Country illegally, that can potentially be much faster. There is no incentive for anyone to get in line for 20 years to become a citizen.

When these people try to migrate to another country, it is because they need immediate help. Not in 20 years—it is an immediate need.

**Assemblywoman Olivia Diaz (Assembly District No. 11):**

I have a substantial number of undocumented people who live in my district. I come to you as a teacher who sees this in the classroom, I come to you as an Assemblywoman, but most of all I come as a compassionate human being.

The status quo causes much suffering among immigrant families, and it must end. Creating a humane immigration system is not simply a political issue in Washington. It hits near and dear in our hearts and close to home because it is about protecting family values and affirming the dignity of all people in our State.

It is urgent that lawmakers fix a broken immigration system that separates children from their parents and betrays our national and Catholic principles upholding the family as an important cornerstone of our society. I say Catholic because that is what I affiliate to.

By standing up for immigrants, we are putting our faith into action and advocating for policies that serve the common good. I have heard way too many stories and seen the aftermath of parents being deported, leaving their children behind. We are causing so much trauma, so much damage to those children who then have to figure out how to pick up their lives.

The other day on the floor of the Assembly, a young lady sat by me who is in the foster care system because one parent got deported and the other parent is absent. She is stuck in the foster care system because she does not have her family here to take care of her. It is very hard. I am amazed by how she has been resilient to being separated from her siblings and not seeing her parents. She has remained positive, she is in school and she is on track.

The people who come here as immigrants want a chance at the American dream because they do not have the opportunity in their home country. The reality is that people cross our borders for survival, and they need a means to adjust their status. The time is now.



**Elvira Diaz (Campaign Manager, Immigration Reform for Nevada):**

I am an immigrant and I am an American citizen. My son was born in California; he is 10 years old. He asked me to come talk to you because immigration reform is important to him since his father is undocumented.

Right now, my son is on spring break with his father; I am hoping that next Saturday, my son will be brought back. My son just texted me, asking me to tell you that he worries because his dad does not have papers and he could be arrested at any time. He is scared that he would not see his father anymore. He loves his father a lot.

His father is a responsible person and a good father. My son is transgender, so he needs his father as a role model even more. He would suffer great hardships if his father was deported.

It is time to fix our immigration system.

**Jahahi Mazariego:**

I am a social work student at the University of Nevada, Reno, and a first-generation Salvadoran American. As a person affected by our broken immigration policies, I share my story with you in my prepared testimony ([Exhibit K](#)) and urge you to support S.J.R. 21.

**Jaime Edrosa:**

I am here in support of S.J.R. 21 that urges the United States Congress to enact comprehensive immigration reform. This is not a Mexican issue, it is an American issue. I have submitted my prepared remarks ([Exhibit L](#)).

**Otto Merida (President, Latin Chamber of Commerce, Nevada, Inc.):**

The Latin Chamber of Commerce, Nevada, supports a comprehensive and balanced reform of our Nation's immigration laws. We believe that any legislation must recognize a significant contribution of all immigrants to the growth of the U.S. economy and the enrichment of our society.

It is time that we legalize the 11 million-plus undocumented immigrants in the United States. By doing this, we will boost the Nation's economy, tax revenues will increase and the federal government will accrue \$4.5 billion in additional net taxes.

We advocate for immigration policies that provide for a strong and accountable guest worker program that establishes conditions for earned legalization with a pathway to citizenship, adopts a nondiscriminatory program for strengthening our borders, acknowledges the need for effective homeland security, enforces immigration laws to reunite families and ensures that every eligible student is granted access to quality education.

In recent polls, nearly two-thirds of Americans are in favor of a measure that allows undocumented immigrants to earn citizenship over several years. In 2011, immigrant entrepreneurs were responsible for more than one in four new U.S. businesses. American employers need a legalized workforce.

Letting undocumented immigrants gain legal status will keep families together. Young undocumented immigrants will add billions to the economy if they gain legal status. The DREAMers, individuals who meet the requirements of the Development, Relief, and Education for Alien Minors (DREAM) Act, will boost employment wages. Significant reform of the immigration system will benefit the industries that require highly skilled workers.

**Leo Murrieta (Latino Leadership Council):**

We support S.J.R. 21. I am an immigrant from Mexico. My path to citizenship took me over 3 years and cost over \$6,000, but my American birthday on January 23, 2010, was the most wonderful day of my life.

What was even better was in 2013 when we came before both the Senate and the Assembly in Carson City with a similar resolution that was adopted unanimously in the Senate and nearly unanimously in the Assembly. We ask for an additional layer of support for us to place pressure on Congress to continue working toward bipartisan immigration reform that offers an earned path to citizenship. This is not a giveaway; we are asking for folks to pay taxes and fines, pass background checks and go through a citizenship process.

We also ask the reform to take care of families separated by the immigration process who have relatives and loved ones waiting for them all over the world.

**Amanda Cuevas:**

I am married to an undocumented man. We got married in 2011 and have finally received a date in late May for him to go down to the consulate in Mexico to have his final interview. He is hard-working and the best person who has ever come into my life.

I urge you to pass S.J.R. 21 so Congress knows that Nevada would like to see change. There are so many families that deserve to stay together. I am a student, and I was willing to give everything up if my husband had to leave. Luckily, the United States has given us the opportunity to move forward, going directly into the citizenship path as soon as he is eligible.

**Ivon Padilla-Rodriguez:**

I am a student at the University of Nevada, Reno, and I have had the great privilege of meeting several undocumented students who do not have access to the same opportunities that I do simply because they were not born in this Country. They are undocumented and had no say in the decision of their migratory experiences.

I got lucky that my parents had me in this Country, but I am here today because they emigrated to this Country to give me and my siblings a better life. In addition to that, I have several undocumented family members with U.S. citizen children who fear deportation as do their children; they do not want to be separated from their families.

