

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

**Seventy-Ninth Session
March 16, 2017**

The Committee on Legislative Operations and Elections was called to order by Chairwoman Olivia Diaz at 1:46 p.m. on Thursday, March 16, 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:

Assemblyman Justin Watkins, Assembly District No. 35

STAFF MEMBERS PRESENT:

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



OTHERS PRESENT:

Holly Welborn, Policy Director, American Civil Liberties Union of Nevada
Caroline Mello Roberson, Nevada State Director, NARAL Pro-Choice America
Elisa Cafferata, Director of Government Relations, Nevada Advocates for Planned Parenthood Affiliates, Inc.
Karen England, Executive Director, Nevada Family Alliance
Melissa Clement, President, Nevada Right to Life
Janine Hansen, State President, Nevada Families for Freedom
Lynn Chapman, State Vice President, Nevada Eagle Forum
Don Nelson, President, Nevada LIFE

Chairwoman Diaz:

[Roll was taken. Rules were explained.] I know there are a few people who want to speak on Assembly Joint Resolution 8. We want to hear all sides of the issue. Let us make sure that we have a fair and fruitful discussion about the resolution. I intend to maintain an atmosphere of courtesy and equal interest in all individuals who are testifying today. Applause or any other indications of support or opposition are not acceptable in my committee. I intend to give time to as many people as possible, so if there is something that has already been stated, just make sure you say you agree with the previous comments by saying "Me too" or "Ditto."

I will now call the sponsor of the measure. Assemblyman Watkins, I believe that this is your first appearance before the Assembly Committee on Legislative Operations and Elections this session. You may begin.

Assembly Joint Resolution 8: Urges the United States Senate to protect a woman's reproductive rights as it undergoes the process of vetting a nominee for the United States Supreme Court. (BDR R-880)

Assemblyman Justin Watkins, Assembly District No. 35:

I represent Assembly District No. 35 in Clark County. I am proud to bring Assembly Joint Resolution 8 before the Committee today, which proposes to urge the United States Senate as a whole, and our Nevada representatives in particular, to protect a woman's reproductive rights in any United States Supreme Court nominee. I must start off by saying I am somewhat uncomfortable in this role. I am not an activist by nature. I came up here to put policy over politics. I have never yelled into a bullhorn or carried a sign at a demonstration. I have never marched in a rally. That is not to belittle any of that; those are all very important and admirable activities for people to be involved with this process. I applaud them for that.

My lack of doing that may be seen by some as apathy, but I have confined my political activism to one thing, and one thing only, prior to running for office. That has been my vote. I also think that is why I am the right person to bring this joint resolution. The people of Nevada have spoken on this issue. They have voted. It is codified in the

Nevada Revised Statutes (NRS). What surprised me in talking to many different elected officials and those running a campaign is that many people are unaware that Nevadans have voted on this issue. The measure to protect a woman's reproductive rights was passed overwhelmingly, nearly 2 to 1. Granted, that vote was some time ago. It was in 1990. No other vote has come before the people. If you believe polls, which some choose to and some do not, 7 out of 10 Nevadans support protecting a woman's reproductive rights. If you choose not to believe polls, then we only have one thing to go on, which is the vote of the people.

The joint resolution is fairly straightforward. It urges the United States Senate and our Nevada representatives to, through the vetting process of any United States Supreme Court nominee, ensure that the rights afforded in *Roe v. Wade*, 410 U.S. 113 (1973) and *Planned Parenthood of Southeastern Pennsylvania v. Casey*, 505 U.S. 833 (1992) are protected. It is my goal to give a voice to the people who vote who often do not go through the process of going to demonstrations, writing their congressman or senator, or writing us. I anticipate that there will be proponents and opponents of this measure who will speak very passionately, and I applaud them for that. We are here to hear from them as well. All too often in that process, though, we do not hear from the millions of people who choose political activism by one activity: their vote. That is my goal today. With that, I will take any questions.

