

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

**Eighty-First Session  
April 7, 2021**

The Committee on Government Affairs was called to order by Chair Edgar Flores at 9:02 a.m. on Wednesday, April 7, 2021, Online. 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/81st2021](http://www.leg.state.nv.us/App/NELIS/REL/81st2021).

**COMMITTEE MEMBERS PRESENT:**

Assemblyman Edgar Flores, Chair  
Assemblywoman Selena Torres, Vice Chair  
Assemblywoman Natha C. Anderson  
Assemblywoman Annie Black  
Assemblywoman Tracy Brown-May  
Assemblywoman Venicia Considine  
Assemblywoman Jill Dickman  
Assemblywoman Bea Duran  
Assemblyman John Ellison  
Assemblywoman Susie Martinez  
Assemblyman Andy Matthews  
Assemblyman Richard McArthur  
Assemblywoman Clara Thomas

**COMMITTEE MEMBERS ABSENT:**

None

**GUEST LEGISLATORS PRESENT:**

None

**STAFF MEMBERS PRESENT:**

Jered McDonald, Committee Policy Analyst  
Erin Sturdivant, Committee Counsel  
Judith Bishop, Committee Manager  
Geigy Stringer, Committee Secretary  
Cheryl Williams, Committee Assistant



**OTHERS PRESENT:**

Richard "Skip" Daly, representing Laborers Union Local 169  
Craig Madole, Chief Executive Officer, Nevada Chapter, Associated General Contractors of America  
Rusty McAllister, Executive Secretary-Treasurer, Nevada State AFL-CIO  
William H. Stanley, Executive Secretary-Treasurer, Southern Nevada Building Trades Unions  
Kevin Stroupe, Chief Executive Officer, Clark/Sullivan Construction, Sparks, Nevada  
Justin Ivory, Private Citizen, Sparks, Nevada  
Larry Carroll, representing American Council of Engineering Companies of Nevada  
Andy Donahue, representing Southern Nevada Laborers-Employers Cooperation and Education Trust  
Chris Burke, Regional Vice President, Granite Construction  
Warren Hardy, representing Urban Consortium  
Mark Hobaica, Executive Vice President, CORE Construction  
David Dazlich, Director, Government Affairs, Vegas Chamber  
Chris Ferrari, representing Nevada Contractors Association  
Wesley Harper, Executive Director, Nevada League of Cities and Municipalities  
John Carlo, Private Citizen, Las Vegas, Nevada  
Kate Marshall, Lieutenant Governor  
Jorge "Coco" Padilla, Private Citizen, Las Vegas, Nevada  
Mayra Salinas-Menjivar, Chair, Nevada Hispanic Legislative Caucus Immigration Task Force  
Ernest Herrera, Staff Attorney, Mexican American Legal Defense and Educational Fund  
Jennifer Antonio, Private Citizen, Las Vegas, Nevada  
Ethan Antonio, Private Citizen, Las Vegas, Nevada  
Christian Gonzales Perez, Private Citizen, Las Vegas, Nevada  
Paloma Guerrero, Chair, Legislative Committee, Nevada Immigrant Coalition  
Mary Ramirez, Private Citizen, Las Vegas, Nevada  
Vida Lin, President and Founder, Asian Community Development Council  
Liz Ortenburger, Chief Executive Officer, SafeNest  
Chris Daly, Deputy Executive Director, Government Relations, Nevada State Education Association  
Erika Castro, Private Citizen, Las Vegas, Nevada  
Yesenia Moya, Private Citizen, Las Vegas, Nevada  
Jose Rivera, Private Citizen, Las Vegas, Nevada; Member, Anytown Las Vegas  
Rico Ocampo, Organizer, Make the Road Nevada; Member, UndocuCouncil Subcommittee, Nevada Immigrant Coalition  
Elizabeth Davenport, Legislative Aide, American Civil Liberties Union of Nevada  
Jeri Burton, President, Nevada Chapter, National Organization for Women  
John J. Piro, Chief Deputy Public Defender, Legislative Liaison, Clark County Public Defender's Office; and representing Washoe County Public Defender's Office  
Benjamin Challinor, Policy Director, Faith in Action Nevada

Jennifer Fleischmann, Co-Director of Organizing, Make the Road Nevada  
Chuck Callaway, Police Director, Office of Intergovernmental Services, Las Vegas  
Metropolitan Police Department  
Eric Spratley, Executive Director, Nevada Sheriffs' and Chiefs' Association  
Janine Hansen, State President, Nevada Families for Freedom  
Bob Russo, Private Citizen, Gardnerville, Nevada  
Jim DeGraffenreid, National Committeeman, Nevada Republican Party  
Richard Nagel, Private Citizen, Carson City, Nevada  
Yolanda Knaak, Private Citizen, Incline Village, Nevada  
Alana Deniger, Private Citizen, Las Vegas, Nevada  
Corey A. Solferino, Lieutenant, Special Operations Bureau, Legislative Liaison,  
Washoe County Sheriff's Office  
Cyrus Hojjaty, Private Citizen, Las Vegas, Nevada  
Gina St. Ores, Private Citizen, Reno, Nevada  
David Gibbs, Private Citizen, North Las Vegas, Nevada  
Lynn Chapman, Treasurer, Independent American Party of Nevada  
Alyssa Dodge, Private Citizen, Boulder City, Nevada  
Annemarie Grant, Private Citizen, Quincy, Massachusetts

**Chair Flores:**

[The meeting was called to order. Committee and videoconference protocol was explained.]  
Thank you all, as always, for being prepared. I understand that a lot of you had an opportunity to reach out and work with some of the bill sponsors—thank you for that. For those of you following us virtually, welcome to your Committee on Government Affairs. Please know that we will be doing public comment at the very end of today's meeting. We will be taking the bills out of order because Assembly Bill 376 is going to be presented by Vice Chair Torres—she has to be in this Committee regardless. I would hate to make our bill presenter, Mr. Daly, wait through that hearing so he can then have his. Logically, it would just make sense that we knock out his hearing so the folks who are here for Assembly Bill 410 can then be on their way.

I want to lay the ground rules for today. In the interest of fairness to all parties in support, opposition, and neutral, the way we will allocate time is we will have the bill presentation and we will utilize whatever time is necessary for that, along with questions. After that, we will then allow 30 minutes to opposition, 30 minutes to support, and 30 minutes to the neutral position. We will not limit each individual speaker to 2 minutes; that is, if one individual decides to pick up the phone and call in support and utilizes all 30 minutes and you have 100 other people wishing to testify in support, unfortunately, you are going to not give them the opportunity to do so. I suggest that, in the best interest of those wishing to call in support, opposition, or neutral, you be brief with your remarks because there are a lot of people hoping to get on the record. I have here in front of me a voluminous document, as there are numerous individuals wishing to testify for today's hearing. I ask that you be respectful of those other individuals wishing to get on the record and that you utilize your time wisely.

Before we get started, I want to take a personal privilege to do a quick happy birthday shout-out to a really good friend of mine, Ricardo Reyna. I know, brother, it has been a rough year, to say the least, for you. But once you get over this, brother, you have a bunch of us waiting for barbeque and a cold one. I need you to get well, brother. Keep fighting.

We are going to go ahead and open up the hearing on Assembly Bill 410. Mr. Daly, please, whenever you are ready.

**Assembly Bill 410: Revises provisions relating to public works. (BDR 28-200)**

**Richard "Skip" Daly, representing Laborers Union Local 169:**

Thank you, Mr. Chair and members of the Committee. I will, in light of the comments, go as quickly as I can and get through the presentation.

Assembly Bill 410 seeks to create a separation between construction managers as agents, when they act as the owner's representative, and a construction manager at risk. Along those lines, the reason for the separation is it creates an inherent conflict of interest when a contractor is able to be an owner's rep and oversee a competitor that is competing against him as a construction manager at risk, and they act as a construction manager agent later. When some of the information that they are privileged to as an owner's rep that they would not otherwise get—they get to sit in the meetings as the owner's rep, and they learn their competitors' management philosophies, construction techniques, design, value engineering information, and other information that would otherwise be confidential—and it creates a conflict of interest. That is the policy of the bill that we are trying to address.

Section 1 adds a new requirement. The language is pretty straightforward there. Section 1 says if you want to be a construction manager at risk (CMAR), you cannot have acted as a construction manager as agent for the previous 60 months or 5 years. It is creating that separation. Pick a side of the ledger, get on that side, and then you can conduct your business either as the construction manager at risk or as agent.

The second provision in the bill tries to eliminate the no-bid contract to select a construction manager as agent. I do not think anybody supports the no-bid process. From the original drafting, there is what I consider to be a friendly amendment from the northern Nevada Chapter of the Associated General Contractors of America (AGC) [[Exhibit C](#)], and Mr. Craig Madole is going to speak to that in a minute. Since then, we have met with the rest of the industry and we determined, as a policy decision, that the no-bid contract is not the direction to go and that a qualifications-based selection procedure is the direction for what is otherwise a professional as a construction manager as agent. Therefore, we used language that is already in existing statute; I believe it is *Nevada Revised Statutes* (NRS) Chapter 625 for selecting engineers and surveyors. You can see that language is virtually identical to the language that is in NRS 625.530.

The other policy, things that I would hit on for a moment, are two sections of NRS that already give us some guidance along these lines. Those would be NRS 338.1717 and 338.1718. You can look that up. Basically, what these say is if you are acting as a construction manager as agent, you are not allowed to perform any actual construction work when you are hired in those positions. We are adding them; creating this separation in construction versus acting as an agent and owner's rep makes sense as the policy decision that we are trying to have be the policy moving forward.

The other thing I wanted to note is, this proposal is on the go-forward basis only. It would only apply to a construction manager at risk or as agent who enters into a contract after this bill goes into effect, so it would not affect any existing contracts or anything that has been done in the past. It would be a go-forward only and it also only applies to the construction manager at risk scenario. If it were a traditional design-bid-build contract, they would be able to do both in those scenarios. We will address that later if it becomes a problem, but right now we are doing the construction manager at risk.

The remaining 18 pages of the bill—and I apologize, it is a drafting issue—I will explain it the best I can; if I am incorrect, legal can straighten me out. Because the provisions of the bill that we are amending are scheduled to sunset July 1, I believe it is, if we are amending that, then we have to remove that sunset. There is other legislation coming from the Senate that also removes the sunset, but the Legislative Counsel Bureau does not draft bills based on prospective legislation. In order to make these changes, the sunsets needed to be removed, so when the bill is passed with the sunset, it is entered into the statutes of Nevada, the way I understand it, which is separate from the NRS. You have the provisions as it exists now and the language after it is going to be repealed. The rest of the bill is deleting deletions, so when the statutes of Nevada—the provisions that are going to remove those sections are being deleted in this bill, which means that you are deleting the deletions—so all of that language that is in there is actually going to stay in statute.

Before I go for questions, I can have Mr. Madole go over the proposed amendment on the qualifications-based selection procedures for professionals acting as construction manager as agent, if that is okay with you, Mr. Chair.

**Chair Flores:**

Please, Mr. Daly.

**Craig Madole, Chief Executive Officer, Nevada Chapter, Associated General Contractors of America:**

Thank you, Assemblyman Flores, for sponsoring Assembly Bill 410 and for working with us to address our concerns with the bill as drafted and then accepting the amendment before the Committee today [[Exhibit C](#)].

The purpose of the amendment is simple and straightforward, and I think Mr. Daly did a good job of summarizing it. Currently, when a public agency enters into an agreement for a professional service in preparation for construction, a qualifications-based selection process

is required pursuant to NRS 625.530. This amendment requires public agencies to utilize the exact same process already required by Nevada law when selecting a professional service during construction of a project. The process is well-known to both public agencies and the firms that pursue this work. Requiring a qualifications-based process will ensure that the firms being selected to act as a construction manager as agent have the necessary competence and experience to represent the public agency on any specific construction contract.

The language we are presenting in green is nearly verbatim to the existing language in NRS 625.530. We have only modified it to specify the phrase "construction manager as agent." Thank you for the opportunity to present this amendment this morning, and I am happy to answer any questions the Committee may have.

**Chair Flores:**

Mr. Daly, at this time, are we open for questions or are there any other remarks?

**Skip Daly:**

Mr. Chair, I do believe I forgot to introduce myself and who I represent at the beginning. [Mr. Daly identifies himself.] Yes, I am ready for any questions.

**Chair Flores:**

Mr. Daly, in this Committee, you never have to identify yourself. You know everybody knows you. You are home. Members, we will now open up for questions.

**Assemblyman Matthews:**

Can you hear me okay?

**Chair Flores:**

Assemblyman Matthews, my apologies; Assemblywoman Dickman had a question. If we could please start with her, and then we will go back to you. Apologies.

**Assemblyman Matthews:**

Absolutely, no problem.

**Assemblywoman Dickman:**

Did you say a design-bid-build contractor would be able to be a construction manager as agent but a CMAR cannot? Why would that be?

**Skip Daly:**

Yes, we were trying to address the issue—we have not seen the problem arise on the design-bid-build side of the equation. Construction manager as agent is used primarily on the construction manager at risk side, and it is because of the nature of it. On a traditional design-bid-build project, the plans have been designed, they are put on the street, and the contractor bids them. There is very little work that is done after the fact when they get the bid and they start the building because they have the plans. There is not that much value

engineering that gets done or those types of things. And if it does, it is generally done without a construction manager as agent. It occasionally happens, but we have not identified or seen a problem there.

On the construction manager at risk side of the equation, there is no design. You are going to do the design portion of it before that, so you are hired to do the construction management, design the building, value engineer—do all of those things to get it down to a design that the owner is happy with. Oftentimes, depending on the agency, some have their own staff that can do those construction-and-design reviews and constructability reviews and various things. Some of them then hire that construction manager as agent to help those agencies with that portion of it. We are not trying to fix a problem we have not identified, and that is only on the construction manager at risk versus construction manager as agent. I believe I found when that comes up, the policy needs to be extended to that; that would be for future consideration.

**Assemblywoman Dickman:**

Could you estimate how many construction companies we have in Nevada that would be qualified to perform these two functions?

**Skip Daly:**

I do not have a number. I know there are several thousand.

**Assemblywoman Dickman:**

There are a lot. I am having a hard time understanding why we would want to do this. It seems a little protectionist, like there are a few companies that would like to see competition eliminated. It seems the fewer we have available the more they would cost. Would that not drive up the cost of our public works projects such as building schools that are so needed?

**Skip Daly:**

No, it would not. It is not protectionist. It is trying to eliminate an unfair advantage that the person who then works as a construction manager as agent overseeing somebody who maybe two weeks ago was his competitor. He is then privileged and gets inside information that he would not otherwise get that would not be public information about his competitor and how his competitor designs work, how it manages work, what its philosophies are, those types of things. They can see how they build their work, but some of the internal workings are not there. It is to create that conflict there.

I know there are several thousand contractors; ones that have a Class A license or a Class AB combination license are probably fewer. I would have to look at the State Contractors' Board—you can look that stuff up and find it by category, how many contractors there are. We do not see too many crossovers. There are a few, but I know that when that competition—they are going head to head as a construction manager at risk and then two months later, they are selected as a construction manager as agent overseeing their competitors—it is the unfair advantage we are trying to eliminate.

**Craig Madole**

Mr. Chair, may I help answer that question? Assemblywoman Dickman, there are more than 10,000 licensed contractors that are all capable of serving as the construction manager as agent should they choose to do so. Additionally, every engineering firm or architecture firm in the state of Nevada is also eligible to serve in that role. It is my understanding that fewer than 50 of those construction companies perform construction manager at risk contracts. Really, you would be diluting a pool of more than 10,000 by about 50 people.

**Assemblywoman Dickman:**

Therefore, there are not that many that do both, then. Is that correct?

**Craig Madole**

That is correct.

**Assemblywoman Dickman:**

Thank you.

**Assemblyman Matthews:**

My question pertains to the effect of this on some of our rural communities. A lot of Nevada's rural agencies have the challenge of having to use their finite, often very limited resources across a wide array of areas that, of course, could include engaging construction firms for pre-bid consulting services to analyze cost estimates, or schedules and constructability, coordination, et cetera. This bill, as I read it, would appear to significantly limit those local governments' access to valuable resources. My question is, why would we want to implement this in the way that might affect our rural communities? I wonder if you can answer that and address some of those concerns, please.

**Skip Daly:**

Mr. Madole may be able to help with some of this, as well. In the rural counties, they are already limited to only using two construction manager at risk contracts per year. The construction manager at risk procurement process is for larger, more complex public works projects, so it has very limited use on smaller projects. That is what we have seen, by and large, in the rural communities.

If they do have those on one of the two that they are able to do in a year, if they had a large project like that and they wanted to get a construction manager as agent, as Mr. Madole said, there is a pool of people who generally almost regularly bid as construction manager at risk; and, of course, they have to have a minimum of two people putting in a request for qualifications in order to even do it. They have to narrow it down to at least two but not more than five and make the selection. Then, when they go to hire the construction manager as agent, there is a larger pool, as Mr. Madole said, of people who would be qualified to do that.



I do not think there is going to be a conflict or hurt to the rural communities. Generally, they are not doing as large of construction projects, just based on the nature of the rural communities. If they did, they could use the CMAR, and it would be an appropriate process, and they would have access to a larger number of construction manager as agents being able to meet their need. I do not think it creates any issues for rural counties.

**Assemblyman Matthews:**

Thank you.

