

**MINUTES OF THE MEETING  
OF THE  
ASSEMBLY COMMITTEE ON GOVERNMENT AFFAIRS**

**Eightieth Session  
May 23, 2019**

The Committee on Government Affairs was called to order by Chair Edgar Flores at 9:39 a.m. on Thursday, May 23, 2019, in Room 4100 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/80th2019](http://www.leg.state.nv.us/App/NELIS/REL/80th2019).

**COMMITTEE MEMBERS PRESENT:**

Assemblyman Edgar Flores, Chair  
Assemblyman William McCurdy II, Vice Chair  
Assemblyman Alex Assefa  
Assemblywoman Shannon Bilbray-Axelrod  
Assemblyman Richard Carrillo  
Assemblywoman Bea Duran  
Assemblyman John Ellison  
Assemblywoman Michelle Gorelow  
Assemblyman Gregory T. Hafen II  
Assemblywoman Melissa Hardy  
Assemblyman Glen Leavitt  
Assemblywoman Susie Martinez  
Assemblywoman Connie Munk  
Assemblyman Greg Smith

**COMMITTEE MEMBERS ABSENT:**

None

**GUEST LEGISLATORS PRESENT:**

Senator Moises (Mo) Denis, Senate District No. 2

**STAFF MEMBERS PRESENT:**

Jered McDonald, Committee Policy Analyst  
Asher Killian, Committee Counsel  
Mark Peckham, Committee Secretary  
Trinity Thom, Committee Assistant

**OTHERS PRESENT:**

Yolanda T. King, County Manager, Clark County  
John T. Jones, Jr., Chief Deputy District Attorney, Legislative Liaison, Clark County  
District Attorney's Office  
Brigid J. Duffy, Director, Juvenile Division, Clark County District Attorney's Office  
Amity Dorman, Member, Clark County Prosecutors Association; and Chief Deputy  
District Attorney, Clark County District Attorney's Office  
Dagny Stapleton, Executive Director, Nevada Association of Counties  
Francisco Morales, Director, Public Affairs and Community Relations, Office of the  
Governor  
Akaisha Cook, Intern, Office of the Governor  
Will Pregman, Communications Director, Battle Born Progress  
LaLo Montoya, Political Director, Make the Road Nevada  
Christine Saunders, Policy Director, Progressive Leadership Alliance of Nevada; and  
representing Nevada Immigrant Coalition  
Izzy Youngs, representing Nevada Women's Lobby  
Bailey Bortolin, representing Legal Aid Center of Southern Nevada; Washoe Legal  
Services; and Volunteer Attorneys of Rural Nevada  
J. Kyle Dalpe, Interim Executive Director, Legislative Affairs, Nevada System of  
Higher Education  
Anthony Ruiz, Senior Advisor, Government Relations and Community Affairs,  
Nevada State College  
Joanna Jacob, representing Dignity Health-St. Rose Dominican  
Keyla Terrones, Private Citizen, Sparks, Nevada  
Laurie A. Thom, Tribal Chairman, Yerington Paiute Tribe  
Lynn Chapman, representing American Legion Auxiliary Department of Nevada,  
Duby Reid Unit 30  
Janine Hansen, State President, Nevada Families for Freedom  
John Eppolito, Private Citizen, Incline Village, Nevada

**Chair Flores:**

[Roll was called. Committee rules and protocol were explained.] We have two items on the agenda. We are going to take them in the order that they appear. We are doing two things. First of all we are going to ask all who intend to testify in support, opposition, or in the neutral position to keep their comments to two minutes; at the two-minute mark, I will notify you that you have hit the two minutes and ask you to please stop speaking. I encourage you to consult with other people who are going to side with you on the issue so that you do not

repeat the same argument and therefore give yourself the opportunity to say everything you want to for the record. For example, maybe I can focus on section A, you can focus on section B, and another can focus on section C. Equally, I will ask anybody who does not stay on point with the actual policy of the bill to stop speaking, and I will cut you off. This is an opportunity to speak in support, opposition, or in the neutral position of the actual language written in the bill. Any personal attacks or anything of that sort will not be tolerated, and I will ask you to leave.

We are going to start with Assembly Bill 539, which authorizes a board of county commissioners to create the office of the county counsel.

**Assembly Bill 539: Authorizes a board of county commissioners to create the office of county counsel. (BDR 20-1264)**

**Yolanda T. King, County Manager, Clark County:**

I will be presenting Assembly Bill 539 and going over the content of the bill. For some background, I will give you information on how the county counsel works in Clark County and, I am assuming, across the state in other counties. The county counsel for the board of county commissioners, the county manager, and all officers of the county is currently, pursuant to *Nevada Revised Statutes* (NRS) Chapter 252 under the direction of the office of the district attorney, which is an elected office. The office of the district attorney is also a department of the county. The district attorney, through the county counsel, is the legal advisor for the board of county commissioners, the county manager, and all county departments and is responsible for defending them in all civil actions against the county, its officers, boards, commissions, and employees.

The county counsel, as the legal advisor for the county departments, the commissioners, as well as county manager, should be independent of any other county department. Under NRS Chapter 266, the cities have the authority to create a city attorney's office. What this bill would do is allow that same permissive authority to counties to create a county counsel office under the county manager/commissioner's office. Counties currently do not have the authority to create a county counsel office because that authority sits under the district attorney's office.

I would like to change a current provision under NRS Chapter 252 where our county counsel is required to attend school board meetings. If there is a private attorney employed by the school district in attendance, county counsel under the district attorney's (DA's) office should not have to attend the meeting. However, the statute does allow that—the statute needs to change because if the school districts do have in-house counsel, it is inefficient to have a county counsel there as well.

Let me go into how the bill is outlined and what language in the bill would give the counties that authority to create county counsel under a county manager/commissioner department. This would be separate from the DA's office and it would allow the independence of county counsel. Obviously, there is an inherent independence issue when you have a department

that represents county departments reside with an elected official. I also want to make note for the record that Clark County does not have any issues. I believe that our district attorney and the county manager's office as well as the commissioners have a great working relationship. I do not want there to be a misunderstanding that we currently do not have that working relationship. The issue lies if, in fact, there is a change in that elected office, and there is a different individual who has different views on how the office of the district attorney should run—there can be issues for us in the future.

Section 5 of this bill:

- Authorizes the board of county commissioners to create the office of the county counsel to perform many non-criminal duties otherwise assigned to the district attorney's office.
- Authorizes the county manager with the confirmation of the board of county commissioners to appoint the county counsel.
- Sets forth the qualifications for the appointment of the county counsel, which are similar to the qualifications required for a candidate for the office of the district attorney. Existing law requires the district attorney to perform certain legal duties for the county, including providing legal opinions to the board of county commissioners and the county townships as well as district offices. The district attorney's office currently is required to attend meetings of the board of county commissioners. They are responsible for reviewing all contracts under consideration by the board as well as drafting ordinances and amendments thereto. Duties include providing certain legal advice and drafting legal papers on behalf of the board of county commissioners.
- Requires that the board of county commissioners create an office of the county counsel that will require the county counsel to perform all the duties mentioned above.
- Requires the board of county commissioners to require the county counsel to represent the county in certain civil matters relating to abuse or neglect of a child.

Section 6 of this bill would authorize the county counsel of the county to appoint any deputies, clerical, investigative, or operational staff that is needed by the office. The remainder of the bill is essentially changing wherever a district attorney is mentioned and—if a county counsel office is created—it is including the definition of a district attorney and includes the county counsel office.

Once you get past sections 5 and 6, which is the meat of the bill, much of the rest of the bill essentially adds that if there is a county counsel office, the office may perform duties related to civil matters.

That concludes my presentation with regard to the bill and what the bill is intended to provide, as well as what Clark County's intent is for presenting the bill—to have the permissive authority to create a county counsel office and have the office have the same authority as it does under the cities.

**Chair Flores:**

The bill only recently dropped—I appreciate your being able to do the presentation at the last minute. Being in a time crunch, we unfortunately have to do everything in this manner. Members, are there any questions?

**Assemblyman Hafen:**

Last night and this morning, I reached out to my county commissioners and county manager in Nye County and they, too, think that this would be an excellent bill. I did not see a population cap—I want to ensure that there is no population cap and that all counties would be able to use this.