Chairwoman Diaz:

Are there any questions from the Committee? I see none. Do you have any other testifiers?

Assemblyman Watkins:

I do not have any testifiers.

Chairwoman Diaz:

At this time, we will start taking testimony in support of A.J.R. 8.

Holly Welborn, Policy Director, American Civil Liberties Union of America:

I first want to thank Assemblyman Watkins for bringing this legislation. The decision to have a baby or to have an abortion is deeply personal. It is a private decision that is best left to a woman, her family, and her doctor. The American Civil Liberties Union (ACLU) supports any efforts that protect the rights of women to make important decisions about their own personal health care. Women have fought in state legislatures, in the U.S. Congress, and through the courts for their rights. Assembly Joint Resolution 8 will show Congress that Nevada is committed to ensuring that every woman can make the best decision for herself and her family about whether and when to have a child without undue political interference.

Caroline Mello Roberson, Nevada State Director, NARAL Pro-Choice America:

We are here to speak in support of A.J.R. 8. We would like to thank the bill sponsor, Assemblyman Watkins, for bringing forward this important proposal. I submitted full comments for the record ([Exhibit C](#)), so I will just summarize them briefly.

NARAL is a nonprofit organization dedicated to advancing reproductive freedom for all Nevadans. We do community organizing and legislative and political advocacy. We started working in Nevada last summer and have shown through door-to-door outreach that thousands of Nevadans are pro-choice, and strongly so. In fact, 74 percent, or 7 out of 10, of Nevadans identify as pro-choice. These are issues that they feel are deeply personal and should be left to themselves, not politicians. This resolution goes a long way to respect that. I am sure many of you are aware we have a very closely divided U.S. Supreme Court on this issue in particular. We believe very strongly and solidly that Nevadans protect a woman's right to choose and that our representatives should respect that right as well. We respectfully ask for your support for this resolution.

Elisa Cafferata, Director of Government Relations, Nevada Advocates for Planned Parenthood Affiliates, Inc.:

We support this resolution and thank Assemblyman Watkins for bringing it as well. The right to a safe and legal abortion has been the law of the land for over 40 years, and it is an important part of the fabric of our country. The U.S. Supreme Court is going to be an important line of defense in terms of women's health care in the coming years, so we think this is a critical appointment. We would just add that *Roe v. Wade* was not the beginning of abortion in America. It was the end of women dying from unsafe and illegal abortions. It is an important protection that we have in our *U.S. Constitution*, and it is a critical question that we ask when we are filling the U.S. Supreme Court vacancies. We support the resolution.

Assemblyman Ohrenschall:

Do you know if other state legislatures have passed resolutions similar to this? If so, do you know if there might be a number that the United States Senate might consider when they are considering a nominee for the U.S. Supreme Court?

Elisa Cafferata:

None of us are aware of other states passing similar resolutions. We know that because of this new administration, many states are looking at codifying protections that they are concerned are going away. You have several bills in this body that are reaffirming rights that we took for granted at the federal level and now need to protect at the state level. We can do some research. I would imagine that several states have gone down this road.

Assemblyman Hansen:

I can help answer that. There was a national referendum on it. In fact, Donald Trump ran as a pro-life candidate and won the national election. The idea that this has not been vetted nationally is inaccurate. I have a question on sex-selection abortions. In many nations, China in particular, it is a male-dominated society. Traditionally, families want males. Where are you on that? Should that type of a selection process be allowed wherein people deliberately abort female fetuses?

Elisa Cafferata:

As you are aware, this resolution has nothing to do with policy in China. The resolution supports our Senate using the existing constitutional rights in the United States as a question

to ask anyone who applies to be on the U.S. Supreme Court. I think those of us who believe in women's full agency and ability to make their own decisions agree equally that women should never be forced to carry a pregnancy to term if they choose not to, nor should they ever be forced to have an abortion. Abortion, like any other medical procedure, requires full informed consent for the woman, because we believe she has full agency to make decisions for herself.

