

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

**Seventy-Ninth Session
March 14, 2017**

The Committee on Legislative Operations and Elections was called to order by Chairwoman Olivia Diaz at 1:34 p.m. on Tuesday, March 14, 2017, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/79th2017.

COMMITTEE MEMBERS PRESENT:

Assemblywoman Olivia Diaz, Chairwoman
Assemblyman Nelson Araujo, Vice Chair
Assemblyman Elliot T. Anderson
Assemblywoman Shannon Bilbray-Axelrod
Assemblyman Skip Daly
Assemblyman John Hambrick
Assemblyman Ira Hansen
Assemblyman Richard McArthur
Assemblywoman Daniele Monroe-Moreno
Assemblyman James Ohrenschall
Assemblyman James Oscarson

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

None

STAFF MEMBERS PRESENT:

Carol Stonefield, Committee Policy Analyst
Kevin Powers, Committee Counsel
Julianne King, Committee Secretary
Melissa Loomis, Committee Assistant



OTHERS PRESENT:

Janette Dean, Private Citizen, Caledonia, Minnesota
Peggy Lear Bowen, Private Citizen, Reno, Nevada

Chairwoman Diaz:

[Committee rules and protocol were explained.] We have four measures to consider during this work session. I will remind those present that a work session is not a rehearing of any of these pieces of legislation; therefore, I will not take any testimony. However, if a member of the Committee does have a question and there is someone in the audience who can clarify or answer that question before we bring up the vote, I may invite that person to the witness table in order to clarify.

Carol Stonefield, Committee Policy Analyst:

The first work session bill ([Exhibit C](#)) is Assembly Bill 143. It was presented by Assemblywoman Irene Bustamante Adams, Assembly District No. 42, on February 23.

Assembly Bill 143: Creates a Legislative Committee on Tax Expenditures and Incentives for Economic Development. (BDR 17-807)

Carol Stonefield, Committee Policy Analyst:

This bill proposes to create a statutory interim Legislative Committee on Tax Expenditures and Incentives for Economic Development. Section 7 of the bill provides that the committee shall review the tax expenditure report submitted by the Department of Taxation, and any other reports relating to tax expenditures and incentives for economic development. Section 8 provides that the Committee may also evaluate, review, and comment on tax expenditures and make recommendations concerning the elimination or modification of tax expenditures and incentives for economic development.

At the hearing, two amendments were submitted which are acceptable to the bill sponsor. The first one is a conceptual amendment. It provides that the committee may also make recommendations concerning the addition of tax expenditures and incentives for economic development. The second amendment provides that the committee shall also consider the impact of incentives on local government revenues and services. It amends section 7 and section 8 of the bill. I should note that there is an indication of a fiscal impact on the state.

The fiscal note was submitted by the Director of the Legislative Counsel Bureau. It provides that the biennial cost would be approximately \$9,000 for the cost associated with the members of the Committee. The bill also authorizes the Committee to obtain the services of a consultant, but those expenses are not included in the fiscal note.

Chairwoman Diaz:

I will entertain a motion to amend and do pass.

ASSEMBLYMAN OHRENSCHALL MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 143.

ASSEMBLYMAN ARAUJO SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

I do not see the bill sponsor present. I will have Assemblyman Elliot T. Anderson as a backup in case the bill sponsor does not want to make her own floor statement.

Carol Stonefield:

Next, we have Assembly Bill 155. [Read from ([Exhibit D](#)).] It was presented by Assemblywoman Ellen Spiegel, Assembly District No. 20 in this Committee on February 16.

Assembly Bill 155: Creates the Task Force on the Economics of the Middle Class in Nevada. (BDR S-820)

Carol Stonefield, Committee Policy Analyst:

Assembly Bill 155 creates the task force on the economics of the Middle Class in Nevada. This would be an interim study in the 2017-2018 Interim. The task force will conduct its study including determining the factors that affect middle-class status such as age, race, educational attainment, and marital status.

The Task Force shall establish objective and quantifiable indicators and make recommendations regarding workforce and job development, education, health care, housing, and transportation.

The sponsor has requested the following amendments: She would like to add to the task force three members appointed by the Speaker of the Assembly, each of whom represents a labor group or labor community from different geographic regions of the state. A second amendment would add, that in the fulfillment of its mission, the task force may solicit economic and demographic information from the state institutions of higher education.

Chairwoman Diaz:

At this time, I will entertain a motion to amend and do pass Assembly Bill 155.

ASSEMBLYWOMAN BILBRAY-AXELROD MOVED TO AMEND AND
DO PASS ASSEMBLY BILL 155.

ASSEMBLYMAN OHRENSCHALL SECONDED THE MOTION.

Chairwoman Diaz:

Is there any discussion?

