

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

**Eighty-First Session
May 25, 2021**

The Committee on Legislative Operations and Elections was called to order by Chair Brittney Miller at 4:04 p.m. on Tuesday, May 25, 2021, Online and in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/81st2021.

COMMITTEE MEMBERS PRESENT:

Assemblywoman Brittney Miller, Chair
Assemblywoman Sandra Jauregui, Vice Chair
Assemblywoman Jill Dickman
Assemblywoman Cecelia González
Assemblyman Glen Leavitt
Assemblyman Andy Matthews
Assemblyman Richard McArthur
Assemblywoman Daniele Monroe-Moreno
Assemblywoman Clara Thomas
Assemblywoman Selena Torres

COMMITTEE MEMBERS ABSENT:

Assemblyman Jason Frierson (excused)

GUEST LEGISLATORS PRESENT:

Senator Roberta Lange, Senate District No. 7
Senator James Ohrenschall, Senate District No. 21

STAFF MEMBERS PRESENT:

Pepper Sturm, Committee Policy Analyst
Kathleen M. Norris, Committee Counsel
Bonnie Borda Hoffecker, Committee Manager
Jordan Green, Committee Secretary



OTHERS PRESENT:

Laura Freed, Director, Department of Administration
Frank Richardson, Acting Administrator, Division of Human Resource Management,
Department of Administration
Serena Evans, Public Policy Specialist, Nevada Coalition to End Domestic and
Sexual Violence
Steven Cohen, Private Citizen, Las Vegas, Nevada
Bradley Schrager, J.D., Managing Partner, Wolf, Rifkin, Shapiro, Schulman
& Rabkin LLP
Maria-Teresa Liebermann-Parraga, Deputy Director, Battle Born Progress
Janine Hansen, State Chairman, Independent American Party of Nevada
Gennady Stolyarov II, Chairman, United States Transhumanist Party; Chief
Executive, Nevada Transhumanist Party
Jim DeGraffenreid, National Committeeman, Nevada Republican Party
Lynn Chapman, State Vice President, Nevada Families for Freedom
Bob Russo, Private Citizen, Gardnerville, Nevada
Richard Winger, Editor, Ballot Access News, San Francisco, California
Ross E. Armstrong, Administrator, Division of Child and Family Services,
Department of Health and Human Services

Chair Miller:

[Roll was called. Committee rules and protocol were explained.] At this point, time is of the essence because we still have the Assembly Committee on Ways and Means that needs to go back in tonight and, of course, we are working toward deadlines. Even though there are a few members who are not here because they are in other committees right now, we do have a quorum. We also have a Committee member joining us through Zoom. We will hear three bills today, and I will take up to 30 minutes of public comment at the end of the meeting.

I will open the hearing on our first bill, which is Senate Bill 51 (2nd Reprint). This bill is sponsored by the Senate Committee on Legislative Operations and Elections on behalf of the Division of Human Resource Management of the Department of Administration. It revises provisions relating to sex- or gender-based harassment in the Executive Department.

Senate Bill 51 (2nd Reprint): Revises provisions relating to sex- or gender-based harassment in the Executive Department of the State Government. (BDR 23-243)

Laura Freed, Director, Department of Administration:

I am joined today by Frank Richardson, who is the interim Administrator of the Division of Human Resource Management (DHRM) within the Department of Administration. As noted, we are here to present Senate Bill 51 (2nd Reprint). I will try to keep this as quick as possible in view of the time pressures.

This policy bill implements certain recommendations of the Governor's Task Force on Sexual Harassment and Discrimination Law and Policy. As the Committee may well remember, the Task Force was created by Governor Steve Sisolak's very first executive order issued in January 2019 [Executive Order 2019-01, dated January 7, 2019]. The Task Force met in early 2019, and the report of the Task Force was issued June 1, 2019 ["Task Force on Sexual Harassment and Discrimination Law and Policy: Report and Recommendations" Memorandum, submitted by Attorney General Aaron Ford]. The recommendations for statutory changes were as follows:

- Adopt a statutory policy against sex- and gender-based harassment for the state workforce.
- Adopt statutory requirements for a state Executive Branch policy, specifying what sex- and gender-based harassment is and defining training requirements for the Executive Branch employees.
- Codify existing harassment investigation unit personnel into statute.
- Adopt statutory requirements regarding harassment policies by state vendors.

