

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

**Eightieth Session
April 4, 2019**

The Committee on Legislative Operations and Elections was called to order by Vice Chair Ozzie Fumo at 4:01 p.m. on Thursday, April 4, 2019, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 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.

COMMITTEE MEMBERS PRESENT:

Assemblyman Ozzie Fumo, Vice Chair
Assemblyman Skip Daly
Assemblyman Glen Leavitt
Assemblyman William McCurdy II
Assemblywoman Brittney Miller
Assemblywoman Daniele Monroe-Moreno
Assemblyman Tom Roberts
Assemblywoman Selena Torres

COMMITTEE MEMBERS ABSENT:

Assemblywoman Sandra Jauregui, Chair (excused)
Assemblyman John Hambrick (excused)

GUEST LEGISLATORS PRESENT:

Assemblyman Howard Watts, Assembly District No. 15
Assemblyman Tyrone Thompson, Assembly District No. 17

STAFF MEMBERS PRESENT:

Carol Stonefield, Committee Policy Analyst
Kevin Powers, Committee Counsel
Catherine Bodenstein, Committee Secretary
Melissa Loomis, Committee Assistant



OTHERS PRESENT:

Holly Welborn, Policy Director, American Civil Liberties Union of Nevada
Christine Saunders, Policy Director, Progressive Leadership Alliance of Nevada
Marla McDade Williams, representing Reno-Sparks Indian Colony
Emily Persaud-Zamora, Executive Director, Silver State Voices
Joseph Paul Gloria, Registrar of Voters, Election Department, Clark County
Lynn Chapman, State Vice President, Nevada Eagle Forum
Laurie A. Thom, Tribal Chairman, Yerington Paiute Tribe
Deanna Spikula, Registrar of Voters, Washoe County
Wayne Thorley, Deputy of Elections, Office of the Secretary of State
Jagada Chambers, Private Citizen, Las Vegas, Nevada
Tre'Shawn Terry, Private Citizen, Las Vegas, Nevada
Brigid J. Duffy, Chief Deputy District Attorney, Juvenile Division, Clark County
District Attorney's Office
Nick Shepack, Private Citizen, Reno, Nevada
Kendra G. Bertschy, Deputy Public Defender, Washoe County Public Defender's
Office
John J. Piro, Deputy Public Defender, Legislative Liaison, Clark County Public
Defender's Office
Jared Busker, Associate Director, Children's Advocacy Alliance
Frank Cervantes, Director, Department of Juvenile Services, Washoe County
Ali Banister, Chief of Juvenile Services, Department of Juvenile Justice Services,
Carson City
Harold J. Wickham, Deputy Director of Operations, Department of Corrections
Renee Baker, Warden, Lovelock Correctional Center, Lovelock, Nevada
Ross E. Armstrong, Administrator, Division of Child and Family Services,
Department of Health and Human Services
Dylan Shaver, Director of Policy and Strategy, City of Reno
Maria-Teresa Liebermann, Deputy Director, Battle Born Progress
Rudy Zamora, Program Director, Chispa Nevada, League of Conservation Voters
Melody Judilla, Program Manager, Silver State Voices
Eric Jeng, Director of Civic Engagement, Asian Community Development Council
Sylvia R. Lazos, Legislative Advocate, Nevada Immigration Coalition
Cecia Alvarado, Nevada State Director, Mi Familia Vota
Gariety Pruitt, Political Director, Nevada Conservation League and Education Fund
Joannah Schumacher, Private Citizen, Sparks, Nevada
Juanita Cox, President, Nevada Republican Assembly; and representing Citizens in
Action; Washoe County Republican Assembly; and Storey County
Republican Central Committee
Patti Jesinoski, Private Citizen, Henderson, Nevada
Cyrus Hojjaty, Private Citizen, Las Vegas, Nevada
Maurice White, Private Citizen, Carson City, Nevada

Vice Chair Fumo:

[Roll was called and Committee protocols were explained.] Welcome to the Assembly Committee on Legislative Operations and Elections. We will open the hearing on Assembly Bill 137.

Assembly Bill 137: Makes various changes relating to elections. (BDR 24-800)

Assemblyman Howard Watts, Assembly District No. 15:

I am happy to present Assembly Bill 137 to you today. Before I get started, I just want to make sure that everybody, both Committee members and the public, is aware that there is a conceptual amendment to the bill. It is posted on the Nevada Electronic Legislative Information System, and I made sure to provide it to all the members ([Exhibit C](#)). It strikes many of the sections out of the bill. I will just be speaking to the proposed amendment to the bill. What the bill does in its amended form is streamline the process for tribal polling places to be established and maintained within tribal reservations or colonies. I want to give you a brief history on the bill, then I can walk you through what the amendment looks like, and I am happy to take any other questions.

Before the 2016 General Election, members of the Pyramid Lake, Paiute, and Walker River Paiute Tribes filed suit against the state as well as counties for failing to provide adequate early voting and election day polling locations on their reservations [*Sanchez v. Cegavske*, 214 F.Supp.3d 961 (2016)]. A district judge found that the lawsuit would probably succeed and partially granted the tribes' request which resulted, for the first time in 2016, the establishment of tribal polling locations here in this state.

Building off of that momentum, in the 2017 Session this body passed Senate Bill 492 of the 79th Session, which codified into law the practice by which tribal governments can request to have polling locations on their reservations and that as long as certain qualifications are met, those requests must be granted.

Assembly Bill 137 as amended simply makes a slight modification to that process. Currently, every election cycle the tribal governments must make a request to have those polling sites established on their lands. Under Assembly Bill 137 as amended, once a tribe has requested polling locations, it will continue to receive polling locations in every election until it requests otherwise. That is one thing that I want to make very clear as well because I believe in tribal sovereignty: If at any time the tribal government does not wish to have those polling locations anymore, it can opt out. Otherwise, it will streamline the process by making sure there is predictability and everybody knows that those polling places are going to be there and available as time goes on.

Again, the original bill is quite lengthy. Under the conceptual amendment ([Exhibit C](#)), sections 1 through 9 are deleted and then section 10, subsection 4 states:

If the county clerk establishes one or more polling places within the boundaries of an Indian reservation or Indian colony pursuant to subsection 3

for the day of a primary election or general election, the county clerk must continue to establish one or more polling places within the boundaries . . . unless otherwise requested by the Indian tribe.

That language is repeated in sections 21, 42, and 48 to cover all the different types of elections we have: primary, general, early voting, municipal, et cetera, to make sure that it is applied across the board.

That is the description of the bill and why I brought it forward. With that, I am happy to take any questions that the Committee may have.

Vice Chair Fumo:

Are there any questions from the Committee? [There were none.] That was an excellent presentation. We will go straight to testimony in support, please.

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

We are here in support of this bill. During the last interim before the last election cycle, we worked with the Progressive Leadership Alliance of Nevada to ensure that there was some sort of process to request voting machines on tribal lands based on the legislation from 2017. It was incredibly cumbersome. We had an advocate who tried to work with tribes to go through their internal processes of voting on whether or not they are going to adopt a machine, understanding what that process would look like, filling out the different forms, and knowing where to find them online. This would simplify that process and make it more lasting and sustainable to extend those voting rights on tribal lands to a community that has been disenfranchised in many ways. We are in strong support of this bill and encourage you to support it to. Thank you.

Christine Saunders, Policy Director, Progressive Leadership Alliance of Nevada:

First off, we want to thank the bill sponsor for continuing this important conversation with the Legislature. Over the past few years, our native community organizer has engaged the community in the process of the polling places to develop ownership. This last election, we were able to hold Get Out the Vote event efforts with the Walker River Paiute Tribe, the Pyramid Lake Paiute Tribe, and the Reno-Sparks Indian Colony. At each of these events, community members were engaged and enthusiastic to vote. Some even stated that these voting locations made them feel like they do count. It is critical to continue to support voter engagement and pass A.B. 137. Thank you.

