

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

**Eightieth Session
May 31, 2019**

The Senate Committee on Legislative Operations and Elections was called to order by Chair James Ohrenschall at 4:40 p.m. on Friday, May 31, 2019, in Room 2144 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator James Ohrenschall, Chair
Senator Yvanna D. Cancela, Vice Chair
Senator Marcia Washington (via telephone)
Senator Heidi Seevers Gansert

COMMITTEE MEMBERS ABSENT:

Senator Keith F. Pickard (Excused)

GUEST LEGISLATORS PRESENT:

Senator Nicole J. Cannizzaro, Senatorial District No. 6
Senator Pat Spearman, Senatorial District No. 1
Assemblywoman Daniele Monroe-Moreno, Assembly District No. 1

STAFF MEMBERS PRESENT:

Michael Stewart, Committee Policy Analyst
Kevin Powers, Committee Counsel
Diane Rea, Committee Secretary

OTHERS PRESENT:

Ross Armstrong, Administrator, Division of Child and Family Services,
Department of Health and Human Services
Jared Busker, Children's Advocacy Alliance

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Suzanne D. Reed
Marlene Lockard, Nevada Women's Lobby
Elisa Cafferata, Planned Parenthood Votes Nevada
Christine Saunders, Progressive Leadership Alliance of Nevada
Vivian Leal, Indivisible Northern Nevada
Holly Welborn, American Civil Liberties Union of Nevada
Melissa Clement, Nevada Right to Life
Karen England, Nevada Family Alliance
Janine Hansen, Nevada Families for Freedom
Patti Jesinoski
Bob Russo
Juanita Cox, Citizens in Action
Shawn Meehan, Guard the Constitution
Trish Messinger, Active Republican Women
Christina Robertson
Sally Zamora
Gloria Campman
Barbara Jones
Karen Hockman

Chair Ohrenschall opened the work session on Assembly Bill (A.B.) 345.

ASSEMBLY BILL 345 (2nd Reprint): Makes various changes relating to elections.
(BDR 24-873)

Michael Stewart, Committee Policy Analyst, presented the work session document ([Exhibit C](#)).

SENATOR CANCELA MOVED TO DO PASS A.B. 345.

SENATOR WASHINGTON SECONDED THE MOTION.

Senator Gansert stated she is opposing the bill. She is concerned about Nevada's election integrity because we have a bottom-up system instead of a top-down system and have a hard time tracking records between counties. She stated given some of the close races in the last election, she is concerned about the delay in being able to identify who the winner is of an election when it takes ten or more days. She said the Committee should be looking at doing this two years from now so the appropriate software can be invested in to make

sure the system has integrity and can accept ballots — using the provisional ballot route.

Chair Ohrenschall said there had been a lot of work to address all the concerns during the testimony. During the past four and one-half years, there was one referral for prosecution, for someone who had registered to vote and was not qualified due to being under a felony conviction.

THE MOTION CARRIED. (SENATOR GANSERT VOTED NO.)

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Chair Ohrenschall closed the work session on A.B. 345 and opened the hearing on Assembly Bill 111.

ASSEMBLY BILL 111 (1st Reprint): Requires the Legislative Committee on Child Welfare and Juvenile Justice to conduct a study concerning the funding of the child welfare system in this State. (BDR S-451)

Assemblywoman Daniele Monroe-Moreno, Assembly District No. 1, read her testimony presenting A.B. 111 ([Exhibit D](#)).

Ross Armstrong, Administrator, Division of Child and Family Services, Department of Health and Human Services, said he was at the hearing for questions.

Jared Busker, Children's Advocacy Alliance, said he can walk through the bill or just answer questions.

Senator Gansert stated sometimes it takes an amendment to the State program or plan approved by Centers for Medicare and Medicaid Services and asked if that is part of what they will be studying?

Mr. Busker replied yes. The intention of the study is to look at all of the different variables that go into the child welfare system, including medical care and other issues a child may have while in the care of the State, and where federal funding can be obtained to help children.

Senator Gansert said she wanted to be sure someone from Health and Human Services is on board looking at the process. It seems like Nevada is always chasing other states.

Suzanne D. Reed spoke in opposition to the bill, saying Nevada wants to spend money to get more money.

Assemblywoman Monroe-Moreno stated in response to the opposition comments to the bill provisions, there is a \$200,000 appropriation for a professional consultant to look throughout the Country to see what other states are doing to bring more money into their state so we can bring more money into Nevada to help our children and all of our communities.

Chair Ohrenschall closed the hearing on A.B. 111.

SENATOR CANCELA MOVED TO DO PASS A.B. 111.

SENATOR GANSERT SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS PICKARD AND WASHINGTON WERE EXCUSED FOR THE VOTE.)