**Jacki Ramirez:**

I am the daughter of immigrant parents who had the opportunity to migrate to the U.S. legally. However, due to our broken immigration system, there are 11 million immigrants who do not have the same opportunity. I stand with my brothers and sisters. Our immigration crisis is hurting America at many levels. We are at a critical point to pass comprehensive immigration reform. Please pass S.J.R. 21.

**Andres Ramirez:**

I have been an advocate for immigration reform for the past 20 years and have seen firsthand the devastation that our Nation's broken immigration system has caused across the Country. We are living in the twenty-first century but still are governed by immigration laws passed in 1965 which fail to address the current needs of our Country.

Families are being torn apart, law enforcement is struggling to adequately police communities, businesses are struggling to fill jobs and government agencies across America are struggling to deal with an immigration problem that has been exacerbated by congressional inaction. This is not a Latino issue or simply an immigrant issue, this is not a partisan issue, this is not a regional issue, this is an American issue that affects millions of people.

Virtually every major poll for the last decade has shown that an overwhelming majority of Americans support comprehensive immigration reform. It has support across the political spectrum. The coalition in support of comprehensive immigration reform is one of the broadest in the history of the United States.

The U.S. Conference of Catholic Bishops and the Human Rights Campaign support comprehensive immigration reform. You have progressives, liberals, conservatives and moderates all on board. Despite all of these groups coming together in support of this resolution, our Country has allowed this conversation to be dominated by toxic rhetoric rather than pragmatic solutions.

Senator Farley mentioned whether the requirements of the reform would deter immigrants from paying the fines and fees to process their citizenship. There is no indication that it would, and undocumented immigrants are paying coyotes up to \$10,000 just to be able to come in to this Country with no security that they may stay here or that they will not be killed along the way.

Having an honest chance to pay a fine to become part of the American fabric is something that they have strived for and something that they have put their life on the line for. Immigrants would absolutely continue to move forward to citizenship if they were given an honest chance for it.

Senator Settlemeyer brought up an issue with the whereas clauses, wondering if we should remove some of the figures within them. As Assemblywoman Bustamante Adams mentioned, all of those figures have a citable source. I would much prefer that we say whereas according to Pew or according to the Census Bureau, listing where we pulled the number from, instead of simply using some superlative adjective that will minimize the contributions and impacts of immigrants in this Country. Immigrants have certainly struggled to add to this Country, and it is important that we make sure that their voice is heard.

The Statue of Liberty is still a beacon of freedom and upon it still are the words "Give me your tired, your poor, your huddled masses ... ." Let us not forget what this Country was built on; let us not forget what our values and our history are made of. Let us not let the extreme toxic voices on the fringes of our political spectrum prevent us from passing something that we know is in the best interest of this Country.

**Cory Hernandez:**

I support S.J.R. 21. I am an American citizen, and the reason why I moved to the United States 14 years ago was because my family was not safe. I was living in Mexico in a place where the drug cartels were in charge of everything. There were beheadings, hangings, shootings; people had their limbs cut off. Blood and violence was all around my family and me.

This was internal terrorism; we lived in constant fear. We could not go outside, and I was afraid that my children would be kidnapped. If you had a job and you were trying to make a living, you were a target. I did not want my children to grow up in such an environment any longer.

We left everything behind, our family, our home, a good-paying government job, and we moved to the United States. Reno has been our home for the last 14 years. It was difficult to adjust to a new culture, a new country, a new language. Everything was so different compared to what we were used to. I am thankful every day that I live in a safe place now.

I was fortunate that my mother, an American citizen, had applied for dual citizenship for me and my children. The United States has always been a nation of immigrants. Immigrants deserve to live out their dreams here.

It is an absolute truth that immigrants help the economy grow. A growing economy creates jobs and opportunities for everyone. When they are no longer undocumented, immigrants will stand alongside native-born workers to fight for better wages and working conditions for all Americans. In so doing, they will benefit our state and equalize the labor market as a whole.

Millions of immigrants live in this Country. Hundreds of thousands of them live in Nevada. They work hard, pay taxes, raise families, educate, love and care for their children. It is time to welcome them for who they really are.

**Alex Turner:**

I am a military veteran. When I was 14, my parents went through the legal process for my citizenship and through the arduous process, my application was actually rejected. Through 11 years of military service, I was able to earn my citizenship.

I am a taxpayer, I have a degree, I am a homeowner and I contribute to society. I urge you all to consider the military avenue for a lot of our undocumented immigrants as a pathway to citizenship.

I think that I am an example of those who earn their citizenship and when given the opportunity, will take advantage of it and will contribute to the Country. My stepfather once said that there is no greater citizen than those citizens who have served in the armed forces.

**Rolando R. Velasquez (National Federation of Filipino American Associations; Filipiniana Dance Company of Las Vegas):**

I am an immigration lawyer and former Immigration and Naturalization Services prosecutor. I am often asked about immigration in the Asian community. Everyone who follows the immigration issue cannot avoid the often-repeated phrase that our system is broken and must be fixed. Beyond this convenient sound bite, people in general do not understand this phrase.

Imagine the frustration that a green cardholder feels when I tell him that his new wife and child born abroad cannot immigrate to the U.S. for at least 2 years even if the process is started today. Imagine the frustration telling a law-abiding U.S. citizen who follows all of the rules and petitions for her brother or sister in the Philippines in 1995 that they are not eligible to process for a visa for at least another 10 years from now. That is a 30-year wait before they can emigrate.

Imagine telling a local employer that the wait time for an immigrant visa for a skilled technology worker from India is 12 years, from China, 6 years. Luckily, at least a registered nurse from the Philippines can come in about 2 years. The temporary visa options remain equally limited and frustrating.

Bear in mind that the system is based upon a framework that was built in the 1950s and is poorly suited for the twenty-first century since it continues to keep families separated and employers waiting.