Marla McDade Williams, representing Reno-Sparks Indian Colony:

We are in support of this bill as well. There was a lot of excitement last election cycle realizing that this opportunity would be available to tribal members. They had a pretty good turnout, 58.8 percent. But not having to go through this process again will ensure that they can devote resources to other activities to register voters and to do other things to educate voters. We are very appreciative of Deanna Spikula at the Washoe County Registrar of Voters. She really did make the process easier. She was so receptive and made it easy, and she actually came out on Election Day to observe what was going on to see the enthusiasm

the community had. Thank you, again, to the sponsor for this bill, and I look forward to any questions.

Emily Persaud-Zamora, Executive Director, Silver State Voices:

I am testifying today in support on behalf of our voting rights coalition, Let Nevadans Vote. I just wanted to say for the record that we are really grateful that Assemblyman Watts came with this bill and for his intent of expanding voting rights for the Native American community. Assembly Bill 137 will alter the current process that was created with Senate Bill 492 of the 79th Session in 2017 where tribes have to request a polling location for a primary or general election after every election. If A.B. 137 is passed, tribes will be allowed to have the same location for each election and will not have to put in a request after each election. We believe that creating this will create a culture of consistency and will create an atmosphere where a community that often feels not part of the process will participate. Thank you so much.

Joseph Paul Gloria, Registrar of Voters, Election Department, Clark County:

I am here today to testify in support of this bill. The language that Assemblyman Watts has proposed ensures that we will provide consistent service and provide more access to these groups. We are very happy to do it in Clark County. We are in support.

Lynn Chapman, State Vice President, Nevada Eagle Forum:

With the amendment, we would be happy to say that we are in support. We want that on the record. Thank you.

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

I am wishing you a good day. I am the chairman and also a citizen of the Yerington Paiute Tribe Nation. We are in support of this bill. The reason I come forward is because we did request a polling site and early voting site on our reservation and we were denied in Lyon County. I would like to see this bill go through, and I would ask you for your support. Thank you.

Deanna Spikula, Registrar of Voters, Washoe County:

I am testifying in support of A.B. 137 as amended. Continuing to establish polling locations within boundaries of Indian reservations once they have been requested and established is a policy that my office has adopted. I believe it will further strengthen our relationship with our tribal partners and help us provide election services to our tribal members.

Vice Chair Fumo:

Is there any more testimony in support? [There was none.] I close the testimony in support. Is there any testimony in opposition to this bill? [There was none.] Is there anybody neutral on the bill?

Wayne Thorley, Deputy of Elections, Office of the Secretary of State:

The Office of the Secretary of State is neutral on this bill. However, I did want to state that with the proposed amendment, the fiscal note that we submitted would go away. It is a fairly substantial fiscal note.

I also heard from the Carson City Clerk-Recorder, Aubrey Rowlett; she could not be here today. She also stated that with the proposed amendment, the fiscal note she submitted would go away.

Vice Chair Fumo:

Next, we will bring the bill sponsor back up for closing remarks.

Assemblyman Watts:

It is a pleasure to be here in front of this Committee today and to bring this bill. The goal is to expand access and participation, to improve the efficiency of the process, and provide predictability to our community members in terms of knowing where they are going to be able to exercise their right to vote. I appreciate you for giving me the time, and I urge your support for A.B. 137. Thank you.

Vice Chair Fumo:

We now close the hearing on Assembly Bill 137. Next we move to Assembly Bill 449 and our very own Assemblywoman Daniele Monroe-Moreno.

Assembly Bill 449: Directs the Legislative Committee on Child Welfare and Juvenile Justice to conduct a study relating to juvenile detention in this State. (BDR S-450)

Assemblywoman Daniele Monroe-Moreno, Assembly District No. 1:

I would like to thank you for the opportunity to present Assembly Bill 449. This bill directs the interim Legislative Committee on Child Welfare and Juvenile Justice to conduct a study of Nevada's juvenile detention system during the upcoming interim. During the 2017-2018 Interim, I had the pleasure to serve as Chair of that interim committee.

This bill is pretty straightforward. It simply requires the study to be conducted, sets forth the issues to be examined, and requires the committee to report its findings along with any proposed legislation to the Legislature prior to the 2021 Session. The purpose of the study is to assess the viability of taking a regional approach to housing juveniles across the state, review the adequacy and capacity of our current facilities and institutions for housing juveniles, review the levels of family and community engagement currently provided by the state for our juveniles, and assess the feasibility of implementing programs to improve and increase engagement. Finally, it analyzes the current offerings of educational, health, and wellness programming for our juveniles across the state.

It is true that the Legislative Committee on Child Welfare and Juvenile Justice could simply choose to do the work like this without the mandate provided by this bill. However, based on

the work we did in the last interim and the information we gathered on this subject, I and the other committee members believed that it is appropriate to ensure this study be done regardless of the makeup of the leadership of the committee next interim.

Now, I would like to ask Ms. Holly Welborn, policy director with the American Civil Liberties Union (ACLU) of Nevada, to give you an overview of the report that they produced last year entitled *Youth Confinement in Nevada: Facility Assessment and Recommendations for Housing Youth Sentenced as Adults* ([Exhibit D](#)). This is a comprehensive look at juvenile detention in our state, and it will serve as an excellent starting point for the study we would like to undertake. With that, I will hand it over to Ms. Welborn.

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

I want to thank Assemblywoman Monroe-Moreno for her support and for listening to us all throughout the interim, and the entire Child Welfare and Juvenile Justice Committee for bringing this bill to the Legislature.

This bill is the culmination of months of work throughout the last interim. We worked with the Department of Corrections, state and local juvenile justice administrators, the Clark County Detention Center, and Chief Deputy District Attorney Brigid Duffy to come to an agreement on the next best steps to address what the ACLU of Nevada believes is approaching a crisis when it comes to housing youth tried as adults in this state. In order to give context to our proposed study in this bill, it is important to understand some history and the processes around juvenile confinement in this state.

In Nevada, a child can be transferred to the adult criminal justice system in a couple of ways, either through what is called "direct file," which is an automatic transfer of children 16 or older based on the offense, or through a certification process where the judge weighs factors and the prosecution makes certain arguments to transfer that child to the adult jurisdiction. Once certified, that child is placed in an adult correctional institution unless the local juvenile institution chooses through its internal processes to retain that child for a variety of reasons. Then after sentencing, the child is sent to the Department of Corrections. At my last count—and this could be clarified by the Department of Corrections—there were 23 young men living in Lovelock Correctional Center, and there are 2 young women who are currently in the Clark County Juvenile Detention Center because the Department of Corrections could not find a place for those children in the Florence McClure Women's Correctional Center without having to place them in solitary confinement.

For years the ACLU of Nevada has advocated to end the practice of moving children to adult correctional institutions. A child who is transferred to the adult jurisdiction is 34 percent more likely to commit crimes than youth who are retained in the juvenile system. Youth are 19 times more likely to commit suicide in jail than youth in the general population and 36 times more likely to commit suicide in an adult jail than in a juvenile detention facility. In a jail and prison survey, 40 percent of jails provided no educational services at all. Only 11 percent provided special education services and just 7 percent provided vocational training—this is nationwide.

We also have the Prison Rape Elimination Act of 2003 and the Juvenile Justice Delinquency and Prevention Act which present obstacles for adult institutions in providing services to juveniles. The Department of Corrections is here to answer questions and will be testifying in neutral on this bill.

Just to give an idea of what that looks like, the Prison Rape Elimination Act (PREA) requires sight and sound separation between youth and adults in what are called co-located facilities. Lovelock Correctional Center is a great example. It is an adult institution, but the children who are transferred there—they are 18 and under—under PREA, those children cannot be integrated with the adults. They have to be separated or they have to have appropriate staff-to-juvenile ratios. But the Department of Corrections has budgetary constraints, and it is unable to hire the amount of staff that is needed in order to meet the requirements of PREA. This causes many obstacles.