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Chair Ohrenschall opened the hearing on Senate Joint Resolution (S.J.R.) 8.

SENATE JOINT RESOLUTION 8: Proposes to amend the Nevada Constitution to guarantee equal rights. (BDR C-1278)

Senator Nicole J. Cannizzaro, Senatorial District No. 6, presented the bill and referred to her written testimony ([Exhibit E](#)). She added in the last Session much debate was heard about the issue of equality of rights.

Senator Gansert stated most of the statutes around discrimination stop around disability. She asked if there is anything around ancestry or national origin.

Senator Cannizzaro replied when discussion would be contained within S.J.R. 8, you look at the number of ways in which individuals may be discriminated against—persons with disabilities and different ancestry or national origin fall

within that category. The more inclusive Nevada can be in saying that we believe in equal rights is what this measure is striving to get at. This Committee has heard legislation this Session dealing with persons who are disabled and being employed in State government, the placement of those individuals and their career advancement. One of the reasons why the expansive list including disability and ancestry or national origin is at the heart of this measure is because we are saying we believe in equality for all.

Marlene Lockard, Nevada Women's Lobby, spoke in support, saying this issue has been worked on for many years, and Nevada last Session achieved it on the federal side. It makes sense to codify this language into the Nevada Constitution.

Elisa Cafferata, Planned Parenthood Votes Nevada, spoke in support of the bill, saying Planned Parenthood Votes Nevada (PPVN) has been addressing these issues for some time. Prior to the passage of the Affordable Care Act, being a woman was a preexisting condition and women were charged more for insurance that covered fewer services. This legislation would help PPVN to help women and men.

Christine Saunders, Progressive Leadership Alliance of Nevada, said she wanted to make clear that guaranteeing equal rights to all does not take away rights from anyone else. Rights are not a pie to be divided.

Vivian Leal, Indivisible Northern Nevada, speaking for Fair Democracy Team, said they are in support of the bill.

Holly Welborn, American Civil Liberties Union of Nevada, stated since its existence, American Civil Liberties Union (ACLU) of Nevada has been at the forefront of fighting for women's equality and supported the Equal Rights Amendment in 1970 nationally. Right now, there is a gender gap with serious issues of violence, harassment and disparate treatment that impacts women every day. For these reasons, the ACLU supports equality for women in the Nevada Constitution.

Melissa Clement, Nevada Right to Life, read her testimony in opposition ([Exhibit F](#)).

Karen England, Nevada Family Alliance, spoke in opposition and read her testimony ([Exhibit G](#)).

Janine Hansen, Nevada Families for Freedom, said in 1973, 1975 and 1977, the Nevada Legislature voted down the Equal Rights Amendment (ERA), adding the only word in the national ERA is sex. She also submitted testimony ([Exhibit H](#)), ([Exhibit I](#)) and ([Exhibit J](#)).

Ms. Reed spoke in opposition, saying the Fourteenth Amendment of the Nevada Constitution protects all persons. It includes everyone. She said this list is not needed. If creating an Equal Rights Amendment, "all persons" should be sufficient.

Patti Jesinoski said she is against this bill because it is saying goodbye to Title IX, which went into effect in the 1970s and gave a lot of athletic scholarships to women who would have never been able to afford college. Transgender athletes are now taking over sports, and it will become all men's sports.

Bob Russo presented written testimony ([Exhibit K](#)) in opposition.

Juanita Cox, Citizens in Action, spoke in opposition and said this is wrong.

Shawn Meehan, Guard the Constitution, said he is testifying on behalf of himself. On page 2, line 6, he is horrified to see the modern revisionist approach to the judiciary where this resolution actually says "the Judicial branches of the Federal and State governments to establish a hierarchy within the persons entitled to the protection of the laws ... " adding that the Legislature establishes the hierarchy. He said *Robert's Rules of Order* is very clear that when you write your whereas statements, you are telegraphing your approach to the people reading the resolution.

Mr. Meehan continued with line 9 "WHEREAS, The United States Supreme Court has recognized that each individual state may adopt its own constitution and provide its citizens more expansive individual liberties ... " adding absolutely not. Your creator gave you your liberties, and constitutions protect them.

Mr. Meehan continued on to line 14 "equality of rights under law to certain persons ... ," stating that should have said "all persons." Adding that the

Constitution Preamble says "We the people of the State of Nevada Grateful to Almighty God for our freedom in order to secure its blessings ... ," and in Article 1, Declaration of Rights, section 1, "Inalienable rights. All men are by Nature free and equal and have certain inalienable rights among which are those of enjoying and defending life and liberty ... ," stating we know that means the race of man not the sex of men.

Mr. Meehan said what was done in the Seventy-ninth Session is completely invalid.