If you look at Senate Bill 51 (2nd Reprint), section 2 establishes that the policy of the state of Nevada is "to ensure that its employees do not engage in sex- or gender-based harassment" and that it is an unlawful form of discrimination. Section 3 mandates that the Administrator of the Division of Human Resource Management shall adopt and maintain a policy concerning sex- and gender-based harassment containing a definition of the term; training requirements for employees, including supervisors and managers; and the procedure for filing a complaint. Section 5 formally creates the Sex- or Gender-Based Harassment and Discrimination Investigation Unit, known as SHDIU, and details the investigation process as well as confidentiality provisions.

It is important to note: this bill formalizes things that the Division of Human Resource Management is already doing. We have a sexual harassment policy available on the DHRM website, and reviewing and acknowledging the harassment policy is a typical part of onboarding for any state employee. Every Executive Branch employee is required to take the sexual harassment prevention course every two years. Additionally, we have a unit dedicated to investigating harassment claims filed under Title VII of the federal Civil Rights Act [Civil Rights Act of 1964, Public Law 88-352, July 2, 1964, 78 Stat. 241]; this bill simply rebrands the unit as SHDIU and codifies its presence in *Nevada Revised Statutes*.

The bill was originally heard in the Senate Committee on Legislative Operations and Elections on March 11. It was amended and passed out of that committee on April 6. It was then heard in the Senate Committee on Finance on May 18 and amended again and passed out of that committee, which is why you are looking at the second reprint. Unless you would like me to go deeper into the details of the bill, that is all I had. Thank you very much.

Chair Miller:

Committee members, are there any questions?

Assemblywoman Thomas:

I am glad to see that the state is implementing this sexual harassment policy. My question is: Would bullying not almost be a twin, so to speak, of sexual harassment? I was wondering why that was not in this bill.

Laura Freed:

That was not really in the scope of the Governor's executive order. This was really designed to be a study of law and policy around gender-based harassment—sexual harassment as well as gender-expression harassment. I agree with you; bullying could encompass that. I think Mr. Richardson could speak more to the investigations that SHDIU has on its plate, but we would probably treat an allegation of bullying very similarly to something that would be a specific harassment allegation about gender.

Assemblywoman Thomas:

I was asking about the bullying aspect and adding that to the bill because, generally speaking, with sexual harassment, sometimes it is not female to female or male to male, and that is when we encompass the bullying aspect of it. That is why I was wondering.

Assemblywoman Dickman:

Is sex- and gender-based harassment a big problem in our Executive Department of state government? Could we get some examples maybe?

**Frank Richardson, Acting Administrator, Division of Human Resource Management,
Department of Administration:**

We take about 155 cases a year that are submitted to the sexual harassment and discrimination investigation unit. We consider that a significant problem. Of those, about 60 percent are sexual harassment or some type of gender discrimination; the rest have to do with other forms of discrimination, like ageism, and not too many other cases.

Assemblywoman Dickman:

Do you think we have this problem in the Legislature? I certainly would not want to be breaking these rules. I would like to know what they are.

Chair Miller:

The bill is referring to the Executive Branch, and we are in the Legislative Branch. Also, we go through ethics training and have those rules. I believe the manual is still on our desks on the floor. We should be clear at this point which behaviors and type of conduct are acceptable and which are not. Do you have another question?

Assemblywoman Dickman:

Do they have a similar manual in the Executive Branch?

Chair Miller:

Ms. Freed, would you like to answer that?

Laura Freed:

We do. Again, the harassment and discrimination policy is available for anyone to read on the DHRM website at hr.nv.gov. There is a state guide to employee conduct, which also covers harassment. Also, everyone has to take the refresher course every two years. I will say in response to this bill and the Task Force, we have been polishing up our state harassment policy, and it is pretty much ready to go.

Chair Miller:

I would like to make a comment based on something you said: You have over 150 complaints filed a year. Anecdotally, or I am just making assumptions, that is 150 cases of people who had the courage to come forward to file. That does not mean there were only 150 issues—just that 150 people had the courage to come forward. Would you agree with that?

Frank Richardson:

I would. We know that when we advertise and get the word out about the sexual harassment and discrimination investigation unit, we get more reports. It is important that we continue to keep this in the forefront and that we pay attention to what is going on and update our policies. As we are out in our community with our employees, we get more reports. A good example of that is the Governor's executive order. We almost doubled our cases after that executive order came out, and that is significant. We need to continue to push that needle so we can get everybody to file their complaints.