At Lovelock, when we were embarking on our study and we toured Lovelock Correctional Center, we discovered that due to the makeup of the facility and the fact that there are approximately 1,700 adult inmates, juveniles are in their unit most of the day. They only have access to outdoor recreation for three hours one day per week—and this is back to our study. Warden Baker from Lovelock Correctional Center can correct and talk about some of the new programming since we started this study. In our review in our facility assessment, they had one day of outdoor recreation at that time, one hour of in-class course instruction, and they had no opportunity to participate in any kind of prison programming to where they could earn good-time credits or anything like that.

Experts acknowledge that all youth 18 and under are developmentally the same regardless of the crime committed. In an era of ending life without parole sentences for juveniles, and with Supreme Court precedent that states that most children who are tried as adults have the possibility of parole and we have adopted that as a standard in our state, most of these children will be released. Adult institutions are unsuitable for children and cannot meet their developmental needs to ensure success once they are released from prison.

We have tried to address this issue before the Legislature multiple times, but we have not been successful. So we embarked on this project, and that was the report that we submitted to this Committee ([Exhibit D](#)). I will not go into all of those details. I highly encourage each of you to see why we have ended up in this position where we are saying that we need to study this issue further. We need more data from our local facilities, from state facilities, and the adult institutions that house kids.

What we concluded in our report is that adult institutions are unsuitable for youth; juvenile facilities are appropriate, but the institutions do have legitimate concerns. Our primary concern is in regard to rushing and moving every child out of Lovelock Correctional Center into the local regional facility. We are talking about kids who have a longer prison duration; they have a longer sentence. That does have significant implications for the educational programming, recreational programming, and a variety of other programs that are offered at

local juvenile institutions that would cause financial impact on those entities, and we do concede to that.

That is why we think that we need to see what the feasibility is, what the fiscal impact would be of moving those juveniles to local regional facilities, which is our ultimate goal and aim. What we want is for the state to really discuss this issue, really deliberate this issue, and then we can decide the next best steps for these kids.

Again, I want to talk about some of the obstacles that we discovered through our research and in developing this report. When we traveled to Elko County and when we looked at the Parr Boulevard facility in Reno, we wanted to make sure that we looked at juvenile facilities, Lovelock Correctional Center, and any adult facility that could have a child who is transferred to the adult court in their institution.

We were gravely concerned when we went to Elko because there was a misunderstanding of the law in that if a child is transferred to the adult court under the law, they in fact become an adult, so they could be integrated with the adult population. That was a misunderstanding in multiple local adult jails that we visited. We had to clarify that, but what ends up happening is the common practice then would be to place the child in solitary confinement. That is what happens at the Parr Boulevard facility. So, luckily in that jurisdiction, they are working with juveniles. Until the juvenile is sentenced, they are able to retain them in the juvenile facility. But those are the types of contracts that we want this study to look at, to look at the 13 different states in the country that integrate juvenile offenders with those who have been tried and sentenced as adults. It is happening across the country.

I have an amendment that we presented ([Exhibit E](#)) that I want to take you through. It is really just to clarify what exactly it is we are looking for in this study over the interim. We will go section by section.

In section 1, subsection 1(a), we added that language to make it clear that we were talking about facilities for the detention of juveniles.

The study will include the additions in section 1, subsection 1, paragraphs (e), (f), and (g):

- A review of programs and services in states where youth tried as adults are housed with youth in the juvenile justice system;
- An analysis of existing youth sentencing practices in jurisdictions outside of Nevada and best sentencing practices standards; and
- A review of facilities, services and programs available for youth deemed incompetent pursuant to *Nevada Revised Statutes* (NRS) 62D.140 through 62D.190. This was a request from the Clark County District Attorney's Office. Then subsection 2 goes through a longer list that I will not read to you, but a longer list of exactly what types of data points we are looking for as we go through this assessment.

And finally, in section 1, subsection 3, "The Legislative Committee on Child Welfare and Juvenile Justice may seek technical assistance from local, state and national experts in the area of youth detention for completion of this study." The intent of adding this component is that we have commitments from the Campaign for Youth Justice and several other national organizations to provide assistance to the Child Welfare and Juvenile Justice Committee on national standards, best practices standards, and the different approaches that states are taking across the country. With that, I can take any questions. Thank you.

Vice Chair Fumo:

Studies show that children's brains do not develop until they are 25 years old. How do we define an adult in Nevada? Do we do that by 25 or is it a younger age?

Holly Welborn:

The juvenile justice system retains jurisdiction—the age of majority is 18 under the law and under the juvenile justice system. There are other states, Oregon, for example, that are looking at retaining juvenile jurisdiction until they are, I think, the age of 25. We have seen different trends in states in their approach to that.

Vice Chair Fumo:

The U.S. Supreme Court in *Roper v. Simmons*, 543 U.S. 551 (2005) said that you could not put a child under the age of 18 to death anyway. I was hoping we could do that one day ourselves here.

You also mentioned that children are housed at Lovelock Correctional Center. What other types of inmates are housed at Lovelock? Whom are these children housed with?

Holly Welborn:

At one time, I had the statistics on that. Warden Baker can tell you exactly how many inmates, but they primarily house sex offenders.

Vice Chair Fumo:

Lastly, do we have a lockdown facility anywhere in Nevada for children who have mental health issues—rather than sending them to prison—to get mental health treatment?

Holly Welborn:

No, we do not.

Assemblywoman Miller:

In regard to the safety of the youth who are incarcerated there, going off of the question that was just asked about who they are around—and I know that you were discussing lockup and yet that lockup is for their protection, but often more punitive—do we have any numbers on cases of victimization that have happened to the youth who are incarcerated?

Holly Welborn:

I do. I did not bring those with me, but we do have both state and national statistics that we can provide to the Committee.

Assemblywoman Miller:

I do not know how deep the data is, but it is good to hear that the data is indeed being recorded. Is there any trend that says that the youth are victimized more often than their adult counterparts?

Holly Welborn:

Yes, that is exactly what the data showed, and that is what led to the adoption of the Prison Rape Elimination Act and the sight and sound separation requirements. We were strong supporters and advocates for PREA, but it had these unintended consequences that forced kids into solitary because the institutions could not afford to hire more staff, so that has affected the programming and all of that, and that is why many states have chosen to integrate both populations.

Assemblywoman Monroe-Moreno:

Our state, county, and local facilities do everything they can to keep the populations separate, but in doing that, especially on a state level, the prison has to be shut down completely—no adult movement at all—when the children have their time out to make sure that the populations are kept separate. Because our prison system does not have the staffing numbers that we need right now, that impacts the problem even more.

Assemblywoman Torres:

Thank you for your presentation on this piece of legislation. I wanted to know if you could give me a little bit more information about how this would affect the child's socialization and education in the classroom. As Assemblyman Fumo said, we know that a child's brain is not completely developed until the age of 25, so I imagine that this has some type of impact on them. I am not quite sure if they have full schools in there, so that the student can continue to develop.

Holly Welborn:

Each facility has various programming. Lovelock Correctional Center, again, offers one hour with the instructor. Their programming is quite good. The school facility looks and operates as any other high school that I have been to. The juveniles do not have access to that all day like the rest of the adult inmates because of these requirements. They go, they get their course instruction, and then they come back and they get the rest of their lesson plans on tablets. We have a lot of concerns when it comes to the socialization of those boys, the youth at Lovelock Correctional Center, because they are not interacting in the typical school setting that they need. The studies do show and indicate that the more semblance of a childhood that you have throughout your detention during those critical developmental years, the better it is for your long-term success.