**Assemblywoman Brown-May:**

Pardon this question; I am sure it is very elementary, but it has been a very long week so far and we are only halfway there. I would like to clarify that this is specifically addressing contracts of public bodies—so it is public works contracts. If I am a contractor acting in both capacities in the private sector and then bidding on a public works contract, the five years would not necessarily impact me. I just want to make sure that is correct.

My second question would be this: I noted you said I could not, if I were the contractor, perform work on that contract. I want to make sure I understand that I would not be able to contract on that site as a subcontractor or another party, but I could, in fact, donate work. Let us just say I was a paving contractor and there was this small piece of work that needed to be done that I could donate. I could actually perform work on the site but not be paid to do it. Is that correct?

**Skip Daly:**

The first question on the public works, you are correct. *Nevada Revised Statutes* Chapter 338 only applies to public bodies performing public works construction. Private sector-type issues would not be affected by this bill.

The language regarding what a construction manager as agent can perform is in existing statute now, and it says they cannot perform construction work on the projects where they are acting as a construction manager as agent. That would be existing statute. Private work, again, would not be covered by that. The donation question, I do not know the answer to. I have never seen it happen, but I think the statute is pretty clear they are not supposed to perform any work; I think it contemplates that they are not performing work under a contract. I think the donation of work would be a gray area, if there was work that could be donated. Presumably, they could do it because it would not be a contract, and someone would have to argue if it was prohibited or not. It is not a clear issue, and as I said, I have never seen that occur. It would be a question that has never been tested.

**Assemblywoman Brown-May:**

Thank you, Mr. Daly.

**Assemblyman Ellison:**

This is to Mr. Craig Madole. I have the ultimate respect for AGC. Usually when they tell you something, they are going to tell you the truth. What specifically relates this bill to warrant a statewide legislative process—to enact policy that limits the state and local government the access to qualified construction management firms? We are limiting it. Could you hit that one and then I have a follow-up. Mr. Daly can jump in there too.

**Craig Madole**

Really, what we are trying to do here is ensure that information that a contractor may consider proprietary in any other situation would not be shared with their potential competitors or competition on construction manager at risk contracts. If you are acting as the owner's representative—all contractors have scheduling, processes and procedures, and different things they do that make their policies and their contracts unique. What we are trying to ensure is it could not share that proprietary data with their potential competitors.

**Assemblyman Ellison:**

Why does the bill only restrict construction management agencies from acting as CMAR, and what does it extend to hard bids on the public works? Why only public works?

**Craig Madole**

Assemblyman Ellison, one of the reasons we wanted to limit it to construction manager at risk is that way, when you go in to interview for a construction manager at risk contract, you would not be able to share other people's proprietary data to gain advantage for the award of that job. Additionally, it was pointed out to me that several small counties in the rural areas use design-bid-build contractors as their construction manager as agent, and we want to preserve that so those hospitals and those owners can continue to utilize the contractors who are serving in that capacity for them. We are trying to really thread the needle here to keep potential competitors away from seeing other people's proprietary data but allow the rural areas to continue on the process that they are already utilizing.

**Assemblyman Ellison:**

Do you think your amendment will help soften this up a little bit for the future?

**Craig Madole**

Yes, I believe it will, and then I also think that this process is well-known to the public owners and the professionals that do it. I think it gives the taxpayer some more confidence in this entire process by using a qualifications-based criterion for this. I emphasize again what Mr. Daly said: this is prospective only. Any company that is currently doing both, after the termination of any contract that they have and they enter into a new contract after this bill has been enrolled, then they have to choose their line. Nothing would look backwards for those folks.

**Assemblyman Ellison:**

I appreciate it; thank you very much. Mr. Daly, I do not know if you want to add something to this.

**Skip Daly:**

Mr. Madole answered the question. If you are satisfied, I believe he got out the information that was necessary.

**Assemblywoman Dickman:**

You are talking about the proprietary information. Why is it okay that we are not after five years?

**Skip Daly:**

The five years creates the separation. It is not okay to learn it after five years, the way it would operate. Let us say we are past July 1 and the bill is in place. If a person puts in and submits his request for qualifications to become a construction manager at risk, he would look to see if he has entered into a contract as a construction manager as agent since the application of this bill. If he has, then he would not be able to bid as a construction manager at risk. He has to pick whichever side he is doing.

If a construction manager as agent enters into a contract after this bill goes into effect, he would have to now be a construction manager's agent for five years before he would be eligible to become a construction manager at risk or put in a proposal. Therefore, it does create that separation as to picking the side of the ledger that you want to be on, because it is not a fair process if you can do both back and forth. It is not a matter of is it okay to get that information after the five years that you have not been a construction manager as agent [unintelligible].

**Assemblywoman Dickman:**

They would have to wait another five years if they did the other thing. Is that correct?

**Skip Daly:**

They could do construction manager at risk the entire time, go forward, and never have any issues. However, if they decide that they want to become a construction manager as agent, this bill would put everyone on notice that they would not be able to then bid as a construction manager at risk until after five years after that contract would be completed. Pick a side of the ledger, basically.

**Assemblywoman Dickman:**

Thank you.

**Assemblyman Matthews:**

This is for either Mr. Daly or Mr. Madole. Maybe I am reading this wrong, so set me straight if I am. It seems, as written, will this bill—someone who is a construction manager as agent for Clark County could not get a construction manager at risk project for the City of Las Vegas? Is that correct? If so, how does that really address the conflict of interest issue? I would think if you are going to limit it, it would be only for the same entity, but maybe I am mistaken there.

**Craig Madole**

Assemblyman Matthews, the issue we are trying to address is, in short, that you are not gaining your potential competitors' proprietary information. If you are doing a construction project with Clark County, it is very likely that you will also bid projects with the City of Las Vegas or the City of Henderson or the City of North Las Vegas. By prohibiting these employers or these companies from serving in both roles, this would prevent them from overseeing their competitor and gaining that competitive advantage. Yes, we do intend that you cannot just go from one public owner to the next. By limiting that, we believe we are restricting competitors' access to your proprietary information.

**Chair Flores:**

I am seeing if we have additional questions. I do not believe we have additional questions; however, members, if I have accidentally skipped you, please feel free to unmute yourself at this time. I am seeing no one. Members, thank you for the questions. Thank you, Mr. Daly, as always, for engaging.

At this time, I would like to invite those wishing to testify in support of Assembly Bill 410. Please go to the phone lines.

**Rusty McAllister, Executive Secretary-Treasurer, Nevada State AFL-CIO:**

On behalf of the 150,000 members of the Nevada State AFL-CIO, we are in support of this legislation. I will not belabor the points, Mr. Chair, that would have already been expressed. We are in support of this legislation.

**William H. Stanley, Executive Secretary-Treasurer, Southern Nevada Building Trades Unions:**

We, too, weigh in in support of the bill and appreciate both the bill's sponsor and the two gentlemen who helped present. We would identify ourselves with those comments and support the legislation.

**Kevin Stroupe, Chief Executive Officer, Clark/Sullivan Construction, Sparks, Nevada:**

I am pleased to voice our support for Assembly Bill 410 this morning. We are firm believers that this measure is good public policy and will ensure that competitive advantage is not gained while serving as a representative for a public agency on a construction project. We also strongly support the amendment to this bill presented this morning [[Exhibit C](#)]. The amendment would ensure that the process already in place in Nevada law for public agencies to utilize professional services would also be included on professional services during constructions. This qualifications-based process is fair, has a long track record of success, and protects the taxpayers by ensuring the quality and skills of these professionals. We urge you to pass this important measure.

**Justin Ivory, Private Citizen, Sparks, Nevada:**

I currently sit as the Vice Chair of the Washoe County School District Capital Funding Protection Committee. I am in support of this bill. This will help provide a selection process that protects not only the taxpayer but also the staff of the public body, providing an open

and consistent selection process to select a construction manager. I know we have awarded several contracts that have been in excess of six figures, and I think this is a good step forward.

**Larry Carroll, representing American Council of Engineering Companies of Nevada:**

Mr. Chair and distinguished members of the Committee, we fully support the amendment proposed by AGC, and we reiterate the comments that have been made by Mr. Daly and Mr. Madole. One thing: the American Council of Engineering Companies represents most major engineering companies throughout Nevada. As you know, most cases of construction manager as agent are performed by design professionals, whether it be a professional engineer or a registered architect. Due to the unique nature and the complexity of the projects related by certain public projects, these require the expertise and specific learned professions such as engineering and architecture. In order to protect the public safety and health safety issues related to the projects, it is important to select on the basis of qualification-based selection (QBS). This amendment proposed by AGC conforms to existing Nevada law NRS 625.530 and the federal Brooks Act of 1972, which requires the selection of engineers and architects and construction manager agents on the basis of QBS rather than low bid.

It is important to note that public tax dollars remain protected in the QBS process. Once an engineer or an architect is selected on the basis of competence and qualifications, if the public body cannot come to an agreement with the price of the selected engineer or architect, the public body has the right to terminate negotiations and negotiate with the next-highest scoring engineer or architect during the QBS selection process. Moreover, the construction manager as agent saves public dollars by assisting public agencies, representing them as an independent, unbiased agent to resolve the challenges during these complex public works projects, helping with streamlining the project construction and delivery, and mitigating change orders or other complications that can greatly increase the project costs.

[[Exhibit D](#) was submitted in support of [A.B. 410](#) by Mark Casey, P.E., President, American Council of Engineering Companies of Nevada.]

**Andy Donahue, representing Southern Nevada Laborers-Employers Cooperation and Education Trust:**

I am simply here to join in support for this current bill.

**Chris Burke, Regional Vice President, Granite Construction:**

Our company performs both design-bid-build and construction manager at risk work on public works projects. We are in support of this bill because language is needed in the law to maintain a certain level of integrity during the procurement and construction phases of public works construction contracts.

Currently there is the opportunity for significant conflict of interest. For example, there have been instances where an agency or an owner has selected a direct competitor as a construction manager as agent, as the owner's rep for a project, thereby allowing the

owner's rep contractor to have a competitive advantage over its competitor on future projects. Construction manager at risk projects are very transparent by nature, so there is opportunity for competitors both to gain access to proprietary info and unduly influence the pricing and construction of the work. This potential for conflict of interest needs to be prevented, moving forward, to preserve contracting integrity. Therefore, we support this bill.

**Chair Flores:**

We will go to the next caller wishing to testify in opposition to Assembly Bill 410. [There was no one.] At this point, we will go to those wishing to testify in the neutral position to Assembly Bill 410.

**Warren Hardy, representing Urban Consortium:**

Mr. Chair, I apologize, I am calling in opposition. I did not hear an opposition opportunity between support and neutral. I would be happy to back out of the queue if you are going to go to opposition after neutral. I just want to make sure I did not miss anything.

**Chair Flores:**

We did go to opposition and we had a caller, but you may have missed it right when I said it. At this time, we will go ahead and add your testimony to opposition. Please proceed.

**Warren Hardy:**

Thank you, Mr. Chair, for that accommodation. My apologies. Again, I am representing the Urban Consortium, which is made up of the Cities of Las Vegas, Henderson, Reno, and Sparks. We do have concerns with A.B. 410. I do want to apologize to Mr. Daly; I did not realize this was his bill, or I would have reached out to him prior. The pace of session is getting to me, I think.

We appreciate the amendment that has been offered by AGC; we do not have any concerns with that. We think that probably makes good sense.

Our concern would be a couple of things: the five-year limitation seems to be randomly selected. I understand the issue that we are trying to get at here, but I want to assure the Chair and the Committee that the local governments have professionals that know how to navigate these kinds of ethics concerns and abuses. We would also have a concern over something that Assemblyman Matthews identified: it appears as though if somebody has acted as a construction manager as agent for one entity, that would disqualify them from acting as a construction manager at risk for another entity. With that scenario, I do not think it would take long for everybody to be disqualified that wishes to participate in both. Mr. Chair, those are our concerns. I apologize again for lack of communication with Mr. Daly, and I will reach out to him immediately to see if we can resolve these concerns.

**Chair Flores:**

As a point of clarification, I misspoke. Nobody heard me say opposition—that was my fault. I think I did the good old start talking without clicking unmute, so I apologize. You are good on that—my apologies. We will remain in opposition at this time to Assembly Bill 410.

**Mark Hobaica, Executive Vice President, CORE Construction:**

We have offices in both Las Vegas and in Reno. Even though I am testifying today on behalf of CORE Construction, I also have 17 years of experience in the public sector as the former city architect and assistant director of public works for the City of Henderson.

The provisions of A.B. 410, I believe, are really harmful to contractors that provide any construction management services, and detrimental to public agencies that need to contract for these services. The question here is, what is the compelling need for this proposed prohibition if the proponents for A.B. 410 say that contractors acting as both an owner's rep and as a CMAR have an unfair advantage over other contractors? From my 30 years in the design and construction industry, what we do is not a science per se, and this is simply just not the case. This Committee should challenge the proponents of this bill to provide detailed and verifiable examples as to how the contracting as an owner's rep and then working as a CMAR had any advantage over any of the contractors. In my years working in the public agency realm and decades of CORE—we have worked side by side with public agencies in our state. We know these agencies rely heavily on building industry experts: engineers, architects, and contractors, to assist them in preplanning and implementing publicly funded projects for the best result and in the best interest of the public.

Based on the projected upswing in our construction economy, Nevada's public agencies and entities really require all construction management expertise to be available to them. Prohibiting contractors from performing both as a construction manager at risk and as a construction manager as agent, or forcing those contractors to choose which side to serve, is really not in the best interest of the construction industry, either for local, rural, or big government agencies, or for that matter the taxpayers of Nevada. Therefore, I encourage you not to pass A.B. 410 as presented.

**David Dazlich, Director, Government Affairs, Vegas Chamber:**

As you have already heard from the other callers in opposition, there are still some concerns with A.B. 410 as presented. Rather than belabor the point, I will simply give a ditto to the previous two you have heard and urge a no vote on A.B. 410.

**Chris Ferrari, representing Nevada Contractors Association:**

The Nevada Contractors Association is the largest industry-specific association in the state. Membership includes construction project owners, developers, general building contractors, engineering contractors, construction managers, and a whole slew of others. We provide services to all construction-related businesses large or small, union or nonunion, generals, subs, buyers, or service providers. We are working to better understand how this bill impacts the way our members currently work with public entities in southern Nevada. Our member CMAR contractors have unique experience and are able to offer this experience to their public entity partners, and we want to ensure that A.B. 410 does not interfere with their ability to continue providing these value-added services. We will continue to work with proponents to address our issues.

**Wesley Harper, Executive Director, Nevada League of Cities and Municipalities:**

The Nevada League of Cities and Municipalities is respectfully in opposition to A.B. 410 as amended. We do appreciate the discussion, the work of the sponsor to bring this bill forward, and the distinguished members of the Assembly Committee on Government Affairs for hearing it. We are in direct alignment with the statements of CORE Construction and Mr. Hardy of the Urban Consortium.

While the League remains in favor of allowing its member entities to continue using CMAR as a tool for construction projects, and the League does support eliminating the sunset provisions on CMAR on existing state law, we are opposed to the new limitation that would be created in section 1, subsection 3, of A.B. 410, which places a five-year ban on anyone who serves as a construction manager as agent from serving as a CMAR. It does appear that this restriction is based upon a determination that an individual did not fulfill his or her duties or that individual failed to meet any of the delineated performance standards set forth in the proposed amendment. Rather, it seems a purely punitive measure.

Further, it seems to lack a rational basis to a legitimate government objective. The League fails to see a justification as to why five years is the appropriate period of time or how such a ban will prevent a reoccurrence of whatever it is meant to prevent. It is foreseeable, however, that the ban will limit the ability of local governments to select the most qualified contractors by restricting the number available by the ban's disqualification. A guiding principle of CMAR selection should be the ability to choose the most qualified candidate to perform the work. In contradiction, the ban threatens to create a shortage of qualified applicants and conceivably create a one-and-done environment in which someone who is selected as a construction manager as agent for a single project must then wait five years before they can be chosen as a CMAR.

**Chair Flores:**

Thank you. We will continue with those in opposition to Assembly Bill 410. [There was no one.] Again, my apologies to those who were hoping to speak as I may have caused some confusion. If you do intend to speak in opposition and were in neutral, I will make sure that you will get an opportunity to do so at that time, as I know I may have inadvertently caused some confusion. Now, at this time, we will take those wishing to testify in the neutral position for Assembly Bill 410.

**John Carlo, Private Citizen, Las Vegas, Nevada:**

I appreciate all the hard work the Senators have been putting in today. I have just recently been hearing about this bill. You should not be holding down construction companies because you are expecting houses to increase. You need the housing population; you need guys to be booming out that work; but you also need to be holding these companies responsible for hiring illegal immigrants. I do not know how you keep letting this go, but that is not helping Nevada. That is not helping small businesses.



**Chair Flores:**

Thank you. I want to remind folks that when we speak in the neutral position, you are neutral to a particular bill, and you are going to add information that would be helpful but that does not state a position on a particular bill. I am not sure what that last caller added to this particular bill. I think he may have been wanting to speak in public comment. I want to remind folks we are in the neutral side of testimony for Assembly Bill 410, specifically. We will be holding public comment at the very end of today's meeting. I will take the next caller in the neutral position for Assembly Bill 410. [There was no one.] Mr. Daly, do you have any closing remarks?

**Skip Daly:**

As you can hear, there is general, although not universal, support for the bill in the construction industry, between labor and management, on this issue. I believe the caller from Granite Construction said it best.