Assemblywoman González:

As someone who has done a lot of research on sexual harassment in the workplace, I think it is really easy to get a lot of this stuff mixed up when it is hard to define, so thank you. My question is, who are these investigators in the unit? My other question is, what is in place to ensure that folks are not being retaliated against? I do not know if I missed that in reading the bill.

Frank Richardson:

We do have a policy that addresses retaliation. Retaliation needs to be handled at the department level because when we conduct the investigations, the report goes back to the director of that department, and then the department decides how it is going to deal with that particular issue. If any form of retaliation comes up, we suggest that the complainant come directly back to the sexual harassment and discrimination investigation unit to file an additional retaliation complaint. If you are familiar with Title VII investigations and how they work, the standard for retaliation is much lower than the initial complaint for Title VII—which is pervasive and severe. When we get a retaliation complaint, it is immediately investigated and, typically, addressed right away.

You had a second question. I apologize

Assemblywoman González:

Who are the principal investigators in the unit?

Frank Richardson:

We currently have three investigators and one supervisor assigned to the unit. That is only one more investigator than when the unit first started in 2003. It has not grown much over the years, but our workload certainly has.

Assemblywoman González:

Are these independent folks? Do they work within the office and are assigned to the unit, or is this solely their job?

Frank Richardson:

These are employees who work for DHRM and are assigned full time to the sexual harassment and discrimination investigation unit. Typically, they are titled as compliance investigators and a supervisory compliance investigator.

Chair Miller:

Committee members, are there any additional questions?

Assemblywoman Torres:

I really love the intent of this bill. I am wondering why we did not include other types of discrimination that are included in Title VII, like national origin, religion, color, and race.

Frank Richardson:

When we addressed this particular bill and the language with "discrimination," it is kind of a catchall for us in our unit. We investigate all Title VII cases that are listed under federal law, so we would investigate every one of those that you mentioned.

Assemblywoman Torres:

Would the language in this piece of legislation be applicable to all the other forms of discrimination captured in Title VII?

Frank Richardson:

That is our intent and what we contemplated when we put the bill together.

Assemblywoman Torres:

I appreciate that. I just wonder if it should be made clearer in the legislation that it captures those other forms of discrimination and harassment. I know from conversations about other legislation that we have seen in this and previous sessions, we have had to go back, codify that, and address the definition of "discrimination" or "harassment." I wonder if we should do that or if that would be something to consider.

Laura Freed:

This goes back to where our bill is trying to answer the scope of the Governor's Task Force. We were already conforming to Title VII by having what we used to call the EEOC unit [U.S. Equal Employment Opportunity Commission]—what we now call SHDIU—investigate Title VII to conform to federal law anyway. We had not considered that, but we are amenable to it.

Chair Miller:

Seeing no other questions, I will open testimony in support of S.B. 51 (R2). Is there anyone in the room who would like to come forward? [There was no one.] Is there anyone on the telephone lines who would like to testify in support?

Serena Evans, Public Policy Specialist, Nevada Coalition to End Domestic and Sexual Violence:

I am here today in support of Senate Bill 51 (2nd Reprint). Having clear, written policies and a clear procedure for reporting and investigating incidents of these forms of harassment will ensure that state employees know there is zero tolerance. It will direct them—and, to Chair Miller's point, may even encourage them—to report and where to go if they unfortunately experience these types of harassment and violence. We are in favor of this legislation as everyone deserves a safe working environment, and the state of Nevada can lead by example in adopting this important legislation into state statute. Thank you.

[There were no more callers in support.]

Chair Miller:

Do we have anyone in the room who would like to come forward to testify in opposition to S.B. 51 (R2)? [There was no one.] Do we have anyone on the line who would like to testify in opposition?

Steven Cohen, Private Citizen, Las Vegas, Nevada:

My dissent is twofold. Number one, as the agency mentioned in its presentation, I think the unit is duplicative of the EEO [equal employment opportunity] unit that it already has. I also believe the statute that is partially sought to be revised with this legislation is so deficient that I have submitted an amendment. If the Committee would be willing to consider that amendment, I would be in support. With that, I thank you and I yield. [Mr. Cohen did not submit supplemental material.]

[There were no more callers in opposition.]

Chair Miller:

I will open testimony for anyone wishing to testify in neutral. [There was no one.] I will close testimony on S.B. 51 (R2). Would our presenters like to make any final statements?

Laura Freed:

Only to say thank you for hearing the bill—we look forward to working with you on it.