When you look at the juvenile facilities, through our assessment, you can see some educational programs are better than others, but we were very impressed particularly with the Washoe County programming at their juvenile facility and Clark County Detention Center. We have been highly critical of Clark County Detention Center as a whole for a very long time, but the educational programming that is occurring there is quite impressive. We got to talk to some of those boys who are in what they call the "youth pod" at the Clark County Detention Center, and they were very impressed with their instructor. The instructor took a lot of personal time with each one of those young people and even one of the boys said that he never really cared about his schooling or instructional learning until he had this particular principal and instructor. We were impressed with some of that and, frankly, we were surprised by that.

We have to acknowledge some of the really great programming that is happening in these institutions, and I think the study will show where exactly we should place kids throughout once they are sentenced.

Assemblyman McCurdy:

I am very happy to see this bill. I think that it is long overdue. I really feel as though we are going to see what is happening within our system. We are really going to see the type of good we are going to create for our youth. I am wondering what the current reporting process is like. When there is an incident that takes place that involves a youth, what is the time frame for reporting, and how are we getting that information here at the state? Maybe we can speak to that because I think that that will also paint a picture for us as to where we are falling short, where we need to improve, and how we can further improve our system.

Holly Welborn:

That is an excellent question. I think each institution has different internal processes and policies and procedures that it looks at. That is not something that we looked at during our assessment, but that is certainly something that we can add to this bill and it is a reason why we need the study.

Assemblyman McCurdy:

If we can, I would like to have that added. I believe that that is information that we really will need to see in order to determine where we are headed knowing the future as it relates to how we are housing folks. That is all I have, but again, thank you for bringing the bill.

Vice Chair Fumo:

Are there any other questions from the Committee? Seeing none, we can move on to testimony in support.

Jagada Chambers, Private Citizen, Las Vegas, Nevada:

I am testifying today in complete support of Assembly Bill 449. I would petition the report to dig deep into some of the culturally rooted education that is happening or lack thereof. When we are talking about direct-file children, these are children who are oftentimes—well, for instance, in 2017 there were 41 children direct filed in Clark County, and all 41 of them

were children of color. So the reality is, it is a bear trap that is only catching children of color. I commend the report. I just want to be able to dig deep enough to find the reality, not only what is going on with those children in custody, but somehow peek at how that certain body of children is finding its way into custody into that adult stream. We effectively do away with what the *Constitution* deems a child depending on their crime. It is ludicrous for us. I commend the report and it is awesome, a tremendous first step, especially when we are looking at those children who are transferred into the adult court system. Thank you so much for your time.

Tre'Shawn Terry, Private Citizen, Las Vegas, Nevada:

I am a local organizer out here. I am here mainly because I am deeply concerned about the well-being of black and brown youth. I believe that we have all recognized that there is an epidemic of black and brown children being locked away and taken away from their families and taken away from their communities. On September 1, 2018, my brother took his life. He was 17 years old, and he was incarcerated for some time. What happened was, I believe, he lost hope. He did not see a future. He did not see any opportunities provided to him. The big thing for me is that I believe that—one of the big things I saw about the report—is the level of community engagement. I believe if you allow the community members who are willing to assist with the rehabilitation and restoration of the child and his opportunities and giving him a platform, there are people in Las Vegas who are ready to do that work. We need a report on that. I definitely am in support of Assembly Bill 449. I appreciate your giving me the space.

Brigid J. Duffy, Chief Deputy District Attorney, Juvenile Division, Clark County District Attorney's Office:

I appreciate the ACLU, Ms. Welborn, informing me of their intent to bring this bill and including me in the conversations around this bill. I fully support this bill. I want to do better for all the children who I handle in Clark County. I want to have options. I appreciate that they would amend to add in a study around some alternative sentencing, so I can look at blended sentencing for this population, and also a look at our mental health facilities and treatments for children.

As to your question, Assemblyman Fumo, we do not know what we really have that could help keep the community safe and, for children who have to be removed from the community based upon the offenses they commit, still give them an opportunity when they get out of that rehabilitation and that life. I have to balance those two things. I always want to know what we have out there and how we can do better. I really appreciate this bill coming forward so that as we get progressive into the next session, we know what we have.

Nick Shepack, Private Citizen, Reno, Nevada:

Thank you for having me. I am here representing myself today. I am a current master's-level social work student at the University of Nevada, Reno. I want to mention that the School of Social Work has taken this up as one of its main priorities. This session, I am an intern with the ACLU. I used to work as a Court Appointed Special Advocate in Douglas County. Over the past few years, I have seen some pretty rough things. I visited death row. I have stood in

Nevada's death chamber. I have heard the constant screams and banging that happens in the solitary units of many of Nevada's jails and prisons. So I do not say this lightly, but the worst thing I have ever seen in my entire life is two children who are being held as adults right now in the Nye County jail in Pahrump. They are being held in an old medical unit cell which is in the back of the jail. You wind through what are essentially tunnels. There is no sunlight that gets into this cell. Because of PREA, they are unable to bring these children out to go outside. Lieutenant Boruchowitz, who runs the jail, was frank and clear with me that they do not have the resources to house these children, that they do not have the programming for these children, and that the children cannot see the sun except when they are being transferred from the jail to the courthouse. They are sleeping on boats, which are essentially beds on the ground. He expects them to be in this cell for over a year. This is pretty much 24-hour solitary confinement for a year. When they turn 18, they will have to decide whether or not to place them into the general population after no socialization for a year, or move them into administrative segregation, which will essentially continue their solitary confinement into their adult lives while they are being sentenced.

Kendra G. Bertschy, Deputy Public Defender, Washoe County Public Defender's Office:

I think what you have heard really helps establish that there is an absolute need to look at our system to make sure we are providing our children with the best opportunities. We need to know what we are doing well, but more importantly where we are failing our youth to ensure that we meet their needs and hopefully help to reduce recidivism and reintegrate them into society. Thank you.

John J. Piro, Deputy Public Defender, Legislative Liaison, Clark County Public Defender's Office:

We are in support. We urge your support. Thank you.

Jared Busker, Associate Director, Children's Advocacy Alliance:

We are also in support. Thank you so much.

Frank Cervantes, Director, Department of Juvenile Services, Washoe County:

I wanted to indicate our support for A.B. 449. Thank you.

Ali Banister, Chief of Juvenile Services, Department of Juvenile Services, Carson City:

I would also like to echo Mr. Cervantes' comments and support the bill.

Christine Saunders, Policy Director, Progressive Leadership Alliance of Nevada:

I agree with everyone who spoke before me, and we support the bill.

Vice Chair Fumo:

Is there anybody else in support? [There was no one.] Next, we will move to opposition. [There was no one.] Does anybody want to testify in neutral on this bill?

Harold J. Wickham, Deputy Director of Operations, Department of Corrections:

Thank you, Assemblywoman Monroe-Moreno, for bringing this bill forward and Ms. Holly Welborn for your support and report as well. With me is Warden Renee Baker. She is, in fact, the warden of the Lovelock Correctional Center. She can certainly answer some questions. I would just say, in short, that the facilities we have were not designed for juveniles. We are not staffed for juveniles either. We do the best we can with what we have, but—we are doing the best we can; I will just leave it at that. I will ask Warden Baker to give you a brief overview of some of the questions she has heard. Thank you all.

Renee Baker, Warden, Lovelock Correctional Center, Lovelock, Nevada:

I would like to clarify a couple of questions and then if you have more, I would be happy to answer them. Lovelock Correctional Center houses over 1,700 adult inmates. Historically, we work predominantly—at least more than half—with sex offenders. That is gradually changing, but again, a lot of the adults are sex offenders. Since the study was done by the ACLU, we have made some significant changes, but again, to echo the deputy director, we do what we can with the resources we have. It is very staff-intensive. I allocate more staff to the 16 juveniles that I currently have than I do to any other unit in my institution that houses more than 180. We do it because we know it is what we need to do, but with that does come a cost.