When it comes to undocumented workers, I cannot help but think of the story of Bobby. He was in high school when I met him years ago. His parents had brought him to the United States from the Philippines when he was just a child. He had no idea about his undocumented status until his sister was arrested and deported. He was devastated, but he found a way to persevere.

Luckily, Bobby graduated from high school and went on to UNLV where he graduated with a nursing degree. He became a nurse practitioner, got his green card, and he is now a U.S. citizen. Under the laws that were heavily geared toward enforcement in 1996, Bobby's story is the exception and not the rule. I worry about all of the missed opportunities.

For the past 10 years, I have gone to Washington, D.C. I have spoken to elected officials about immigration reform. I am here instead urging you to pass S.J.R. 21.

**Rozita Lee (Asian Pacific American Advocates; National Federation of Filipino American Associations; Bamboo Bridges, Filipino American Chamber of Commerce of Greater Nevada):**

According to the Census Bureau, our Asian-American and Pacific-Islander community has grown by 116 percent in Nevada. We are looking for comprehensive immigration reform to make it possible for siblings and married adult children to come to the United States to be reunited with their families.

I echo a lot of what the others have already said. Millions of families are separated for decades from loved ones. More than 500,000 Filipinos nationwide have families who have been on the waiting list for more than 25 years. Among these are families of our Filipino World War II veterans.

About 1.3 million Asian American and Pacific Islanders living in the United States are undocumented. Passage of compassionate immigration reform legislation that respects human dignity will allow millions of immigrants to emerge from the shadows.

Immigration reform could reduce the immigration application backlogs so that families can be united more quickly. We ask and pray that the Nevada Legislature and U.S. Congress will stand with immigrant families, putting human dignity before politics, and underscore family unity as a key

principle of immigration reform. Strong families are the foundation of robust communities in America.

**Ms. Hansen:**

President Ronald Reagan said “A nation that cannot control its borders is not a nation.” Our borders are broken. Many people like myself would be interested in discussing many of the things that we have heard today if we knew that our borders were secure. However, until they are, we do not feel that we can discuss so-called comprehensive immigration reform because it has been a euphemism for amnesty.

We are concerned about the issue that affects taxpayers. Two weeks ago, Robert Rector of the Heritage Foundation told the Committee on Oversight and Government Reform in Congress that lifetime costs of social security and Medicare benefits paid to millions of illegal aliens to whom President Obama is granting legal status will be about \$1.3 trillion. Rector’s calculation is based on his assumption that at least 3.9 million illegal aliens will receive legal status under the deferred action for parents of U.S. citizens and legal permanent residents.

Today, we have heard the serious plights of many people who want to be in America. I certainly do not blame them for that; however, there are many costs that American taxpayers will incur. The IRS commissioner, John Koskinen, told Congress on February 11 that illegal immigrants who did not pay any taxes or who used fake social security numbers will nevertheless be able to claim back refunds under the Earned Income Tax Credit once they get new social security numbers under President Obama’s amnesty. Koskinen said he did not know how much these tax refunds would cost, and the White House never checked with him before announcing amnesty.

The average Deferred Action for Parental Accountability-eligible family already receives about \$6,600 a year in means-tested welfare benefits. That includes benefits in food stamps, school lunch and breakfast under Medicaid and the Special Supplemental Nutrition Program for Women, Infants, and Children.

The cheap labor welcomed by employers is not only a huge impediment for American job seekers, it is also a big expense for taxpayers who are hit with new costs of schools, hospitals and prisons. Previously, I mentioned the report of the Gallup organization by the CEO, Jim Clifton, who has said that only



44 percent of adult Americans are working 30 hours a week or more. Americans need jobs right now. The American dream is evaporating for American citizens.

**Ms. Schumacher:**

I am speaking in opposition of S.J.R. 21. Ms. Hansen spoke on some of the concerns that I have. We all know that this system is broken and that it needs to be reformed. When President Reagan made the same summation, offering amnesty, he regretted it because he never closed the borders. This is an ongoing problem.

I am sympathetic with the troubles discussed today. We need to have a setup that works for everyone. If we just unilaterally tell Congress that we want comprehensive immigration reform, it is not specific enough to direct Congress toward what we are actually seeking. It is very important that the information we request Congress to do is specific with steps in place. Everything has to happen in the proper order for these things to be effective.

**Assemblyman Nelson Araujo (Assembly District No. 3):**

It is extremely important for me to stand here in support of S.J.R. 21. My district is very rich in culture. I come from a history of immigrants in my family. As a native of Las Vegas, I went to school with many students who would be impacted by comprehensive immigration reform, specifically addressing the DREAMers.

I graduated high school in Nevada in 2006. There was nothing more hurtful than to see peers of mine with higher grade point averages who were involved in more extracurricular activities when I was not able to move forward to succeed. They did not have the access to achieve their dreams solely because of their legal status. Some of them came here at 3 months old with no idea what the new nation had in store for them.

I stand firmly in support of S.J.R. 21 and speak on behalf of the hundreds of people who I have connected with as a community activist. I urge you to please pass this measure and make our voices heard for what is so needed in Nevada.

**Senator Atkinson:**

We all know and are familiar with this issue. It always reminds me of what the great Dr. Martin Luther King, Jr., said in his "I Have a Dream" speech: "All we

say to America is, 'Be true to what you said on paper.'" What that meant at the time is still true today: America should be fair for all and not only for selected individuals who we or others deem should benefit and be in our Country.

We should be making the path to citizenship easier and cleaner. It is not just about the Hispanic, Latino culture, it is about fairness for everybody. I am a strong supporter for S.J.R. 21. These folks have a strong ally in their efforts.