I want to remind the Committee that when you are entering into or looking at a construction manager at risk project, there is no design; there is no building; there is a concept. You hire that contractor to perform preconstruction services: they make a design, they are doing the engineering, they are hiring an architect to the team, and they are working in coordination with the owner to help them design the building they want; then they negotiate a price to build that building.

After they have done the engineering and various things and they have looked at timing and the schedule and all of those things—when a competitor is sitting in the room with you as you are going over those processes for design and architecture and what materials you are going to use or what scheduling you are going to use and philosophies and techniques and various things that are otherwise proprietary and never disclosed to your competitors—that is the unfair advantage that this bill seeks to correct. It is an ethics-in-construction-type of an issue. I think it is plain for everyone to see that the supporters are the ones that have something to gain from that unfair advantage, and we are just trying to level out the playing field. I do not think anyone would want to be in that position if the shoe was on the other foot. I appreciate the Committee's time. I know you have another large bill coming up.

**Chair Flores:**

Mr. Daly, we do have a question from Assemblyman Ellison before we let you go.

**Assemblyman Ellison:**

I was just listening to the testimony at the end. One of them said that the comment was that he has never had a problem or a complaint by construction management. Is that true?

**Skip Daly:**

I want to be certain—are we talking about construction manager as agent or construction manager at risk? The construction manager as agent, I am sure, would not complain. Construction managers at risk are competing against the contractor who is now the owner's rep, sitting in the same room with them and learning information on how they approach

construction, which then that contractor can take and use—if there were any ideas that he learned that were better than his own—for his next presentation to become a construction manager as agent. I think the ethics and the complaint side, and the unfair advantage is against the construction manager at risk side of the equation. That is where the genesis of the complaints and the issues that have been brought forth come from—the construction manager at risk side.

**Assemblyman Ellison:**

Thank you, Chair Flores.

**Chair Flores:**

At this time, I am going to close out the hearing on Assembly Bill 410. Mr. Daly, thank you for presenting. At this time, we will open up the hearing on Assembly Bill 376. Madam Vice Chair Torres, whenever you are ready.

**Assembly Bill 376: Enacts the Keep Nevada Working Act and makes various other changes relating to immigration. (BDR 14-737)**

**Assemblywoman Selena Torres, Assembly District No. 3:**

Good morning, Chair Flores and members of the Committee. I am here today to present Assembly Bill 376, which enacts the Keep Nevada Working Act. I am going to start by giving some background information, then I will introduce Lieutenant Governor Kate Marshall to give some additional remarks, and then we will have a law student from the University of Nevada, Las Vegas (UNLV) William S. Boyd School of Law, Coco Padilla, give additional remarks.

Nevada's economy and future prosperity following the COVID-19 pandemic depends on a strong and stable workforce. One in four Nevada workers—nearly half a million people—are immigrants to the United States. In the aftermath of the COVID-19 crisis, the Keep Nevada Working Act will uphold and support the essential contributions of immigrant workers and entrepreneurs to ensure the state continues to experience a robust economic recovery.

Nevada has the highest per capita immigrant population in the United States, which has nearly doubled in the last 20 years. It is no coincidence that Nevada's gross domestic product has increased by more than 50 percent over the same period. Immigrant-owned businesses are not only widespread, they are also some of the most profitable, with 75 percent of Fortune 500 companies based in Nevada being founded by immigrants or their children. Protection for Nevada's working families ensures that Nevada has the stable workforce necessary to continue on its path toward economic recovery and growth into the future.

Federal government agencies should not be allowed to commandeer our state's scarce public safety resources. The federal government does not reimburse the costs of local resources used for federal immigration enforcement purposes. Expending scarce local public safety

resources compromises the ability of local governments to meet the needs of their community. Additionally, such enforcement exposes jurisdictions to costly litigation, which this community has already seen done.

A recent study by the Center for American Progress shows that jurisdictions that choose not to participate with U.S. Immigration and Customs Enforcement (ICE) have lower rates of crime, poverty, and unemployment. Studies also show that misuse of local resources for federal immigration enforcement has a negative effect on reporting, for both victims and witnesses of crime. In addition to a safer community, these studies reflect the economic benefits of law enforcement building trust in local communities.

The Keep Nevada Working Act is informed policy intended to value, uphold, and defend Nevada's essential immigrant workers and entrepreneurs. This bill, as amended [[Exhibit E](#)], establishes the Keep Nevada Working Task Force within the Office of the Lieutenant Governor to oversee economic and service-oriented policies that maximize and protect contributions from Nevada's immigrant workforce and entrepreneurs. The bill calls for the implementation of policies that refocus our government agencies to doing more work of the people and prohibits the misappropriation or misuse of state and local resources for federal government use or for the purpose of federal immigration enforcement.

I would like to note to this Committee that there has been a conceptual amendment that has been proposed [[Exhibit E](#)], and I have worked closely with the Office of the Lieutenant Governor so we can implement this piece of legislation. At this time, I will introduce the Lieutenant Governor, Kate Marshall, who will talk about the Keep Nevada Working Task Force as amended.

**Kate Marshall, Lieutenant Governor:**

Thank you, Chair Flores and the Committee. I appreciate your taking the time. I seem to be appearing before you a lot these days. I know you are working many and long hours, so thank you for what you are doing.

I am here today to talk specifically about the task force proposed in A.B. 376. Assemblywoman Torres came to my office to ask if we would be willing to take up the work of the Keep Nevada Working Task Force, and I was truly honored that she would consider my office for such an endeavor.

From the beginning, my office has been focused on entrepreneurship, on small businesses, and on workforce development. We know, especially because of the pandemic, that Nevada's workforce suffered the highest unemployment in our country. We also know that 35 percent of our small businesses closed outright and another 65 percent were substantially negatively impacted by the pandemic. We also know from a recent study that the small businesses that have been most impacted negatively by the pandemic were those that served in majority-minority neighborhoods and women-owned businesses. Nevada's economic recovery from the pandemic and our future growth, as Vice Chair Torres said, will

largely depend on a stable workforce, which of course includes our immigrant community. As she stated, one in six Nevada workers has at least one parent who is an immigrant, and one in five is an immigrant himself.

The main purpose of the Keep Nevada Working Task Force is to conduct research to identify best practices and to submit recommendations to you, the Legislature, so that you can further the integration and development of a workforce, entrepreneurs, and especially our small businesses, within our immigrant communities, identifying strategies that you can consider, or help ensure that Nevada has a stable workforce necessary to continue its path to economic recovery and growth in the foreseeable future. Creating a task force will assist our state in continuing to attract and retain a talented workforce, including entrepreneurs and small businesses that will create jobs and prosperity in all our communities.

As written in the amendment [page 18, [Exhibit E](#)], the task force is composed of me, seven members appointed by me, and one member appointed by the Governor through the Office for New Americans. Each member is to represent at least one of the following:

- An immigrant advocacy group.
- A business association.
- A labor association.
- Workforce economic development interests.
- Legal interests of immigrants.
- Faith-based nonprofits.
- Higher education.
- Law enforcement.

The task force is expected to meet quarterly and to provide a report to you, the Legislature, on or before July 1, 2022, and thereafter biennially. I have to say to you that while there is a symbiosis in what our office does, our existing duties, and the duties expressed for this task force, harboring the Keep Nevada Working Act Task Force is a job my office would gladly embrace, and we would be honored to provide you a report of recommendations, then you can consider and decide what do.

**Assemblywoman Torres:**

Thank you, Lieutenant Governor Marshall. It is always an honor to have you present in the Government Affairs Committee, and I look forward to finding ways that we can continue to collaborate to promote small business in our communities. I think this task force is another component of that.

At this time, I will now introduce Jorge Padilla, a former student attorney at the UNLV Immigration Clinic, and the winner of the 2020 Policy and Legislation Society's Making the Law competition at the William S. Boyd School of Law. He will walk us through the sections of the bill.

**Jorge "Coco" Padilla, Private Citizen, Las Vegas, Nevada:**

Good morning, Committee. Good morning, Chair Flores, it is nice to see you. Before going into the bill, I want to say for the record, thank you so much to Vice Chair Torres. I am a second-year law student. Growing up it was my dream to become an attorney. Under her supervision in Making the Law competition, I was able to help write a bill. I was born and raised here in Las Vegas, and it is probably the most honorable thing to give testimony before all of you today. For reference, I will be going over sections 1 through 13 of this bill.

Section 2 is the legislative findings. The findings declare that it is not the primary purpose of state and local law enforcement or state government agencies to enforce federal immigration law. Federal agencies are vested with absolute authority to enforce immigration laws, and therefore it is their duty only to do so.

Sections 3 through 7 provide the definitions for "campus police department," "federal immigration authority," "notification request," and "state or local law enforcement agency," as these definitions are relevant to the rest of the bill.

Sections 8 through 13 of the bill prohibit state and local law enforcement agencies, as well as school police units and campus police departments, from misusing state and local funds and Nevada taxpayer-funded assets for the purpose of investigating, detaining, or arresting any person for immigration enforcement purposes.

That concludes my overview, and I would now like to turn the presentation back over to Assemblywoman Torres.

**Assemblywoman Torres:**

Thank you, Mr. Padilla; it is an honor to have you with us today. Thank you, Chair Flores and members of the Committee. I urge your support of A.B. 376. With the passage of this bill, we can refocus the efforts of our government to assisting the hardworking immigrants in our communities and throughout the state. We now stand open for questions.

**Chair Flores:**

Thank you, Madam Vice Chair. I will take a personal point of privilege to congratulate Mr. Padilla. We had the opportunity and the honor to have you blessing us with your presence in this building last session. Then we got the news that you were admitted into law school. I also wanted to say thank you to our law school; it is such a beautiful job that it is doing, how much it is empowering our students to be directly involved with the legislative process. Mr. Padilla is an example for a lot of our students to follow. Thank you, Mr. Padilla, for being an example and a role model for so many up-and-coming folks who are going to be following your footsteps. With that, we will open it up for questions.

**Assemblywoman Black:**

I have two questions, if you will allow it, and an article which I will submit for the record that *The Washington Times* put out yesterday [[Exhibit F](#)]. It was reported that during a virtual town hall forum with ICE employees, U.S. Department of Homeland Security

Secretary Alejandro Mayorkas said he is preparing to take on cities that refuse to work with U.S. Immigration and Customs Enforcement, and he wants to see more illegal immigrants face criminal prosecution for jumping the border. I am curious, given Secretary Mayorka's comments, do you feel like this is a good time to pass this bill?

**Assemblywoman Torres:**

I cannot speak to an article that I have not seen or perused; that is evident. What I can speak to is the fact that there is nothing in this piece of legislation that violates any federal regulation, federal policy, or federal law. It is completely within the realm of our state powers to say that the state of Nevada is not going to do the job of the federal government and that we are going to use our local resources for local efforts. In no way does this impede the ability of federal government to do its job. If immigration officers would like to detain an individual, they can do so. There is nothing in here impeding that ability. It is, rather, saying that the responsibility of our local law enforcement agencies is not to use their resources for this specific effort.

**Assemblywoman Black:**

My second question, if you will humor me, is Reuters reported, which I will also submit for the record [[Exhibit G](#)], that U.S. Border Patrol announced Monday that two Yemeni men on the Federal Bureau of Investigation's terrorist watchlist were arrested for illegally crossing the border in Mexico into California. I want to clarify—I think you just sort of answered this—but I just want to clarify that if those two had somehow not been arrested and detained and made it to Nevada, that we would not have refused a request from ICE or U.S. Customs and Border Protection to detain them, to hold them. Is that correct?

**Assemblywoman Torres:**

If those two individuals had been detained—there are a lot of hypotheticals in this situation. If those two individuals are here in the state of Nevada, there is nothing preventing ICE from doing their job. Additionally, in the legislation, it is abundantly clear that if there is a federal warrant, they can still detain those individuals and they would be transferred into ICE custody. It does not stop permission to allow federal agencies to continue to cooperate with local law enforcement agency; it just requires that they have that federal warrant.

**Assemblywoman Thomas:**

My question is about the Keep Nevada Working Task Force. When I was reading that the committee would also have a mandate to meet at different locations throughout their service, would that also include—now that we have proven technology—virtually? Because a lot of these positions are not paid positions. That puts the onus on the task force members to, let us say, go up to Elko from Las Vegas, which would be quite expensive. Could you address that?

**Lieutenant Governor Marshall:**

We fully understand the efforts that people make when they are appointed to committees. We had this issue when I was chair of the census count committee, where we had people from all over the state. Especially if you are from the rural areas and we are in Las Vegas,

people would like to participate remotely. In fact, throughout the state, the state has offices where people can participate remotely. At the same time, I believe it is important that we show up in different communities to get people's input because this is about people's communities; it is about working people, their businesses, their entrepreneurship, and it is about our state as a whole. Our ability to travel and to make sure we are there, that we show we care, is also an important part of this bill. We are very flexible to do both.

**Assemblywoman Anderson:**

My question has to do with section 10, subsection 3(b) of the conceptual amendment [page 12, [Exhibit E](#)]. I am not sure who should answer it; it might be Mr. Padilla who would be a good person for this. I am making an assumption here, but I just want to make sure that it is clear. When we are speaking about a person who may decline to answer the question or require that his or her attorney be present during the questioning, what happens if it is an individual who is under the age of 18? Would that follow the same current practice of making sure the parent or guardian is present? How exactly would that be handled?

**Assemblywoman Torres:**

I will allow Ms. Mayra Salinas-Menjivar to answer that question. She is an attorney with expertise in immigration, and she is also chair of the Nevada Hispanic Legislative Caucus Immigration Task Force.

**Mayra Salinas-Menjivar, Chair, Nevada Hispanic Legislative Caucus Immigration Task Force:**

In the drafting of this bill, it was not intended to alter any requirements already in place for any questioning. If that is not reflected in the bill, that is something that we can correct. Yes, if it is a minor who is being questioned, then a parent should be present as required under current law.

**Assemblywoman Anderson:**

Thank you for that clarification.

**Assemblyman Matthews:**

Assemblywoman Torres, you spoke to your views, at least the intent of this bill, regarding what should and should not be within the purview of our local law enforcement agencies. This is a two-part question. To what extent did you engage with local law enforcement? They are obviously the agencies tasked with ensuring public safety here in our state, and I am wondering if you could speak to the degree to which you engaged in discussion with them regarding how this would impact their ability to carry out those functions.

The second part: to what extent, if any, did those discussions bring concerns to the forefront for you about the efficiency and the effectiveness with which they would actually be able to carry out their core responsibilities? Are there any concerns in your mind about their ability to do that after those discussions?

**Assemblywoman Torres:**

This is a dialogue that we have been having with local law enforcement agencies for a number of years. That is why you see policy changes. I commend our local Las Vegas Metropolitan Police Department (Metro) for some of the changes that, I think, have been rooted in some of the dialogue that we have had in committees like this over the last few legislative sessions. This is not something new; this is not new dialogue that is being had.

Quite honestly, it is the role and the responsibility of committees like this to outline policy for local law enforcement agencies. I am committed to continuing to work with stakeholders to ensure that this is something that makes sense for the state of Nevada. Nonetheless, I have met with a number of stakeholders over several years now to talk about this type of policy, and I truly believe that this dialogue and this bill will play a positive role in keeping Nevada safer, ensuring that we are reinforcing trust in local law enforcement agencies, and ensuring that we are keeping our state money here in our state for the purposes of our local law enforcement agencies.

**Assemblywoman Considine:**

I want to do a quick shout-out to all the Boyd grads and all the Boyd students who I am seeing on the Zoom today and who are on the phone. Second, I am happy to see the task force in here. As to what you said a few minutes ago, I think the task force will play an amazingly positive role in the state of Nevada in bringing all these groups and stakeholders together to work together to build a better Nevada; I am really happy about that part.

My question is a little bit outside of that. Have there been any issues with civil liability when there has been cooperation between local law enforcement and ICE? Have there been issues along that line, relative to the creation of this bill?

**Assemblywoman Torres:**

I will allow Ernest Herrera, a staff attorney with the Mexican American Legal Defense and Educational Fund, to answer that question.

**Ernest Herrera, Staff Attorney, Mexican American Legal Defense and Educational Fund:**

The Mexican American Legal Defense and Educational Fund (MALDEF) is a national civil rights law firm. We are testifying in favor of Assembly Bill 376. We urge Chair Flores and the members of the Committee to pass A.B. 376 in order to protect the civil rights of Nevada residents and make Nevada a safer state.

To answer Assemblywoman Considine's questions, MALDEF does represent plaintiffs against the City of Las Vegas for overdetaining them and denying them their right to post bail. Those are violations of the Fourth Amendment and Fourteenth Amendment constitutional protections. There is a liability risk when there are certain kinds of cooperation between federal and local law enforcement authorities. There are lots of laws in the Immigration and Nationality Act that do speak to ways in which local law enforcement can cooperate with federal authorities. However, in many cases, in many states, especially in



Arizona and others where there have been lawsuits over the issue of preemption—that is, the Supremacy Clause—as Mr. Padilla very clearly put it, that is the province of federal immigration law enforcement.

In recent years, local law enforcement agencies in Nevada have detained individuals based on hold requests or detainers by U.S. Immigration and Customs Enforcement. These requests are also known as ICE or immigration detainers, and this bill will prevent local law enforcement agencies in Nevada from enforcing immigration law or from mistaking immigration enforcement devices, such as detainers, for a legal mandate to hold individuals longer than constitutionally allowed.