Our juveniles are in education more than an hour a day now. They are up there for about three periods. We started it as a pilot, so it is about three hours a day. They are up there with the adults with constant supervision by security staff to meet the PREA standards. But again, that is two officers for 16 inmates, which is very labor-intensive, but we do it because we know the juveniles need the education. We also do offer programming for them as well. But when there are incidents amongst the juveniles, whether it be fights or possibly their own fear for their own safety, that presents a huge problem for Lovelock Correctional Center on how to keep them separated which then means that I have to put them in my infirmary for separation for their own safety. That is all I have right now to clarify some of the questions, but if you have any more, I would be more than happy to answer them.

Assemblyman McCurdy:

Thank you for your testimony. You say you have over 1,700 inmates currently in Lovelock. What are the ethnic demographics of the current population you have?

Renee Baker:

I do not have the exact ethnicity makeup of the 1,700. I am sorry, I do not have that with me. I do have the list of my juveniles, if that is what you are asking.

Assemblyman McCurdy:

That would work for now.

Renee Baker:

So for my juvenile offenders, I have 16 right now. Two of them are white inmates. The other 14 are black and Hispanic. If you want me to count them up, I can.

Assemblyman McCurdy:

That is fine. And just a quick follow-up, would it be possible for you to send the entire breakdown to the entire Committee? Is that something you would be willing to do?

Renee Baker:

Yes. I can do that for you ([Exhibit F](#)).

Vice Chair Fumo:

Are there any other questions from the Committee? Seeing none, go ahead, sir.

Ross E. Armstrong, Administrator, Division of Child and Family Services, Department of Health and Human Services:

We operate the three youth correctional facilities in the state of Nevada. We wanted to thank Ms. Welborn and her team for letting us know that this bill was coming, and we appreciate not only her working on this issue, but being willing to come visit the facilities we operate to help inform what needs to be in this study. For us it is about a lot more than where we are going to be physically placing these young Nevadans, but also how this ties into our sentencing practices and the programming. I am happy to answer any questions. In general, we are happy to assist the interim committee with whatever data requests or information it may need if this bill passes.

Vice Chair Fumo:

Is there any more testimony? Seeing none, we will invite the bill sponsors back up to the table.

Assemblywoman Monroe-Moreno:

There is not a lot I need to say. You have heard it in the testimony. People go into law enforcement and juvenile justice because they are people who care—especially people who go into juvenile justice. These kids are our kids. They are our future. We are doing a lot of things that are good, but there are so many more areas we need to improve on. This bill in no way says that any of the agencies are doing anything wrong, but what we want to do is take a deeper dive to see how we can improve, not just the lives of the children who are in our jails, but on how it is impacting their families and the officers who are working with them, and on giving our institutions the tools that they need to improve the system. Our prison system was not set up, as you heard, for children, and it is stretching them thin at that level. I urge your support of this bill. My interim committee worked hard for long hours, with long committee meetings, because we have a heart to make sure that we are doing what is best for Nevada's future. I thank you.

Holly Welborn:

I do want to say thank you to the Department of Corrections and everyone who welcomed us into their facilities and institutions. It is not every day that the ACLU of Nevada is on the same page as the Department of Corrections. They really did open their doors and they have a willingness to work on this. They want solutions to this problem, and we look forward to continuing to work with them. Thank you.

Vice Chair Fumo:

I now close the hearing on Assembly Bill 449. The sponsor is here for Assembly Joint Resolution 6.

Assembly Joint Resolution 6: Urges Congress to prevent the United States Census Bureau from adding a citizenship question to the 2020 decennial census. (BDR R-279)

Assemblyman Tyrone Thompson, Assembly District No. 17:

I am from the city of North Las Vegas, the city in which I was born and raised. I want to let you know that April 1, 2019, was not just April Fools' Day, it was census day. That was the day that marked one year until the actual census will begin.

As we know, every ten years, the federal government conducts a census and uses the data collected to distribute congressional seats and electoral votes among the 50 states. But that is not all. The census is how the federal government apportions money to the states for federal programs like Medicaid; Title I grants [to local school districts]; the SNAP [Supplemental Nutrition Assistance Program, which is also known as food stamps; WIC [Special Supplemental Nutrition Program for Women, Infants, and Children]; and CHIP [Children's Health Insurance Program]; and even highway repair and construction.

I have with me Jared Busker from the Children's Advocacy Alliance. Instead of reading you the resolution, we are going to give you some high points and then open up for any questions.

The U.S. Census Bureau has sent the proposed 2020 questions to Congress. Included in them is a question regarding citizenship. In response, scores of lawsuits were filed by numerous coalitions of states, cities, and nongovernmental organizations focusing on immigrant rights and even redistricting. Due to the wave of lawsuits, United States Court Judge Jesse M. Furman of the Southern District of New York ordered the Census Bureau to remove the citizenship question [*New York v. United States Department of Commerce*, 351 F.Supp.3d 502 (2019)]. Following Judge Furman's injunction, the Justice Department appealed the decision, and the U.S. Supreme Court set an expedited hearing date on the issue on April 23, 2019.

Why is this important? Because here in the state of Nevada, nearly 20 percent of our population is immigrants. That means that the proposed citizenship question could put up to one-fifth of our population at risk of being underreported. With an undercount, the Silver State could lose tens of millions of dollars in federal funding. So at this time, I am going to hand it over to Mr. Busker.

Jared Busker, Associate Director, Children's Advocacy Alliance:

Before I begin, I want to thank Assemblyman Thompson for sponsoring this legislation. The upcoming census is one of the top priorities for the Children's Advocacy Alliance, especially making sure that we have a complete count. Nevada receives over \$6.2 billion a year due to census returns through just the top 55 federal programs that are based on the census. As

mentioned by Governor Sisolak in his statement on Executive Order 2019-06 creating the Nevada Census 2020 Complete Count Committee, an inaccurate 2020 census count could have significant negative implications to our state's federal funding. Governor Sisolak specifically said, "A one percent larger undercount during our 2010 census would have meant a loss of nearly \$17 million" a year for programs like Medicaid, CHIP, foster care, and adoption assistance. He continued that "in 2015 alone—that's \$170 million per decade for essential health care and child welfare programs." Imagine the effects this could have on the 2020 census, knowing that our state has grown significantly. Nevada is at risk of losing out on millions of dollars, as Assemblyman Thompson mentioned.

The Children's Advocacy Alliance has strong concerns that the potential inclusion of a citizenship question would cause a significant undercount. According to a study by the Harvard Kennedy School's Shorenstein Center on Media, Politics and Public Policy, the inclusion of the citizenship question could lead to an undercount of Hispanic residents nationwide by up to 9.1 percent. This is due to households with documented and undocumented immigrants either underreporting or not reporting to the census at all. As you can see in the summary, Assembly Joint Resolution 6 urges Congress to prevent the United States Census Bureau from adding a citizenship question to the 2020 census. The census is intended to count every person living in this great nation. For these reasons, we urge you to pass this resolution.

Vice Chair Fumo:

Are there any questions from the Committee?

Assemblyman Roberts:

Was the question on a previous census, or is this the first time it has ever been added?

Assemblyman Thompson:

No. This will be the first time. I actually have the 2010 questions right in front of me and then I have the proposed 2020 questions. The first question in 2020 asks about your household composition. This first question on here talks about your date of birth and then it goes immediately into if this person is a citizen of the United States and then it asks if you were born in the United States, or born in Puerto Rico, and so on and so forth.

Assemblywoman Torres:

Thank you for bringing this piece of legislation forward. Can you talk a little bit about how that can negatively impact the state of Nevada? My understanding is that there could be some detrimental effects to our state if we do not have an accurate count.

Assemblyman Thompson:

The things that we mentioned before—it is so important to count every single person. Regardless of how you feel about immigration or documentation efforts, we need to make sure that we count everybody because there are still some services that have to be provided by us as a state. That is for the whole, not just with the immigrant population, but for our

whole. As Mr. Busker mentioned, if we are even 10 percent off, that is millions of dollars that we as a state are going to have to make up some sort of way with our social services.