**Fernando Romero (President, Hispanics in Politics):**

I want to correct the opposition. President Reagan was quoted as being opposed and sorry for immigration. I want to clarify that President Reagan ended his term in office by speaking about the city on the hill with open windows, open doors and no borders. I urge the 78th Session of the Nevada Legislature to do what the 77th Session did, which is to support comprehensive immigration reform. I support S.J.R. 21.

**Jim Hindle:**

John F. Kennedy said "Ask not what your Country can do for you—ask what you can do for your country." We have heard a lot of personal testimony, but we have to keep in mind what is best for the Country.

In my mind, the idea of how this is equitable and how it can be applied equitably is most important. Fair is a personal issue, equitable cuts across all people.

Even if we cite specific sources, the numbers can be contested, so this should be kept in somewhat a general statement, because that is what we are trying to sell and that is how you have to sell it.

**Senator Denis:**

Thank you for this opportunity and the willingness to look at what we need to do to move forward.

**Senator Kihuen:**

Thank you to the Committee for hearing this bill and the support that we have received today.

**Chair Farley:**

I will close the hearing on S.J.R. 21 and begin the work session with S.B. 19.

**SENATE BILL 19**: Authorizes the board of trustees of a school district to place an advisory question on the ballot at a general election. (BDR 24-477)

**Michael Stewart (Policy Analyst):**

Senate Bill 19 was requested on behalf of the Washoe County School District. It allows a board of trustees of a school district in Nevada to submit an advisory question on a general election ballot. I have submitted the work session document with the amendments ([Exhibit M](#)).

SENATOR ATKINSON MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 19 WITH PROPOSED AMENDMENTS FROM THE NEVADA  
ASSOCIATION OF COUNTIES AND THE WASHOE COUNTY SCHOOL  
DISTRICT.

SENATOR SETTELMAYER SECONDED THE MOTION.

**Senator Brower:**

I want to clarify that the motion is to amend with the two amendments that Mr. Stewart just described?

**Chair Farley:**

Yes.

THE MOTION PASSED UNANIMOUSLY.

\* \* \* \* \*

**Chair Farley:**

I will now open the work session on S.B. 322.

**SENATE BILL 322**: Revises provisions relating to printed electioneering communications. (BDR 24-733)

**Mr. Stewart:**

Senate Bill 322 was brought to us by Senator Harris. It requires disclosures for written electioneering communications which are no larger than 24 inches by 36 inches to be printed in at least 12-point font. I have submitted the work session document ([Exhibit N](#)).

The initial ratio that you see in the bill was lifted in part from the federal law concerning disclosures for federal candidates. There were no specific amendments offered.

SENATOR SETTELMAYER MOVED TO DO PASS S.B. 322.

SENATOR BROWER SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

\* \* \* \* \*

[SENATE BILL 403](#): Revises provisions relating to elections. (BDR 24-799)

**Mr. Stewart:**

Senate Bill 403 is sponsored by Chair Farley. It provides that, in addition to any remedies or penalties set by law, if a district court finds a candidate for any office violated the candidate residency requirement, he or she must reimburse each person who made a campaign contribution to the candidate. I have submitted the work session document ([Exhibit O](#)).

**Senator Atkinson:**

The first paragraph of [Exhibit O](#) says the bill sets the reimbursement threshold at \$100 or any other monetary contribution which cumulatively exceeds \$100 from the same person. So it sets what threshold at \$100?

**Chair Farley:**

The amount that needs to be paid back. So if an individual gives the candidate \$100, that candidate would be responsible for paying it back if the candidate were found by the district court to have violated the law.

**Senator Atkinson:**

When it says "all or a portion of such contributions, as determined by the district court," are we to assume that the district court sets the amount that candidates are to give back to donors?

**Chair Farley:**

The idea would be that the district court makes the judgment. We decided that it could be culpability, like if candidates did not really intend to violate a law or

were knowingly committing fraud. It puts the amount that they owe in the hands of the judges who heard their cases and found them guilty. The judges will decide what the penalties and punishments will be.

**Senator Atkinson:**

Will the district court make a decision first if the individual indeed violated NRS 293.1755, then set the civil penalties, deciding how much needs to be reimbursed?

**Chair Farley:**

Yes, that is my intent.

**Senator Segerblom:**

It is culpability. If the judge found that you knew you were not living in that district and you still filed to run for the position, then he or she would look at reimbursement options. If the judge finds that in good faith you, the individual, thought you were a resident eligible for the race, then the judge may not make you pay back all the money.

**Senator Atkinson:**

Senator Segerblom, I understand that. I think that everyone on this Committee would agree that something needs to be done when folks knowingly and willingly have a total disregard for this section of NRS.

I still stand by what I said during the initial hearing on the bill that the individual should not be seated and should not be allowed to serve in any capacity once the court has decided. I will support the bill and the amendments today, but I reserve my right to change my vote on the floor.

**Chair Farley:**

Would that provision about not ever allowing them to be seated or run again ...

**Senator Atkinson:**

I am comfortable with that. If a district judge finds that an individual willingly violated the law and ran, this body should not seat him or her or anybody for that matter.

**Senator Settelmeyer:**

I do not think that we have the legal ability to put that into law. I think that it is the body's decision to seat, and I do not think that we can go there.

**Brenda Erdoes (Legislative Counsel):**

I believe that we could put that element in the amendments, but it would need to end at the point where the ballot did not have the name on it anymore. At the point where someone wins an election, the judge no longer has jurisdiction and the two bodies would have to decide. You cannot legislate that constitutionally.

I can craft those provisions with some help and leeway. When you see them as amendments, they may look differently from what we have here, but I can get the language emailed to everyone to make sure that is the way you would like to go.

**Senator Atkinson:**

Thank you, I am comfortable with that. I get if we cannot go that far, but to the extent before the ballot ...

SENATOR SETTELMAYER MOVED TO AMEND AND DO PASS AS AMENDED S.B. 403.

SENATOR ATKINSON SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

\* \* \* \* \*

**Chair Farley:**

The next bill on work session is S.J.R. 1.