Assemblyman Hansen:

That was a dodge of the question, frankly. The other question you mentioned specifically was that the choice should be between a woman and her doctor. If it was a consensual sexual act, why do the males have absolutely no say? If the woman carries the pregnancy to term and has the baby, under Nevada law and most laws, the male is responsible for helping to financially support that child. Why do we deny males any say whatsoever in the abortion process when the consensual act occurred?

Elisa Cafferata:

I would believe from a medical perspective that you are mixing actions. I will give the disclaimer that I am neither an attorney nor a doctor. The consensual act of sex has certain legal consequences for the man and woman; however, when it comes to informed consent on a medical procedure, the medical consequences of carrying a pregnancy to term, having an abortion, managing a miscarriage, or any other medical procedure only impacts the woman and her health. Informed consent is her own medical choice. The medical consequences all affect the woman.

Assemblyman Hansen:

That does not make a lot of sense because the man should have some say if he is going to be held accountable for his sexual conduct. The child is genetically half his, yet we deny males any opportunity whatsoever. A woman could actually kill his child, and there seems to be no concern about that aspect of it.

Chairwoman Diaz:

Is there anyone else in Carson City wishing to testify in support of A.J.R. 8? Seeing no one, we will go to opposition.

Karen England, Executive Director, Nevada Family Alliance:

I rushed up here. I was not going to say much, but Assemblyman Hansen brought it up, so I wanted to share a little bit about my story. I was a mom, married, and having consensual sex when my husband cleared out my bank account and left me 24 hours after I found out I was pregnant. I had just given up my career and my company car at the age of 26. I was the youngest district manager in the company throughout the entire United States. I found myself with 37 cents, a lease that was up, and 24 hours into a pregnancy.

What I found out that turned me pro-life at that point was that I could abort that baby without contacting the father, but when I looked into giving it life and giving it up for adoption, I was not allowed to do that. I could not do that without proving that I tried to track him down by

taking money and placing an ad in the paper to track him down. I could not give that baby life, but I could walk into an abortion clinic and kill it without notifying the father. I believe children have the right to life, and it is important that we recognize that. There was an election; this is a resolution, and I just do not know why we are spending our taxpayer dollars doing something like this that is pretty much meaningless.

Melissa Clement, President, Nevada Right to Life:

I am here to oppose A.J.R. 8. It is kind of funny. The last time I was sitting here, I was here for the Equal Rights Amendment (ERA), and we were kind of having the same discussion. As you may recall, there was a bit of back and forth between the legal counsel and members of the Committee on whether the ERA had anything to do with abortion. I think someone here said that they read the whole bill, and abortion did not figure into this bill. It does not mean anything. The *U.S. Constitution* and A.J.R. 8 do not have abortion, but both of these bills you have heard are all about abortion, as is that found right to abortion in the *U.S. Constitution*. It is a little bit upsetting because, as a woman, I like to think that there are rights that are very important that our U.S. Supreme Court justices protect. Abortion would be pretty far down the list.

I think we all should have the right to religious liberty, the right to freedom of the press, the right of assembly, the right to bear and keep arms, and all of these really important rights that affect each and every one of us, not just abortion, that only affects a little over 50 percent of the population and which our country and state are so divided on. Reproductive freedom is abortion. That is why NARAL, Planned Parenthood, which is the biggest abortion provider in the nation, and ACLU are here in support.

It is not surprising because abortion is a big business, and there is a lot of money to be made in it. Just like all big business, they prefer no regulation or limitation whatsoever. Legislators have 120 days. Why is today's Committee hearing being devoted to this? Legislators have so much to do. I would ask, not as the President of Nevada Right to Life, but representing every woman I hang out with, to think of us as more than just our private parts. We have needs. We actually want you to look after our rights.