**Yolanda King:**

No, there is no population cap. It is my understanding that the bill would apply to all counties.

**Assemblyman Carrillo:**

Is there a particular incident or anything that took place that prompted this bill? And why now? I have been in this Legislature for five sessions and have not seen this—unless this has been around but never got through.

**Yolanda King:**

I have been in this position since December 2016. In my position as county manager, I have recognized in working with county counsel under the DA's office that there could be, at times, potential conflicts with regard to the direction that a DA may provide to a county counsel. As I mentioned earlier, I am not experiencing that in Clark County. But my concern is, if a district attorney is elected who is not the district attorney today and that district attorney has different views of how he or she thinks his or her office should run and the advice that he or she would prefer to provide or not provide to the county and its departments and employees—the fear is my experience today could change in the future.

In my role, I recognize that there could be a conflict. Hence the reason that the bill is coming before you today. I am not aware whether there is history of this sort of request to change statute so as to create a county counsel office. But I can tell you that under my leadership, that is what I have recognized. And I am fearful of what the future would bring for the county if I am not here, should an individual be elected who decides to change course.

**Assemblyman Smith:**

Will the new position be a contractual position? I know that for the first go-round they are going to be appointed, but after that, is it always filled by appointment?

**Yolanda King:**

The position would be appointed by the county manager with the approval of the board of county commissioners. Today, the county counsel office—a county counsel and its employees—sits under the district attorney's office. The initial thought would be—and I am assuming it would be the case in other counties—is the county counsel office division would transfer under the county manager/board of county commissioners department. I am not sure how it works in other counties.

The way the bill is written, you would have the ability, if you wanted, to have the position as contract services or have the person contracted. Some cities are set up that way; there is a contract established between the city council and the city attorney. The position in this bill could be set up in that manner. But initially, from Clark County's perspective, the division that already exists would transfer to the county manager's office.

**Assemblyman Smith:**

You have pulled out many of the civil action duties and said they stay with the district attorney. But certain ones come over to the county counsel, one of which is child abuse. Why did you have that go with county counsel?

**Yolanda King:**

I know that having that go with county counsel has been an issue and that there are folks in the audience who are here in opposition of that.

It is a unique situation here in Clark County, and I believe it also occurs in Washoe County, where you have a unit that represents the department of family services in civil matters as well as criminal matters; those two functions combined under one unit. There will be someone here who can explain in more detail what that looks like.

I was simply trying to take all of the civil matters that are provided by the DA's office and pull them up under a county counsel office—that was the intent. There are civil matters involving child abuse and neglect cases under the child welfare provisions of NRS Chapter 432B; that was the reason for pulling those cases over to the county counsel. I am more than willing to work on an acceptable amendment, because I understand that there are concerns around pulling that unit under the county counsel office. I want to make sure you all understand that I know there are people opposed to that, but I am willing to sit down and talk with those individuals to see if we can come to some consensus on an amendment that would keep that unit together that addresses dependency as well as delinquency.

**Assemblywoman Bilbray-Axelrod:**

I understand that the bill has many moving parts, so please bear with me. You said something to my colleague indicating that the attorneys who are currently under the DA's office would just transfer over to the county. Is that what you said?

**Yolanda King:**

The district attorney's office is a county department. Within the district attorney's office, you have the criminal side and a civil division. That civil division is currently considered our county counsel office. As I noted earlier, the intent of the bill is to take that civil division out of the district attorney's office and transfer it into the county manager's office.

**Assemblywoman Bilbray-Axelrod:**

Are you foreseeing additional appointments with that proposed structure?

**Yolanda King:**

I do not foresee any additional appointments. There would be the initial appointment of a county counsel, which we currently have today, and all of the deputies within that division. I do not see any additional appointments other than those initial ones.

**Assemblywoman Bilbray-Axelrod:**

I want to understand the organizational chart. You are taking the existing organization who currently reports to the DA from the DA's office. Although the DA technically works for the county, it is an elected position, right? Therefore, there is some autonomy with that elected position. You are moving it within the scope of the county so that counsel will then be under the organization of the county commission. Is that correct? That is to whom they will report and serve at the pleasure of.

**Yolanda King:**

Yes. Ultimately, that is what ends up being the organizational structure change: moving that division from one department to another department. Yes, it would be under the direction of the county manager/board of county commissioners.

**Assemblywoman Duran:**

If we have a complaint, is the procedure going to change? Number 1, are the complaints going to be made to the commission? Number 2, is the DA going to oversee any of the complaint process, or is it your position that oversees the outcome of each complaint?

**Yolanda King:**

As it stands today, any civil matter goes to that civil division. I am calling it "civil division," the county counsel as it sits today. The only difference is that the county counsel office, as opposed to reporting to the district attorney, would report to the county manager/board of county commissioners. That civil division is tasked today with representing the county departments, county employees, as well as the county commission. Those functions would not change; they would continue to perform those responsibilities. The change is just the reporting structure to whom that office reports, which is the county manager/board of county commissioners. People in the civil division already serve in that role and they have duties that are outlined in the statute as to what they do and what they would do and that would not change.

My concern is that if I am in a situation—and I want to reiterate that this is not the case today—where an elected official with the district attorney's office comes in and decides there are certain situations where he or she does not want to represent a county department, then I would be in a situation where I have employees or departments that have to appear in court unrepresented. We have had situations like that in the past. I am trying to avoid that with a change of philosophy with regard to the district attorney so that does not happen again. They already are tasked with having to provide that legal representation to the county departments, county manager, as well as the board of county commissioners.

**Assemblyman Ellison:**

I talked to some of our county commissioners about how they felt about the bill. They did not have a problem with it. It is an enabling bill, so that is good. What I do have a question on is section 6, subsection 3, on page 5. It says, "A deputy county counsel of a county whose population is less than 100,000 may engage in the private practice of law." Is it not a conflict of interest if he is representing the county and doing private business at the same time?

**Yolanda King:**

I believe that this language is currently in NRS Chapter 252, but I would have to look it up. I recall that when I read that, I was thinking the same thing—that there would be some sort of conflict—but as I recall, that is currently in statute.

**Chair Flores:**

We will continue with questions while allowing our committee counsel some time to vet that issue. Should our counsel come up with an answer, we will get it on the record before we close the hearing.

**Assemblyman Assefa:**

You touched on this a couple of times, but could you expand on it a little bit more? Tell us about the nature and the composition of the office of the county counsel as you envision it. You said staff would be transferred from the DA's office to the county counsel office. Is that the entire staff? Some staff? Are staff going to be multitasking between civil and criminal duties, or is the DA going to have to hire an entirely new staff?

**Yolanda King:**

I do not envision that there would be hiring of additional staff or multitasking of duties between the current staff. That is what makes this an easy transition for the civil division. There are individuals within that civil division who are responsible for the civil matters of the county commission/county manager as well as the employees. They are isolated already in their own division and, to my knowledge, they are not performing any of the duties that are on the criminal side of the DA's office. They are strictly performing those duties related to civil matters. So I do not foresee that there would need to be an addition of positions at the DA's if this division was pulled out, simply because the civil division is tasked with doing just those duties relating to civil matters as it stands today.



**Asher Killian, Committee Counsel:**

Assemblyman Ellison, if you want to reference NRS 252.070, subsection 4—that is where the analogous language for allowing deputy DAs to engage in the private practice of law in counties other than Clark County and Washoe County is located.

**Assemblyman Ellison:**

Was that NRS 252.070, subsection 4? And did you say any county other than Clark County?

**Asher Killian:**

In NRS 252.070, subsection 4 is language that allows deputy DAs—analogueous to the language that allows deputy county counsel in this bill—to engage in the private practice of law in counties whose population is less than 100,000. That would be any county other than Clark County and Washoe County currently.

**Assemblyman Carrillo:**

Under section 5, subsection 2(i) in regard to "Representing the county in any civil matter relating to the abuse or neglect of a child," is this taking anything away from the DA? Because I know the DAs have worked hard on different programs to facilitate cases where child neglect and abuse are involved. The subsection goes on to say they will not be prosecuting any [related criminal matter], but what do you see as the need for that particular section?