**SENATE JOINT RESOLUTION 1:** Urges Congress to enact legislation transferring title to certain public lands to the State of Nevada in accordance with the report prepared by the Nevada Land Management Task Force. (BDR R-451)

**Mr. Stewart:**

Senate Joint Resolution 1 was brought to us by Senator Pete Goicoechea. It urges Congress to enact legislation transferring title to certain public lands to the State of Nevada in accordance with the report written and prepared by the Nevada Land Management Task Force. I have submitted the work session document ([Exhibit P](#)).

**Senator Brower:**

I want to confirm with Legal Counsel that the amended version of this bill has no constitutional problems from Legal's perspective on this resolution.

**Ms. Erdoes:**

I do not think so. I would like to check and make sure, and I will definitely get back to the Committee if there is any issue. I believe that it will work.

**Senator Pete Goicoechea (Senatorial District No. 19):**

I am concerned about the amendment from Clark County. I know where the county is going with it, but this is requesting a congressional act.

I assume that protections would be in place for the Ivanpah Airport because it is a congressional act. I do not know if we really need the amendment; it kind of muddies the resolution. I understand Clark County's concern with ensuring the land withdrawal and Areas of Critical Environmental Concern (ACEC) are in fact protected. Clearly, it is up to Congress.

This resolution does not transfer any lands. It may talk about the transfer of lands, but that is a congressional act. The bottom line is that I want to make sure everyone understands that only Congress can take action. Congress has to give the land in the ACEC for the Ivanpah Airport. I want to make sure that Clark County is comfortable with wherever this lands.

**Alex Ortiz (Clark County):**

We definitely do not want to muddy up the water here. We want to protect the work that the airport has done over the last couple of years on this effort, so that is why we proposed the amendment. It is the wish of the Committee and we understand that, so therefore we defer to you.

SENATOR SETTELMAYER MOVED TO AMEND AND DO PASS AS AMENDED S.J.R. 1 WITH PROPOSED AMENDMENTS FROM DEMAR DAHL AND CLARK COUNTY.

SENATOR BROWER SECONDED THE MOTION.

**Senator Segerblom:**

I am going to vote no. We are beating a dead horse with this issue. We should be proud that the federal government owns 86 percent of Nevada; we have to be proud of what they do for us, and it is a great benefit.

Those of us who live in the urban areas enjoy these lands, enjoy the fact that the federal government spends a lot of money protecting them, and for the handful of you out there who are not happy, just get over it.

THE MOTION PASSED. (SENATORS ATKINSON AND SEGERBLOM VOTED NO.)

\* \* \* \* \*

**Chair Farley:**

The next bill on the work session is S.J.R. 5.

**SENATE JOINT RESOLUTION 5:** Expresses support for the 2014 Nevada Greater Sage-Grouse Conservation Plan developed by the Sagebrush Ecosystem Council and urges the United States Fish and Wildlife Service not to list the greater sage-grouse as endangered or threatened under the Endangered Species Act of 1973. (BDR R-480)

**Mr. Stewart:**

Senate Joint Resolution 5 was requested on behalf of the Legislative Committee on Public Lands. It expresses the Nevada Legislature's support of the 2014 Nevada Greater Sage-Grouse Conservation Plan prepared by the Sagebrush Ecosystem Council and confirms the Legislature's confidence in the ability of the State of Nevada to effectively conserve the greater sage-grouse and the sagebrush ecosystem. I have submitted the work session document ([Exhibit Q](#)).



SENATOR SETTELMAYER MOVED TO AMEND AND DO PASS AS AMENDED S.J.R. 5 WITH THE PROPOSED AMENDMENT FROM EUREKA COUNTY.

SENATOR BROWER SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

\* \* \* \* \*

**Chair Farley:**

I close the work session and open the hearing on S.B. 421.

**SENATE BILL 421:** Makes various changes relating to statewide primary elections. (BDR 24-1148)

**Senator Settelmeyer:**

In Senate Bill 421 we have the concept of moving the primary up to January. I would like to propose an amendment to make it the third Tuesday in February. In discussions with individuals from other states, I found that one state has already jumped forward, trying to move its primary to the first Tuesday in February. I want to go with a date that does not conflict.

Having an early primary is an attempt to increase voter participation in the upcoming Presidential election. In the 2008 GOP primary, only 44,000 people voted out of a possible 487,000. In the Democratic presidential caucus, 10,700 voted out of a possible 599,000. Less than 10 percent of the citizens in Nevada who were registered to vote actually helped select the leader of the free world. I find that problematic.

An early primary will drive voter participation. Issues occurred in the caucus primary. People from both parties expressed dislike for the lack of privacy in the caucus process.

**Senator Atkinson:**

Are we proposing to set the date for the Presidential primary in statute?

**Senator Settlemeyer:**

In an effort to defray the cost of a third primary, S.B. 421 would move our existing primary from its current date to the third Tuesday in February, thus affording us the opportunity to have everyone weigh in on the Presidential election at that time.

**Senator Atkinson:**

Can you tell me where those statistics came from and what proof you have that this will increase voter participation?

**Senator Settlemeyer:**

It is my belief that all states that have switched to this form of open primary from a caucus primary have increased the number of people who have participated.

The data I gave you concerning voter turnout in the population versus the number of active voters in 2008 came from the Nevada Secretary of State's Website and Wikipedia.

**Senator Atkinson:**

Which states were you talking about where they switched to this format and it increased their participation. Do we have any stats on that?

**Senator Settlemeyer:**

I will get that information to you, I apologize for not having it in front of me.

**Senator Atkinson:**

Do you not think that it should be up to the parties to decide which process they want to select their Presidential nominee?

**Senator Settlemeyer:**

We need to increase voter participation. We have had numerous bills in this building to try to make it happen by only allowing people to vote one time. We have never had a primary with less than a 10 percent turnout.