I have one last thing to say before I tie this up. This is regarding *Roe v. Wade*, which breaks my heart. A friend of mine passed away on February 18 of this year. Her name is Norma McCorvey. Maybe you do not recognize that name, but she was Jane Roe in *Roe v. Wade*. She went to her grave regretting the fact that she was used by attorneys to create a right. This woman grieved over the fact that she was responsible for over 58 million unborn babies who never took that first breath. I wanted to put her on record because today *Roe v. Wade* is being used again, and I think my friend would prefer that I let you know that Roe was not very pro-choice after all.

Assemblywoman Monroe-Moreno:

We have heard today that a woman's right to choose is just about abortion. It has been implied, although not said outright, that it is just a matter of convenience that people choose to have abortions. Can you tell me what other circumstances a woman might be going through in her life that would cause her to decide to have an abortion?

Melissa Clement:

While I do not have the exact figures, the majority of all abortions do not happen for those hard cases that we always grieve about, such as rape, fetal anomalies, or the life of the mother. A vast majority are due to pressure by the partner to have an abortion. It is in the 60 percent range. They are also caused by fear of not having the resources to raise a child.

Every time a woman chooses to have an abortion, society has failed to help that woman. I do not sit here in front of the Committee to say anything bad about a woman who chooses an abortion, because who am I to judge? I certainly was not pro-life my whole life. I certainly encouraged women to have abortions. For that reason, I sit here in front of the Committee and ask, are we not better than this? While I can provide the figures and send them to the Committee members, I would like to look them up, so I send the right information.

Assemblyman Elliot T. Anderson:

I am sorry, but I just cannot sit here with the record being incorrect. The Equal Rights Amendment and the Fourteenth Amendment, which also has equal rights provisions that make sure people are treated equally under the law, do not grant any right to abortion. It simply prevents classifications based upon gender and subjects any classification based on gender to the three levels of scrutiny: rational basis, intermediate scrutiny, or strict scrutiny. Those amendments only get triggered if there is a difference based upon gender.

It is simply not true to say that the Equal Rights Amendment has anything to do with abortion. It only applies when there is a classification based upon gender. It is a well understood legal doctrine, at least in the legal world. I would appreciate it if we had a clear idea of what that actually does. Since you brought it up and put it on the record, I cannot help but make sure that is exceptionally clear. If somehow, and it is impossible because of biology, an abortion statute made a distinction based upon gender, then those provisions start to apply. It is physically impossible to make a distinction based upon gender when dealing with a woman's body because a woman's body is different from a man's body. I just cannot sit here and listen to this anymore because it is not true.

Melissa Clement:

In the same way that there was no right to abortion before January 22, 1973, when suddenly a right was discovered, it is the same way that this right will be discovered, and the ERA will be used to allow for abortion. I would just ask the Committee to please read the New Mexico Supreme Court case that explains exactly the means by which they will get there. It will not be immediate. It does not say abortion, just like it does not in A.J.R. 8 or the *U.S. Constitution*.

Assemblyman Elliot T. Anderson:

I cannot help but keep arguing. Under federal law, the court of last resort is the U.S. Supreme Court. What you are referring to is a New Mexico constitutional provision. What happened in the New Mexico provision, based upon their language, is different from what would happen under a federally well-recognized doctrine. The Equal Protection Clause of the Fourteenth Amendment is a well-articulated area of case law. It is just not applicable. I am done arguing.

Assemblyman Hansen:

The United States Congress said that this amendment must be ratified by June 30, 1982. It is plain, clear, concise language. This Committee, on the ERA, said that does not count. When we talk about plain language and how the Equal Rights Amendment has nothing to do with abortion, in fact, it can clearly be interpreted in almost a million different ways.

Chairwoman Diaz:

I would like for us to stay on point, and we are not talking about the ERA.

Assemblyman Hansen:

That is fine. I just noticed my colleague went off for five minutes on the ERA.

Chairwoman Diaz:

He was clarifying the record of what was being stated in testimony. We are not debating that. He had his chance to clarify that.