**Yolanda King:**

First of all, I need to clarify for the record what Assemblyman Carrillo has pointed out. The child abuse and neglect civil matters that are noted in section 5, subsection 2(i) are not under the civil division of the district attorney's office that I spoke of earlier, the division that is responsible for civil matters involving county departments and the board of county commissioners. A separate unit under the DA's office that has a separate director oversees that unit; that unit would include the dependency side, working with Clark County Department of Family Services. I did want to make note that the division tasked with child abuse and neglect civil matters does not today exist in the civil division under the Clark County District Attorney's Office.

Earlier in my comments, I said I realize that there will be some opposition to that because, as written, the bill would take away that responsibility from the district attorney's office. So I would like to work through that with the DA's office and try to figure out a way to keep that unit within the DA's office. We, meaning the DAs and I, need to work through what that unit looks like—it is currently not under the civil division of the district attorney's office in Clark County.

**Assemblyman Carrillo:**

You have answered my second question to a point. The bill seems a little overreaching. I am trying to understand the dynamics of a district attorney's office that is already covering the bases on this and why the county manager/board of county commissioners feel they need to put it under their control. You have said you are working things out, but this is a concern for

me as somebody who heard a lot about this while I was on the Assembly Committee on Judiciary. I know the effort the DA's office has put into keeping these matters smooth. I appreciate your answer, but I am trying to understand the significance of the county's intent to have this under the control of the manager/board of county commissioners.

**Chair Flores:**

Members, are there any additional questions? Seeing none, thank you for presenting. I appreciate you. Please sit back as I invite those wishing to speak in support of A.B. 539 to make their way forward. Seeing no one in either Carson City or Las Vegas, we will go to opposition. Those wishing to oppose A.B. 539, please come forward. We will start in Carson City. I want to remind everybody to respect the two-minute rule, please.

**John T. Jones, Jr., Chief Deputy District Attorney, Legislative Liaison, Clark County District Attorney's Office:**

I want to start by saying it is sound policy that county officials, boards and agencies be given legal advice that they need to hear, not legal advice that they want to hear. With that in mind, it is important to fashion a representation model that best leads to that outcome. Making a public attorney providing legal advice answerable to a separately elected office provides a measure of independence to that attorney, thus ensuring a more legally and ethically sound opinion. The reasoning is simple. Officials better informed of the consequences of their proposed actions make better-informed decisions.

I want to be clear that our office, the Clark County District Attorney's Office, has a great working relationship with County Manager King and with the current commission. However, historically, civil deputies in our office have been pressured to rubber-stamp contracts, programs, and uses of funds in ways that may conflict with existing law that may operate against the best interest of Clark County and its residents and in ways that violate the spirit of ethics laws. So making these civil attorneys answerable to a separate elected official gives these deputies an important measure of impartiality with respect to conveying advice to these county officials.

The model we now have is similar to the model in the state level where the attorney general, a separately elected official, provides legal advice and representation to the agencies of other executive branches. It has been said that A.B. 539 is just enabling. But even though it is enabling legislation, A.B. 539 could be used as a hammer against DAs providing advice. If a county does not like the advice the DA has given, it can just threaten to create the office of county counsel, thus causing a crack in the independence that we feel provides the best, most unbiased opinions.

The question you need to answer, as a policy, is what is the best model representation for the citizens of Clark County? The Clark County District Attorney's Office submits to you that it is the current model. Supporting this testimony, we heard no specific issues with the way representation is currently provided. If there are problems with our current model of

representation, we have not been informed of them. [The testifier was advised of the two-minute mark.] All that the Clark County District Attorney's Office is asking for is the ability to work through those problems prior to your passing this legislation.

**Chair Flores:**

There may be questions for you that will allow you to address more points.

**John Jones:**

Mr. Chair, I have Brigid Duffy, who is the director of the Clark County Juvenile Division, in Las Vegas. If she could speak before the two of us can answer questions, I think there may be some overlap between her division and the DA's office as a whole that we could both answer.

**Chair Flores:**

We will go to Las Vegas.

**Brigid J. Duffy, Director, Juvenile Division, Clark County District Attorney's Office:**

I sit in opposition today of section 5, subsection 2(i). My division consists of 30 attorneys, 21 that prosecute cases of child abuse and neglect based upon the investigations of child protective services and 9 that prosecute cases of juvenile delinquency. The child welfare division team within my division represent, by statute, the interests of the public alongside Clark County Department of Family Services for all cases where children are abused and neglected and protective services intervenes. My delinquency division comprises deputies who represent the interests of the public when they file petitions in juvenile court when a child commits a delinquent act and they are in need of services or intervention of a court and probation.

The 21 attorneys under my direct supervision do not handle civil contract, labor issues, or lawsuits against an agency. They hold unique roles in highly specialized areas of law. The model representation that the juvenile division provides for the department of family services is one based upon a mutual agreement and not a statutory requirement. My division is atypical from traditional civil representation, and that is why we are housed in the juvenile division and not the criminal division or the civil division of the district attorney's office.

The children of Clark County have benefitted from having a division that is specialized to oversee their needs in both child welfare and delinquency. All 30 of my deputy DAs have understandings of childhood trauma and its impact on a child's decision-making, and we have created programs that recognize the needs of children in foster care and children that cross into the delinquency systems. We are a driving force in the creation of the juvenile assessment centers to help with diversion and early intervention for all children. The juvenile division of the DA's office is synonymous with children and all the issues in the county that impact a child's ability to succeed despite trauma and the choices they make. We focus on safety, permanency, and well-being—not on contracts, labor management, and lawsuits. We work hard for children alongside the county agency as well as alongside law enforcement.

**Chair Flores:**

We have hit the two-minute mark. Members, are there any questions?

**Assemblyman Carrillo:**

Do you see yourself working with the county if this bill were to pass? How does this work to the benefit of the children of the state of Nevada?

**Brigid Duffy:**

Personally, this bill would affect my position. The way it is written, it makes a choice between children—my delinquent children and my foster children. I think that is bad for the kids of Clark County because the work that the district attorney has done by and through me and my attorneys to bring together a united system for the children to achieve better outcomes would then be fractured, because a lot of our kids that are in the foster care system are entering into the delinquency system. Some of our delinquent kids are entering into the foster care system as their parents throw up their hands and do not want to deal with them anymore. All of my kids are in the school district system and a lot of them are also in the mental health system. So to fracture a juvenile division apart, I believe, would not benefit children because it will cut back on communication, cut back on streamlining programs and, ultimately, the kids will pay the price for that.

**Assemblyman Carrillo:**

You feel that this would definitely hurt all of the kids in Nevada who are in the system who need the help to be able to move forward.

**Brigid Duffy:**

Absolutely.

**Chair Flores:**

Members, are there any additional questions? Seeing none, we will continue with testimony in opposition in Las Vegas.

**Amity Dorman, Member, Clark County Prosecutors Association; and Chief Deputy District Attorney, Clark County District Attorney's Office:**

On behalf of the Clark County Prosecutors Association, I am here in opposition to A.B. 539. The Clark County Prosecutors Association would like to echo Ms. Duffy's opposition to the bill. I have been employed at the Clark County District Attorney's Office for 14 years, and I have been a chief deputy for nine of those years. For over 13½ of those years I have been assigned to the juvenile division and I have done both delinquency and child welfare. I am currently a child welfare deputy and have been for over half of my time in the office.

As child welfare deputies, my colleagues and I represent the Department of Family Services in cases of child abuse or neglect suffered by children in Clark County at the hands of their parents, guardians, or caregivers. As child welfare deputies, my colleagues and I, as well as new attorneys who are hired in our division, are eligible for membership in the Clark County Prosecutors Association. I have been a member of the Clark County Prosecutors Association

since it was founded. My colleagues are members of the Clark County Prosecutors Association. In the limited time we have had to review the bill, our understanding is that this bill would remove all current child welfare deputies from membership in this association. Again, I have been a dues-paying member since its inception and many of my colleagues have been too.

Because this bill would remove us as members, my colleagues and I and the association are opposed. We are also concerned that it removes people from being eligible to join the union if they are hired to do the same work that we do. Any of my colleagues or any members of the association would enjoy the opportunity to share with you our concerns of the removal of a class of attorneys from this association. The association is not simply a collective bargaining unit. It is a group of individuals who have dedicated their careers to the protection of victims in this community. The children DFS serves are the smallest and often the most overlooked victims in this community. At times, the work we do is incredibly difficult. But we forgo other paths and we persevere on this path. Membership in this association allows those of us who do this work to speak as a whole, not as an individual, and it makes us stronger.