I believe that this proposed form of a primary for the Presidential election would increase voter participation to a level that would be more representative of the voter capacity in the State. It bothers me that in previous elections, from both parties, no one felt that it was important enough to turn out.

**Senator Atkinson:**

I will agree with you on that, but you are arriving at statistics that suggest an increase. You just threw out this arbitrary February date. This date is right after the holidays, I think that it is problematic.

We need to discuss the statistics that show an increase. I will wait for you to send the information to me because I want to see that if we do this, it will increase participation.

**Senator Settlemeyer:**

Four states are allowed to select a Presidential candidate prior to March, whether it be in a caucus or primary format. It has been indicated that New Hampshire and Iowa specifically have laws stating they shall select before us. One of them has a law that says that state shall be the first, before anyone else, even if the state has to go to January 1 at midnight. New Hampshire law states it shall immediately proceed Iowa.

The desire to move it back to the third Tuesday in February would allow us to be as late as possible and let those other states go ahead of us to spread it out.

Having both of the Presidential candidates in both parties come to this State to weigh in on public lands discussions, immigration discussions, along with various issues that we frequently discuss as a State will be beneficial.

**Senator Atkinson:**

As you are aware, the Democratic National Caucus (DNC) has already set a caucus date for us, February 20, 2016. What will it do to that? The State Democratic Party has already approved the rules that govern that contest—so what happens if this goes into effect?

**Senator Settlemeyer:**

It is my belief that the DNC and the Republican National Committee at the state levels can still have platforms and meet whenever they want. The President should be selected through a secure electoral process where everyone has the opportunity to cast their votes in a private manner. I am not trying to interfere with any dates that have already been set.

**Senator Segerblom:**

Is this scheduled for next year or would this go to 2020?

**Senator Settlemeyer:**

The goal would be to have this in place for the upcoming election. Money is always a key factor; this will be done to also save costs.

**Senator Atkinson:**

I know for a fact that in 2008 our Democratic caucus produced well over 120,000. We had two star candidates who produced a huge interest in the caucus primary. I am not sure that we will get there again. Why are we pinning it all on the Presidential primary?

**Senator Settlemeyer:**

To my recollection, neither party had a caucus in 2004. Nevada had no ability to weigh in on the primary process in the selection of the President because there was only a general election.

With the President running as an incumbent, not a lot of people chose to vote in 2012 because they liked the way that President Obama was operating and felt confident that he was secure in the election process.

**Senator Atkinson:**

It was over 120,000, I can get that information to you if you want ...

**Senator Segerblom:**

I commend you for doing this. I also agree the percentage of people who participate in these primaries is both pitiful and embarrassing. It is not democracy when only 10 percent of those eligible to vote show up.

I cannot support this because it is going to screw up all kinds of stuff. We are the second caucus state, so this would violate our federal rules. But I appreciate what you are doing.

**Senator Settlemeyer:**

I did try to bring this bill up during the 77th Session, but it was not granted a hearing.

**Ms. Hansen:**

We do not have a position on how or when the parties hold their Presidential primaries. We feel that the parties ought to be making that decision; however, we are much opposed to moving the regular primary date.

That puts filing back to October if the primary is in February. An individual would be campaigning and raising money during Thanksgiving, Christmas and New Year's. This is problematic for everyone. People already think that the campaign season is too long, and they are going to be really mad when they find out about this.

The Independent American Party nominates by convention. If the primary was February, we would have a county convention in August, September or October, a year before the election. We are supposed to be nominating candidates at this particular time, and it would be difficult for us to have county conventions that early.

We oppose S.B. 421.

**Sue Merriwether (Clerk/Recorder, Carson City):**

We have many concerns about having the election so close to the holidays. What you have to remember is that it takes us months of planning to hire and train employees, test ballots and program machines. That all takes place before the election. Conducting an election in February will pull us into the holidays.

You also have to remember that the people we hire are all volunteers who usually go south for the winter. It will be more difficult for us to find people to help.

Polling places are limited, especially in the rural areas, and availability is hard to get. We usually have to secure our polling places up to a year in advance.

Living in northern Nevada, we have unpredictable weather. Our winters can be very cold; I know that the candidates and the voters would not like to be out in the middle of the winter campaigning and being disrupted during the holidays for extending the campaign process.

**Ms. Schumacher:**

Nevada is on its way to becoming an important political force like Iowa when it comes to attracting Presidential candidates to our area.

I learned a great deal when I participated in the caucus primary. I know that there were a lot of issues with this process, but it was the first time that we did it. There has to be time to work out some of the kinks.

**Liane Lee (Washoe County):**

Washoe County opposes S.B. 421 for the same reasons stated by Clark County and Carson City.

**Jim Hindle (Chair, Storey County Republican Party):**

I am speaking on behalf of the leadership of the State Republican Party. We had our State Central Committee meeting in Carson City last Saturday; it is difficult and strange for us to be testifying in opposition to our esteemed Senator.

As a body, the State Central Committee of the Republican Party voted on Saturday in support of party-run Presidential preference polls specifically against State-run presidential preference polls. We thank you for changing the date to February, but there is some confusion because our date should be the fourth Tuesday of February in order to stick with the deal worked out with South Carolina, New Hampshire and Iowa.

**Joe Gloria (Registrar of Voters, Clark County):**

I am testifying in opposition to S.B. 421 as well. I completely agree with everything that Sue Merriwether from Carson City stated. Clark County has a proposed amendment ([Exhibit R](#)), but since it proposed to delete references to January, it may not pertain now.

I previously testified before the Committee, mentioning that we are running on outdated software. In Clark County, we have been fortunate enough to find resources to implement replacements for some of our outdated software. We fully intend to test this new software in the off season this year. Changing the calendar would definitely be problematic for us in that sense.