Chair Miller:

I will close the hearing on S.B. 51 (R2) and open the hearing on Senate Bill 292 (1st Reprint). This bill is sponsored by Senator Lange and revises provisions relating to elections.

Senator Roberta Lange, Senate District No. 7:

Yes. I will present, and if there are questions related to election law, Mr. Schrager is available.

Chair Miller:

When we get to questions, Committee members will address their questions directly to you, and you can defer to Mr. Schrager when appropriate.

Senate Bill 292 (1st Reprint): Revises provisions relating to elections. (BDR 24-999)

Senator Roberta Lange, Senate District No. 7:

I will walk the Committee through Senate Bill 292 (1st Reprint), outline the purpose, and then answer any questions. As you know, I am pleased to be joined by Bradley Schrager, a Nevada election law attorney, who will help answer questions you may have.

Sections 1, 4, and 5 of this bill relate to providing a straight ticket voting option. Sections 1 and 5 provide that all ballots, in any form, must permit a voter to vote for all the candidates of one political party on the ballot in partisan races by marking the name of the political party at the top of the ballot. Section 4 requires that already existing voter education programs provided by the Clark County [any county or city] election office incorporate into their programs information on how to cast a straight ticket vote if a voter so chooses.

I will take this moment to highlight some important points. The straight ticket voting option is just that, an option. A voter can choose to cast a straight ticket vote, or the voter can choose to cast a vote in each individual election; there is no mandate. If a voter chooses a straight ticket voting option, but decides to cast a vote in an individual race for a candidate other than the candidate with the party the voter chose, the selection of the individual candidate will supersede the straight ticket voting option. This will ensure that no matter which option a voter selects, their intent is held paramount, and their government reflects the will of the people.

The goal of the straight ticket voting option is to help encourage voters to cast their vote in downballot races, including our own legislative races that are skipped far too often, which reduces voters' say in state government. By providing this option, we create a smoother, simplified voting method for voters so that the voting experience can be more accurate and efficient.

Next, sections 2 and 3 of this bill update Nevada law as it relates to third-party ballot access. Let me state first and foremost that this should not affect our existing third parties—IAP [Independent American Party of Nevada] and Libertarian—which will continue to qualify

and have ballot access as a result of gaining at least 1 percent of votes in congressional races. Additionally, this does not change or affect in any way the requirements for independent candidates to qualify and run in any particular race; those will remain the same. Instead, this section is meant to align laws so that they are in the mainstream nationally and are consistent with our initiative petition laws.

Section 2 requires that the signature petitions necessary for new third parties to obtain ballot access must be equally divided among the petition districts and sets the deadline for submission to June 1, or the Monday following June 1 if June 1 falls on a weekend. Section 3 adjusts the deadline to file a challenge to the signature petition from the fourth Friday in June to the second Monday in June. This update aligns the dispersement of those signature requirements to be consistent with existing requirements for initiative petitions. Finally, by slightly moving up the submission and challenge dates, this should ensure that there is enough time for courts to review and rule on legal challenges without the fear of a ruling coming out at or near the ballot-printing deadlines.

Section 6 of this bill requires the Governor to appoint a person who is of the same political party as the former Senator—the same requirements that exist for filling legislative vacancies at the state level. The next components relate to how to fill vacancies that arise for U.S. Representatives in Congress. Sections 8 and 9 require a candidate for a major political party to be nominated at a special primary election before the special general election and require the Governor to specify a date for a special primary election to be held not less than 60 days before the date of the special general election. Section 8 also removes the requirement for a special election to be conducted not more than 90 days after the issuance of a proclamation by the Governor if a vacancy is caused by a catastrophe. Sections 7, 10, and 15 make conforming changes by removing definitions relating to a catastrophe and revising certain references relating to such provisions.

The intent of these changes is to fix the conflicting and confusing Supreme Court and Secretary of State determinations that emerged after the 2011 special election to fill then-U.S. Representative Dean Heller's seat [*Nevada State Democratic Party v. Nevada Republican Party*, 256 P.3d 1 (2011)]—to ensure that there is a primary election when there is a special election to fill a U.S. House of Representatives vacancy. I believe providing a primary election to choose nominees ensures greater participation in our democracy and produces a more representative government.