**Chair Flores:**

Members, are there any questions? Seeing none, we will continue with the opposition. Seeing no further opposition, is there anyone wishing to speak in the neutral position?

**Dagny Stapleton, Executive Director, Nevada Association of Counties:**

Nevada Association of Counties and Municipalities is neutral on the bill today. However, this is a policy change that our board has discussed in the past. Some of our members outside of Clark County may support the bill for the same reasons articulated by County Manager King. Also, the bill is enabling; it would give counties the authority to make the decision to create the office of county counsel based on what they believe is needed in their counties.

Regarding the question on section 6, subsection 3, the reason for the deputy county counsel in counties having less than 100,000 in population being allowed to engage in private practice is, for those very small counties, to make those positions viable—because of the small caseloads—they had to be allowed to also continue in private practice. I would be happy to answer any questions.

**Chair Flores:**

We do not have any questions for you. Is there anybody else wishing to speak in the neutral position? Seeing no one, Ms. King, please come back with any closing remarks specifically addressing points brought up by the opposition.

**Yolanda King:**

The type of model that is being proposed in A.B. 539 is not an unusual model with respect to having a county counsel office report to a county manager or county commission office. There are, across the United States—and I particularly looked at a few states last night: Colorado, Washington, California, Oregon—states where this model exists, so it is not an unusual model.

As mentioned by Ms. Duffy, the model under the juvenile division is an atypical-type model. That is absolutely correct. There you do not have the dependency side as well as the delinquency side under one unit and represented under the district attorney's office. It is my understanding that that model came about here in Clark County as a result of some issues in the past. Those issues were worked out where there would be this model under the juvenile side that would represent both sides of the house [criminal matters and civil matters]. In my comments earlier, I indicated that I realize there is probably some work that needs to be done on this particular section as it pertains to juveniles. It would not be my intent to cause any harm to our juveniles in the system. We definitely have the same interest with regard to the juveniles and how this can help or hurt that system. I would like to work with the DA's office to figure out how to continue with the same model.

However, I would also like to reiterate my concern that if any county has a DA who comes in who does not like the way the juvenile model is set up, that system can be changed. And that is an issue. We have had situations where the district attorney did not want to represent the Department of Family Services, and we have had to come to a consensus on how those individuals were to be represented. Then we would need to make sure that I have that protection or the county has that protection and that we can make sure that the employees of the Department of Family Services have representation should they go to court. And it is not only the Department of Family Services—there could be a change where employees in other departments who go to court are needing representation from a county counsel or a DA's office. If there is a change where the DA decides he or she may not want to provide that representation, then not having that representation provided becomes a problem for me as a county manager as well as for my county employees and departments. I just want to make sure that in the future, should something change with an elected official, we are protected and we are provided that representation.

**Assemblywoman Bilbray-Axelrod:**

There seems to be a lot of heartburn regarding section 5, subsection 2(i), dealing with the abuse and neglect matters. How would you feel if we were to amend that section out?

**Yolanda King:**

There is an appetite on my end to look at how we can amend that section. I am in favor and do not want to do anything that would jeopardize the juveniles and how we have the current system set up. Maybe a compromise would be that if the district attorney's office is not the office that provides that representation, then at some point it would be the county

manager or a county department that would otherwise provide those services. I would absolutely be in favor of working with Ms. Duffy and her team in trying to come to some consensus on how we can keep that unit together. If it is in the DA's office, we can work through that as well.

**Chair Flores:**

This is what we are going to do. Time is of the essence, but I want to give Ms. King and the district attorneys an opportunity, at a minimum, to have a conversation before we take action as a Committee. After we close the hearing on this bill and have another hearing, we are going to recess. Ms. King, please communicate with our DAs immediately at the close of the hearing. Give yourselves a couple of hours to have a conversation—that is not ample time, but at a minimum—to come up with something conceptually that you can report back to the Committee. Then we will have a behind the bar and likely move the bill then, if that is necessary. I know that that is not a lot of time, but I would like for Ms. King and the DA's office to come back and report. Here is how the conversation went, I think we are moving in the right direction, these concessions were made, these commitments were made—that way everybody is on the same page. I am going to go ahead and close the hearing on A.B. 539. Ms. King, please reach out to the DA's office and vice versa. Communicate immediately. Hopefully in a couple of hours we can have an understanding of where everybody is.

We are going to move on to Senate Bill 538, which revises provisions relating to the provision of information in services to immigrants in the state. Welcome, Mr. Morales and Senator Denis, we appreciate your being here. Our very own Assemblyman Assefa will also be presenting.

**Senate Bill 538: Revises provisions relating to the provision of information and services to immigrants in this State. (BDR 18-1222)**

**Francisco Morales, Director, Public Affairs and Community Relations, Office of the Governor:**

With me today is Akaisha Cook, who is a policy intern in our office, Senator Moises Denis, and Assemblyman Alexander Assefa. Chair, before I begin the presentation I would like to give Senator Denis and Assemblyman Assefa just a few minutes to share, for a little background, personal stories regarding the Office for New Americans.

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

I will be introducing Senate Bill 538, which creates the Office for New Americans in the Office of the Governor. I applauded the Governor when he confirmed his commitment to creating this office in his State of the State address in January. I am the son of immigrants from Cuba. I believe that Senator David Parks is the son of immigrants from Canada. I know that several of you have immigrant families, if you are not immigrants yourself. Many in this room and in Las Vegas may or may not have been born in the United States. I believe it is this country's diversity that has propelled us to be an economic leader among nations.

When my parents came to the United States in the early 1950s, my father had a degree from the University of Havana, yet the only type of work he could find was to paint pianos or work as a waiter. He could not use the skills he had attained through his degree. While there may have been assistance for him and others like him, it is difficult for immigrants to know where to find help.

I have met many taxi drivers who are engineers, lawyers, medical doctors, or teachers in the country that they left. These immigrants have skills that we need, yet it is difficult for them to obtain the requisite credentials when they come to Nevada to make a new life. As a result, many immigrants must work low-skilled jobs, letting their academic credentials and potential be wasted.

For many years, I have served on the National Conference of State Legislatures (NCSL) Task Force on Immigration and the States. It is a bipartisan task force that was created to look at ways we could fix immigration here in this country and also to see what the benefits are of immigration. I have served as the cochair of the task force since 2015. This task force was created in early 2006 to craft policy statements that guide NCSL's lobbying efforts with the federal government related to immigration. Serving on this task force has given me the opportunity to conduct an in-depth look at immigration policy and programs at the federal and state levels.

With the task force, we have visited the borders, both southern and northern; we have met with representatives from the federal government in Washington, D.C.; we have met in New York at the Federal Reserve System; and we have even met with immigration officials in Mexico City to talk about the many obstacles facing immigrants and policy options to help them thrive in our country. We have also met with immigration folks from Canada.

In 2017, I introduced Senate Bill 186 of the 79th Session to create the Office for New Americans in Nevada. This was modeled after the Michigan Office for New Americans that was created by Executive Order 2014-2, issued by Governor Richard D. Snyder in 2014. Since then, the Michigan Office for New Americans has partnered with many existing nonprofits, community foundations, and private sector services to provide support to immigrants and refugees. New York and Ohio have also created statewide offices for new Americans. Other states such as Minnesota and Washington have offices dedicated specifically to refugee assistance. Let me be clear that my intent is for the Office for New Americans to provide assistance to both documented and undocumented immigrants who find their way to Nevada. Both need our assistance to maximize their productivity in our community.

According to the American Immigration Council, nearly one in five Nevada residents is an immigrant, while almost one in six residents is a native-born U.S. citizen with at least one immigrant parent. In 2018 nearly 21 percent of Nevada's population, or 637,000 people, were immigrants. That same data found that nearly one-fifth of the adult immigrants in



Nevada had a college degree or more education. I firmly believe that to sustain the economic diversification the state has enjoyed in recent years, we need to get these people back to work as quickly as possible in the occupations for which they were educated and trained.