Assemblyman McArthur:

I reserve the right to change my vote on the floor.

Assemblyman Hansen:

I am supporting the measure, although I do think that amendment will taint the end product. I have nothing against labor; you know I am a blue-collar guy. If we are really trying to find an honest-to-goodness discussion and report that will come back to the Legislature, we want it to be tainted as little as possible by political aspects. If you get this from the economics departments at the University of Nevada, Reno or the University of Nevada, Las Vegas, you would be much better off. I am going to support it, but I just want that reservation on the record.

Carol Stonefield:

The bill provides that the members will be three Assembly members, three Senate members, one member appointed by the Governor, three to represent chambers of commerce or business interests from different regions of the state, one to represent legal aid, and the amendment adds three to represent groups or labor communities from different regions of the state.

Assemblyman Hansen:

With that many political people in it, no matter what, it is going to be politically reviewed.

Chairwoman Diaz:

Hopefully, the higher institutions being a part of that can bring all of us back to center. I will call for the vote.

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblywoman Spiegel.

Carol Stonefield:

The next measure ([Exhibit E](#)) before the Committee is Assembly Joint Resolution 7. It was presented on March 9 by Assemblyman Jason Frierson, Assembly District No. 8.

Assembly Joint Resolution 7: Expresses the opposition of the Nevada Legislature to certain proposed changes to the federal Medicare and Social Security programs. (BDR R-699)

Carol Stonefield, Committee Policy Analyst:

The resolution urges the United States Congress to work toward a bipartisan solution to preserve fully these benefits and to avoid privatization. There were no amendments offered.

Chairwoman Diaz:

This will be a do pass motion.

ASSEMBLYWOMAN MONROE-MORENO MOVED TO DO PASS
ASSEMBLY JOINT RESOLUTION 7.

ASSEMBLYMAN DALY SECONDED THE MOTION.

Chairwoman Diaz:

Is there any discussion on the motion?

Assemblyman Hansen:

I will be voting no because we talked substantially about the Affordable Care Act, which has actually been shown to be an un-affordable care act. In fact, I get more complaints about that than any federal issue because the deductibles keep going up and the number of insurance companies available keeps going down. Obviously, we all support the concept of Social Security; we have all paid into it for years.

I will also say that it was interesting when the AARP gentleman was presenting. We talked about how we are fine with the Social Security Trust Fund, which as I pointed out, has basically been robbed by the federal government since 1965. He said that it was full of bonds. Anyone who understands economics knows that a bond is a debt instrument, and even if they put those bonds up for sale, they would have to be redeemed through tax dollars. If we wanted to look at one of the major problems with Social Security, it has been the fact that we have allowed the federal government to do something that if a private bank or private company would have done, they would have been in prison for embezzlement.

My opposition is not to the idea of protecting certain things that people have legitimately earned, but I will point out that trying to demonize the debate and discussion on it does not help. Including the Affordable Care Act in this resolution was a mistake. In the absence of that, it may be a little more palatable. Anyway, I think that is one topic that we need to have some major overhauls.

Chairwoman Diaz:

I will call for the vote.

THE MOTION PASSED. (ASSEMBLYMEN HAMBRICK, HANSEN,
McARTHUR, AND OSCARSON VOTED NO.)

I will assign Assemblywoman Bilbray-Axelrod as a backup if the sponsor does not want to take the floor statement.

Carol Stonefield:

The last measure ([Exhibit F](#)) before the Committee is Senate Joint Resolution 2.

Senate Joint Resolution 2: Ratifies the Equal Rights Amendment to the Constitution of the United States. (BDR R-13)

Carol Stonefield, Committee Policy Analyst

It was presented in this Committee on March 7 by Senator Pat Spearman, Senate District No. 1. There are two amendments proposed. The first was prepared by the Legal Division of the Legislative Counsel Bureau (LCB) to make technical changes regarding the transmittal of the resolution to the Secretary of State and to the Archivist of the United States. The second amendment would add Assembly members as sponsors: Bilbray-Axelrod, Cohen, Diaz, Jauregui, Monroe-Moreno, Ohrenschall, and Spiegel. In addition, we have received information that the following Assembly members would like to be added: Araujo, Bustamante Adams, Brooks, Carlton, Carrillo, Frierson, and Yeager.

Chairwoman Diaz:

I will entertain a motion to amend and do pass Senate Joint Resolution 2.

ASSEMBLYWOMAN MONROE-MORENO MOVED TO AMEND AND
DO PASS SENATE JOINT RESOLUTION 2.

ASSEMBLYWOMAN BILBRAY-AXELROD SECONDED THE MOTION.

Is there any discussion on the motion?