Sections 11 and 12 update legislative vacancy laws to address some of the complaints we heard from county commissioners and their roles in filling those vacancies. They made clear to us that they wanted to remove themselves from the vetting process as much as constitutionally allowable. Sections 11 and 12 require the Majority or Minority Leader of the House of which the former legislator was a member who is of the same political party as the former legislator to submit to the board or boards of county commissioners, as applicable, a list of qualified nominees to fill the vacancy. Sections 11 and 12 also require the board or boards of county commissioners to fill the vacancy by appointing a person from the list of

qualified nominees. If the former legislator is not of the same political party as the Majority or Minority Leader of the House of which the former legislator was a member, sections 11 and 12 require the board or boards of county commissioners, as applicable, to establish an application process by which persons may file applications with the board or boards to fill the vacancy. Section 13 makes a conforming change to require a nominee or applicant to fill a vacancy to file a declaration of eligibility with the board or boards of county commissioners.

Finally, section 15 of this bill removes *Nevada Revised Statutes* (NRS) requirements on the internal structure of political parties that we felt may violate the U.S. Supreme Court ruling in *Democratic Party v. Wisconsin* [450 U.S. 107 (1981)].

With that, I am happy to answer any questions.

Chair Miller:

Committee members, are there any questions?

Assemblyman Matthews:

Regarding the straight ticket voting option, my understanding is that the trend nationally is actually for more and more states to move away from this mechanism. For example, Utah is in the process of abandoning this approach, and I think the data there actually shows that voter participation, especially in a lot of downballot, nonpartisan races, has actually dropped. It is often being attributed to this.

A lot of people who are pushing for the repeal have spoken to voter confusion in terms of understanding that when you vote, you check the straight ticket box, but you are not done. Again, the result is lower participation in a lot of those races. Is that a concern of yours? What processes might be in place to make sure that voters really have a good understanding of how this is going to work?

Senator Lange:

I hear your concerns. I have done a lot of research, and I have talked with the county clerks. As far as the voter education, which I think is hugely important, people in the counties are used to getting their voter books. All the counties have said they are going to educate the voters on how to do that.

As to your question about the trend and how it is changing, in my research I found that more people did straight ticket voting, and then when control of the state changed parties, the straight ticket voting option went away. That is what I have found. Maybe Mr. Schrager has something he wants to add to that.

Bradley Schrager, J.D., Managing Partner, Wolf, Rifkin, Shapiro, Schulman & Rabkin LLP:

Assemblyman Matthews, you are ostensibly correct in that over the last 25 years, there has been a move away from straight ticket voting among certain states. That always has to do with the particular give-and-take and flow of politics within a state. I do not think that there is a correlation between straight ticket voting and decreased voter participation; in fact, it is quite the opposite. In this regard, offering it as an optional choice along with educational opportunities—elections change all the time and balloting changes all the time, whether it is to electronic machines or to mail ballot voting. I think what the Senator has tried to build in here are the appropriate mechanisms for educating voters regarding straight ticket voting as an option for them to exercise if they so choose.

Assemblyman Matthews:

Section 11 is one of the sections dealing with filling vacancies and the shift away from how it is done now, predominantly locally, to shifting some of that authority to the state. Why do we think that at the state level—where disproportionately we see representation from our largest counties—why the shift there for a vacancy that may be for a seat that is, locally, where the folks on the ground may be more in tune with local issues and local needs? I guess the corollary to that is, is there a problem that this is seeking to address that is inherent to the current way we are filling those vacancies?

Senator Lange:

Can I ask a clarifying question? Which race in particular are you speaking of?

Assemblyman Matthews:

I am asking why do we think that this should be shifted, sort of, to the state level, as opposed to the old way of doing it, keeping it local? Presumably, the county commissions would have a better understanding of local issues and concerns. Does that clarify it?

Senator Lange:

That helps a lot. In the legislative races, we have heard over and over from the county commissioners that they do not want to do this. It is in our *Nevada Constitution* [Article 4, Section 12] that the county commissioners are the body that will appoint. In talking to them, they wanted us to be able to address doing the vetting process; then the county commission, as the local body, would decide the appointment based on the recommendations that were given to it.

Assemblyman Matthews:

This is sort of unanimous across the counties; they are generally calling for this across the board. Is that correct?

Senator Lange:

This is something that I actually presented to them, but they had expressed the concern. As it goes to the rural counties—in the rural counties, it may be a bit different. They wanted the opportunity to have a say and be able to have multiple candidates that they might be able to choose from and not just have one presented to them. That is why the language in the bill talks about multiple candidates to give them that opportunity to have a say.