Assemblyman Hansen:

That is fair enough. We will do that in a workshop. One of the dramatic changes I have seen in the United States is the change in polls on abortion. The most interesting aspect of that has been the young people. It is the young people who have grown up in the age of ultrasounds and sonograms who seem to be more pro-life than my generation. Can you elaborate on that? That is my understanding. Gallup and several other polling organizations have clearly charted this trend for a decade or more.

Melissa Clement:

You are exactly right. What we have seen with young people today is that they grow up with a picture of their little brother or sister on the refrigerator. In 1973, when this was written, the science did not allow for that. We did not know. We could easily think it was a clump of tissue. Now, we see the heartbeat at such an early age and scientific proof that the unborn feel pain early at 20 weeks.

I do not know if anyone has seen a 3D ultrasound, but my 11-year-old son looks exactly like he did when he was only 20 weeks in the womb. We now see that scientifically it is life that we are talking about; so much so, 53 percent of millennials feel abortion should be illegal in all or most circumstances. That alone would certainly argue against voting to send a

resolution to the U.S. Senate asking them to vote against someone merely on the basis of whether Neil Gorsuch is pro-life. This is a man who has an incredible record, yet we are going to boil it down to one question.

Chairwoman Diaz:

Assemblyman Hansen, I want to make sure we are not putting things on the record that are inaccurate. Where are we coming up with the data that millennials are more pro-life than pro-choice? From the data that I have seen, which does not focus necessarily on one group, the trend is not going in the direction that you are claiming. I want to make sure that we are not putting inaccurate things into our record. Where is this data coming from that shows that overwhelmingly millennials are pro-life? I have not seen anything of the sort.

Melissa Clement:

You get exactly what you ask for in polls. The statistic that 53 percent of millennials are pro-life was from *The Washington Times*. I have a link here. Gallup also has polling they do every year that shows that, while it stays between 48 percent and 52 percent each way, we are swinging pro-life. When any question is 48 to 52 percent, that has to make us all wonder if this is a resolution that should go to Washington, D.C.

Chairwoman Diaz:

Is this data Nevada-specific?

Melissa Clement:

Unfortunately, we do not do a lot of polling in Nevada. We do not have the resources to do it.

Chairwoman Diaz:

I think that not all states are created equal, and we have our different sides on different issues. What we see reflected in Florida, Montana, or Idaho does not necessarily reflect Nevada perspectives. Taking a conglomerate and saying 48 to 52 percent nationally is a reflection of what Nevadans want is not at all accurate.

Assemblyman Hansen:

Assembly Joint Resolution 8 is not Nevada-specific. This is to urge the United States Senate to protect reproductive rights. We are not simply talking about what is happening in Nevada. We are talking about trying to influence a national policy and a national trend. Clearly, with the direction it is going, the United States is going to end up with a pro-life U.S. Supreme Court which will overturn the infamous *Roe v. Wade* decision.

Chairwoman Diaz:

That is correct, Assemblyman Hansen; however, I bring Nevadans to the forefront of the discussion because we are the Nevada Legislature, and we are supposed to be speaking on behalf of Nevadans in terms of bringing forth this resolution and speaking as a state. This is something that matters to our people.

Janine Hansen, State President, Nevada Families for Freedom:

I know this is a very personal and emotional issue. For me, science has come a long way since 1973. I think that it is easily evidenced that this is a baby. For me, it used to be a political issue, but 11 years ago, that changed. My daughter became pregnant. She was not married. She found herself in very difficult circumstances. It would have been pretty easy for her to make the decision to have an abortion. Last week, I had the blessed experience of being able to go to my granddaughter Willa's concert. She plays the saxophone. She is 11 years old. I am so thankful that my daughter made the right choice and gave her daughter life.