Immigration detainers are not warrants or court orders, and they are not issued or approved by a federal judge or a federal magistrate. They are unsworn documents that may be issued by a wide variety of federal immigration officers. An immigration detainer is discretionary. The federal regulation governing such detainers, Title 8 of the *Code of Federal Regulations* § 287.7, does not mandate detention by local law enforcement agencies but only requests compliance in detaining suspected undocumented immigrants. Mexican American Legal Defense and Educational Fund is currently engaged in litigation against the City of Las Vegas for violation of its clients' constitutional rights because of ICE detainers.

According to information obtained in an investigation in partnership with Arriba Las Vegas Worker Center, over a 26-month period, ICE picked up more than 1,000 people from the City of Las Vegas's custody. From January 1, 2017 to February 28, 2019, the City of Las Vegas provided ICE with information resulting in detainers for 1,680 people. Of those, ICE picked up 1,139, or 67.8 percent of them. Additionally, the City of Las Vegas transferred 58 percent of people to ICE before their cases were closed by a local judge, that is, their criminal cases. Further, the City of Las Vegas detained individuals in the city jail past their scheduled date of release—and this is where the liability comes in—pending transfer to ICE, for an average of 1.17 days. While some individuals were picked up before their scheduled release date, others were held for up to five days. When you get into that territory of multiple days, that is a clear violation of someone's Fourth Amendment rights.

Such practices by local law enforcement agencies do not increase the safety of residents but rather sow distrust of local law enforcement. Additionally, because many individuals are transferred to immigration detention or removed from the country before disposal of the local or state criminal cases for which they are arrested by local law enforcement agencies in Nevada, local communities are less able to enforce state and local laws.

I submitted lengthier testimony in writing to the Committee [[Exhibit H](#)].

[[Exhibit I](#) was submitted in support of Assembly Bill 376 by Ernest Herrera on behalf of 33 organizations.]

**Assemblywoman Considine:**

Thank you for that answer.

**Chair Flores:**

Thank you, Mr. Herrera. We will continue with those wishing to ask questions. I do not see any additional questions. Assemblywoman Dickman, do you still desire to ask a question?

**Assemblywoman Dickman:**

I think I know the answer to this, but I would like it clarified. In a case such as drug trafficking or human trafficking that would probably be a federal issue because it is across state lines—of course it would be a state issue as well—would this in any way deter the federal agents in those cases? We probably would want to know if these people were trafficked from across the border or the drugs were from across the border. Would this in any way deter the federal authorities from having a longer pull? I am wondering how that would work for federal crimes.

**Assemblywoman Torres:**

The answer, pretty simply, is no; this does not deter or prevent federal agencies from doing their job. There is nothing in this legislation that says ICE cannot go and still detain an individual. There is nothing in this piece of legislation that says if an individual has committed a crime, they cannot go to jail. I want to debunk that myth, because I know we have all received a number of emails about what this legislation does. There has been a lot of misunderstanding of what the legislation does.

The legislation, quite simply, says that if ICE does not have a detainer, if they do not have a judicial warrant, then at that point, you cannot continue to detain someone without cause. It would be unacceptable for any individual to be detained without cause, and it should be no different for our immigrant brothers and sisters. I know that Mayra Salinas-Menjivar wants to jump in here. I will go ahead and allow her to jump in.

**Mayra Salinas-Menjivar:**

I also wanted to clarify. From your question, it sounded like you were referring to a federal investigation or potential criminal arrest. This bill specifically addresses civil detention; this is what immigration detention generally is, civil detention. It does not step into the realm of criminal detention or prohibit federal or state agencies from taking someone into custody for a crime or altering a period of time that that person needs to serve for a criminal offense.

**Assemblywoman Dickman:**

I appreciate that. What actually made me ask the question was section 9. It does reference a criminal violation, but it says of a state law or local ordinance. That is why I wondered, if it was a federal issue, whether there would be a problem with their detaining them longer to hold them for the federal authorities.

**Mayra Salinas-Menjivar:**

That is correct [unintelligible]. I apologize, it sounds like my audio may not be clear. Is that right?

**Chair Flores:**

It is not the best, unfortunately, but if you speak slowly and loudly, I think we can make out most of it.

**Mayra Salinas-Menjivar:**

I will try again; I apologize for that. The first two, state and local criminal offenses, are specific because our state and local law enforcement are enforcing local and state criminal laws. When you are referring to federal criminal statute, those are statutes [unintelligible] enforces. Those are enforced through the district court [unintelligible].

**Assemblywoman Dickman:**

I appreciate the effort. I did not understand much of it.

**Chair Flores:**

Ms. Salinas, unfortunately, you were cutting off. I know we have a few other folks who could jump in and get into that conversation.

Assemblywoman Dickman, the point she was making is because we are talking about civil and not criminal, there are two different lanes; there are two sets of procedures that go into place whenever we have a federal violation of a criminal law versus that of a civil. I think that was what she was getting into. I know we can easily get one more of your copresenters, Assemblywoman Torres, to do that. Mr. Herrera, please.

**Ernest Herrera:**

Assemblywoman Dickman, to answer your question: Ms. Salinas may have said some of this, but if there is a federal crime and the federal authorities are looking for that person for something serious like human trafficking across state lines or something like that, then a criminal warrant will be issued for that person's arrest. In that case, whether there are bail issues or whether that person is a flight risk or not is all to be determined by a federal magistrate or a state magistrate, depending on who is handling it. Then that person will be held. That is not a constitutional rights violation; that is someone who is subject to criminal charges. It would be the same if someone is being held for a state crime; that person would be held pursuant to that state crime.

What we are talking about with the detainers is, let me explain how this has worked. Say someone is picked up for an old traffic warrant; they have a number of unpaid tickets, and now they are being arrested because they failed to show up and pay those or deal with those in court. Now they are picked up by a city or local law enforcement agency in Nevada and they are brought in. In most cases, you are arrested, you are taken in, and you can post bail at the soonest opportunity when you can see a local state magistrate. Typically, for something like that, which many of these cases are—most are minor misdemeanors or warrants—you can post bail, get out, and deal with it at a later date or whenever the judge says you need to. What is happening with bail is, or even when you are supposed to be released without bail—perhaps on your own recognizance, meaning that you are not considered a risk and you are going to show up for court in the future—there is an

immigration hold that has already been given to the local authorities. Sometimes, the local authorities incorrectly interpret that to mean that they can hold that person beyond the time that they can hold them for the state or local criminal charge. That is incorrect, and that is a violation of that person's constitutional rights. I hope that clarifies it.

**Assemblywoman Dickman:**  
Sort of.

**Assemblywoman Torres:**

If you do not mind, Assemblywoman Dickman, I just want to give some additional clarification to the language that appears in the legislation and speak to the specifics of the bill, and maybe break it down more simply.

Quite honestly, it is the job of our local law enforcement agencies to do their job, and it is not the job of local law enforcement agencies to do the job of the federal government in the enforcement of federal crimes. The legislation is written specific to state and local ordinances; this bill is a state bill and we do not have jurisdiction over the federal government. That is why that language is in there; it is to ensure that this piece of legislation is addressing our state laws and what we as a legislature have the ability to address.

**Assemblywoman Dickman:**

My question, though, is this: let us say the state police here ended up busting someone who was in the process of human or drug trafficking across state lines. Would they be able to hold that person? Because it would obviously be a federal crime, would the hold be time-limited by this bill until the federal authorities arrive?

**Assemblywoman Torres:**

The answer, quite simply, is that sounds like a criminal charge; there would be criminal charges and those criminal charges could still take effect. There is nothing in here preventing those criminal charges from taking effect. This piece of legislation is specifically dealing with when there are no charges. In that circumstance, the scenario that you are giving me, they would be charged with criminal charges, and I cannot see any reason—obviously, I do not work at law enforcement—but I cannot see any reason why our local law enforcement agencies would then not press charges or hold that individual on bail. There are already procedures in place for that.

Now, if immigration wanted to get a federal warrant and deal with that civil matter—because immigration is a civil matter—there is nothing in this legislation preventing them from doing that. In the case where somebody dangerous is in our community, there is nothing preventing law enforcement from doing their jobs. In the case where immigration would like to get a judicial warrant to detain someone, there is nothing in this bill preventing them from doing so.

**Assemblyman Ellison:**

I have a lot of questions and statements. In the last several years, when they were going after the MS-13 gangs all over the country, immigration was trying to pick them up. The police in the towns were being told by their elected officials that they could not do that even though these guys were rapists, murderers, bank robbers, or whatever—the worst in the brew. In California and some of these other states, elected officials said, "Oh no, you are not going to arrest these people." They had a hell of a time getting those people out of there because of bills like this. I have a problem with that. If we have the bad apples, we need to get them out of here. Look at Oregon right now; the police are quitting in mass numbers. Is there trust? No, there is no trust.

I have friends who are calling me and saying, John, if they let all these people in and they do not go by the immigration laws, how are we going to go to work? And these are Spanish people. They say there are not enough jobs out there; we are just piling more in. The people in Las Vegas, we need to get them work first before we do anybody else. Is that not wrong? I think we are opening Pandora's box here. I want everybody to come into this country by work cards or whatever they have to do to be legal. Let us not just open the gates and let everybody in the world come in and bankrupt this country. It is just not going to work. My grandchildren are Spanish, so do not give me that it is prejudiced or whatever—it is not.

I have a list right here of all the people who were murdered in Nevada in the last two years; these were by people who came across the border who were illegal, and they got hungry, and they had to do whatever they could. So they start robbing, stealing, and murdering. I just want us to be careful, that is what I want. I want to make sure that we do this right, and opening up the border and saying, You do not get questioned for anything. I disagree. If somebody gets a call on, they should be questioned. And that is me too. If I have done something, come question me; if I did not do anything wrong, you cannot touch me, you cannot arrest me, you cannot do anything. This has gotten to the point where we have stepped over that boundary. We have to be careful. We have a country of laws; let us abide by those laws.

**Chair Flores:**

Members, I want to remind you—I absolutely want to encourage you to engage in thoughtful dialogue with questions. But I want to make sure that we focus on the bill before us. Opening up the border is not a question before us. Changing immigration law is not a question before us. Any federal law is not before us; that is not in the purview of this Committee. It is not within the purview of this bill.

I understand that there is a much larger debate happening nationally, and I encourage you to call your elected officials who are our federal delegates, our folks in Congress and the Senate. I encourage you to do that, please. I just want to remind you that we are talking about a very specific scope in this bill, and it is going to be impossible to enter into any meaningful dialogue on this bill if we are not focusing on any of the language in the bill. With that, Madam Vice Chair, please.

**Assemblyman Ellison:**

But Mr. Chair, are we not allowing federal agencies to come in and question? That is what this bill does. It stops them, does it not?

**Chair Flores:**

No, it does not, Assemblyman Ellison. I will allow Madam Vice Chair to clarify. This bill does not stop the federal government from doing anything that is already within the purview of their jobs. In fact, it is encouraging them to do their job. This bill is focusing on what we, the state, need to do. I will have Madam Vice Chair clarify.

**Assemblywoman Torres:**

I agree that we have to take care of bad apples. There is nothing in this legislation that prevents law enforcement agencies from doing their jobs. If an individual has committed a crime, there is nothing in here preventing the courts and preventing law enforcement agencies from pressing charges, detaining that individual. There is nothing in this legislation preventing immigration from providing a warrant and detaining that individual on a civil charge.

What you are speaking to, Assemblyman Ellison, I want to make clear—and I want to debunk the myth that all immigrants have committed crimes, or all immigrants are a part of that. If we look at crimes in the state of Nevada, the vast majority of them are committed by citizens. There are obviously individuals who have committed crimes, and there is nothing in this legislation that prevents immigration or law enforcement agencies from holding those individuals accountable. This legislation ensures that they can still do their job.

Furthermore, it is important for us to recognize the number of crimes that are going unreported in our communities because individuals do not feel safe. I iterated this throughout my remarks—a recent study has shown that jurisdictions that choose not to hold people accountable for ICE have lower rates of crime, less poverty, and less unemployment. Therefore, this piece of legislation is going to improve our community. It will encourage individuals to report small crimes. We know that small acts of violence often build up; it is a cyclical effect. This piece of legislation ensures that our community feels comfortable reporting these crimes so that we do not have issues continue to grow. This legislation, quite honestly, Assemblyman Ellison, will be positive for our state, positive for our communities; it will encourage people to come forward; it will encourage them to work with local law enforcement agencies as soon as an issue occurs and prevent these much larger crimes. I truly believe that this legislation allows our federal government to continue doing their job. It is just saying that we, the state of Nevada, are not going to spend our resources on their job.

**Chair Flores:**

I am looking for any additional questions. Madam Vice Chair, maybe you could help clarify this. We have had presentations in the past by law enforcement before this Committee; from your understanding, does law enforcement, now, at this time, have any type of agreement with our federal ICE agents that you are aware of?

**Assemblywoman Torres:**

There are some law enforcement agencies that may have agreements and other law enforcement agencies that currently have no formal agreement.

**Chair Flores:**

If that is the perspective, then is it the case that with this bill passing, a lot of law enforcement agencies would just continue to do what they are doing now, which is not cooperate?

**Assemblywoman Torres:**

Yes, they would definitely be able to continue doing what they are doing now. They would not be required to cooperate. We would allow for them to really focus on preventing crime and community policing in our communities, which makes all of us safer here in Nevada.

**Chair Flores:**

Thank you, Madam Vice Chair. Members, are there any additional questions? Seeing none, members, thank you. Again, I encourage you to ask questions and engage in dialogue; I just want to make sure that we focus in on the bill itself. With that, I am going to open it up for those wishing to testify in support of Assembly Bill 376.

As I previously mentioned, I am going to allow an equal amount of time. We do have a question from Assemblywoman Duran; I will finish this statement and then I will go to you, Assemblywoman Duran. When we get into support, opposition, and neutral, we are going to allow each section to speak for 30 minutes. I will not cut off any one particular individual, hence if you have a few individuals who each speak for 10 minutes, that is going to take up all the time.

There are a lot of people hoping to speak on the record. I encourage you, if somebody has already made the statement that you wanted to make, to simply say, I am so and so representing this organization or representing myself, and I want to say that I agree with those comments. That is how you maximize the number of folks we can get on the line. I say that to both sides, as I understand that both sides are very passionate about this conversation. Before we do that, we are going to first go to Assemblywoman Duran.

**Assemblywoman Duran:**

I am very proud of this bill; I am a cosponsor of this. We are human beings, and I think that is what this bill is relating to. I am going to ask Assemblywoman Torres a question, so I will not have my full opinion out here.

Is this in violation of or stopping any police from doing their job to arrest the people who are breaking the law?

**Assemblywoman Torres:**

No, there is nothing in this legislation that impedes the ability of a local law enforcement agency to do their job.

**Assemblywoman Duran:**

Is this, for example, helping our people have rights? Do they have the right to post bail if they are allowed to?

**Assemblywoman Torres:**

There is nothing in this piece of legislation that impedes the ability of any individual to continue to follow the judicial process.

**Assemblywoman Duran:**

If I cannot post bail, can I be held and stay in jail?

**Assemblywoman Torres:**

Yes, exactly. If an individual is unable to post bail then, under our current state laws, they would be detained. It is clarified in the legislation that if ICE would like an individual to be detained, then they can provide a warrant and our local law enforcement agency will continue to cooperate with ICE.

**Assemblywoman Duran:**

I know we have requested information from the Las Vegas Metropolitan Police Department before because I sat on this Committee last session as well. Did we ever get that information concerning their contracts with ICE or any of that information?

**Assemblywoman Torres:**

Mr. Callaway did provide us with some follow-up on that; I am taking a look at that right now. He said in the email to the Committee that they paid a \$10,000 settlement in January 2021 in the David Adame-Reyes lawsuit. They were continuing to work on that, but they decided to close the case. They filed a motion to dismiss. Yes, there have already been opportunities for that civil liability, and it seemed in other conversations that there have been other lawsuits that would possibly be paid out if we continue to keep our current policies in place.

**Assemblywoman Duran:**

Are we the taxpayers the ones who pay those lawsuits?

**Assemblywoman Torres:**

Yes, 100 percent. We are the taxpayers who pay the cost of any civil liability charge. Furthermore, we are the taxpayers who are paying for any resource that immigration is using in the jails for any type of information that is otherwise not provided to the public—the taxpayers are paying for that. The public is paying for the desk that ICE has that it does not pay for in law enforcement offices. That is not something that we are compensated for at all.

**Assemblywoman Duran:**

So, this bill is protecting my taxpayer dollars.



**Assemblywoman Torres:**

One hundred percent; this piece of legislation is a bill that is going to protect Nevada taxpayers.

**Chair Flores:**

Members, is there anybody who has not had an opportunity to be identified for questions but would like to ask a question at this time? I do not see anybody. At this time, we are going to go to those joining us via video who are here to testify in support. I am getting my timer ready. I know there are several joining us, so at this time we are going to open up the hearing for those wishing to testify in support of Assembly Bill 376. I would like to invite Jennifer Antonio first.

**Jennifer Antonio, Private Citizen, Las Vegas, Nevada:**

I am a 38-year-old mother. I was born in Houston, Texas, and I am married to an undocumented immigrant. He is a hard-working landscaping and construction worker who supports his family. In August 2019, my son Ethan had a behavior episode. Nothing like that had happened before. He hit my mother and ran off. My husband grabbed my son's jacket to try to stop him, and because of this, someone called the police. When the police came to my house, Ethan and my husband were in the back seat of a police car; all of this happened in front of my five-year-old son. Both my son and my husband were charged and detained. Ethan told the police what happened, and they did not even care. They took them both.