Jared Busker:

I want to add that every person who completes the census brings in roughly \$1,600 a year to the state, so every individual who does not complete the census brings about an exponential loss in federal funding.

Assemblywoman Torres:

And to be clear, every person regardless of their immigration status brings in about \$1,600 to the state?

Jared Busker:

Yes, any individual who is residing in the state.

Assemblywoman Monroe-Moreno:

Thank you for bringing this. I want to drill down that if we are underrepresented in the counts, then that will have a serious negative effect on this state's budget. That could affect education, correct? And the funds, the grants, that we can bring to our state? It could even affect our highway funding. Am I correct? It has a lasting effect. Correct? Sorry, I am passionate about it.

Assemblyman Thompson:

You are correct on all of those. It is going to affect the overall budget, but traditionally, like I was saying, it mainly affects the social service programs and then, as we mentioned, the highway programs, but it is really up to the state. If we have a shortfall, then those are the very serious conversations that we are going to have to have on what will be priority.

Assemblyman McCurdy:

In addition to losing the funding per person, is it also true that this would disproportionately impact how folks are represented in terms of government with redistricting?

Assemblyman Thompson:

Yes, because we are counting per areas. That is either going to make sure that it is a more dense count, or it is going to be sparser. That is very important. One thing I want to applaud Governor Sisolak for is that he has signed an executive order [Executive Order 2019-06]. He signed it on April 1, 2019, to allocate dollars to create the Nevada Census 2020 Complete Count Committee. This committee is going to be charged to make sure that they provide some funds to those underserved communities, the ones that are most likely to not participate in the census. Just think about it: If you are already not trusting—let us just keep it real—around government, you need someone who looks like you, sounds like you, and whom you can somewhat trust. Then they can help, hopefully, to allow people to bring in more people so we can get a more complete count. It is going to be electronic. That is another factor that we have to look at. We have to make sure that there is access because in some of the areas people do not have access to Wi-Fi. It is going to be important that certain communities are

going to have to be very creative to get people to hot spots, to get people to libraries or faith-based organizations, which will have the broadband and allow people to complete them electronically.

Assemblyman McCurdy:

Another concern that I have personally is that we could possibly—if not counted accurately—lose representation for folks as it relates to government representation whether it be picking up an extra seat with the Assembly or Senate, or looking as far as the federal representation as well. I want to thank you for bringing this forward and, again, I want to commend our Governor for all he is doing to ensure that everyone is counted and represented in the state of Nevada.

Vice Chair Fumo:

Are there any other questions from the Committee? Seeing none, we will open for testimony in support.

Dylan Shaver, Director of Policy and Strategy, City of Reno:

I am here today on behalf of the City of Reno, the Biggest Little City in the World. Part of being that biggest little city is providing services to our nearly quarter million residents. Those services include our wonderful parks, our responsive police and fire services, and of course, our beautiful roads. We receive a lot of federal grant money to help supplement the tax collection we do to provide these services. We do not have the option, nor do we seek to as a municipality to ask someone's immigration status when they dial 911, when they show up at one of our parks, or when they use one of our roads. Nevertheless, our census is pegged to actual population, and we believe that the census should reflect the people who actually live in the community. We do not want to see any barriers to the completion of the forms or anything like that because it is the lifeblood of our community to do that. Not only would we, of course, lose the funding for the grants that you have already talked about, but it would put us in the same position that the state is in where it forces unnecessary and unnecessarily difficult decisions. We are here in support of Assembly Joint Resolution 6 and urge its speedy passage.

Maria-Teresa Liebermann, Deputy Director, Battle Born Progress:

I support A.J.R. 6 because I know what it is like to be afraid to answer the question: Are you a citizen? Many of us immigrants—documented or not documented, citizens or not, or in the process—simply have that fear. I am feeling that fear right now just talking to you and saying that I have been undocumented before. We engineer ourselves to live in the shadows and protect ourselves until we can answer that question with a yes. Even then, we still have the fear of answering that question. I am not an expert on why this is so prevalent in our community, but it is there. I can only say that my family and I, if this question is going to be on that census, we may still—even though we are all documented and we are all citizens—have that fear just in case that privilege of being a citizen will be taken away from us or simply because of fear for our community. If that question is there, this fear will grow and it will cause so many people in our community, documented or not, to decide against filling out the form and being counted. The goal of the census is to count every person who lives in the

country and where they live. It is mandated by the *Constitution* to count everyone—no matter their age, citizenship status, party, et cetera. That is why I ask you to support A.J.R. 6.

Rudy Zamora, Program Director, Chispa Nevada, League of Conservation Voters:

Thank you for allowing me to speak today. I am here representing Chispa Nevada, a program with the League of Conservation Voters that is focused specifically on communities of color and low-income families in our state. I am here in support of A.J.R. 6 because I know firsthand the fear and anxiety that our community members have today when they think they will have to answer the "Are you a citizen?" question on any documentation, especially on the census. Our program promoters and volunteers come from mixed-status families, and almost all of them have already expressed their anxiety concerning this question to me at one point or another.

I also have to say, I also fear this question. My family is one of these families that I am talking about. I had the privilege of becoming a U.S. citizen in 2016, but my mother is still without status. Every time we have the conversation about the 2020 census, the first thing she asks about is if the "Are you a citizen?" question is still going to be on the census. My mother and thousands of others in our community fear filling out the 2020 census and are scared to answer this question because they are terrified that data collected will be shared with other agencies and used against them and their families. If this question is included, it will cause and continue this unnecessary terror that has been placed on my community which will in turn lead to having thousands and thousands of Nevadans who will not be counted on the census. I ask you to support A.J.R. 6 to send a message to our communities that every Nevadan matters and needs to be counted.

Melody Judilla, Program Manager, Silver State Voices:

I am testifying on behalf of our census coalition, Nevadans Count, to voice support of Assembly Joint Resolution 6. I want to first thank Assemblyman Thompson for sponsoring this resolution along with the other cosponsors because, as a coalition comprised of grassroots organizations that serve diverse communities across the state, we understand firsthand that it is of the utmost importance that the 2020 census conducts a fair and accurate count. The census is one of the best ways to understand where and who we are as a society. However, the citizenship question will undermine that very purpose. Asking every household and person about their citizenship status when there is no programmatic basis or need or research done on the question in decades will cause panic for thousands of immigrant households in Nevada and will directly decrease the rate of participation in the census. This question is unnecessarily intrusive and will raise concerns in all households—native, foreign-born, citizen and noncitizen—about the confidentiality of their personal information and how government authorities may use that information.

Getting the 2020 census right is important for all communities because everyone relies on this data. Census data is the basis for fair political representation and local community leaders use this data to make decisions about allocating resources for community needs like education, assistance for veterans, hospitals, and transportation. For example, in fiscal year 2016, Nevada received \$357,425,690 for highway planning and construction for the

Department of Transportation [per the GW Institute of Public Policy, The George Washington University]. That number was directly derived from 2010 census data and will directly affect us all, no matter your immigration status. I urge legislators to support Assembly Joint Resolution 6.

Vice Chair Fumo:

Thank you for your testimony.

Eric Jeng, Director of Civic Engagement, Asian Community Development Council:

I want to thank the sponsor, Assemblyman Thompson. We are a nonprofit organization working to educate, connect, and empower the Asian Pacific-Islander communities in Nevada and other ethnic communities. Today, with the 2020 decennial census less than a year away, the Asian Community Development Council is here to support A.J.R. 6, urging Congress to prevent the United States Census Bureau from adding the controversial citizenship question. For us, on behalf of our founder, we released statements ([Exhibit G](#)) and ([Exhibit H](#)). Right now even the U.S. Census Bureau in its internal report shows that among all racial groups, Asian Pacific-Islanders in America are the least familiar with what the census is. We are the least likely to commit to participating in the census and are the most concerned about the pending citizenship question. We believe this controversial question is irrelevant and is an intimidation tactic that will greatly harm participation within our community, thus harming funding for communities in which we reside. We urge our Congress to prevent this question from appearing on the upcoming census. We urge your Committee to pass A.J.R. 6. Thank you so much.