Senate Bill 538 creates the Office for New Americans in the Office of the Governor and requires the Governor to appoint a director of the office. The director is required to advise the Governor and each state agency on all matters relating to the formulation and implementation of policies, programs, and procedures affecting immigrants in this state. The director shall ensure that the Office for New Americans performs certain duties as set forth in section 4 of the bill. I view it as a one-stop shop where immigrants can go to get all the help they need and can coordinate between agencies and any other organizations that provide help. Each agency, board, commission, department officer, employee, or agent of the state or political subdivision of the state is required, under certain circumstances, to provide assistance to the office.

Finally, a regulatory body is required to create an online resource for immigrants that provides information on how to obtain a license to practice each occupation or profession which the regulatory body regulates.

I am very pleased to report that this bill, unlike my bill in 2017, is a budget implementation bill, which is to say that Governor Sisolak's proposed Executive Budget for the 2019-2021 Biennium includes funding of \$186,000 in fiscal year 2020 and \$207,000 in fiscal year 2021 for the creation of the Office for New Americans to help new and aspiring Americans participate fully in civic and economic life and strengthen Nevada's welcoming environment. As you know, many of the bills have money in them and we know what happens if there is no money to those bills. So the fact that the Governor has put an appropriation in his budget shows his commitment. While this is a policy commission, I will mention that the budget for this is found in account 101-1007.

I mentioned that I serve on NCSL as far as immigration. We have seen the impacts that immigrants—all immigrants—have made to this country and to this state and to the states that we visited. They are contributing positively in the things that we do. We are finding a way that we can help so that they can receive the assistance they need so that they can be working and filling our needs. It is just heartbreaking when I get into an Uber or a taxi and the guy driving me is a medical doctor from some other country—when we know that we need doctors here. Yet that individual has to do what he has to do partly because he is still learning English; partly because the process that we have to go through to get these licensures is very difficult. Thank you again. I hope you will consider this bill. I am happy to answer any questions when you get to those.

**Assemblyman Alexander Assefa, Assembly District No. 42:**

It is an honor to be before you this morning, helping with the presentation of S.B. 538 establishing the Governor's Office for New Americans. I will share my own story with you to help you understand why this office is important and necessary in our state.

I arrived in this country as a refugee from Africa in the year 2000. When I landed at Ronald Reagan International Airport in northern Virginia, I had a bag of clothes and no money in my pocket and enough English to find my directions. I was blessed to be welcomed by Lutheran Social Services, an organization that works in conjunction with the Virginia state government and the federal government in its mission to resettle refugees in the Washington, D.C. metropolitan area. They helped me set the foundation for my new life in America: Everything from obtaining my social security card, identification card, immunization, living arrangements, finding the right school and placement, completing my immigration paperwork, connecting me with the right resources—essentially steering me in the right direction and setting the course for the rest of my life. It was all done by the awesome services provided by Lutheran Social Services in concert with the Virginia state government. I finished high school, went to flight school and became a pilot. I also studied political science. Today I am a small business owner and a very proud American.

On February 4, 2019, along with members of this Committee, I proudly raised my right hand and took the oath of office to protect and defend the *Constitution of the United States of America* and the *Constitution of the State of Nevada*. I am someone who owes this nation an immense level of debt. In part, this is why I serve in this body.

Support systems reinforced by public and private partnership cultivate good citizens who will serve our communities and the nation. They are the first point of contact who set the path for working men and women who contribute to our economy. Throughout American history, these kinds of programs and services have been and continue to be powerful ignitions for entrepreneurs, doctors, lawyers, scientists, teachers, engineers, and all kinds of professions. Can you imagine what would have happened to refugees like Albert Einstein if we did not have support services in place? Einstein was a genius physicist and a Nobel Laureate. His theory of relativity changed the world as we know it. He was a refugee from Germany. It is this spirit of welcoming strangers to our shores and providing them with the tools that they need to get started and set them in the right trajectory that has shaped American history. It is this distinction that has made this nation the best nation and the beacon of hope on the face of the earth.

Our state has fallen behind in creating the network of guidance and support services for new Americans. In Nevada it is all too common, as we just heard, to see trained professionals like doctors and engineers and nurses be cab drivers or work in other low-skilled and low wage-paying jobs. These are skills that are desperately needed in our state. Not capturing them and placing them where they are needed is a colossal, tragic, waste of human capital. I ask this Committee to see the importance and the necessity of the Office for New Americans within the Governor's Office and support this bill.

**Francisco Morales:**

Thank you, Assemblyman Assefa and Senator Denis. I am going to try to hold myself together to finish the presentation after such a powerful, powerful story. At this point I would like to start the presentation for the Office for New Americans, but before doing so, I want to thank Senator Denis for all the hard work that he has put in to get us to this point, and Assemblyman Assefa for sharing his beautiful, personal story.

I would like to start by giving you a quick overview of where we are in terms of immigration here in the state of Nevada and describe the three major functions that we have outlined in S.B. 538. I first want to say that the intent of the Governor's Office for New Americans, or Office for New Americans for short, is to empower immigrants and refugees to ascend the economic ladder by breaking down bureaucratic barriers that often hinder economic self-sufficiency. We will focus on economic and civic integration, and we will bridge the world of state government and the complex changes in immigration law and policy that affect all Nevadans. It will listen directly to impacted immigrant communities, advocates, and nonprofits with the goal of identifying service gaps and redundancy. The Office for New Americans will act as an information clearinghouse—not only for constituents and for refugees and for new people arriving in the state of Nevada—but also for state agencies that often have to navigate all the complicated changes coming down to us from the federal government.

I would like to clarify that when we use the term "immigrant" we are referring to anyone born outside the country to non-U.S. citizen parents, regardless of their immigration status. To help clarify this point, I am also going to use myself as an example. I was born in a small indigenous community in Michoacán, Mexico. I came to the United States when I was eight years old. In 2011 I obtained my employment authorization document, or EAD for short. In 2012 I obtained my legal permanent residency, or my green card. Very much like Assemblyman Assefa, in 2017 I swore allegiance to this country and became a naturalized U.S. citizen. And I am still an immigrant. In fact, almost half of all immigrants are now naturalized U.S. citizens. Others are green card holders, TPS [Temporary Protected Status] recipients, asylees, refugees, and yes, some are undocumented. But we believe that at the end of the day we are all Nevadans, and this office is intended to help all immigrants regardless of their legal status.

In recent years Nevada has emerged as a popular destination for immigrants, growing from 8.7 percent of our population in 1990 to 21 percent of our population today, which means that 637,000 immigrants call the Silver State their home. About two in every five kids in Nevada have a parent that is an immigrant. We strongly believe that the better the immigrant parent does, the better chances that child has at achieving all of his or her dreams.

We want to be clear that immigrants are not only population numbers. They are also a key part of our state's economy and one-fourth of our state's entire workforce. Immigrants account for 71 percent of guest room attendants and housekeeping cleaners; 54 percent of chefs and cooks; 58 percent of grounds maintenance workers; 49 percent of gaming service workers; and 51 percent of janitors and building cleaners. Nevada's largest immigrant

organization, the Culinary Workers Union Local 226, represents 60,000 workers who come from 178 countries and speak over 40 different languages. We know that these workers are on the front lines of our thriving tourism industry working as guest room attendants, cocktail and food servers, bartenders, porters, bellmen, cooks, and kitchen workers. Without these dedicated workers, Nevada's tourism industry would not be able to provide its world-class hospitality and world-renowned cuisine.

Immigrant-led households in Nevada paid \$2.7 billion in federal taxes last year and \$895 million in state and local taxes. Nevada residents in immigrant-led households have a combined \$13.1 billion in spending power.

Immigrants play a role as drivers of job growth as they tend to start up business at a far higher rate than the U.S. native-born population. MGM Resorts International and Caesars Entertainment Corporation both have at least one founder who either immigrated to the U.S. or was a child of immigrants.

We all know that the future of our economy across the U.S. is STEM [science, technology, engineering, and math]. It is no different here in Nevada. Immigrants are already ensuring that Nevada is leading the way and being innovators in these fields. Roughly one out of every five students earning a STEM master's degree in Nevada's universities and 32 percent of students earning a Ph.D.-level degree in STEM are here on a temporary or student visa.

A study by the Partnership for a New American Economy and the American Enterprise Institute found that every time a state gains 140 foreign-born STEM workers with a graduate-level STEM training from a U.S. school, 262 more jobs are created for U.S. born workers in the following years.