The tragedy for me and my family is, that day I felt like I lost both my husband and my son. My son, who needed behavior intervention, was criminalized. My husband, being the best that he could be in a difficult situation, was taken from us for almost a year. In court, the district attorney told us that the charges were bogus, and this case never should have happened.

When my husband went to immigration jail, I was suddenly a single parent. I struggled, but those who suffered most were my kids. They were missing the support and the love of their father. In this way they never saw law enforcement the same. When my husband was in immigration custody, I was pulled over by Metro police with my kids in the car. My youngest son, Eli, just started crying and begging the police not to take me to jail like they did his father. My youngest son has not been the same near police officers since that day.

After the arrest of my son, Ethan, who is here to testify, he became depressed and even tried to kill himself. Nothing like this had ever happened before until they took my husband away. My husband won the case, and after nine months we were reunited. Our children are happy at home, but they still live in fear that the police can take their dad at any point in time to immigration. I am here today to ask you to approve A.B. 376 to show our families that we

are valued and that we need to keep law enforcement and immigration separate. We do not need another family to deal with the pain that I lived. I do not want to see another child experience what my sons have endured. Thank you for your time. [[Exhibit J](#) is written testimony submitted by Jennifer Antonio.]

**Chair Flores:**

Thank you for joining us. Next, I believe we have Christian joining us.

**Assemblywoman Torres:**

Excuse me, Chair, I think Ethan Antonio was going to give additional remarks.

**Jennifer Antonio:**

Yes, Chair Flores, my son is here to give testimony as well.

**Ethan Antonio, Private Citizen, Las Vegas, Nevada:**

I am here today in support of the Keep Nevada Working Act, [A.B. 376](#). I am 13, and I come from a mixed-status family. My mother is a citizen and until recently, my father was undocumented. In August 2019 me and my father were both arrested. I have ADHD [attention deficit hyperactivity disorder], and I was acting out and I hit my grandma and ran away. My father tried to stop me. When he grabbed my jacket to try to stop me, somebody called Metro police department. I was taken into custody at Clark County Juvenile Detention Center for elder abuse and put on a 12-hour hold and released back to my mom. My father was not so lucky. They charged him with domestic violence and child abuse. I told the police what actually happened, so they should not have taken my father away. What they did when my mom tried to pay for bail for my father, they said that he had an immigration hold and would not let her pay bail. He was sent to immigration. It was eight months before he was able to come home.

Back then, my older brother was 13 and my younger brother was 5; at the time I was only 11. My mom had to leave me and my two brothers home alone so she could go to work. My mom works from 7 p.m. to 3 a.m. While my mom was at work, I started to do bad things because we had no one watching us. I started to get depressed and started acting out. I got kicked out of school for fighting, then I got depressed and I even tried to commit suicide. I wanted my father home with us. My father got out of immigration three days before my birthday, and that was the best present that I could ever get. Now he is home and I feel better, but we still live in fear that they will come for my father. Please stop taking people from their families. Please vote for [A.B. 376](#) to keep our families together.

**Chair Flores:**

Ethan, that was a great job. I know sometimes it seems intimidating, so thank you for joining us. We are done, Ms. Antonio, is that correct? [Testifier responded in the affirmative.] Thank you for joining us this morning and again for having Ethan join us. We will continue with those wishing to testify in support of [Assembly Bill 376](#).

**Christian Gonzales Perez, Private Citizen, Las Vegas, Nevada:**

I am here to testify in favor of A.B. 376. I am a Deferred Action for Childhood Arrivals (DACA) recipient and a student at UNLV William S. Boyd School of Law. I thank you all for the opportunity to testify today. As I mentioned, I am a DACA recipient, and I have family members and friends who are undocumented. My family and I have been living here in Nevada for almost 17 years. We work hard, give back to the community, and strive to live a normal life in the hope that one day immigration reform will give us a chance to continue living in this country outside the shadows. One of the hardest things for an immigrant is to stand out, and you do not want to stand out in a bad way and attract too much attention to yourself because that risks ICE coming over to your house and deporting you. We obey the law and we follow it, and giving information to the government is a scary thing.

I know when I applied for DACA, one of the fears I and my parents shared was that we were telling the government where they could find us. The only time you want to tell the government where you are is when you are in trouble or when you need help. One of those times is when you are in trouble—you tend to ask the police for help. You expect the police to help you. What you do not expect is that the police officers act as immigration officials. When a police officer asks you a question, we tend to answer those questions. But what we do not expect is when the police ask you a question that you answer, it can get you deported. A simple, Where were you born? can sound harmless, but to an immigration official it immediately singles you out and makes you a target for deportation if your answer is not United States.

As a law student, I have come to learn that the immigration system provides various safeguards to protect your due process rights. I consistently have to remind my family members and friends to make sure that they abide by traffic laws and that they pay their tickets right away—all in order to avoid getting involved with the criminal justice system in a negative manner—because as things currently stand here in Nevada, they risk being put into the deportation pipeline and being questioned by police officers, in police uniforms, about immigration matters without explicitly being notified about the consequences of their answers. It is because of this that I am in favor of A.B. 376.

In terms of social policy, I am in favor of this bill because of the impact it will have not only on Nevada's immigrant population, but on the lives of every Nevadan. Immigration enforcement by local law enforcement can threaten to separate Nevada families if it targets people without serious criminal records. According to the Pew Research Center, 17.6 percent of schoolchildren in Nevada have an undocumented immigrant at home. Eighty-eight percent of undocumented immigrants living in the United States have lived in the United States for more than 5 years, and here in Nevada, the average is 15 years.

When a parent gets deported, research has shown that children are at a high risk for post-traumatic stress. Research by the American Immigration Council also shows that deportation of family members lowers family income by 50 percent and increases the risk of foreclosure for Latinx families. Passing this bill can help immigrants in our community from trusting the police and reaching out to them without the fear of talking to an immigration

official. It also can help keep our families together and stop one of the biggest contributors to the deportation pipeline that tears our families apart. Passing A.B. 376 will prevent tearing our families apart and keep Nevada families together.

**Chair Flores:**

Thank you for joining us this morning. We will continue with those wishing to testify in support of Assembly Bill 376.

**Paloma Guerrero, Chair, Legislative Committee, Nevada Immigrant Coalition:**

The Nevada Immigrant Coalition supports A.B. 376. The COVID-19 pandemic has given everyone an undeniable [unintelligible] essential work that immigrants, including undocumented immigrants, are doing for this country and for our state. As they have always done, immigrants continue now to do a sense of work, work that is critical as we move forward to rebuild and strengthen our economy. We value them as workers, which means we must also value them as human beings. Now let us state that again: We value them as workers, which means we must also value them as human beings. Nevada must value, uphold, and defend all of its residents. Assembly Bill 376 is Nevada's chance of doing so. It is more important than ever to show that all Nevadans belong here in their state, their home, and that Nevada will not play any role in the work of federal immigration enforcement, which is the work of the federal government.

By having a clear policy against any misuse of state resources, it will help alleviate the real fear that folks in our communities live with—the fear that Nevada can absolutely help eliminate. We ask you today to support A.B. 376.

**Mary Ramirez, Private Citizen, Las Vegas, Nevada:**

I am a daughter of undocumented immigrants. My father has lived in the United States for 23 years. He has worked two jobs ever since he moved to the United States. I strongly believe that the transferring from our jobs to ICE should not happen as it impacts families like mine.

My father was arrested four years ago and is still fighting his case for being undocumented. I know this would not happen if my father was documented or been like one of us. My father was told that he was not a danger to the community, but he just could not stay. My father works in construction from Monday through Friday from 6 a.m. to 4 p.m., and we also have a family business under my dad's name in which we work Thursday to Sunday nights. My father was arrested on a Monday after getting out of his construction job, and after working an event with our food truck that weekend morning, and that weekend night at our food truck stand.

I have two younger brothers who are 12 and 14. At the time all of this was happening, we did not seem to understand, and we still do not understand. I can see that they have also grown with the fear of calling the police. When we are working our food truck and we see someone or something suspicious happen, we do have that fear of calling the police. This weekend, in fact, a homeless man was yelling in my dad's face that he was undocumented,

and he could not do anything because he could get deported if he called the police. As much as that hurt, I know that is true. This man has come around, stolen our tips, stolen our ice bag, and has even started fights, or sometimes, he tries to purchase things and just arguing with us, but we do not do anything.

I can say that this is something very hard because I know that if my dad were to be removed, it is something to explain to my little brothers that, because they are young, they would have to move too. My mom would have to move with my dad, and it is something for them to understand, because they speak Spanish, but it is not the same, and they have never been to Mexico. It is hard to explain to them that they would be moving over there; we do not have a house over there; it is just hard to move from one country to another. Family separation is just not happening at the border; it is happening in our state. As someone who has been impacted, A.B. 376 would minimize family separation.

**Chair Flores:**

Thank you for joining us this morning. We will continue to those testifying in support of Assembly Bill 376. I want to confirm with you, Madam Vice Chair—do we have anyone else joining us via video who will be testifying in support, or should I at this time go to the phone lines?

**Assemblywoman Torres:**

Mr. Chair, we can go to the phones now.

**Vida Lin, President and Founder, Asian Community Development Council:**

Asian Americans and Pacific Islanders (AAPI) are the fastest growing population group in the state, growing at 150 percent in the last ten years. I want to thank Assemblywoman Selena Torres for presenting A.B. 376, which helps protect Nevada families and entrepreneurs. In the last year, our organization had created an emergency assistance program for the AAPI families in Las Vegas. I heard countless stories of families saying that information will be in local and federal databases due to immigration status, or even affect future citizenship qualification. This is pervasive and discourages Nevadans who are looking for help. With the exponential rise of hate crimes against the Asian communities, law enforcement must rebuild and regain trust in our community. We believe that Asian community members are underreporting crimes due to lack of trust because of their status. The Keep Nevada Working Act bill builds that trust between community and law enforcement. I urge you to support A.B. 376.

**Liz Ortenburger, Chief Executive Officer, SafeNest:**

Thank you to Chair Flores, the Committee, and Assemblywoman Torres for putting this bill together. SafeNest is a large, domestic violence agency, and we work with clients at the intersection of domestic violence, sexual assault, and sex trafficking. We work with over 25,000 clients every year.

Immigration status is a huge issue that we deal with. We see clients who are scared to testify on behalf of their own safety. They are scared to get a temporary protection order for fear of being deported. And most of all, they are scared to even call police in the first place. We see batterers use this as a power and control mechanism in many relationships, and that includes relationships where the batterer is also using the victim for trafficking, threatening deportation if they are reported or they call police. We also see in the eyes of many of our victims the fear of being deported and taken away from their children and leaving their children unsupervised at the hands of a batterer. All of this creates more abuse, more cycles, more traumatized children, and more generational violence in our community. On behalf of the clients we serve and all those suffering in fear of reaching out due to their immigration status, we support this bill.

**Chris Daly, Deputy Executive Director, Government Relations, Nevada State Education Association:**

The Nevada State Education Association has been the voice of Nevada educators for over 120 years. Nevada State Education Association supports A.B. 376, the Keep Nevada Working Act, to value, uphold, and defend Nevada's immigrant community. Nevada State Education Association represents educators across the state of Nevada who dedicate themselves to the education of every Nevada student. About 42 percent of Nevada students have at least one immigrant parent, with 17 percent of students currently identified as English learners. Educators know students need to feel safe and supported at school in order to be best prepared to learn. Students who are immigrants or children of immigrants should be able to attend schools that embrace them and their families. They should never have to worry about their families' immigration status while at school. Meanwhile, we know Nevada schools are chronically underfunded. Precious public resources should be used to support our most vulnerable students through model programs of equity like Zoom schools, currently threatened with budget cuts. Public resources should not be spent on law enforcement, including school police when cooperating with ICE.

**Erika Castro, Private Citizen, Las Vegas, Nevada:**

I am the organizing director for Progressive Leadership Alliance of Nevada. I want to echo many of the sentiments expressed before me and share how critical it is to move A.B. 376 forward. In 2018, my dad was provided a rental car by his employer that had expired license plates. Shortly after, while pumping gas, my dad was arrested and ended up in deportation proceedings even though he had no prior criminal record. This mistake by the rental company cost my family agonizing, emotional pain and economic hardship that we are still feeling to this day.

My brother and I worked hard to bail out our dad and get him home safe. We were lucky to get financial support from community members, but the mental, emotional, and economic impacts of this situation took a toll on my family. My dad was in detention for 18 days, and I saw and felt the emotional distress my brother faced. I had to pause my education because I could no longer afford tuition, and my mom's fear of deportation grew to the point where she is still not able to feel safe when she leaves the house. My family and I have lived in this country for almost 30 years and Las Vegas is our home.

Losing a parent to deportation has been my biggest fear since I was seven years old and found out my immigration status. Assembly Bill 376 would give families like mine some peace of mind. It would allow children to grow up without the fear of family separation and empower our community to continue their contribution to the Silver State. The immigrant community has been abandoned throughout the COVID-19 pandemic by our federal government, and you have the ability to provide some level of protection and relief for this community by also protecting the limited financial resources that they currently have. I ask that, if you truly stand with the immigrant community, you support A.B. 376.

**Yesenia Moya, Private Citizen, Las Vegas, Nevada:**

Thank you, Assemblymen, for listening to this bill today. I would like to address comments that Assemblyman Ellison made. Though you may have people in your family that come from Latino heritage, just that fact does not make you not racist, and your statement was that.

I could not report my ex-husband the first time he choked me because of the cooperation between police and law enforcement, because at that time I was undocumented. I have known several family members and countless community members that have been picked up for something as simple as a fading Department of Motor Vehicles registration. In 2017 my sister was arrested after turning on a red light onto an on-ramp. She was held in ICE detention for 30 days despite her sentencing, and we were not even allowed to bail her out.

I am asking folks here, legislators, to please pass A.B. 376 because it will provide a safer place for a community, and at least 20 percent of Nevadans are foreign-born. Stop family separation and stop police and ICE collaboration that has ended in racial profiling and countless families destroyed in Nevada, including my own, which is a mixed-status family with a sister who has a green card, one currently in deportation proceedings, my mother with no pathway to citizenship, and my father choosing self-deportation in 2007. This system is inhumane; it intends to dehumanize us just like Assemblyman Ellison.

[[Exhibit K](#) is written testimony submitted by Yesenia Moya.]

**Chair Flores:**

Ms. Moya, please. I want to remind everybody calling in: I understand this invokes a lot of emotion, and I know this is very personal to a lot of us. But this is not a platform for us to make personal attacks on any particular member, whether it be somebody you agree with or disagree with. I do not want to cut anybody off. If you want to state the purpose for calling today and you want to put on the record why you support or hate a particular bill, this is the platform to do that. If you have an interest in doing any personal attacks, I am going to ask broadcast to shut you off.

I understand that Assemblyman Ellison made general, overarching comments about the immigration system in general, but at no point did he make a personal attack. He was talking about a concern that he has with the immigration system at the federal level. While I, personally, or many of us in this Committee and/or in this country or this state may not agree with that, that is a position on immigration law. I just want to be very mindful—should

we engage in this dialogue of personal attacks and we derail the purpose of this hearing, which is to talk about a very particular bill, we are going to have to cut it off and miss an opportunity to engage in thoughtful dialogue. So please, no personal attacks on any member; attack the bill if you hate it, and support the policy if you love it. Please, refrain from any personal attacks. We will continue with those wishing to testify in support of Assembly Bill 376.

**Jose Rivera, Private Citizen, Las Vegas, Nevada; Member, Anytown Las Vegas:**

Good morning, Chair and Committee members. I am a DACA recipient, and I am part of Anytown Las Vegas, the longest-running antiracist youth program in the state of Nevada. I am here today in support of A.B. 376 and to speak on behalf of our youth members across the world, the majority of whom are immigrants or children of immigrants.

I, for one, am waiting for a path to legal citizenship in the country I have called home for the past 20 years. I am an American; I am only waiting for my country to recognize it. I remember lobbying my elected officials during the 2019 Session and even visiting my former teacher at Eldorado High School, Assemblywoman Torres, who taught me about civil rights activist César Chávez. I remember feeling empowered to fight for my community despite my immigration status, so here is my plea. As an undocumented college student, I am directly impacted. I pay for all of my education costs out of my own pocket. I work a full-time job to pay for those expenses, as scholarships and grants have become limited due to my immigration status. As a person of color attending college, I feel more likely to become targeted by school law enforcement and fear the risk of being deported if questioned about my immigration status. There is a large population of students who are in my same circumstance, and I have shown up to represent them today.

The Keep Nevada Working Act would keep scarce state resources with Nevada communities. Federal law places responsibility for the enforcement of immigration laws solely with the federal government, which is funded, tasked, and trained to enforce those laws. Assembly Bill 376 does not get in the way of those federal functions. States who engage in immigration enforcement activities become facilitators of the school-to-prison/deportation pipeline. In high school, I could not afford to be imperfect or make a small mistake because I ran the risk of being deported and losing my family if I ever came into contact with law enforcement. Anytown Las Vegas urges the Nevada Legislature to pass A.B. 376 because the Keep Nevada Working Act would keep the state focused on what it should be: maintaining a safe, secure, and prosperous foundation for all Nevadans to build their lives and communities on.