I often speak at high schools about this issue, and one of the things I tell them is to look around the room because one-third of their classmates are not there; they have been aborted. The other thing I tell them is that we have a lot of choices. There are three consequences when we make the choice to be sexually active and get pregnant. The first choice we can make is to have an abortion. That lasts a lifetime. The second choice we can make is to give the baby up for adoption, and that choice lasts a lifetime. The third is to keep the baby. That lasts a lifetime. These actions are not without consequences. There are consequences for choosing an abortion. Many of those are physical and mental.

When I was involved in this much more in Washoe County, I was reading the statistics for Nevada. I found that one woman had 16 abortions, according to Nevada vital statistics records. My heart went out to that woman. Obviously, her needs, problems, and issues were not being responded to by anyone. No one was giving her a compassionate answer. I have become an apprenticed midwife and have enjoyed the remarkable experience of being the midwife to bring my own grandson into the world. My son has his own ultrasound machine which shows the remarkable early days of a pregnancy, and that it has the characteristics of a baby.

My other concern is that women are often the second victims in abortion. They are often pushed into it by others around them who find the situation inconvenient. I believe that Nevada is better than pushing them into the answer of killing their own baby. We can find compassionate answers. The church that I belong to and organizations that I support look for compassionate answers for young women who are in trouble and need help to find answers for what to do. They can have a place to live, resources, and an education. All of these are very important.

I encourage you to reconsider that after all these years, we have much more scientific evidence than we had in 1973. The tide is turning. Those are the figures I looked up this morning about young people. In particular, the tide is turning for young people who have seen the ultrasounds and know it is a baby. Hopefully, as time goes along, the tide will turn so that life will once again be sacred, and we will have compassionate answers for women who need our help in a time of stress and difficulty.

Lynn Chapman, State Vice President, Nevada Eagle Forum:

I believe that all issues are important when we make decisions on who is going to be sitting in judgment over all of us. I believe that life, liberty, and the pursuit of happiness are very important issues; life being one of the most important. You would not have the other two without life. I also was looking at the resolution, and lines 6 through 9 on page 2 talk about ". . . protect a woman's reproductive rights as it undergoes the process of vetting a nominee for the United States Supreme Court and oppose any nominee that would seek to overturn *Roe* or *Casey*" Does that mean only pro-choice people can sit on the U.S. Supreme Court? I certainly hope not. I am really concerned that a woman's right is being protected, and I am very saddened that a child's rights are never protected.

Don Nelson, President, Nevada LIFE:

Nevada LIFE opposes A.J.R. 8. I thought I would mention the question about young people being pro-life. The Hamilton College Hot Button Issues Poll was in 2006. Those aspects are ten years older now. The survey said that two-thirds, or 67 percent, of high school seniors said that abortion is always or usually morally wrong. They asked, What should a high school senior who became pregnant do? Eighty percent said she should keep the baby or place the child up for adoption. Only 13 percent proposed abortion. We have seen a trend for a long time that young people are pro-life. Our opponents are afraid of it. They make all kinds of excuses that young people do not appreciate the work that they have done. They do not appreciate the progress they have made. That would be an answer to the question of how we know that the youth are pro-life. We have been seeing that for a while.

The reason we oppose A.J.R. 8 is that it is asking the United States Senate to oppose any nominee who would seek to overturn *Roe* or *Casey*. This resolution is asking the United States Senate to only allow justices who will protect the most unjust decision since *Dred Scott v. Sandford*, 60 U.S. 393 (1857) to serve on the highest court in the United States. *Roe v. Wade* is unjust, and after 44 years, it cannot be defended ([Exhibit D](#)). It has no basis in law, logic, or history. Not even the *Casey* decision that came after it could prop it up with any force or reasoning other than it gave a woman a right upon which they revolve their laws around for 18 years between *Roe* and *Casey* and the principle of *stare decisis*. *Roe* rests upon and is upheld by raw judicial power.