Moving the primary could impact our National Change of Address process in what we do before the 90-day requirement to lock up the voter rolls.

**Senator Atkinson:**

Mr. Hindle you are with the Republican ... ?

**Mr. Hindle:**

I am the Chair of the Republican Central Committee in Storey County, and I have been asked to come testify on behalf of the State Republican leadership.

**Senator Atkinson:**

As a committee were you able to weigh in on this issue?

**Mr. Hindle:**

On Saturday at the Republican State Central Committee meeting, we debated this at length, and one of the things decided as a body was that we were in support of a party-run primary versus a State-run primary. That is why I am here testifying today.

**Senator Atkinson:**

What you are saying is that you are in support of the parties picking ... ?

**Mr. Hindle:**

Correct. So we are opposed to this bill in terms of a primary run by the State.

**Senator Atkinson:**

It sounded like earlier you were saying that you were just against the date, but you are against that part too?

**Mr. Hindle:**

There is a little that we can work out with Senator Settlemeyer on that. We are thankful that he moved it from January to February ...

**Senator Atkinson:**

You did say that you are against both at this point?

**Mr. Hindle:**

Technically, that is correct.

**Senator Settlemeyer:**

We need to do what we can to increase voter participation in the Presidential process. That is why I favor the State primary versus a caucus primary.

**Senator Segerblom:**

I will work with you on that one.

**Chair Farley:**

I close the hearing on S.B. 421 and open the hearing on S.B. 499.

**SENATE BILL 499:** Creates a modified blanket primary election system.  
(BDR 24-1149)

**Senator Settlemeyer:**

Senate Bill 499 came from my constituents who said they want to weigh in on the primary process. They do not like that they do not have the ability to vote.

This concept is to allow everyone to vote in the primary. The top two candidates of different political parties who receive the most votes will move forward.

It is good to give people choices. This is a concept of a modified open primary. It would help everyone engage in the electoral process and also resolve some of the State ballot access issues. This is a discussion point to open up the primary for everyone rather than making it completely party-oriented.

**Senator Segerblom:**

My understanding is that if it is an open primary, you can vote either way unlike California, where you would pick the top Republican and the top Democrat to run off in November?

**Senator Settlemeyer:**

Or the top Democrat and top Independent. The top two candidates receiving the most votes from opposing political parties will go forward.

**Senator Segerblom:**

So the Independent would be considered a political party?

**Senator Settlemeyer:**

Correct. So would a Constitutional Party, Green Party, Tea Party, as long as it was in the top two.



**Senator Segerblom:**

So the Independent American Party would not be on that ballot unless one of its candidates made it to the top two?

**Senator Settelmeyer:**

Correct.

**Senator Atkinson:**

Say you have four people on the ballot. You have two Democrats, a Republican and an Independent. One Democrat receives 32 percent of the votes, the second Democrat receives 30 percent of the votes, the Republican receives 14 percent of the votes and the Independent receives 18 percent of the votes.

**Senator Settelmeyer:**

The Democrat who received 32 percent of the votes and the Independent who received 18 percent of the votes would continue on to the general.

**Senator Atkinson:**

Not only does that alarm me, but that sets every election up to be majorly scrutinized when you are automatically kicking out the person who came in second. It also will make elections very expensive because now you have to spend even more money to place and show as if you are a horse.

**Doug Goodman:**

I am the originator of the concept for S.B. 499, and I discuss it on my blog called Nevada Election Modernization and Reform Act. The reason for going to an open, nonpartisan blanket primary is that according to the PEW Research Center, partisanship is the most divisive issue facing our Country these days. I have submitted my written testimony ([Exhibit S](#)).

I have proposed three housekeeping amendments ([Exhibit T](#)). The section that is critical can be found in section 12 on the candidacy acceptance form. It says that any mention of a candidate accepting a nomination of a party or adhering to party views would completely run against the 1999 U.S. Supreme Court opinion, *California Democratic Party v. Jones*. That form needs to go to the single form, which is also included, or have all reference to a party removed.

**Ms. Hansen:**

We are opposed to this bill. I understand that one of the motivations for this bill is to resolve the lawsuit which is facing Nevada by the Green Party.

When Nevada changed the time for the petition deadline for minor parties to April several years ago, I recommended that it was too early and we would get sued. We had already been sued twice before that. This can be resolved without this bill by doing what Texas did. That state moved the petition for those parties that are not on the ballot to May or June and required the people who wanted to run for office in that party, who were not yet on the ballot, to file at the same time as everyone else does.

In Nevada, we all file in March, and that would resolve many of the concerns that have been brought forward. If a candidate did not get ballot access through signatures, he or she would not be on the ballot. If the individual did get the signatures, he or she could get nominated.

We believe that the purpose of the primaries that we have now, though we have a State convention as our primary, is to nominate the members of the specific party, and each party ought to have the opportunity to do that. This bill would allow Democrats to vote for Republican candidates and vice versa, choosing another party's nominee. This will allow an opposing party to cross over and vote for the poorest candidate in the rival party in order to defeat the strongest and best candidate. This takes away the party's right of association by taking away the right to choose which candidate will represent the party.

**Richard Winger:**

In the 2000 California case, Justice Antonin Scalia wrote that the blanket primary was unconstitutional; he said that California can have a nonpartisan system.

Then Washington adopted the top-two system. In 2008, the U.S. Supreme Court said that does not violate freedom of association on face value, but it will as applied. In the Washington decision, Justice Scalia rescinded, essentially saying that putting a party label on the ballot next to the name of a candidate when the party might not have anything to do with that candidate violates freedom of association.

This is proof that in the 2000 California case when he said a nonpartisan system would be okay, he meant a system without party labels on the ballot. The U.S. Supreme Court did not completely uphold the top-two system in 2008. It was sent back and the Court said "if the voters think that having a party label on the ballot means the party nominated him or her, then it is unconstitutional; it violates freedom of association."