We know that another industry where Nevada has a shortage of workers is health care. Immigrants are already playing a valuable role in helping Nevada meet some of these health care workforce gaps. In 2016 nearly one in three physicians in Nevada graduated from a foreign medical school, likely indicating that they were born or went to school elsewhere. Immigrant health care practitioners also made up 28.4 percent of the state's nurses in 2014. To give you a quick example of these numbers, the University of Nevada School of Medicine struggled for three years to fill a job opening for a pediatric gastroenterologist. In 2015 they hired Dr. Rabea Alhosh, who had just finished training in Children's Hospital Los Angeles. Dr. Alhosh is a brilliant doctor and Dr. Alhosh is also an immigrant from Syria.

Not only does welcoming immigrants make sense for the economic and social success of our state, but it is simply the right thing to do. From the beginning of our history, immigrants have made a dynamic state and we must be equally energetic in addressing the challenges that our immigrant neighbors face today.

Governor Sisolak recognizes that immigrants are our neighbors, our friends, our family, our peers, our coworkers, our community, our legislators, our colleagues. We recognize that we are all Nevadans. The Office for New Americans will help new and aspiring Americans participate fully in economic and civic life by cultivating their entrepreneurial propensities while promoting our state as one that values its diversity.

Now I am going to quickly go through the three major functions of the Office for New Americans. First, the Office for New Americans will bridge the world of state government and the complex changes in immigration law that affect all Nevadans. In 2013 the United States Court of Appeals for the Second Circuit noted that immigration law is a maze of hypertechnical statutes and regulations that result in waste, delay, confusion—for the government and petitioners alike. I know some folks here who practice immigration law know just how hypertechnical immigration law can be. Oftentimes we have state workers who receive basic training to deal with constituents and do not understand all the different complexities.

We do not need to look very far in the past to see all the changes that are happening at the federal level. The current federal government has changed immigration policies drastically. It has made a decision to take away protections for TPS holders from various countries like Haiti, El Salvador, Nicaragua, and they also ended the Deferred Action for Childhood Arrival program, or DACA. We have more than 12,000 DACA recipients here in Nevada and more than 4,000 TPS recipients in Nevada who, right now, are living in limbo. Often, these immigrants who are living in a constant fluctuation of legal status get turned away from state agencies because agency staff do not have the proper training to be able to identify all the different legal statuses. To put it into perspective, there are more than 185 different classifications of visas, each one requiring different things, expiring at different moments, and—in some cases—each one having a different type of document to prove you are what you are saying you are or the legal status that you have.

Governor Sisolak does not expect every person of every state agency to be an expert in immigration law and policy. This is why we strongly believe that it is important to have a clearinghouse of information to assist our state agencies when they have to struggle with all these constant changes.

Second, the Office for New Americans will engage in community outreach and advocacy. It will listen directly to impacted immigrant communities, advocates, nonprofits, and private sector entities. Only then can we really figure out where we have service gaps and where we have redundancies.

We know for a fact that there are already wonderful organizations doing great work in this immigration space. We would like to acknowledge the Ethiopian Community Center, the Citizenship Project, the University of Nevada, Las Vegas (UNLV) William S. Boyd School of Law Immigration Clinic, The Immigrant Home Foundation, Dream Big Nevada, Catholic Charities, the Legal Aid Center of Southern Nevada, PLAN [Progressive Leadership Alliance of Nevada], Make the Road Nevada, Mi Familia Vota, just to name a few.

Ultimately, what we are trying to do is work with all the different partners to centralize information so that folks have, as Senator Denis mentioned earlier, a one-stop shop for information.

Lastly, we strongly believe that the Office for New Americans will help play a role in economic development. Economic integration empowers new and aspiring Americans and allows them to contribute to our economic growth. The Office for New Americans will work with the various occupational licensing boards to provide an online guide to break down some of those bureaucratic barriers that are involved with acquiring an occupational license. These guides are not only going to be for immigrants; they are going to help everybody who wants to obtain an occupational license.

According to New American Economy, more than 32,000 immigrant-owned businesses accounted for about one-quarter of all self-employed Nevadans in 2015. These immigrant-owned businesses generated more than \$550 million in business revenue. But we also want to make sure that this office helps promote Nevada as a state that welcomes visitors. According to the Las Vegas Convention and Visitors Authority, 5.7 million international visitors came to Nevada in 2017. We want to tell those 5.7 million visitors, You are welcome here in Nevada and we welcome your economic spending. Rather than promote a state that turns them away and turns away their economic contributions because of divisive politics, we want to tell them, You are welcome here and we welcome your spending.

[Mr. Morales submitted ([Exhibit C](#)) and ([Exhibit D](#)) but did not present them during testimony.]

We will now go quickly through the sections of the bill. For that, I will turn it over to Akaisha Cook, our UNLV policy extern.

**Akaisha Cook, Intern, Office of the Governor:**

Thank you, Chair Flores and members of the Assembly Committee on Government Affairs, for allowing me to speak today. I will begin the overview of S.B. 538.

Section 2 of the bill clarifies that "state agency," as used in this act, means "every public agency, bureau, board, commission, department or division of the Executive Department of the State Government.

Section 3 creates the Office for New Americans within the Office of the Governor. It designates the Governor to appoint a director for the office and authorizes the director to adopt regulations and to apply for and accept grants, gifts, and donations on behalf of the office.

Section 4 lists the programs of the office that relate to professional licensing, registration, permitting, or similar types of authorization issued by a regulatory body; also, a program that connects immigrants to entrepreneurial and other business resources and workforce

development training. Section 4 also states the office will review and analyze policies and programs of state agencies relating to immigrants and make recommendations to the Governor on such policies and programs. Additionally, section 4, subsection 3 states that the office will serve as a clearinghouse for information. It will engage in state and federal advocacy. Section 4, subsection 5 states the office will develop sustainable partnerships with community foundations and other nonprofit and private sector provider-entities that serve immigrant communities in Nevada. The last thing section 4 does is establish coordination with refugee resettlement agencies in order to identify gaps in their programs and enable state agencies to assist in efforts to resettle, integrate, and assimilate refugees in Nevada.

Section 5 states: "Each agency, board, commission, department, officer, employee or agent of this State or a political subdivision . . . shall provide the Office for New Americans . . . or any representative of the Office such assistance as the functions and operations of the Office may require . . ." as long as that assistance is within the scope of duties of the person or entity.

Section 6 adds new language to Chapter 622 of the *Nevada Revised Statutes* to require each regulatory body to create an online resource for immigrants that provides information on how to obtain a license to practice each occupation or profession that the regulatory body regulates.

Section 7 establishes the date for implementation.

That completes our presentation, and we welcome your questions at this time.

**Chair Flores:**

Thank you all for the presentation. I specifically appreciate your sharing of your stories. Often, people in this building do not recognize the path to getting to this building—it has been radically different for a lot of us. I appreciate you all for putting that on the record and allowing us a little bit into what it took you to get here.

We will now open up for questions. Members, are there any questions? Seeing none, please sit back. I would like to invite forward those wishing to speak in support of S.B. 538. I would like to remind you to please keep your remarks at two minutes; less is appreciated as well. We will go to Las Vegas first.

**Will Pregman, Communications Director, Battle Born Progress:**

I am here representing the 20,000 members of our statewide subscriber network. We are in support of S.B. 538. We are in strong agreement with the bill sponsors and we appreciate the work of the Governor's Office along with Senator Denis and the other presenters. This is essential for providing a clearinghouse of resources for immigrants in the state and providing them necessary economic resources. I myself am the descendant of immigrants who came through Ellis Island many, many, years ago, and so I understand—even though I am not a contemporary immigrant—I understand the necessity for resources and these types of things. We urge your body's support and please pass S.B. 538.

**LaLo Montoya, Political Director, Make the Road Nevada:**

We are in strong support of S.B. 538. I also am one of the 12,000 DACA recipients here in Nevada, who every two years have to apply for a work permit. This office would serve to answer very small questions we sometimes have that mean the world to people in my situation. This office would serve to help with that. We are in strong support of S.B. 538 because immigrants are the backbone of Nevada's economy. When we trust the ingenuity and drive of immigrants to succeed and we provide them the tools to do so, our state and our economy thrive right alongside them. We also believe that not only will this office connect immigrants and refugees to better access state services, it would also improve our state agencies for everyone. That is why we are thankful for Governor Sisolak and Senator Denis for prioritizing the creation of this office, because we will all be better for it. Please support S.B. 538.