[[Exhibit L](#) is written testimony submitted by Jose Rivera.]



**Chair Flores:**

Thank you for joining us. I want to let those of you who are still in the queue waiting to testify in support that we have about seven minutes left in the allotted 30 minutes. Utilize the time in whatever interest you would like, but I want to let you know we only have seven minutes left for those of you wishing to testify in support. We will continue with those wishing to testify in support of Assembly Bill 376.

**Rico Ocampo, Organizer, Make the Road Nevada; Member, UndocuCouncil Subcommittee, Nevada Immigrant Coalition:**

Good afternoon Chair Flores, Vice Chair Torres, and Committee members. I am here today in support of A.B. 376. I am here on behalf of Make the Road Nevada, but also as a proud member of the UndocuCouncil, a subcommittee of the Nevada Immigrant Coalition. It is my privilege to serve as an organizer with Make the Road Nevada, and today I can testify on behalf of our members. A large percentage of our members are immigrants or in mixed-status families, and many of them struggle with the thought of calling law enforcement in a potential emergency because they fear being separated from their families if law enforcement found out about their status. One particular phone call I had with a member still resonates with me today. I remember the quiver in this member's voice as he told me that the idea of calling law enforcement terrified him. The thought of reporting a small crime or even working with law enforcement terrified him. This person has strong roots in our community, is a strong Nevadan, and is what we consider the definition of Battle Born.

The truth of the matter is we fundamentally believe that passing A.B. 376 would keep our communities safe while protecting the privacy and civil rights of families and help slow down the effects of separating family with U.S.-citizen children. Passing A.B. 376 will encourage local law enforcement to prioritize community and public safety, not the work of federal immigration departments. This is why the members of Make the Road Nevada and the UndocuCouncil strongly support A.B. 376. I am asking you to join me in this support.

**Elizabeth Davenport, Legislative Aide, American Civil Liberties Union of Nevada:**

Good morning, Chair Flores and members of the Committee. I am testifying in strong support of A.B. 376. I quickly want to congratulate my fellow Boyd Law student, Mr. Padilla, in his incredible work. Your hard work is truly inspirational. Also, thank you, Lieutenant Governor Marshall and Assemblywoman Torres for presenting. This bill is simply about building community trust and ensuring that precious resources are not used to enforce unconstitutional immigration detainers. Immigration and Customs Enforcement detainers raise various constitutional problems. They cause the extended detention of tens of thousands of people in this country each year without probable cause, without judicial approval, and without basic due process protections. This state should act to protect all Nevadans. Immigrants have constitutional rights, and our Legislature must ensure that law enforcement will protect their right to due process, thereby increasing the likelihood that a victimized immigrant will report criminal activity without tearing apart hardworking families.

**Jeri Burton, President, Nevada Chapter, National Organization for Women:**

Good morning Chair Flores, Vice Chair Torres, and the members of the Assembly Committee on Government Affairs. One of the National Organization for Women's core issues is racial justice. We support the Keep Nevada Working Act, A.B. 376, supporting the essential contributions of our immigrant workers and immigrant-owned businesses and, in the current economic crisis in our state, this is needed for our economic growth.

Immigrants make up 26 percent of Nevada's workforce, and many of the types of industries and jobs are made up of a majority of women: nursing, maids and housekeepers, food preparation, and others. By treating immigrants differently, we are discriminating against a large portion of our workforce in Nevada.

Hearing these stories of women who cannot report abuse, this will also provide a safer space in our state for immigrant women. We ask that you support A.B. 376 and establish the Keep Nevada Working Task Force.

**John J. Piro, Chief Deputy Public Defender, Legislative Liaison, Clark County Public Defender's Office; and representing Washoe County Public Defender's Office:**

Good morning, Chair Flores and members of the Government Affairs Committee. We are putting in our strong support for this measure. We believe that using our local law enforcement to enforce ICE directives weakens our community, and this measure will strengthen our community while providing a measure of equity in the criminal justice system. We are grateful for this bill being brought forward and urge the Committee's strong support.

**Benjamin Challinor, Policy Director, Faith in Action Nevada:**

Thank you, Chair Flores and members of the Committee. We are here in strong support of A.B. 376 and commend and are very proud of Assemblywoman Selena Torres for bringing this bill. It is not only the just thing to do; it is the moral thing to do, especially if you are a person of faith. Back in 2017 and 2018, Faith in Action, back then known as ACTIONN, worked closely with a gentleman called David Chavez-Macias. Those of you from northern Nevada, you may be familiar with him. He was a person who lived in northern Nevada for over 30 years but was undocumented. Unfortunately, due to a routine traffic stop, he was put on deportation and eventually deported. He was someone with a severe medical condition, so essentially a deportation could have been and may still be a death sentence for him, unfortunately. We urge the Committee's support for this to make sure that we are able to properly and actually have our immigrant communities not live in fear.

**Chair Flores:**

I think we will have time for maybe one more caller.

**Jennifer Fleischmann, Co-Director of Organizing, Make the Road Nevada:**

Good afternoon, Chair Flores and Committee members. I am here today in strong support of A.B. 376 and speak on behalf of our members from across southern Nevada, the majority of whom are immigrants or in mixed-status families. When discussing this bill with our members, they overwhelmingly decided to support it. It is because, like immigrants across

the state, many of our members are small business owners and even more are somewhere in the workforce. The reality of it is, for Nevada's economy to have a chance to recover from the COVID-19 crisis, we must support the essential contributions of the immigrant workers and entrepreneurs. Businesses founded by immigrants and/or children of immigrants make up 75 percent of Fortune 500 companies in Nevada. This should be no surprise, given that Nevada has the highest per capita immigrant population in the nation, a number that has nearly doubled in the last 20 years. Given these numbers, it should be obvious that immigrant workers represent more than 25 percent of our workforce. We must protect these working families to ensure a stable, strong workforce necessary for our state to not just recover but grow. In 2018, Nevada's immigrant community contributed more than \$1 billion into state taxes and another \$1 billion in business revenue. Our state's economy needs these contributions now more than ever. This is one of the many reasons that I and the members of the Make the Road Nevada strongly support A.B. 376 and ask you to join us in that support.

[[Exhibit M](#), [Exhibit N](#), [Exhibit O](#), [Exhibit P](#), [Exhibit Q](#), [Exhibit R](#), [Exhibit S](#), [Exhibit T](#), [Exhibit U](#), [Exhibit V](#), [Exhibit W](#), [Exhibit X](#), [Exhibit Y](#), [Exhibit Z](#), [Exhibit AA](#), [Exhibit BB](#), [Exhibit CC](#), [Exhibit DD](#), and [Exhibit EE](#) were submitted in support of Assembly Bill 376 but not discussed during the support testimony segment.]

**Chair Flores:**

Thank you. That puts us at 16 seconds over the 30 minutes of the allotted time. We are going to be moving on to opposition. For those of you testifying in opposition, I will advise you as I advised those who testified in support. After you have heard somebody state on the record what you support, it is likely in the best interest of your side that you give an opportunity for other folks to call in and say I agree with what the callers have said. Put your name on the record. Make sure that you get identified. That way, you can maximize the number of people who call in. I know there were still a lot of folks who were hoping to get into the support testimony side of this bill and, unfortunately, did not have an opportunity to do so. Again, I recommend that you handle the time as you see fit. With that, we invite those wishing to testify in opposition to Assembly Bill 376.

**Chuck Callaway, Police Director, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department:**

Mr. Chair and members of the Committee, I will speak very fast, to provide others the opportunity to testify. The Las Vegas Metropolitan Police Department is opposed to A.B. 376. We are not opposed to the language regarding the Task Force; however, we are opposed to language that restricts our ability to communicate with federal law enforcement partners.

As I have testified in front of this Committee before, we have a department policy against immigration enforcement in the field; we do not do ICE's job for them. We share concerns about law-abiding folks being picked up for minor offenses and deported, and in the past we have made every effort to prevent that from happening. We suspended our Section 287(g) program, and we do not honor detainers since October 2019. However, there is a valid need to know who is in our custody, and this bill would prevent us from asking

certain questions to people who are booked into the jail, specifically where someone is from, and where their birthplace is. There are mandatory requirements through the U.S. Department of State for consulate notification for certain countries such as China and Saudi Arabia; I believe that we are mandated to notify those countries if their citizens are arrested. It often requires us to ask these questions to identify people.

The definition in section 5 of the bill includes Immigration and Customs Enforcement and U.S. Department of Homeland Security individuals. There could be cases of smuggling, human trafficking, terrorism, and piracy where maybe the person in our custody does not have criminal charges filed against them yet, but there is a need for them to be interviewed. This bill would prohibit us from allowing that to occur. The bill also establishes a new Miranda-type warning that would be a requirement for us to ask people to Miranda. Ironically, in order for us to find out what language they speak to ensure that they understand the Miranda, we would have to find out where they are from, which is also prohibited in the bill.

Section 6 of the bill says we cannot honor notification requests. Now, even though we are not honoring detainees, if we had someone in our custody who was a priority for deportation and ICE knew we had that person, and they had a significant criminal history, and we were going to release them tomorrow afternoon, if ICE called us and said, "When is this person being released? We would like to get them in the parking lot when they walk out the door," this bill would prohibit us from telling ICE when that person is going to be released. Even though it is not a detainee, we could not even communicate with any of our federal partners regarding these issues.

Also, in regards to COVID-19, we have to ask people where they are from and where they have traveled, because in certain cases people are quarantined based on their travel; so this might actually have a health significance in the jail, where we would not be able to ask people their country of origin for purposes of quarantine and COVID-19 issues.

As I said, we have no issue with the Task Force; we look forward to working with Assemblywoman Torres. Maybe we can make this bill not have an impact on public safety.

**Eric Spratley, Executive Director, Nevada Sheriffs' and Chiefs' Association:**

Good day, Chair Flores and members of the Assembly Government Affairs Committee. The Nevada Sheriffs' and Chiefs' Association supports Nevada's immigrant workers and all of our Nevada residents, taxpayers, and businesses. We do not oppose the Task Force but do oppose the restrictions in the bill that are poorly thought out, limit law enforcement's ability to capture criminals, and jeopardize the safety of Nevadans and visitors. We oppose A.B. 376 as this bill, the way it was written, has grave issues for the safety of Nevadans and our visitors, and even national security in some instances.

Section 5 defines a "federal immigration authority" and section 5, subsection 3, lists the Department of Homeland Security (DHS). Elsewhere in the bill it prohibits state or local law enforcement from working with federal immigration authority. This bill would prohibit any Nevada law enforcement agency from working with the DHS, which would put all Nevadans and visitors at risk.

Section 8 prohibits a school police officer from asking a student where he was born. In the context of illegal immigration enforcement, this might be the goal, but in the course of ordinary and casual conversation not related to migrants, an officer talking with a person from Australia could violate the law just by discussing whether the person was born in Australia or New Zealand.

This prohibition is also in section 9 in regard to state or local law enforcement. Our state thrives on tourism, worldwide tourism, and our friendly law enforcement officers throughout the state engage in casual and friendly conversation with visitors. Their home country is often a point of discussion.

This new Miranda-type warning requirement in section 9, subsection 3, is contrary to treating all people with dignity and respect and fostering trust between the community and law enforcement. It will make people we are coming in contact with feel like we are now targeting them for immigration purposes and further widen this racial divide that law enforcement is actively trying to repair. Further, in all of this, we would not be able to disclose any of the "personal demographic information" listed in section 9, subsection 5, to the DHS even if they were looking for a high-risk terrorist—such an extreme risk to the citizens of Nevada and the millions of visitors to the state.

There are a number of public safety issues with this bill that I do not have time to cover. But members of this Committee, think about your safety, the safety of your constituents, and the safety of the visitors to your Assembly district, and oppose this bill.

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

We oppose A.B. 376, which makes Nevada a sanctuary state for illegal aliens by a multitude of prohibitions on local, state, and school law enforcement. Illegal aliens do not have constitutional rights because they are not legal citizens. The Keep Nevada Working Task Force is an insult to legal Nevada citizens who have struggled through the emergency, losing jobs and businesses with high unemployment rates. This bill gives preference to people who are here illegally. The Task Force is made up not of average Nevadans but of organizations which are sympathetic to and are advocates for illegal aliens, such as, "An advocacy group which focuses on immigration and criminal justice" [section 18, subsection 3, paragraph (g)], at the same time hurting Nevada citizen taxpayers who will be paying the bills. In a study by the Federation for American Immigration Reform (FAIR) in 2008 specifically on Nevada, concerning the cost of illegal immigration, FAIR estimated the annual fiscal burden on Nevada taxpayers associated with illegal immigration to be about \$630 million. Remember, that is an old study. That equated to an annual cost of about \$763 per native-born head of household in the state. In addition, there is a cost to the state's

economy resulting from remittances sent abroad that amounted to \$618 million in 2006. Like the surge in illegal immigration, the flow of remittances out of the state also has been rapidly rising. From 2004 to 2006, the remittance flow increased 38 percent. The costs to taxpayers since 2008 have greatly increased over the 13 years since the study. According to the Center for Immigration Studies, 62 percent of households headed by illegal immigrants used one or more welfare programs, and there is a child present in 86 percent of illegal immigrant households using welfare, and this is the primary way that these households access programs. With thousands of illegal aliens currently crossing the U.S. border, A.B. 376 makes Nevada a sanctuary state, creating a magnet for illegal aliens and ties the hands of law enforcement to protect us. Please consider the needs of legal Nevada citizens first, and oppose A.B. 376.

[[Exhibit FF](#) is written testimony submitted by Janine Hansen.]

**Bob Russo, Private Citizen, Gardnerville, Nevada:**

Good afternoon. I strongly oppose A.B. 376. I am going to keep this short and say that I will put forth a ditto with Janine Hansen's testimony just now, and I will make a few additional comments. This bill is protecting people doing the wrong thing, coming into our country illegally. That is not right. This bill encourages more people to cross our border illegally, and with that migration comes more crime, illicit drugs, human trafficking, and gangs into our country. This makes more people victims of crime and places greater strain on our law enforcement. I will leave it at that and ask you to please oppose A.B. 376.

**Jim DeGraffenreid, National Committeeman, Nevada Republican Party:**

We are in opposition to this bill. If this 30-section bill was confined to sections 16 to 20, which are the only five sections related to the title of the bill, we could support the bill. However, the majority of this bill is designed to prevent enforcement of our laws. Our party platform supports the enforcement of immigration law because a nation without borders is not a nation at all, and deliberately ignoring established immigration law raises serious legal and public safety issues.

Assembly Bill 376 is actually unconstitutional as section 11, subsection 1, specifically states that Nevada law enforcement will refuse to cooperate with enforcement of certain crimes, even if based on a hold request from a federal agency. This violates federal supremacy, and this body does not have the authority to direct Nevada law enforcement to disregard their oath of office.

The bill is also a public safety issue. I live in Gardnerville, less than a mile from two of the four victims murdered in their homes in 2019 by a killer who was living and working in Nevada illegally. It is important to recall that this killer was first arrested and held on immigration charges. If A.B. 376 had been in effect, law enforcement in Carson City would have been required to leave this person on the street even longer. In that case, who knows how many other Nevadans would have lost their lives? If enforcing immigration laws saves just one life, then is it not worth it to do what is right and legal and follow our laws? Nevada Republicans support measures to help Nevada recover from the ill-advised Sisolak shutdown,

and we support businesses owned by legal immigrants as well as legal immigrant workers. We do not support weakening law enforcement in Nevada. I respectfully ask you to honor your oath of office and vote no on A.B. 376.

[[Exhibit GG](#) is a letter in opposition submitted by Michael J. McDonald, Chairman, Nevada Republican Party, but not discussed.]

**Richard Nagel, Private Citizen, Carson City, Nevada:**

I am opposed to this bill. I wish to make a statement that my wife is a legal immigrant to the United States, and she is a naturalized citizen. That set aside now, I think this bill, the way it is written, incentivizes illegal immigration to Nevada and the United States. We cannot do that. We cannot afford that. I really appreciate the immigrant population that we have and the people who come here, but what we are doing is unsustainable. It also is dangerous and reckless because we cannot sort the bad guys from the good guys if they come here under the radar. Please, let us get rid of this bill. Stop it where it stands and go back and rethink it.

**Chair Flores:**

Thank you for joining us, and congratulations to your wife on becoming a naturalized citizen. We will continue to those wishing to speak in opposition to Assembly Bill 376.

**John Carlo, Private Citizen, Las Vegas, Nevada:**

I want to thank the Las Vegas Metropolitan Police Department for calling in and speaking up for us here. I do not want to attack anyone. I might have to call some of you guys out, but I am not going to attack anyone. I have been trying for weeks to get the Nevada state Senators to work on illegal immigration. We pay federal tax money; we should get a return of services.

Is it true that we are one of the capitals for human trafficking?

Ms. Torres and Mrs. Marshall and Mr. Padilla—I am speaking against you guys. We should be focusing on our school districts: starting jobs, internships, and apprenticeships for our students. We have paid enough money in helping illegal immigration. Even now we are giving our time and energy to it. It is a money pit that will take more tax dollars every year.

We should never defund police or ICE—they protect our country. I am doing the legwork, investigating how much money ICE has collected from Nevada state-licensed businesses. Harboring and facilitating the use of false social security numbers is a federal crime and the state can regulate identity theft. Your failure to halt illegal immigration will hurt us all.