We also oppose *Roe*, *Casey*, and A.J.R. 8 because they contradict our founding document that says all people are created equal and have an unalienable right to life ([Exhibit D](#)). We believe that *Roe v. Wade* is unjust and has given legal sanction to the most flagrant human rights violation of our day by depriving a whole class of human beings, unborn children, of their unalienable and inherent right to life. *Roe* has dehumanized the unborn and has led to the killing of over 58 million human beings, the weakest members of our society, by saying that they are not human persons. The court might grant that they are human beings, but they say they are not human persons. We are in a situation today, since *Roe v. Wade*, that we can have human beings who do not have human rights. How can someone possibly be a human being and not have human rights? In doing so, we believe that *Roe* has led to flagrant human rights injustices.

We also oppose this resolution because *Roe* and *Casey* undermine the case for universal human rights, and they are dangerous. If the court can rule, as it did in *Roe*, that certain classes of human beings are not persons, and we can harm them like abortion harms the unborn without impunity, then it could happen to any one of us. When anyone becomes expendable, we all become negotiable. We think that the Legislature ought to run from this, not just because *Roe* is unjust, but it led to the greatest human rights violation in our land today. Someday *Roe* is going to go. The court could barely hold it up in *Casey*, and a whole generation has grown up with ultrasound technology and knows that *Roe* and the U.S. Supreme Court are lying when *Roe* says that an unborn child is not one of us, and they should have not been fully protected when they, too, were subjects of those ultrasounds that their parents have kept. Those are the reasons that we oppose this resolution. I want to thank you for your time and ask you to please oppose A.J.R. 8.

Assemblyman Hansen:

I had a question, and we do not have legal counsel today, but you may know the answer. Under Nevada law, if I am driving drunk and run into a woman who is carrying a child, can I be prosecuted for the death of that child?

Don Nelson:

That is true in some cases. I think Nevada law says that if a child was a quick child, if it experienced some kind of evidence of movement, the person could be responsible for the death of that child. I believe the penalty would be 10 years in the penitentiary and a \$10,000 fine at the most. As you know, we had a "two victims" bill in 2007, which was opposed by our opponents, that would have made Nevada law commensurate with the federal Unborn Victims of Violence Act of 2004 that says in the event that you cause harm or death to the unborn child that a woman is carrying in utero, the penalty would be the same as if it happened to the woman herself, except for the death penalty. People like Scott Peterson are sitting on death row in California, not only for murdering his wife, Laci, but for murdering his unborn child, Conner. He is serving a life sentence for that.

Assemblyman Hansen:

That is what I was getting at with these weird contradictions in law. Under *Roe v. Wade*, is there anything about abortions being illegal when the fetus reaches the stage of quickening?

Don Nelson:

Our understanding is that under the court doctrine it would be at viability, and after that, you can still have an abortion with certain exceptions. There are pretty wide loopholes. One is for the health of the mother, which is decided so widely and broadly that a person can have an abortion for almost any reason afterwards. A person can have an abortion for no reason up to viability under *Roe*, *Casey*, and the abortion regime we have now. You can have one for almost any reason afterwards.

Assemblyman Hansen:

Is there not a type of abortion where they actually remove the fetus while it is alive?

Chairwoman Diaz:

A.J.R. 8 does not go into that. We are getting completely off the path. Plus, I do not have our legal counsel to be weighing in on the conversations you are having.

Assemblyman Hansen:

Maybe you would know, Madam Chairwoman. What is the status on partial birth abortions in the United States right now? Is it legal or illegal?

Don Nelson:

I believe the federal law would make it illegal except for when there is a physical threat to the mother, not the life of the mother exception that we see in *Roe*, which is so broad that people say someone can drive a truck through it. In certain circumstances where a woman's life is in jeopardy or she could have some kind of major physical ailment, it would be legal. It would be illegal now. I do not know if it would result in jail or fines, but they are pretty significant.

Assemblyman Hansen:

You are referring to partial birth abortions?