Senator Cancela stated because this is a Senate Joint Resolution that amends the Constitution, it goes through this Session, next Session and then a vote of the people. So, regardless of when it was introduced, we will have at least five years to discuss the matter.

Chair Ohrenschall said if this measure were to be successful this Session, it would then have to be presented in the Eighty-first Legislature where it would have to have hearings and be voted on in both Houses and then, if it was successful again, it would be in the next general election when voters would decide whether they wanted this to be a part of the Nevada Constitution.

Trish Messinger, Active Republican Women, spoke in opposition, saying the Fourteenth Amendment creates everybody to be equal. She was a swimmer, and if she had to compete against men, she would have not gotten a scholarship.

Chair Ohrenschall reminded everyone this is an amendment to the Nevada Constitution, not the federal Constitution.

Christina Robertson said changing the Nevada Constitution is serious. She added Nevada citizens voted for a marriage to be between one man and one woman. The citizens passed it and a judge overturned the measure. She is in opposition on grounds of biblical values this Country represents.

Sally Zamora stated in 1972, when the Equal Rights Bill passed, it passed quickly out of the Supreme Court without any information being given to the State and information withheld. After the information was released through the states, there was no support for passage.

Gloria Campman said the main issue for her is religious freedom would be trampled on, and that could be a concern for people. She would like to see religious freedoms protected.

Barbara Jones said in the list of equal rights, there is not a list for religious equal rights.

Karen Hockman said she is in opposition and agrees with the testimony of others already given.

Senator Ohrenschall closed the hearing on S.J.R. 8 and opened for public comment.

Ms. Hansen said she is appalled how this measure was brought forth at 10:00 p.m. last night.

Ms. England said the point of having committee hearings is for the people to be able to weigh in on the process. She said the people who elected this Body have been left out of this process.

Chair Ohrenschall stated *Nevada Revised Statutes* (NRS) 218D.155 deals with bill draft requests (BDR) and provides that leadership, majority and minority, are allotted extra BDRs beyond the normal deadlines, and this was introduced through one of those. Because of the needs of Session, not all ideas come on Day 1 or Day 10, and the statutes do provide for that.

Ms. Clement stated she is interested in the process and is a believer. Very few states allow the public to testify before committees. The process protects everyone.

Senator Gansert pointed out this is the first time this measure has been brought before us. In the last Session, it was a different measure.

Ms. Jesinoski stated it was publicized all over the Country that this year in Nevada the majority of representation is women. She stated this bill was discussed by Senator Pat Spearman about a month ago in Washington, D.C., in a committee. To say it was never going to be brought up, this looks like it is a Hail Mary.

Chair Ohrenschall said Senator Spearman did go to Washington, D.C., to speak about the federal Equal Rights Amendment but not about Nevada. Even when the leadership was not a women majority, the statute was on the books and leadership has had extra allotments of BDRs for use even toward the end of Session.

Mr. Meehan said he appreciated the clarification of the rules. The Majority Leader is perfectly within her powers. He said what is being challenged is the wisdom and timing of that. He said the egregious accusations of discrimination must be addressed and were not discovered occurring in Nevada until the last 48 hours. Article 16 of the Nevada Constitution requires two Legislative Sessions and the vote of the people to ratify this as a constitutional amendment.

Ms. Cox stated just because you can do something does not mean you should do something. She said she had concerns as of late last night the people of this State have not had the opportunity to be heard.

Senator Pat Spearman, Senatorial District No. 1, said to set the record straight, she was invited to speak to the Subcommittee on Civil Rights of the U.S. House Committee on the Judiciary. She spoke on equality for women, equality for African-Americans, equality for people, but in no way did she discuss this measure. On the record, that is not correct. She said she went before Congress but did not discuss this.

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Chair Ohrenschall said thank you for clarifying that. He closed public comment and adjourned the meeting at 7:30 p.m.

RESPECTFULLY SUBMITTED:

Diane Rea,
Committee Secretary

APPROVED BY:

Senator James Ohrenschall, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	1		Agenda
	B	8		Attendance Roster
A.B. 345	C	1	Michael Stewart	Work Session Document
A.B. 111	D	1	Assemblywoman Daniele Monroe-Moreno	Written Testimony
S.J.R. 8	E	5	Senator Nicole J. Cannizzaro	Written Testimony
S.J.R. 8	F	6	Melissa Clement	Written Testimony
S.J.R. 8	G	1	Karen England	Written Testimony
S.J.R. 8	H	2	Janine Hansen	Written Testimony
S.J.R. 8	I	2	Janine Hansen	Written Testimony
S.J.R. 8	J	1	Janine Hansen	Written Testimony
S.J.R. 8	K	1	Bob Russo	Written Testimony