I believe *Nevada Revised Statutes* 360.796 needs to be revisited. You should do some homework on that because that was a long time ago, but the more you say less federal government, more local police—some of you might say less local police, which they are trying to do at the school district—they are saying less police. And then, soon enough, you always say less military. In the Bible, God does not encourage people telling lies and using

false social security numbers. My faith is that God says you should do things the right way. That is all I have to say for now. The Patriot Party is on you-all's back and we are on the prowl; we are going to be coming up, okay?

**Yolanda Knaak, Private Citizen, Incline Village, Nevada:**

I agree with the Las Vegas Metropolitan Police Department representative. I think preventing certain questions—I am concerned that this bill will affect our public safety, and I also agree with the caller who said that this bill is unconstitutional, which I believe it is. Please oppose this bill.

**Alana Deniger, Private Citizen, Las Vegas, Nevada:**

I am in opposition of this. There are countless reasons. I do not have a carefully prepared written statement as I have noticed most people have, as many of us just found out about this late last night. I want to state my opposition.

I, too, have the same sob stories as some of the people who gave their statements earlier: how I have been a native Nevadan for over 50 years, and my family has been here since the early 1920s; I have seen this place change. I have the sob story too: how this has broken up my family because my husband of 23 years was forced to leave the state of Nevada looking for work, and I have had to spend the last 10 years raising my three children myself. There are many instances—I have many friends and neighbors—we are afraid to call the police on some of the activities that we see because we are afraid of being targeted, whether by the cartel, or the illegals, or whomever.

There are many reasons that I oppose this. The reason why immigrants love it here is because this country is great. But the reason why this country is so great is because of the laws that are in place. And why are we trying to create more laws that change that, and want to go around laws that have been in place for decades? I just want to let you know, I can go on and on, and I wish I would have known about this earlier so I could have prepared a statement. But I oppose this, and please reconsider it for those who have been affected for the past 15, 20 years, by the illegal immigration here. Let us reserve the jobs, the scarce jobs that there are left, for the citizens of this community, please.

**Chair Flores:**

Thank you, ma'am, and I am sorry to hear that you are so frightened. With that, we will go to the next caller wishing to testify in opposition to A.B. 376.

**Corey A. Solferino, Lieutenant, Special Operations Bureau, Legislative Liaison, Washoe County Sheriff's Office:**

We are currently opposed to the language presented in A.B. 376, and we hope that we can work with Assemblywoman Torres to address our concerns. Assembly Bill 376 would prohibit contact with a federal partner and further affect public safety in Nevada. Our ability to work and collaborate with local, state, and federal partners in Nevada ensures public safety. One of the biggest takeaways from the terrorist attacks on 9/11 and the published findings of the 9-11 Commission [National Commission on Terrorist Attacks Upon the



United States] report was the complete and utter failure of the intelligence community and the failure to share information. In a day and age where domestic and international terrorism are still prevalent, we cannot legislate restrictions that serve no other purpose than the prevention of sharing timely, actionable intelligence.

For the record, the Washoe County Sheriff's Office does not engage in immigration enforcement and has explicit policies prohibiting this practice. These policies are posted on [www.washoesheriff.com](http://www.washoesheriff.com). Routinely, the Sheriff's Office engages in community activities to further earn the trust of its minority populations through specific outreach in person, be it on social media and in our daily interactions with the public we serve. Earlier this session, I had the distinct pleasure of presenting to this very Committee highlights of our office and our community outreach programs. I further explained our processes in working with the DHS. We do not hold immigration detainers. Once a subject has satisfied their local charges, they are released without question. Should a suspect be the subject of a DHS investigation and that department has probable cause for an arrest or additional booking charges prior to release, an active warrant is required. Again, the Washoe County Sheriff's Office does not hold based upon a requested detainer. We are indebted to our communities and are here to serve. We want to protect our public from those who continue to victimize the innocent.

Section 12 of A.B. 376 specifically affects our ability to collaborate with our federal partners. We cannot support any legislation that prohibits the use of actionable intelligence and noncooperation with our federal partners. We encourage this honorable Committee to look for the unintended consequences of this bill and oppose it in its current form.

**Chair Flores:**

Thank you for joining us. Just as a heads-up to the opposition and those who are still in the queue wishing to testify, we have just a little bit over 9 minutes left of the allotted 30 minutes. I just want to make sure that you know that. I will take the next caller in opposition to Assembly Bill 376.

**Cyrus Hojjaty, Private Citizen, Las Vegas, Nevada:**

It is a pleasure to have you all here. I just do not really see how this bill is fair to the people who are here legally. The real problem is our economy is very fragile and is based on tourism. I do not think we would be in this situation if casinos would not disproportionately hire people who are foreign-born.

But let us talk about what the real concern about all this is. It is that immigration, the main problem, is nothing more but a power grab. As you see, many organizations like Culinary use them as a way to pump politicians with a voter base by using identity politics. A week ago, there was the so-called "Latino Lobby."

And the fact is you are pretty concerned that we may not have the recovery that would take us back to 2019 levels. Instead, what we should be doing is we should be making sure that these jobs that become available are going to be given to young folks who are disproportionately unemployed, and we should also be mandating E-Verify to find employees who are not working here legally.

The worst part about this immigration is it is making our country more divided. In fact, I do not think even immigrants are being helped. All that is happening is the wealthy are laughing their way to the bank. I do not see how there is a lot of contributions when remittances are being sent by the billions overseas.

Speaking of power structure, let us talk about the state of California—the highest percentage of immigrants and caters to people regardless of status. It has created a voting base, and as a result, what we have is higher taxes, companies that are fleeing their state. Is that what you really want to bring? And when we ask questions, politicians like Selena Torres just ignore us and walk away. I see this as taxation without representation, and I think the caravans are going to make things even worse.

This is a prime example—you are giving us more leverage to break up the United States. This economic system is very fragile. Migrants depend on the Federal Reserve to pump their programs, the housing bubble is going to burst up, which means that there are going to be more jobs lost, particularly to immigrants—and not to mention technology. This is not what is talked about. It is going to disproportionately affect their job.

Andrew Yang has mentioned that Nevada is going to be the hardest hit. Where was the Culinary Union, who represents immigrants, inviting them to his platform?

This is a prime excuse for us to get a divorce, break apart. I do not want to pay taxes to this system, especially where people steal social security numbers, such as Kevin de León, the California state senator admitted that that is exactly what they do, who presented Senate Bill 54 bill in the state of California. Seriously, it is time to represent us. And by the way, I have some DACA friends, but you know what, I do not like this political agenda that is being persuaded them. It is the agenda, it is the use of . . . .

**Chair Flores:**

Sir, we are going to have to cut you off. You did not mention a single section of the bill. Next caller, please.

**Gina St. Ores, Private Citizen, Reno, Nevada:**

I would like to ask that before you think this is a good idea, you need to talk to people like Mary Ann Mendoza who lost her son in a car crash caused by a drunk illegal immigrant who was also high on meth, speeding along the highway in the opposite direction. This could have affected anybody; it could have also affected another illegal immigrant. And if we do not enforce our laws—I do not understand how this is making it safer, not allowing law enforcement to speak to each other. Whatever the supposed goal of this bill, there is really

no thought of what the end result will turn out to be. It will affect everybody of every status, financially, legally, and so on. So, I urge everyone: please do not make things harder to make things safer. Vote no on A.B. 376.

**Chair Flores:**

Thank you. I will take the next caller wishing to testify in opposition to Assembly Bill 376. [There was no one.] Please let the record reflect that opposition utilized just slightly over 25 minutes of their 30 minutes of allotted time.

At this time, we are going to move to those wishing to testify in the neutral position. I will state this again, to make it abundantly clear: neutral position means that you are going to speak about the bill but that you have no position. You are going to provide us additional information that falls within the general purview of the topic that we are talking about that you think would be useful. That is the only purpose of neutral. Should somebody wish to call to speak in support or opposition to the bill, I am telling you now, unfortunately, I am going to have to cut you off because the allotted 30 minutes for each side were already given and unfortunately, we maxed out the time on one and on the other those wishing to testify had an opportunity to do so. With that we are going to go ahead and start the timer again and we will go to those wishing to testify in the neutral position.

**David Gibbs, Private Citizen, North Las Vegas, Nevada:**

I had pressed \*9 to speak in opposition, but for some reason I did not get called. Would you mind if I took a couple of minutes to express my opinions?

**Chair Flores:**

We did have five minutes left, so I will start the timer again and we can utilize the five minutes that we had on the timer. I recognize there are issues with technology; that was unintentional on our end, and now that we have you in, we will go ahead and start the timer. Whenever you are ready.

**David Gibbs:**

Thank you; I appreciate that. I am in opposition to this bill. You know, there are a lot of people you know and a lot of people I know who will not go to San Francisco because of what has gone on with San Francisco having become a sanctuary city. There are people who will not go to other cities in this country because they have become sanctuary cities, because they do not feel it is safe or they do not like the environment that is going on in that city now. Our town, Las Vegas, depends on tourism. You pass the bill and we become known as a sanctuary state, how many people will no longer come to Las Vegas to spend their money? How many people will come to Las Vegas because we are a sanctuary state? You are opening up a potential Pandora's box here that we will not know the consequences of until it is too late. I think you need to take another really good look at what you are doing here and think about the people who live here and the people who visit here. That is an important thing that you need to keep in mind. Thank you for letting me speak my time. I appreciate it.

**Chair Flores:**

Thank you. And again, I realize that there often are issues with technology and we have been dealing with that all session long. We did not wish to inadvertently cut off anybody else wishing to testify in opposition. There are a little bit over three minutes left, so I will double-check whether there is anybody else wishing to testify in opposition to A.B. 376.

**Alana Deniger:**

I just wanted to state like the gentleman said earlier—there are many people waiting in opposition, so I am not going to take up any more time and see if they can get on. Something is going on with your system.

**Chair Flores:**

Thank you. We will go to the next caller wishing to testify in opposition to A.B. 376.

**Lynn Chapman, Treasurer, Independent American Party of Nevada:**

We oppose A.B. 376. The Office for New Americans was brought last session; it is for people who are here illegally. What is the cost to run that office and how much more taxpayer money is spent for all the programs such as workforce training, quality of life, education, housing, and health care? We should be using our state's resources and tax dollars for Nevada citizens, especially with the pandemic problems we have had for over a year. Americans, who are human beings, have lost their jobs, businesses, and sometimes, even their homes. Now we are setting up a sanctuary state, taking even more money from the taxpayers to spend on more programs for illegals and to stop state or law enforcement agencies and federal immigration authorities from doing the job we pay them to do. Yes, we pay for federal ICE agents, and that is taken with our federal income tax money.

In other words, we have to pay for programs to keep Nevada working, which does not include Americans, which only includes people in our country illegally, pay to strengthen career pathways for illegals, give more money for more programs for education, housing, and health care to people who are here illegally, and oh yeah, we pay more money to state and federal law enforcement to not do the job they are paid to do, which is to keep Nevadans safe. Sounds like the only people being kept safe are illegals. Sounds like taxpayers are getting the very short end of every single stick. This is not a good bill for taxpayers or for Nevada. Oppose A.B. 376.

**Chair Flores:**

Ma'am, you referenced the Office for New Americans, and I am confident you were likely referencing the original text of the bill. I do encourage you to look on the Nevada Electronic Legislative Information System (NELIS), as there was an amendment [[Exhibit E](#)]. I do not know that it would change your position, but I wanted to let you know that there is an amendment that was proposed, and it is on NELIS. That has some changes there, specifically as to how this bill pertains to the Office for New Americans.

We have right around a minute and 30 seconds, a little bit over that, left for those wishing to testify in opposition. Next caller for A.B. 376 opposition.

**Alyssa Dodge, Private Citizen, Boulder City, Nevada:**

I absolutely oppose this bill. I feel like it would really affect the American citizens, especially native Nevadans. I am a third-generation Nevadan. My kids are fourth-generation Nevadans. We have issues, especially with my husband in the workforce. We are forced to relocate to another state because we cannot find work here anymore. He lost his job to illegals because they are willing to take lower pay, they are willing to work any job, and now my husband does not have work. It is forcing us to have to pack up my family. All of my family is in Nevada; I have no family elsewhere. So now I have to pack up my four small children, take a job in another state, and hopefully be able to make a good living there.

For the most part, all my family has been here and have been very well-off. But now that all the illegals are coming over here, it is causing more crime. And like the gentleman a few before me said, no one is going to want to come here to support the casinos—which a lot of people do not realize the casinos pay our state taxes. If casinos are not making their money, they are not going to pay our state taxes anymore. Therefore, we are going to have a state tax as well. Nobody is going to want to come here.

My husband got a job offer in Los Angeles, and that was not going to happen; the crime rate out there is way, way too high for my husband to even be able to go to work over there. So that is what it is going to be. This is going to be the new California where there are illegals everywhere and nothing but citizens on the street trying to make it. Like a lady before . . . .

**Chair Flores:**

Ma'am, we have hit the five minutes allotted time. If I could just have you finish your remarks, please.

**Alyssa Dodge:**

Well, so I oppose this bill and I really wish that—we are the American citizens; the government really needs to start putting American citizens first and not illegals.

**Chair Flores:**

Thank you, ma'am. With that we went well over the five minutes allowed; we went closer to six minutes but we had gone over the original 30 minutes allowed for support. We had gone about 16 seconds over, so we are right there, close to that.

Ma'am, I am very sorry to hear about your husband being displaced in employment. However, I will note that you mentioned one was found in California. California has much stricter measures that go far beyond this, and there is employment there; I am not sure the theory follows.

[[Exhibit HH](#), [Exhibit II](#), and [Exhibit JJ](#) were submitted in opposition of [Assembly Bill 376](#) but not discussed during the opposition testimony segment.]

With that, we will go to those wishing to testify in the neutral position. Again, I want to make it abundantly clear that this is a time for you to add any comments that you think would be helpful to the Committee that fall in line with the conversation that we are in, specifically regarding this bill. With that, we will open it up for those wishing to testify in the neutral position. [There were none.]

Thank you all who called in and made sure that you got the opportunity to be heard. My apologies for that issue we had with technology, but I am glad we were able to get that resolved and get a few more callers. For those of you who wanted to testify in neutral, opposition, or support and did not have an opportunity to do so because the allotted time did not allow for it, I encourage you to please send an email. You can send that to our committee manager, and that will get to all our members so that your position is heard. Should you wish to provide any information or articles or whatever it may be, make sure you send that out and we will make sure all the members get it. Thank you again for the thoughtful dialogue. Members, I know we will often disagree in this Committee, but I appreciate the thoughtfulness behind everybody's comments. With that, Madam Vice Chair, do you have any closing remarks?

**Assemblywoman Torres:**

Yes, thank you, Chair Flores. If the Chair would allow, I know that Ms. Salinas would like to make some additional closing remarks, and then I will follow.

**Myra Salinas-Menjivar:**

I wanted to address a couple of the comments; there were quite a few with regard to law enforcement and some of the public benefits comments—just to clarify that. When it comes to public benefits, a very specific question, and it sounded from the comments that it was centered around undocumented persons using state benefits. I will just state that public benefits are strictly limited when it comes to immigrants, with the majority not qualifying for them in the first place; of those who are entitled to them, a vast majority do not take advantage of those benefits. It appears that some of those comments may have been misguided with regards to this bill. This bill also does not address the use of public benefits.

With regard to the comments about communication with other federal agencies, I will note that there are exceptions in the bill, and those are in sections 11 and 12 of the original bill, which in the revised bill became sections 12 and 13. Those sections are incorporated into section 10, which I believe is the section that was addressed by the opposition.

Lastly, I wanted to address the comments about the cost of this bill because this would actually have a net positive benefit and not a cost. The Task Force is not using state funds; it is a voluntary body and it was purposefully written that way so that this bill would not require any state funds to function.

To wrap up, the state has one of the highest per capita number of immigrants, second only to Texas. This bill recognizes that fact and embraces that fact by ensuring that our immigrant community continues to flourish because it is a significant benefit to the

state. Immigrant-owned businesses are not only widespread in Nevada, they are also some of the most profitable, with 75 percent of Fortune 500 companies in Nevada being founded by immigrants or their children. Prepandemic, those businesses also generated nearly \$800 million in business income and employed over 60,000 people in Nevada. Our state depends on the well-being of the immigrant community for steadfast, speedy, and effective recovery post-pandemic. I would urge you to vote in favor of A.B. 376.

**Assemblywoman Torres:**

Thank you. I want to be abundantly clear with this Committee and with the community that is watching today: the term "immigrant" is not synonymous with "criminal." The term "immigrant" is synonymous with hardworking; it is synonymous with entrepreneurial; it is synonymous with dreamers fighting for a better life, like my former student who surprised me and called in support of this legislation today.

As members of this body—particularly this year following the global pandemic and the impact it had on all working families throughout Nevada—you have heard the harm caused communities when a breadwinner is removed from a family, and when an income is removed, and when a small business is lost.

Mr. Spratley asked us to consider the safety of our community. That is exactly why I am bringing this piece of legislation. I am thinking of the undocumented immigrants and mixed-status families that do not report violent crimes because they are scared about the relationship between immigration and local law enforcement. Unfortunately, I and many of the people sitting in this Committee today know too many of those families, too many of those victims who have opted out of calling our local law enforcement agency when a crime occurs.

In 2019, Washington passed similar legislation, and they have not seen any indication of an increase in crime. These are strawman arguments that have not proven to be true in any jurisdiction within Washington State.