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

We are a proud table partner of the Let Nevadans Vote coalition. We strongly support this legislation. Honestly, I cannot believe we have to do this. Simply said.

Christine Saunders, Policy Director, Progressive Leadership Alliance of Nevada:

I want to again stand in solidarity with all of my partners who have spoken today and ask for your support.

Sylvia R. Lazos, Legislative Advocate, Nevada Immigration Coalition:

I am here representing the Nevada Immigration Coalition, which comprises Progressive Leadership Alliance of Nevada; Culinary Workers Union; Make the Road Nevada; the University of Nevada, Las Vegas (UNLV), William S. Boyd School of Law Immigration Clinic; Mi Familia Vota; American Immigration Lawyers Association; America's Voice; Planned Parenthood; Service Employees International Union Local 1107; Arriba Las Vegas Workers Center; UNLV UndocuNetwork; Children's Advocacy Alliance; American Civil Liberties Union; Catholic Charities of Southern Nevada; NextGen Healthcare Information Systems, LLC; Dream Big Nevada; Asian Community Development Council; America Votes; and For Nevada's Future.

This is a very important resolution. We ask that you support it. And consider just one more thing. One speaker said we have all documented immigrants in our family, but we have one

member, Grandma, who is unauthorized. You are not just undercounting the unauthorized population, you are undercounting that whole family which may be six individuals. I think the magnitude of the undercount we cannot even estimate, and if this U.S. citizenship question remains on the census, I truly believe it will be a disaster for Nevada. Please let us try to stop it from happening ([Exhibit I](#)). Thank you.

Cecia Alvarado, Nevada State Director, Mi Familia Vota:

I am here to testify in support of A.J.R. 6. There are key changes and challenges that pose a threat to a full count of Latinos in the 2020 census including the Secretary of Commerce's last-minute decision to add an untested and unnecessary citizenship question to the 2020 census questionnaire.

In a survey conducted by NALEO Educational Fund, 78 percent of Latinos stated that the inclusion of the citizenship question will make people afraid to participate in the 2020 census. Including an immigration question on the census is a threat to undercount and census credibility. It is an anti-immigration action intended to defund us and decrease our political power. The census is intended to provide an accurate number of all residents regardless of the immigration status. If the citizen question is posed, citizens and noncitizens will be less likely to respond out of fear for what an administration could do with our information. It is important that our communities are fairly represented. Census data is the basis of fair political representation. Local community leaders use this data to make decisions about allocating resources for community needs like education, assistance for veterans, hospitals, and transportation. Businesses and entrepreneurs use census data to make critical decisions about where to locate plants and stores, hiring, and customer needs. This decision forces everyone to consider the consequences of using inaccurate data.

Mi Familia Vota in Nevada is working to ensure that the Latino community is properly counted and adequately represented. We are part of this country, too, and we are empowering our community to be part of the decision-making process in every step of the way. The citizenship question is being added to ignore our presence. Our contributions cannot be ignored.

Gariety Pruitt, Political Director, Nevada Conservation League and Education Fund:

Thank you for letting us speak. We are proud coalition members. I stand in solidarity with all the speakers prior to me. I am going to say ditto. Thank you very much.

Vice Chair Fumo:

Is there anyone else to testify in support? [There was no one.] We will move on to opposition testimony.

Lynn Chapman, State Vice President, Nevada Eagle Forum:

This is from an article written by Phyllis Schlafly, the former National Eagle Forum president in 2003:

The U.S. Supreme Court ruled in *Reynolds v. Sims* (the 1964 landmark case that dictated one person one vote for state legislatures) that "the Equal Protection Clause guarantees the opportunity for equal participation by all voters." The court forbade "diluting the weight of votes because of place of residence." . . .

[A study] released by the Center for Immigration Studies explains what caused twelve congressional seats to be transferred from some states to other states. This shift in House seats was based on the 2000 census which counted the residence of persons—not of voters.

The persons who were counted in the 2000 census included seven million illegal aliens and twelve million other non-citizens (legal non-citizens and temporary visitors who are mainly foreign students or guest workers). This count created new congressional districts with large non-voter populations . . .

The Constitution does not require including non-citizens in the reapportionment count. In 1979 and 1988, the courts refused to hear a challenge to the practice of including illegal aliens in the census count for purposes of reapportionment. . . .

Reynolds v. Sims warned that "any alleged infringement of the right of citizens to vote must be carefully and meticulously scrutinized" even though this means "entering into political thickets and mathematical quagmires."

In the end, the Supreme Court will make the decision. Thank you.

Joannah Schumacher, Private Citizen, Sparks, Nevada:

I am here as just an average Joe. First of all, I want to say that I am sorry for the pain of those who had warranted fear. I was an enumerator for the census count, and we worked hard in northern Nevada to include all who lived in northern Nevada. A large part of the training as an enumerator was on how to reassure reluctant participants. I have to say that personally in northern Nevada, the immigrants, regardless of citizenship, were highly cooperative. I found it was a far more difficult thing to track our homeless population as well as our transient population, folks who lived in weekly motels. Especially in the Reno/Sparks area, we have a huge high-transition type people. People who come, think they are going to have jobs, cannot find housing, and then they may leave. It is very difficult in the time frame we had to try to get that together and track. It was very difficult.

The Census Bureau works hard to be an accurate and nonpartisan agency. And by requesting any data point be left off, you are ensuring that information will be provided by a less accurate group. I found personally here in northern Nevada that those who were hired were a highly diverse group who worked well with both the immigrant population as well as our homeless population, but it was much more difficult to track them. I believe that it is important that you put this kind of data and information in the hands of the very nonpartisan

and very accurate group. I think that where you are going to get the accuracy is from the Census Bureau as opposed to other agencies. Thank you.

Juanita Cox, President, Nevada Republican Assembly; and representing Citizens in Action; Washoe County Republican Assembly; and Storey County Republican Central Committee:

First of all, this has everything to do with our elections and our representation by diluting—basically—my vote. When people from other countries are presuming that they are citizens, then we have redistricting, we have gerrymandering, et cetera. Judicial Watch just found that 900,000 illegal aliens voted in the 2018 midterm elections. They also just won a court case in January of this year for over one and a half million illegal votes in Los Angeles County, California. This was from the presidential election in 2017. It took two years in court to determine this. These things are instantly determining our representation. If you want to check on csis.org, it disputes the sponsor's statement that this has been on the census for years and years. I could go into that, but I will not. Please look it up: csis.org.

Vice Chair Fumo:

Thank you for your testimony.

Patti Jesinoski, Private Citizen, Henderson, Nevada:

I am in opposition of A.J.R. 6. I want to know the number of legal citizens in the United States. When President Reagan granted amnesty during his presidency, they still did not all come forward. According to a National Public Radio article on March 4, 2015, by Bill Chappell, *For U.S. Children, Minorities Will Be The Majority By 2020, Census Says*, we need to know how many noncitizens are living in this country. This question used to be on the census. The Medicaid program was intended in origin for legal citizens. As a legal citizen, I have a right to know how much money—by state and federal funds—is being used on such. In other countries, I am required to identify my status in their country. Citizenship status should provide us with a more accurate number of legal voters. If I were to relocate to Mexico, I would not be able to take part in any political voice or face jail or deportation per the Constitution of Mexico. I urge you to vote no on A.J.R. 6.