Assemblyman Elliot T. Anderson:

I am going to be supporting this, but I did want to make some comments about the hearing. It was a bit frustrating for me to listen to the hearing. I thought there was a lot of conjecture. That is to be understood, I suppose, because this is thoroughly a constitutional legal issue. It can be a bit confusing. There is a lot in the air involving legal doctrines. I want it to be clear to everyone what this does, so there are some reasonable expectations going forward about what the Equal Rights Amendment (ERA) will do, should Congress decide to accept it in the future.

The ERA will simply raise the level of scrutiny. Right now, distinctions based upon gender are already subject to intermediate scrutiny. I do not think there is going to be a huge change. It is going to raise the level of scrutiny. Right now, if you make a gender distinction based upon paternal stereotypes, it is already subject to the Fourteenth Amendment. Even if it were to be accepted, I do not expect there to be a huge change. Based upon the hearing, it felt like everyone had some ideas of what would happen. I am not sure how many of those will bear out. I do not think anyone can say with absolute certainty that every law might now be suspect because it would be raised to strict scrutiny.

I can say that I do not think it is going to help with pay equity issues, at least on the private side, because this applies to government action. I would like there to be some clear understanding on that because there is more work to do on those issues that are not covered by the ERA. Based upon the hearing, it seemed as though everyone thought that would somehow be included. I heard discussions about inaccurate things regarding abortion rights that are not applicable here.

We heard things about the draft. Frankly, I think the draft is already vulnerable under intermediate scrutiny because it is based upon now disproven paternal stereotypes that women cannot handle combat. Through the wars in Iraq and Afghanistan, we have clear statistics that women can handle combat, and those gender differences are based upon old stereotypes that women cannot handle combat.

I would just hope that when we debate this in Committee and on the floor that we can have some clarity about what this will do and what it will not do. This will not be a huge issue going forward—assuming people can get legal standing to challenge any laws that make these differences. I do not expect there to be this huge problem going forward. I just wanted to get that off my chest because it was very frustrating listening to this hearing. I found frustration with arguments from both sides. I hope going forward that people are clear about what this will do and what it will not do and not to expect huge changes.

Assemblyman Hansen:

I think the first thing we should point out is that every year in Congress, they have introduced a national ERA, and every single year it has failed nationally. In the year 1979 when it was placed on the ballot in Nevada after years of debate on it, it was overwhelmingly crushed by the voters of this state. I do not think we should ignore that fact.

As I requested from LCB and we pointed out during the hearing, there is no way in Nevada now that you can have sexual discrimination. We have equality in virtually anything you can think of, whether it is pay equity, housing, or education. All of those things are fully in statute now.

The argument my colleague has advanced is when it comes to determining what future courts are going to say on any issue is highly speculative. What people are most afraid of is that if the ERA were to end up in the *U.S. Constitution*, it would represent a massive transfer of power to the federal government to make determinations on things that are currently handled in each of the 50 states with a certain amount of variability built into it. Some of these things are abortion rights and the draft. The reality is that right now we do not draft women. We have encouraged that legal discrimination. I do not want my four daughters being drafted, but I have encouraged all four of my sons to sign up for the draft. As you know, my youngest son is currently a senior at the United States Naval Academy and was just accepted into Basic Underwater Demolition/SEAL (BUD/S) training. He will be on the front line at some point, but I do not want my daughters to be part of a mandatory draft. Under the ERA, that would be what my colleague is getting at. Maybe the country has changed and maybe

when the Democrats are in charge nationally, they want to draft women they can consider that. However, I do not think the average person in this state would be comfortable with that at all.

I would just encourage my colleagues to think very hard on this. I think it will make Nevada a laughingstock because this has not been an issue since 1982. It is not going to become part of the *U.S. Constitution*. I think we are resurrecting something that died 35 years ago. In spite of efforts every single year in Congress, it has gone nowhere. I would encourage my colleagues to vote no on this. While I am certainly in favor of equality, this is not the way to go about it.

Assemblyman Ohrenschall:

In response to my colleague from Sparks, if this does pass, far from being a laughingstock, I think Nevada would be looked upon as a leader in the country in terms of this movement. Yes, I remember hearing about the fights for the ERA in the 1970s. My friend Harriet Trudell, my mom, and many others who fought valiantly in Nevada at the Legislature were unfortunately unsuccessful. It has taken us a long time to get to this moment, but I feel like this is a historic moment. I think it is hard to look at the economy, pay inequity, and what is going on in our state and across the country. Will we know what courts will do or if they will decide if this will be part of the *U.S. Constitution*? Of course we do not, but I would sure like to have this language in there. I think most of our constituents would like to have this language in there.

The body politic in Nevada from 1979 is not the body politic now. We have seen that with changes going from intermediate courts of appeal that have been turned down in years past to legalizing cannabis. Attitudes have changed, and our constituents have changed. I am hoping there will be a favorable vote in this Committee. I want to thank Janette Dean, my former intern, who worked very hard on this and Senator Spearman who fought so hard for this. This is a historic vote. I appreciate your hearing this bill.