The comments both in support and opposition are largely centered around issues that arise when law enforcement takes on the task of doing a federal immigration agency's job. To clarify, our local law enforcement agencies do not receive funding to do that work. In fact, they have to use Nevada taxpayer-funded resources and personnel in order to do so. By contrast, the federal agencies tasked with civil immigration enforcement are well-funded by the federal government and have the tools and resources that the federal government gives them so they can continue to do this work, which is by design of the federal government's priorities for those agencies. This bill does not address the federal government's work or duties, because as a state we do not legislate in those matters.

The fact that one of the key parts of this bill is focused specifically on law enforcement agencies is reflective only of the fact that law enforcement agencies are perhaps the agencies that have the most community contact.

The opposition appears to be centered on the idea that this bill prohibits law enforcement from enforcing criminal laws. To be clear, this bill does not prohibit the enforcement of criminal laws and, in fact, promotes the enforcement of the laws. This bill refocuses the work and duties of law enforcement on the enforcement of state and local laws because that is what they are actually tasked with.

Along the way, in the last several years, law enforcement agencies lost sight of the fact that immigration enforcement is solely within the realm of federal agents. We heard some of that today. This bill clarifies that confusion. It also prioritizes the relationship that our state and local law enforcement agencies have with our communities, because when communities trust law enforcement, they are more willing to come forward and report those crimes. That is well established in too many reports to name. This bill has exceptions to the prohibition on the misuse of state and local law enforcement resources and personnel for the purposes of immigration enforcement written into the bill. We are happy to continue meeting with law enforcement agencies to clarify and work on any portions of the bill that they believe prohibit them from enforcing state and local laws.

The general distrust of law enforcement permeates to distrust of all other government agencies in our communities because when even one government agency is working against the community, that animosity is generally imputed to all government agencies. Making sure that law enforcement is working with the community and not against it is an important aspect of this bill as a whole, but it is not the only thing that this bill addresses. This bill also applies to all state government agencies that in truth are included in this bill, and it does not appear that anyone in this Committee is opposed to any of those provisions.

The opposition also stated that this bill would impact public health and could be critical in times like these, during COVID-19. I just want the community and the Committee to be aware that there is nothing in this legislation that prevents officers from asking individuals where they have recently traveled. Furthermore, there is nothing in this legislation that prohibits a person who is detained from consenting to notification to a consulate.

We want our communities to feel safe and welcomed here in the state of Nevada. This bill takes affirmative steps to ensure that is the case. I am not a gambler, but I would be willing to bet that each and every single one of you knows at least one immigrant. Many probably also have at least one immigrant family member or close friend. Throughout this hearing I know that I have thought a long time about my father, a hardworking Nevadan and a naturalized citizen. This is your chance to let them know that you see them, that you care for them, and that you want them to continue thriving in our great state.

This legislation supports Nevada's economy. It keeps Nevada's tax dollars local, and it promotes public safety. I encourage you to vote to approve and support A.B. 376.



**Chair Flores:**

Thank you, Madam Vice Chair. While I know that many of us disagree and we have made that abundantly clear, I do appreciate the dialogue today. Thank you to those who called, in support or opposition. It was important that we engage in a conversation, and I appreciate the participation of Nevadans. With that, we will go ahead and close out the hearing on Assembly Bill 376.

Assemblywoman Thomas would like to make a motion.

ASSEMBLYWOMAN THOMAS MADE A MOTION TO AMEND AND DO PASS ASSEMBLY BILL 376.

ASSEMBLYWOMAN MARTINEZ SECONDED.

Members, is there any discussion?

**Assemblywoman Dickman:**

I am sorry, I had to step away, and I do not know what we are voting on.

**Chair Flores:**

Assemblywoman Dickman, Assemblywoman Thomas made a motion to amend and do pass Assembly Bill 376, which was just heard in this Committee. Assemblywoman Martinez has seconded that motion, and we are now doing a roll call vote on the motion before us.

THE MOTION PASSED. (ASSEMBLYMEN BLACK, DICKMAN, ELLISON, MATTHEWS, AND MCARTHUR VOTED NO.)

Madam Vice Chair, I ask that you do the floor statement on Assembly Bill 376.

Next on the agenda, we have public comment. I want to remind those of you wishing to testify during public comment, we want you to testify; we encourage you to do so. However, this is not a time for you to reopen the hearing. If you attempt to do so I will unfortunately have to cut you off and ask you to either change your comments or I will go to the next caller. Again, we are in a huge time crunch so we will have to limit public comment at this time.

**Annemarie Grant, Private Citizen, Quincy, Massachusetts:**

My brother, Thomas Purdy, was killed by Reno Police during a mental health crisis, hog-tied, and then asphyxiated 40 minutes plus later by Washoe County sheriffs.

Poor and low-income people face a far greater risk of being targeted, profiled, fined, arrested, harassed, violated, and incarcerated for minor offenses than other Americans. Today, I would like to talk about Jordan Alexander Mackenzie Allen-Lindstrom, who was 23 years

old when he died on May 19, 2019. With struggles at home, he lived on the streets of Reno from about the age of 14. Essentially, he was raised by a community most do not even realize exists. Who exactly am I referring to? The homeless that have taken refuge all along the banks of the Truckee River throughout the Reno-Sparks area.

Jordan grew up with the idea that you did whatever you needed to survive. For himself, Jordan, known as "Minko" to his closest friends, did not need much, but he would give his life for anyone in need, and he did. On Mother's Day in 2019, Jordan drowned in the Truckee River after attempting to steal food and supplies from a local Walmart. In order to avoid Reno-Sparks Indian Colony police officers, Jordan jumped into the river and drowned.

I believe Reno Police assumed my brother Thomas was a houseless community member rather than a guest in a suite at the Peppermill. Even had he been houseless, Reno Police and Washoe Sheriffs had a duty of care to my brother. Photos of Jordan remind me of Thomas, those bright blue eyes and blond hair and so much life ahead of both of them. I would like to suggest you check out the Minko Project, Inc. They have a website and a Facebook page. The Minko Project was founded in honor of the memory of Jordan, who set a beautiful example of what it means to love unconditionally.

Please support bills that promote transparency and accountability from law enforcement.

**Chair Flores:**

Thank you for joining us. I will take the next caller wishing to testify during public comment.

**Cyrus Hojjaty, Private Citizen, Las Vegas, Nevada:**

Thank you so much, Edgar Flores; I really appreciate your service. You have been very professional. I just want to apologize if I was going a little bit off topic. I just wanted to give some responses to some of the people.

According to Harry Reid in 1993, children who were born on U.S. soil by parents, regardless of status, can get welfare benefits, and we have seen the outrage over the public charge rule that was being enforced about a year ago.

But let us cut to the chase. The real concern is the power grab. We know that mass immigration is outvoting a certain amount of people and we have seen the changes to the state of California, a state that is worse than any other state in the last 50 years. Perhaps a lot of people perceive the fact that these changes have been due, because the new people who come from all over the world have changed their voting base.

We would like to know why Nevada has among the highest rate of nonlegal immigrants in the U.S. We would like to sit down and talk. What is the purpose of it, why that is, and is it worth it to play identity politics where immigrants come here and then play victims and say they are being oppressed? Well, why are you coming to an area where you are being oppressed?

I think we need to sit down and have a compromise. Maybe we can keep a lot of noncitizens but we can reduce future levels of migration. I think we can look at places like Dubai that have much higher rates of immigration but have a different social structure. I think you can look at my family as an example. They learned English. I am employed by my cousin, who is an immigrant who is involved in engineering and architecture. And if you refuse to sit down and talk and have a compromise and see what is going on while this is benefitting corporate America tremendously, then I think we should consider breaking up.

Ignoring us means that there are going to be more tensions; more events like Charlottesville; January 6. We see that these current trends are going to continue to expand and change states like Idaho and Kentucky, and when we give a slight bit of concern, we are going to be called racist.

Ultimately, my solution in the long term, the next several decades, is to have a global overhaul of economic system and get rid of the monetary system. It is for these monetary differences among other countries that encourages mass migration. If we have a totally different economic system, migration will change, and a lot of these problems would not exist. I think this movement is called the Venus Project, and I think you should probably look into it. But other than that, short term, we really need to study this; we need to have a compromise, or we may have to consider breaking apart the United States.

Other than that, I really greatly appreciate for all of you to sit down and really share our concerns, even talk about the benefits of all this. Thank you so much.

**Chair Flores:**

Thank you, sir, for your public comment. We will continue with those wishing to join us for public comment. Next caller please.

**Alana Deniger, Private Citizen, Las Vegas, Nevada:**

I would just like everyone to take note of the statement that the lady had made at the end. Obviously, that was something that was prewritten and did not have much to do with some of the comments that were actually made in opposition. I just wanted to point out that those statements she had at the end there were definitely something that was written, and she read it.

**Chair Flores:**

Ma'am, if I could have you speak in general terms about any subject matter you would like. Please refrain from referring to a particular bill. Any other matter or general matters that you would like to discuss now is completely fair game. Please refrain from referring to a specific bill.

**Alana Deniger:**

Okay, and I would also like to say that I think Cyrus Hojjaty has some very valuable information for us all that we need to take into consideration.

**Chair Flores:**

Thank you. I will take the next caller wishing to join us for public comment. [There was no one.]

Members, I want to make sure that everybody saw that we have to meet tomorrow at 8 a.m. again. The reason for that is we have quite a voluminous agenda. We have four bill hearings followed by a lengthy work session document. I recognize that we have long hearings in the evening and afternoon, too, but please give yourself an opportunity to review those ahead of time so we can maximize and be as efficient as possible with our time when we are asking questions during the hearing tomorrow.

Tomorrow, we have Assembly Bill 131, Assembly Bill 133, Assembly Bill 408, and Assembly Bill 409 up for bill presentations. Please review the work session documents. If you have any concerns with any particular bill, I ask that you please notify us, particularly me, so I understand whether or not it even makes sense to put a bill up on work session, and avoid the very humiliating situation of putting up a bill that we are simply going to kill. I do not intend to do that to anybody, so if you could just give me a heads-up.

Members, thank you again for the thoughtful dialogue today. I adjourn today's meeting in honor of all the hardworking Nevadans in the state and in acknowledgment that we see all Nevadans here. With that, this meeting is adjourned [at 12:44 p.m.].

RESPECTFULLY SUBMITTED:

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Geigy Stringer  
Committee Secretary

APPROVED BY:

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Assemblyman Edgar Flores, Chair

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

## EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is a proposed amendment to [Assembly Bill 410](#) dated April 7, 2021, submitted by Craig Madole, Chief Executive Officer, Nevada Chapter, Associated General Contractors of America.

[Exhibit D](#) is a letter dated March 30, 2021, from Mark Casey, President, American Council of Engineering Companies of Nevada, in support of the amendment to [Assembly Bill 410](#).

[Exhibit E](#) is a conceptual amendment to [Assembly Bill 376](#) prepared and presented by Assemblywoman Selena Torres, Assembly District No. 3.

[Exhibit F](#) is an article dated April 6, 2021, by Stephen Dinan for *The Washington Times* titled "Biden's DHS chief vows to defend ICE, battle sanctuary cities," submitted and referenced by Assemblywoman Annie Black, Assembly District No. 19, in regard to [Assembly Bill 376](#).

[Exhibit G](#) is an article dated April 5, 2021, by Ted Hesson and Mark Hosenball for Reuters titled "U.S. arrested two Yemenis on terror watchlist who tried to cross border from Mexico," submitted and referenced by Assemblywoman Annie Black, Assembly District No. 19, in regard to [Assembly Bill 376](#).

[Exhibit H](#) is written testimony dated April 7, 2021, prepared and submitted by Ernest Herrera, Staff Attorney, Mexican American Legal Defense and Educational Fund, in support of [Assembly Bill 376](#).

[Exhibit I](#) is a memorandum in support of [Assembly Bill 376](#) submitted by Ernest Herrera, Staff Attorney, Mexican American Legal Defense and Educational Fund and signed by Arriba Las Vegas Worker Center, et al, in support of [Assembly Bill 376](#).

[Exhibit J](#) is written testimony submitted by Jennifer Antonio, Private Citizen, Las Vegas, Nevada, in support of [Assembly Bill 376](#).

[Exhibit K](#) is written testimony submitted by Yesenia Moya, Private Citizen, Las Vegas, Nevada, in support of [Assembly Bill 376](#).

[Exhibit L](#) is written testimony submitted by Jose Rivera, Private Citizen, Las Vegas, Nevada; and Member, Anytown Las Vegas, in support of [Assembly Bill 376](#).

[Exhibit M](#) is written testimony submitted by LaLo Montoya, Private Citizen, Las Vegas, Nevada, in support of [Assembly Bill 376](#).

[Exhibit N](#) is written testimony to the Assembly Committee on Government Affairs dated April 7, 2021, from Jim Hoffman, Member, Legislative Committee, Nevada Attorneys for Criminal Justice, in support of [Assembly Bill 376](#).

[Exhibit O](#) is a memorandum titled "LV-NLG Urges the Nevada Legislature to Pass the Keep Nevada Working Act (AB376)," submitted by the Las Vegas Chapter of the National Lawyers Guild in support of [Assembly Bill 376](#).

[Exhibit P](#) is a letter to the Assembly Committee on Government Affairs dated April 7, 2021, from Joseline Cuevas, Organizer, Mi Familia Vota, in support of [Assembly Bill 376](#).

[Exhibit Q](#) is written testimony dated April 7, 2021, submitted by Michael Kagan, Director, UNLV Immigration Clinic, in support of [Assembly Bill 376](#).

[Exhibit R](#) is a letter dated April 6, 2021, to Governor Steve Sisolak and the Nevada State Legislature, signed by members of the legal community and submitted by Paloma M. Guerrero, Private Citizen, Las Vegas, Nevada, in support of [Assembly Bill 376](#).

[Exhibit S](#) is written testimony submitted by Donis Hernandez, Coordinator, TPS Committee of Nevada at Arriba Las Vegas Worker Center, in support of [Assembly Bill 376](#).

[Exhibit T](#) is a letter to Chair Edgar Flores, Vice Chair Selena Torres, and Members of the Assembly Committee on Government Affairs dated April 6, 2021, from Rudy Zamora, Program Director, Chispa Nevada, in support of [Assembly Bill 376](#).

[Exhibit U](#) is a position statement by Geoconda Argüello-Kline, submitted by Paul Catha, Political Organizer, Culinary Workers Union, Local 226, in support of [Assembly Bill 376](#).

[Exhibit V](#) is a letter to the Chair Edgar Flores and Members of the Assembly Committee on Government Affairs dated April 7, 2021, from Victoria Ruiz-Marin, Campaign Organizing Specialist, Planned Parenthood Votes Nevada, in support of [Assembly Bill 376](#).

[Exhibit W](#) is written testimony dated April 7, 2021, submitted by Ronald Najarro, State Director, Americans for Prosperity–Nevada; and Eddie Diaz, Community Engagement Director, Libre Initiative, in support of [Assembly Bill 376](#).

[Exhibit X](#) is a letter to the Assembly Committee on Government Affairs dated April 7, 2021, from Stephanie Fuentes, Private Citizen, Las Vegas, Nevada, in support of [Assembly Bill 376](#).

[Exhibit Y](#) is written testimony submitted by Nancy Ruiz, Private Citizen, Nevada, in support of [Assembly Bill 376](#).

[Exhibit Z](#) is written testimony submitted by Diego Pedro Antonio, Private Citizen, Nevada, in support of [Assembly Bill 376](#).

[Exhibit AA](#) is a letter to Chair Edgar Flores and Members of the Assembly Committee on Government Affairs dated April 5, 2021, from Sylvia R. Lazos, Private Citizen, Henderson, Nevada, in support of [Assembly Bill 376](#).

[Exhibit BB](#) is written testimony submitted by Daniel Ramirez, Private Citizen, Las Vegas, Nevada, in support of [Assembly Bill 376](#).

[Exhibit CC](#) is written testimony submitted by Alfredo Santiago, Private Citizen, Las Vegas, Nevada, in support of [Assembly Bill 376](#).

[Exhibit DD](#) is written testimony submitted by Adela Santiago, Private Citizen, Las Vegas, Nevada, in support of [Assembly Bill 376](#).

[Exhibit EE](#) are emails received by the Assembly Committee on Government Affairs from Private Citizens, Mariantonieta Candelas; Marco Ruelas; Zoe Blinn; Audrey Groenlykke; Rose Kompare; Entre Mujeres; Kevin Conner; Elliot Bailey; and Sonia Garcia, in support of [Assembly Bill 376](#).

[Exhibit FF](#) is written testimony submitted by Janine Hansen, President, Nevada Families for Freedom, in opposition to [Assembly Bill 376](#).

[Exhibit GG](#) is a letter dated April 6, 2021, signed by Michael J. McDonald, Chairman, Nevada Republican Party, in opposition to [Assembly Bill 376](#).

[Exhibit HH](#) is opinion and analysis by Connie Gentry, Team 19, Taking Nevada Back, submitted by Tracey Thomas, Private Citizen, Nevada, in opposition to [Assembly Bill 376](#).

[Exhibit II](#) is a letter dated April 6, 2021, to the Assembly Committee on Government Affairs from Tracey Thomas, Private Citizen, Nevada, in opposition to [Assembly Bill 376](#).

[Exhibit JJ](#) are emails received by the Assembly Committee on Government Affairs from Private Citizens, Linda Reyes; Laurie Agnew; Debbie Paxson; and Brent Ford, in opposition to [Assembly Bill 376](#).