Cyrus Hojjaty, Private Citizen, Las Vegas, Nevada:

There should be a difference between citizen and noncitizen; otherwise, what is the point? Why did my immigrant parents try so hard to become citizens? This is clearly unfair. To the people who think that they should be counted because they snuck in across our country, they should be ashamed of themselves, as well as anybody who wishes that what they did was absolutely lawful. And the question is, Why is it that we have such a very high noncitizen population? We can blame the unions and the casinos for implementing this global immigration plan.

Now according to you, you just admitted that many noncitizens depend on these welfare programs. Certainly they consume more services than they pay in taxes. Many of them get refunds, by the way. To me, this is all about power because it affects districting, not only federal, but state—you are smiling, I see that—and local, and all these other areas. Just take

a look at what we are having now. We have a migrant crisis at the border. Thousands of people are trying to pour in. You are sending a message that they are going to get a pass, that they are going to get services, and that they are going to be represented. This is lawlessness. This out of control.

By the way, speaking of race, Iranian Americans, all of us are citizens. So how come we are not underrepresented? We are a people of color. We have the right to know who is in our country. If my parents can be citizens, so can everybody else. This is taxation without representation. What you need to do is tell us how noncitizens are a net benefit to our state and the Las Vegas economy. Very few of you—hardly any of you—have done that. We have the right to know. Citizens first. We are going to stand up. We are going to E-Verify. We are going to put tax breaks to people who hire all citizens. We are going to have tax remittances. It is showtime, baby. Thank you.

Vice Chair Fumo:

Is there anyone else to testify? [There was no one.] Is there anyone who wishes to testify in the neutral position?

Maurice White, Private Citizen, Carson City, Nevada:

I am in a neutral position on this bill because I do believe we should absolutely count everybody. But I am a little confused about the mentality of why an undocumented person would not want to participate. If the sponsor could explain that mentality, I would greatly appreciate that. I have this question because we have heard in this building in this session, that gang members know that their activity is illegal and yet they are proud of being in a gang. They announce their membership to police officers by giving their street name, by wearing colors, and by putting a permanent announcement on their bodies by way of tattoos and scars. An undocumented person comes to this country by lying. They lie when they come there. They lie when they get a social security number so that they can go to work. They lie to their employer every day when they go to work. They lie when they drive a car without a driver's license. They lie when they drive that car that is not registered or insured. So I do not understand why they would not lie just one more time and say, Yes, I am a citizen. Just keep lying. It is what they have been doing since they came here. If the sponsor could explain that, I would appreciate it. Thank you.

Vice Chair Fumo:

Is there anyone else in neutral? [There was no one.] We will invite the sponsor back up for closing remarks.

Assemblyman Thompson:

I want to, first of all—in no way was I trying to misrepresent myself when the question was asked about citizenship. I was literally comparing 2010 to 2020. My answer was correct on that. I have then seen that yes, there have been different variations of the citizenship question starting as early as 1950 in some different formats because there was a long form and a short form. I wanted to clarify that for the record.

Secondly, to the response in neutral, which I am not sure was neutral, but I wanted to say, the testimonies. The testimonies that came up in support—hopefully he was listening—those explain. Those explain a lot. In closing, I really urge us to support this so we can let our delegation know that we need to have a fair and accurate count. We know that the deterrent is going to be—because what happens is that it is electronically submitted, and then for those who do not respond electronically, we go to door knocking. That is when that heightened level of fear happens and our success of an accurate count is void. Thank you so much for your time and attention. We would love your support of A.J.R. 6.

Vice Chair Fumo:

We have a few comments for you.

Assemblywoman Monroe-Moreno:

Assemblyman Thompson, I have a request. Would you entertain the request to add names as cosponsors on this resolution? The impact that it would have to our state, not just personally, but fiscally, is unthinkable. Would you be willing to add additional cosponsors to your bill? If so, I would like to be one.

Assemblyman Thompson:

Yes. Thank you.

Assemblywoman Torres:

I, too, would like to request that I am added as a cosponsor to this bill. Thank you.

Assemblyman McCurdy:

I would like to be added as well. Thank you for your presentation.

Assemblywoman Miller:

I would like to be on it as well. This is very reminiscent of a time when all of this first began when we were not counting humans as full people. When I look back to the times of slavery and the whole idea of representation, at that time it was legal and accepted to count people as three-fifths of a human just for calculating purposes. We know at this point that we are not trying to imply that these individuals will have the right to vote, or any automatic citizenship, or anything else. I also hear the argument that is frequently lodged against undocumented individuals about the stress and the strain on the system and the infrastructure. It is interesting that here we have an opportunity to get the funding and the appropriate representation and resources that we need to support our infrastructures, and yet that same argument does not apply. I would really like to be on that as well. Thank you.

Vice Chair Fumo:

Assemblyman Thompson, I am not as eloquent as Assemblywoman Miller, but I say, ditto, and I would be honored to be on it as well.

[([Exhibit J](#)) and ([Exhibit K](#)) were not discussed but are included as exhibits for this meeting.]

I now close the hearing on A.J.R. 6.

Next, I am going to open it up for public comment. Is there anybody for public comment?

Cyrus Hojjaty, Private Citizen, Las Vegas, Nevada:

Tell the people of Nevada about how we are benefitting from this immigration system. Do the taxes outweigh the costs? Why are they here? Are they doing jobs that we do not want to do? We have the right to know, just as I have the right to know what kind of food goes in my mouth. Does it contain high fructose corn syrup? Is it organic? We have the right to know. This affects every aspect of our society: population growth, schools, wages, culture, language, you name it. I find it very ironic when I question things, people shake me around, call me names, and this is the same approach not only being done in the United States, but all over the Western world. This is a global immigration plan also happening in the streets of London, Paris, and Berlin. We are going to stop the destruction of westernized societies with their low birth rates and massive migrants pouring in. Thank you so much.

Vice Chair Fumo:

Is there anybody else to testify? [There was no one.] Are there any comments from the Committee before we adjourn? [There were none.] Our next meeting will be held April 9, 2019. This matter is closed. [The meeting adjourned at 5:36 p.m.]

RESPECTFULLY SUBMITTED:

Catherine Bodenstein
Committee Secretary

APPROVED BY:

Assemblywoman Sandra Jauregui, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is a proposed amendment to [Assembly Bill 137](#), dated April 4, 2019, submitted by Assemblyman Howard Watts, Assembly District No. 15.

[Exhibit D](#) is a link to a report entitled *Youth Confinement in Nevada: Facility Assessment and Recommendations for Housing Youth Sentenced as Adults*, produced by the American Civil Liberties Union, presented by Holly Welborn, Policy Director, American Civil Liberties Union of Nevada, and submitted by Assemblywoman Daniele Monroe-Moreno, Assembly District No. 1.

[Exhibit E](#) is a proposed amendment to [Assembly Bill 449](#), submitted by Holly Welborn, Policy Director, American Civil Liberties Union of Nevada.

[Exhibit F](#) is a document containing Lovelock Correctional Center demographics, submitted by Renee Baker, Warden, Lovelock Correctional Center, Lovelock, Nevada.

[Exhibit G](#) is a document titled "Factsheet on Addition of Citizenship Question to 2020 Census Form," submitted by Eric Jeng, Director of Civic Engagement, Asian Community Development Council.

[Exhibit H](#) is a document titled "Debunking the Myths about the Citizenship Question on the 2020 Census Form," submitted by Eric Jeng, Director of Civic Engagement, Asian Community Development Council.

[Exhibit I](#) is a letter in support of [Assembly Joint Resolution 6](#), dated April 4, 2019, submitted by Sylvia R. Lazos, Legislative Advocate, Nevada Immigration Coalition.

[Exhibit J](#) is a summary of [Assembly Joint Resolution 6](#), submitted by Assemblyman Tyrone Thompson, Assembly District No. 17.

[Exhibit K](#) is a fact sheet for [Assembly Joint Resolution 6](#), submitted by Assemblyman Tyrone Thompson, Assembly District No. 17.