Chairwoman Diaz:

I agree that this is a historic moment, and I think that there are many women here expecting this vote who have waited a very long time for this moment. I think that this is something that should be processed and advocated for. I have been hearing from women who are junior to me about how important it is for women to be recognized at the same stature of the opposite sex, and for us to be validated and recognized that we can all do pretty much every job the same, except men cannot have children. We definitely see this as an important step forward. I know that there are many women that are currently engaged in our political process because they believe this is the way we need to move as a nation. With that, I will go ahead and call for the vote.

THE MOTION PASSED. (ASSEMBLYMEN HAMBRICK, HANSEN, McARTHUR, AND OSCARSON VOTED NO.)

I would be humbled if Assemblyman Ohrenschall, former chair of this Committee, who has probably seen an iteration or two, would take this floor statement. That concludes all of the bills we have for work session. I will open public comment.

Janette Dean, Private Citizen, Caledonia, Minnesota:

For three years, I have been a rebel with a cause here in the halls of this Nevada Legislature and throughout the state with other women and men as we have fought for women's equal rights. We have worked with Senator Spearman, who is a bold social justice leader and a very persistent one. You may remember she brought this same resolution forward in 2015 as Senate Joint Resolution 16 of the 78th Session. While we were stopped then, we have been able to pass it so far this session as S.J.R. 2 because she persisted for all of us. We thank her wholeheartedly and many of the other Assembly members and Senator Yvanna Cancela, one of our youngest Senators, and Assemblyman Munford, who offered to introduce the bill last year should we need him, and Assemblywoman Dina Neal, whose father fought valiantly to ratify the ERA years ago.

We just want to thank the Committee again. Millions of women and men across the country have been waiting for this. We look forward to the final votes next week as we fully ratify and usher in a new resurgence of 15 other unratified states. We will be down to 14 after we pass this. As you know, we only need two more states with the three-state strategy. I know that states like Illinois, Virginia, and others will be reaching out for your continued leadership and support. We do look forward to next week. I know that men do have their constitutional equal rights, and while some may not believe we women need them, if the men did not have them, I would be standing up here for their equal rights as well. Thank you again.

Peggy Lear Bowen, Private Citizen, Reno, Nevada:

I want to thank you for humanity's sake. A group of people who have only been accepted as "the person" in the *U.S. Constitution*, have finally been recognized so that there is no gender discrimination. It reverberates throughout the world. As a member of the National Education Association, the National State Education Association, and Washoe Education Association, I have led this cause through education and the National Education Association for years as the founder of the Women's Caucus for Nevada. I was one of the only chairs in Nevada when Governor Miller held the governor's summit regarding women; it was a Reno commission on the status of women. What I need to tell you is that Educational International goes forward from Nevada, and we reunify at the national education meeting this summer in Boston to reemphasize the work by the National Education Association, women's caucuses throughout the United States, and in any location where a U.S. school is: This is about humanity, but we needed someone with the courage, and that is what you have displayed. You have taken abuse and support and everything else mixed in over this issue just because our round objects are higher than their round objects.

As far as the concern about pay equity, what happened was back when the Civil Rights Act of 1964 was passed, quotas were put in for federal contracts. They had to hire a certain number of blacks in order for someone to be part of the contract, and the worry was that if

the ERA passed, there would be quotas for women. When it came for pay equity, it is not necessarily cents on the dollar. It had to follow the dollar, and it was not supported because people did not want to have gender quotas where they had race quotas. The ERA is not only an elevator, it is an accelerator and a rocket, saying that we in this nation recognize humanity, not gender, but concepts and beliefs in what to do and how to get it done and what this country stands for. We, too, need to be in the document, or we do not need to follow the document. Thank you for your courage and hard work. Most of all, thank you for your humanity.

Chairwoman Diaz:

Thank you for your work today. We are adjourned [at 2:04 p.m.].

RESPECTFULLY SUBMITTED:

Julianne King
Recording Secretary

Kailey Taylor
Transcribing Secretary

APPROVED BY:

Assemblywoman Olivia Diaz, Chairwoman

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is the Work Session Document for Assembly Bill 143, dated March 14, 2017, presented by Carol Stonefield, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit D](#) is the Work Session Document for Assembly Bill 155, dated March 14, 2017, presented by Carol Stonefield, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit E](#) is the Work Session Document for Assembly Joint Resolution 7, dated March 14, 2017, presented by Carol Stonefield, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit F](#) is the Work Session Document for Senate Joint Resolution 2, dated March 14, 2017, presented by Carol Stonefield, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.