**Christine Saunders, Policy Director, Progressive Leadership Alliance of Nevada; and representing Nevada Immigrant Coalition:**

We are here today in support of S.B. 538. Almost 12 million immigrants were processed through the immigration station on Ellis Island between 1892 and 1954, when the station closed. It is estimated that 40 percent of Americans today can trace their ancestors back to Ellis Island—immigrants who came to the United States in search of the American dream. Our history informs us that a new American's potential or future is not determined by the level of education, wealth, or language spoken at the point of entry. Refugees and immigrants carry an entrepreneurial spirit and a determination to contribute and a drive to create a better life for their families. The Governor's Office for New Americans represents this commitment to the land of opportunity for all. The office will connect immigrants, refugees, and new Americans to other state services and programs fostering overall integration and creating a welcoming and inclusive atmosphere in the state of Nevada.

This is also a personal issue for me. When my family moved here in the early 1990s from Sweden, I can imagine how an office like this would have helped my father navigate state systems to find employment with his green card. That is why we are urging you to support S.B. 538.

[([Exhibit E](#)) was submitted by Sylvia R. Lazos of Nevada Immigrant Coalition.]

**Izzy Youngs, representing Nevada Women's Lobby:**

We want to ditto in support.

**Bailey Bortolin, representing Legal Aid Center of Southern Nevada; Washoe Legal Services; and Volunteer Attorneys of Rural Nevada:**

These legal aid organizations help victims of domestic violence with immigration issues. We also often have immigrants in our state reach out for basic assistance with things like health care, navigating education, and navigating landlord/tenant laws. So we feel this would be very valuable and streamline what is clearly a need in our state. We look forward to being a part of it and thank the Governor for bringing it.



**J. Kyle Dalpe, Interim Executive Director, Legislative Affairs, Nevada System of Higher Education:**

Nevada System of Higher Education (NSHE) and its four community colleges, two universities, state college, and research institute support S.B. 538 in its intent to assist immigrants who will come to the state and be supported by this Office for New Americans. Currently our campuses work to support the importance of diversity by serving local populations as well as attracting international students and working with immigrants. The creation of this office will assist in matters related to these populations, who are potential students. You will hear a story in the next testimony. Specifically, though, as defined in section 4, subsection 1, this office will provide workforce development training, quality of life considerations including education, housing, and health care—in particular, related to training and education. Nevada System of Higher Education and its institutions are ready to assist this office and individuals who will be guided through it.

**Anthony Ruiz, Senior Advisor, Government Relations and Community Affairs, Nevada State College:**

As NSHE's most diverse and fastest-growing institution, we understand and see the value that immigrants bring to our campus diversity every day. This is perhaps best exemplified by a very recent Nevada State College student, who graduated just last week. Nilofar Ghyasi earned a degree in nursing, which is in itself a great accomplishment given the competitiveness of the program, but she also has a broader story. She is a refugee from Afghanistan who came to Nevada as a young mother and began attending Nevada State College in 2003. She had many challenges and overcame many obstacles along her way, was able to earn her degree, and graduated last week with her two daughters as well. We know that there are dozens of other stories like Nilofar around the state. Perhaps we could help and even do more for immigrant communities that are seeking to better themselves through education and become productive members of the workforce.

**Joanna Jacob, representing Dignity Health-St. Rose Dominican:**

We put a letter of support on the Senate side addressed to Chair Parks [[Exhibit G](#)] of May 13, 2019, meeting of the Senate Committee on Government Affairs]. I urge you to look at that letter. Dignity Health has committed to delivering compassionate health care services to all who seek care, regardless of immigration status. We want to make sure we mention that for the record and give that message to the community. We have long been an advocate for meaningful reforms of our nation's health care and immigration systems. That is why we appreciate Governor Sisolak's leadership in establishing this office and for acknowledging in the bill that it will work to coordinate services that increase the quality of life, including health care. We look forward to partnering with this office, and we urge your support.

**Keyla Terrones, Private Citizen, Sparks, Nevada:**

I am coming to you today as a citizen and a Nevadan and, also, as a daughter of immigrants. For years, I have grown up around an immigrant community. Just hearing of this, of course, and knowing what is happening with this bill—the support that it will give our immigrant community—this is something that is very necessary. It is something that will help guide us and not leave us in the dark. Right now, we are left in the dark. A lot of immigrant families

are left in the dark because they do not know where to go or do not have the support or the help that they need. I am coming to you today in support of this bill. It will make a great impact to the immigrant community.

**Laurie A. Thom, Tribal Chairman, Yerington Paiute Tribe:**

I am a citizen of the Yerington Paiute Nation. We are in support of this bill. We have been in the Mason Valley area where we know there are families that are currently being affected by some of the regulations that are coming through. I believe these families need this help. Personally, I have seen and witnessed a mother having to return to her country and leave her children here. That was very heartbreaking because we were very close to that family. We also have employees at this time who are dealing with their significant others or their loved ones or their parents going through that. We believe they need the help and the support that we believe this bill can give.

**Chair Flores:**

I especially want to say thank you for standing in solidarity. How powerful is it for our tribes—our natives to this land—to be here supporting this bill because you recognize that it is not just intended to help a single segment of the population. This country recognizes—with the exception of our African-American community, who were forced and brought here by force, and our Native Americans—that everybody else is an immigrant; and, sometimes the most outspoken anti-immigrants are not those that were forced here and/or native. I appreciate your being here in solidarity. It means a lot.

Is there anybody else wishing to speak in support? Seeing no one, is there anybody wishing to speak in opposition to S.B. 538?

**Lynn Chapman, representing American Legion Auxiliary Department of Nevada, Duby Reid Unit 30:**

I am a 44-year member and ten times past-president of the American Legion Auxiliary Duby Reid Unit. My dad is a World War II veteran; he is 92 years old. He ended up in the U.S. Department of Veterans Affairs Hospital at the beginning of the year. I went there every single day to visit with him except for when I was here. I met a lot of people. One of the people I met was named Scott. He had a walker with all of his stuff on his walker. I found out by talking to him that he had [been exposed to] Agent Orange. He had a brain tumor which he will die of, and he is starting to go blind. He is very, very scared. All the money that he gets goes for medication. He has a choice: medication or some place to live. So he lives on the streets. He is homeless. You know what? He is not alone. We should be using tax dollars for those Americans who put their lives and their limbs on the line for us and their families—their families who were separated from our veterans and who did not even know if their loved ones were going to come home and if they would come home with all their limbs and their brain intact. Funny how we can find money for new noncitizens but not for those who sacrificed so much.

We oppose S.B. 538—and shame on Nevada for kicking the veterans and their families to the curb. Shame on our Governor for this bill—for not putting our warriors first and our citizens first. Even \$200,000 a year would mean so much to so many veterans. It would make a big difference in their lives. Quality of life is in this bill, but quality of life for Scott—I think not.

**Janine Hansen, State President, Nevada Families for Freedom:**

My grandmother came through Ellis Island from Scotland at age 25 and served as a domestic worker. My grandfather on the other side came through Ellis Island from Denmark. My concern about this bill is that it provides resources for undocumented immigrants. Tax dollars are state resources. A new study from the Federation for American Immigration Reform tells us that illegal immigration has staggering costs—they outweigh the taxes paid to federal and state governments by a ratio of roughly 7 to 1, with costs of nearly \$135 billion, compared to tax revenues at nearly \$19 billion. According to the Center for Immigration Studies, 62 percent of households headed by illegal immigrants used one or more welfare programs. And, where there is a child present in the home, 86 percent of illegal immigrant households are using welfare. The Federation for American Immigration Reform estimates the annual fiscal burden on Nevada taxpayers associated with illegal immigration to be about \$630 million—but that was ten years ago. This equates to an annual average cost of about \$763 per native-born household here in the state of Nevada.

I just heard a report that 56 percent of Americans are living paycheck to paycheck and 93 million Americans who could be in the workforce are not working and are not counted on our unemployment rolls. And so if they were actually counted as they should be, because they have given up looking for work, our unemployment figures would be more like 22 percent. This year and every year, the Federal Reserve publishes the results of the Survey of Household Economics and Decisionmaking. They found that last year 40 percent of Americans—that is, native-born Americans—so roughly four out of ten American adults could not have paid a \$400 expense with their cash savings. They did not have \$400 to be able to meet an emergency.