Don Nelson:

Yes, I am referring to partial birth abortions. Ms. Clement was asked about statistics. We would say that about 93 to 94 percent of all abortions are for some kind of a social reason. We would not say that women who want to have abortions for those social reasons are saying, "Wow, I am pregnant. I think for fun I am going to go down to the abortion clinic and have one." We do not think that at all. We know that they are very serious. We believe abortion is emotionally and psychologically complex, but not morally complex. It is wrong to harm human beings for the reasons given. About less than one half of 1 percent of all abortions are due to rape and incest. We get that from the Guttmacher Institute, which used to be the research arm of Planned Parenthood. It is independent now.

Assemblyman Araujo:

I would just encourage you to share those sources with us. I am quickly trying to fact check you, and I am not finding that. If I could just have those sources, it would be really helpful for the Committee.

Don Nelson:

Which facts would you like?

Assemblyman Araujo:

I would like all of the facts you just previously stated, such as the social arguments and the different reasons. I do not want to get into the weeds of what you are referencing, but if you could share those sources along with the data, that would be helpful.

Don Nelson:

We get them from the Guttmacher Institute. I was just looking at them, so I would be happy to forward those on to you. I heard that before *Roe v. Wade*, women were dying of abortion as if somehow, magically, the abortionists were killing women. Our understanding is that in the year before *Roe*, there were probably less than 40 deaths by abortion in the United States.

Chairwoman Diaz:

Is there anyone else here to testify in opposition of A.J.R. 8? Seeing none, I will go to neutral. Is there anyone here to testify in the neutral position?

Assemblywoman Monroe-Moreno:

I just had to speak up. I am the mother of millennials, three daughters. They are three children who are pro-choice. Being pro-choice does not mean they are pro-killers. They are pro-choice because it means that they respect the rights of others to choose to make very important personal decisions about their own bodies.

I respect everyone who spoke today, but I hope that as you come here and advocate for pro-life, you also are as energetic to be advocates for the children who are left in foster care systems for years and are not adopted. I am a product of the foster care system. I hope that you advocate for the woman who has had psychological effects from being raped or having to carry a child to term from incest, because I have seen that in the jail system. I hope that you advocate for that child who was abused by the woman who was forced to carry that child to term and could not take care of it. I do not want you to think that every millennial is pro-life. They are not; they are pro-choice because they respect their right to choose and everyone else's.

Chairwoman Diaz:

I do not see anyone else wanting to provide any comment, so I will invite the bill sponsor back up to close us out.

Assemblyman Watkins:

Thank you, Madam Chairwoman and members of the Committee. I think I am wise enough not to say anything further.

Chairwoman Diaz:

I will close the hearing on A.J.R. 8 and open it up to public comment. I will remind everyone that public comment is not to speak to the bill but is for anything you might want to share with the Committee at this time.

Karen England:

I was a foster mom. When one of them got emancipated at 18, we took on the cost and left him in our home. We took on the responsibility after he was arrested for drugs and paid out of our pocket. I have been a foster mom. I also have a half-sister from rape. I found out at

the age of 30 when my mom had to sit all five kids down and say that she heard from the court that my half-sister wanted to find my mom. I do not come here being pro-life without any experience with what it is like to make that choice.

Again, I did not have the choice to give my daughter life and have her adopted without tracking down the man who left me with 37 cents in my checking account. I did have the right to kill her, and I chose life.

Chairwoman Diaz:

I do not see anyone else coming before this Committee to offer public comment. With that, we are adjourned [at 2:37 p.m.].

RESPECTFULLY SUBMITTED:

Julianne King
Committee Secretary

APPROVED BY:

Assemblywoman Olivia Diaz, Chairwoman

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is written testimony in support of Assembly Joint Resolution 8, dated March 16, 2017, submitted by Caroline Mello Roberson, Nevada State Director, NARAL Pro-Choice America.

[Exhibit D](#) is written testimony in opposition to Assembly Joint Resolution 8, dated March 16, 2017, submitted and presented by Don Nelson, President, Nevada LIFE.