The Court sent it back for more evidence, so for Washington State to win the case, which it did, Washington had to dress up the ballot in a manner that indicated in big print "there are no party nominees." Furthermore, the party label has to say on the ballot that the candidates "prefer" that party. This tipped off the voters that just because a party label is listed does not mean that the party nominated that candidate or approved the person.

There may be amendments to this bill, but the last version I saw would not survive that process because there is not enough verbiage on the ballot under this bill telling the voters that there are nominees. The bill does not provide that it should say "prefers" the specific party.

As a Californian, I have to say this system has been thoroughly investigated by over a dozen political scientists. An American Political Science Association journal and several other political science journals have carried multiple articles that have all said this system—which has been used in Louisiana, Washington and California—does not reduce partisanship. Washington State continues to have the fourth most polarized legislature in the Nation.

Furthermore, two state League of Women Voters groups have studied the top two systems, and they both came out against it. Watching it here in California, we had the lowest primary turnout in our history in 2014. Then in November 2014, we had the lowest general election turnout ever. We are the only state in the Country where our turnout compared to 4 years ago went down even more than Nevada's turnout.

When Mr. Goodman said Washington State has the top-two system and the state has a good turnout, that is because it mails a ballot to every voter. The states that do that always have a good turnout no matter what the system.

There have been 118 instances where a minor party candidate ran in a top-two primary with two major party candidates. In all 118 instances, the minor party

did not come in first or second and was not permitted to run in the general election, which in turn shut off the free circulation of ideas. In California when there were candidate debates in the primary season, the sponsor said "Well, we are not going to include the minor party candidates because we do not think that they are going to place first or second anyway." The candidates were completely shut out of all the debates.

That is why the American Civil Liberties Union of both northern and southern California came out against the top-two system. It is a terrible thing to tell the voters that they have to vote for just one or two candidates in the general elections. I hope you do not vote for this bill.

**Ms. Schumacher:**

My bipartisan group does not believe this is a good idea. Novelty is not the way to increase voter turnout. Great ideas and candidates who are willing to correct governmental overreach are how you will get an increase in turnout.

We have a problem with a Republican being able to vote for a fringe Democrat to help ensure that the better Democratic candidate is defeated. People who choose to join a party do so because they believe in that platform.

**Mr. Hindle:**

I echo the remarks of the others who have spoken in opposition to S.B. 499. Our concern is that it opens the system up for gaming and does not allow the most qualified candidates to ultimately go on to the general election.

**Tom Jones (Chairman, Independent American Party, Clark County):**

Independents in S.B. 499 are considered a party. Two independents could not run in the general election based on this language. Almost 20 percent of voters registered as nonpartisan do not consider themselves as belonging to a party.

In the convention for an Independent party or Libertarian party, people can vote if they want to. All they have to do if they are party members is go to the convention and vote. They have an opportunity to vote for the person who they want to see in the general, and that is important to consider.

The two major parties already have a monopoly on the elections. In the private sector, we make sure to stop monopolies, and here we are considering a rule

that actually helps create a monopoly because they will dominate the elections even more.

Our forefathers were not in favor of a two-party system or a party system at all. John Adams said "There is nothing which I dread so much as a division of the republic into two great parties. This, in my humble apprehension, is to be dreaded as the greatest political evil under our Constitution."

**Juanita Cox (Citizens in Action):**

Our concern is that there could be crossover voting. We oppose S.B. 499.

**Ms. Hansen:**

With this lawsuit that Nevada will most likely lose, if we change the law so that it is similar to the Texas law, the State would be able to end that lawsuit now without actually having to lose it. There would also be a financial advantage if we were able to change the petition date and make adjustments. We do not need this bill in order to resolve that.

**Senator Settlemeyer:**

I appreciate the opposition. This was just a concept and a look at other ways to address the situation.

Remainder of this page intentionally left blank; signature page to follow.

Senate Committee on Legislative Operations and Elections  
April 1, 2015  
Page 46

**Chair Farley:**

I close the hearing on S.B. 499 and adjourn this meeting at 7:07 p.m.

RESPECTFULLY SUBMITTED:

---

Haley Johnson,  
Committee Secretary

APPROVED BY:

---

Senator Patricia Farley, Chair

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

<b>EXHIBIT SUMMARY</b>				
<b>Bill</b>	<b>Exhibit</b>		<b>Witness or Agency</b>	<b>Description</b>
	A	2		Agenda
	B	8		Attendance Roster
S.J.R. 20	C	1	Senator Scott Hammond	Prepared Testimony
S.J.R. 20	D	4	Bruce Fuh	Prepared Testimony
S.B. 307	E	5	Senator Michael Roberson	Prepared Testimony
S.B. 315	F	2	Senator Michael Roberson	Prepared Testimony
S.B. 315	G	1	Peter Long	Prepared Testimony
S.J.R. 21	H	4	Senator Moises (Mo) Denis	Prepared Testimony
S.J.R. 21	I	3	Senator Ruben J. Kihuen	Prepared Testimony
S.J.R. 21	J	1	Senator Aaron D. Ford	Prepared Testimony
S.J.R. 21	K	1	Jahahi Mazariego	Prepared Testimony
S.J.R. 21	L	2	Jaime Edrosa	Prepared Testimony
S.B. 19	M	4	Michael Stewart	Work Session Document
S.B. 322	N	1	Michael Stewart	Work Session Document
S.B. 403	O	2	Michael Stewart	Work Session Document
S.J.R. 1	P	3	Michael Stewart	Work Session Document
S.J.R. 5	Q	3	Michael Stewart	Work Session Document
S.B. 421	R	2	Clark County	Proposed Amendment
S.B. 499	S	5	Doug Goodman	Prepared Testimony
S.B. 499	T	2	Doug Goodman	Proposed Amendment