**Chair Flores:**

If you have any other remarks that you would like to submit to the Committee, I am sure we can upload those. Is there anybody else wishing to speak in opposition to S.B. 538?

**John Eppolito, Private Citizen, Incline Village, Nevada:**

I am a former K-12 teacher. I have four kids; three are still in the Washoe County School District. I am the president of Protect Nevada Children, but I am not speaking on behalf of Protect Nevada Children. I started out neutral on this bill. I really wanted to hear what it was. Then I saw Senator Mo Denis and kind of switched to support, because I genuinely like what Senator Denis does. But after listening to the presentation, I learned the bill is for documented and undocumented immigrants.

Like many on this Committee, I am third generation. My family emigrated from France, Belgium, and Sicily—with documentation—and no chance for insurance, education, welfare, or any other services from the state or federal government, only a chance to work hard and create a better life than they could have created in Europe at the time. That is not the same as it is today.

I found the presenters, especially the Governor's representative, mixing apples and oranges. He lumped people together with different kinds of visas, documented and undocumented immigrants. I do not think it was sincere. I do not know if he did it intentionally or if it was an accident.

The biggest issue I have is the actual cost to our state. I find it very difficult to believe there is no fiscal note attached to this bill. I do not think that is realistic at all, and someone is trying to trick us. Again, I do not know if it is intentional or unintentional.

What about education? Health care? What about county and child services like we just heard about in S.B. 539 [A.B. 539], plus the social services, including welfare? None of these people or children are going to get any of that? And who is going to pay for that? Our state already does not spend nearly enough on education, needy citizens, and, probably, veterans. As presented, I suspect this bill would make things worse—at least for the Nevada children in public education; that is mostly what Protect Nevada Children is concerned about, and possibly veterans and the needy. To be clear, I support helping documented—but not undocumented—immigrants.

**Chair Flores:**

Is there anybody else wishing to speak in opposition to S.B. 538? I do not see anybody else. Is there anybody wishing to speak in the neutral position for S.B. 538? Seeing no one, our presenters may come back up if you have any closing remarks.

**Assemblyman Ellison:**

I would like to get into how the education portion of this might have an impact on the state of Nevada. The Legislature just made a change in our education system, which changed the formula; it is going to affect every county in the state other than Clark and Washoe Counties. Right now, Elko is going to lose \$1.88 million a year in our school funding that will transfer to Las Vegas, which is going to have a major impact. The reason for the change is because of the influx of people who are going to Las Vegas to live. Where are these people going to go to school and where is this money going to come from and not have an impact on the rest of the state? This new formula is going to kill the rural counties. As programs go away, Las Vegas is going to benefit. So why are you separating the state? And this bill is going to worsen that.

**Chair Flores:**

Mr. Morales, before you answer the question—we are not hearing the funding formula bill in this Committee. That bill has not passed. In fact, it is still under discussion. We do not know if that bill will pass, so you are not expected to answer a question about a wholly unrelated issue. However, anything that you can extract from that question that deals directly on point with this bill, please feel free to answer. Funding formulas are not the question that we are discussing here today.

**Francisco Morales:**

I think that the issue of providing K-12 education to undocumented students has been well established by the U.S. Supreme Court. This bill does not provide anything that is not already being provided by law or by statute. That is one of the points that I want to clarify.

This office is more of a steering office—to steer folks in the right direction, to services that already exist. This office is also not a qualifying office. We do not qualify anybody for SNAP [Supplemental Nutrition Assistance Program] or Medicaid or TANF [Temporary Assistance for Needy Families]. We do not do that; that is for the Department of Health and Human Services to do. They have very well-prescribed regulations as far as which immigrant can obtain those services and which cannot. Only under very, very, very narrow circumstances can an undocumented immigrant even receive those services—qualifications are in a 50-page manual that already exists.

I am not going to speculate over the funding formula. As Chair Flores said, it is still being worked out in the legislative process. But I will say that the Office for New Americans is not creating any new service or new entitlement that does not already exist for students of all backgrounds and of all legal statuses.

**Assemblyman Ellison:**

I thank you for answering that question.

**Chair Flores:**

We are going to go ahead and close the hearing on S.B. 538. I appreciate the presentation and those who engaged in support and opposition and neutral; we always appreciate your testimony. Vice Chair McCurdy?

ASSEMBLYMAN McCURDY MOVED TO DO PASS SENATE BILL 538.

ASSEMBLYMAN CARRILLO SECONDED THE MOTION.

Members, is there any discussion?

**Assemblyman Leavitt:**

Although I do appreciate my colleagues for their presentation and those of any others who testified here, I have some issues with this bill. I am going to vote no out of Committee and reserve my right to change my vote on the floor.

**Assemblyman Hafen:**

I, too, am going to vote no today and reserve my right to change my vote on the floor. I agree with the presenters that we all want people like my colleague down the row and Albert Einstein coming into this country and to help them. I have some concerns over the fiscal portion that was brought up in coordination with the federal government; I would like to reach out to the sponsor to discuss further how that is really going to flesh out. I would like to reserve my right today.

**Assemblywoman Hardy:**

I will just say ditto to both of my colleagues. I will be voting no and reserve my right to change my vote.

**Chair Flores:**

Understood. Any additional comments?

THE MOTION PASSED. (ASSEMBLYMEN ELLISON, HAFEN, HARDY,  
AND LEAVITT VOTED NO.)

Assemblyman Assefa will be doing the floor statement for S.B. 538. Members, we are going to recess. Because time is of the essence, it is very likely that we will have a behind the bar as we allow for negotiations to continue on Assembly Bill 539. Is there anybody here for public comment?

**John Eppolito:**

Again, I may not be understanding what the Governor's representative is saying—we get a lot more students who are illegal immigrants whom we have to educate. I taught in California and as an educator, we cannot ask them if they are immigrants, and a lot of them are great students. But that is not the point. The point is the fiscal responsibility the bill is putting on our state that we probably would not have if it were not for supporting illegal immigrants. Again—not documented immigrants. I just think the whole thing is misleading and I think it is going to cost the state a lot of money. If they were more honest, it would be a lot easier for me to support them.

**Chair Flores:**

Vice Chair, please.

**Assemblyman McCurdy:**

I think it is very inappropriate for anyone to come before this Committee or any other committee and use these dog-whistle terms. It is either "documented" or "undocumented"—it is not "illegal" or "legal" immigrants. It is "documented" or "undocumented." As we move forward, I would ask that all those here in this room today or listening from afar take that into consideration, because it is completely unacceptable and it is disgusting that we are utilizing these terms in this building.

**Chair Flores:**

The Committee is in recess [at 11:30 a.m.]. [The Committee reconvened behind the bar at 1:35 p.m.] I will take a motion to do pass Assembly Bill 539.

ASSEMBLYWOMAN MUNK MADE A MOTION TO DO PASS  
ASSEMBLY BILL 539.

ASSEMBLYMAN HAFEN SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYWOMAN MARTINEZ WAS  
ABSENT FOR THE VOTE.)

The floor statement is assigned to Assemblyman Hafen. We are adjourned [at 1:35 p.m.].

RESPECTFULLY SUBMITTED:

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Mark Peckham  
Recording Secretary

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Geigy Stringer  
Transcribing Secretary

APPROVED BY:

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Assemblyman Edgar Flores, Chair

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

## **EXHIBITS**

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is a copy of a PowerPoint presentation dated May 23, 2019, titled "Office for New Americans," submitted by Francisco Morales, Director, Public Affairs and Community Relations, Office of the Governor, in support of Senate Bill 538.

[Exhibit D](#) is an information sheet titled, "SB 538 – Governor's Office for New Americans," submitted by Francisco Morales, Director, Public Affairs and Community Relations, Office of the Governor, in support of Senate Bill 538.

[Exhibit E](#) is a letter dated May 7, 2019, to Chairman Parks and members of the Senate Committee on Government Affairs, from Sylvia R. Lazos, Co-Leader, Legislative Advocacy Group, Nevada Immigrant Coalition, in support of Senate Bill 538.