Assemblywoman Dickman:

I have been involved with the parties for many, many years since I first moved to Nevada. Section 15 of this bill repeals, without replacement, all language in NRS Chapter 293 dealing with precinct meetings, county and state conventions, and organization of state and county central committees. Without that framework in place, what authorizes county and state parties to exist? As a second question, would anyone who felt like it be able to set up a state party when it is not outlined in statute?

Senator Lange:

I will address your question and then ask Mr. Schrager to take it a little bit further. As you know, I am a former state party chair; this language at some point probably gave me some direction. When I finished my term as chair, I realized there were things in this language that really were not applicable anymore. I also knew about the lawsuit *Democratic Party v. Wisconsin*, which I will ask Mr. Schrager to talk about, and what happened there because they had language in their state statutes. It is now removed because of that U.S. Supreme Court ruling.

Bradley Schrager:

The gist of your question, Assemblywoman Dickman, presumes that the NRS is sort of the fountain of a party's existence, when in fact, the things being repealed here are ways in which the state has attempted to control the inner workings and the association rights of parties. Parties exist not only on a state level through other statutes, but also by virtue of their relationship, chartering, and agreements with national parties. The very existence, or the regulation of the existence, of parties flows through other statutes. What these statutes have attempted to do for a very long time is to control the ways in which parties organize themselves, act, send individuals to state conventions or nominate presidential candidates, and those sorts of things. Those things are actually flatly unconstitutional. The statutes at issue here are being repealed because they are essentially defunct. There is no way they could operate if any court were asked to look at them or if anyone challenged their operation. While they may have functioned as a guide for many people, I think what they have done, at least over my tenure as an election warrior, is confuse people who refer to the NRS regarding these provisions. In fact, even if a party itself agrees to follow them, the party does not have to, and the party cannot be penalized for not following them—those sorts of statutes that say how to run your precinct-level issues or how to run your state convention.

This is not only in Wisconsin, which was the fundamental case on this, but I remember back in 2008, there was a Nevada case that involved the Democratic Presidential Primary [*Nevada State Education Association v. Democratic Party of Nevada* (U.S. District Court, District of Nevada, Case No. 2:08-cv-00046)]. At issue was whether or not the Democratic Party could hold caucus locations within casinos. It was argued that this was not authorized by the NRS. What the federal district court said—perfectly in keeping with and essentially predicting national Supreme Court law—was that the state, in acting through the NRS, cannot control how a party associates and produces candidates, conventions, or those sorts of things. For many years, these sections have been in the books, but they are essentially dead letters; they are essentially defunct. That is really the driving force behind this—to finally clear these out so that there is no further confusion regarding what a state can and cannot regulate as far as state and local parties go.

Assemblywoman Dickman:

Are you saying there are other statutes that would dictate what we do, or would it be up to the parties? Where would we go for guidance with this?

Bradley Schrager:

There are other statutes that govern, for example, how a party becomes a major party; how a party gets on the ballot as a minor party; how parties exist in the first instance. Most everything beyond that is within the party's right of association as long as the party is not doing something that is flatly illegal. Parties have a right under the *U.S. Constitution* to develop their own guidance as to how they put on their state conventions or how they produce delegates from the precinct to the county level, or even if they do that at all. Those are internal party functions and deliberations that a state cannot control. The answer to your question is, sort of blessedly, it is up to the parties to determine how to do those things. These statutes, over time, have led to the impression that that is not true. In essence, it is a way of reinvigorating the internal democracy of parties to determine for themselves how these functions will be carried out.

Senator Lange:

If I might add an example: we are all familiar with the presidential process. Every presidential cycle, we have caucuses or some way to nominate the president. In the party structures, and I am sure it is the same with both parties, you decide what your caucus-to-convention plan is going to be. That plan then goes to the rules and bylaws committees of each respective party, and the rules and bylaws committees of those parties decide how that is going to happen. It is not decided in our statute. As the statute is right now, it talks about the precincts, and it talks about how many people can go to the convention. If we had followed that, our convention size would be over 4,000 people. Now there are more places in Las Vegas. At the time when I was chair, there were two places where we could hold a convention—either you do a convention where you have some people in one room and some people in another room—there is just no way. I think the bottom line here is, as much as we would like to have some clear definition in the statute, it is not the purview of the statute to provide this to the parties. They are their own organizations.

Assemblywoman Dickman:

I am just trying to understand how the regulations would be set then. Would they be set by the different county parties? Could Washoe County base it on population and Clark County base it on something else? Could we end up with per capita representation totally different in Washoe and Clark Counties than in the rural counties? How would we do this without this guidance?

Chair Miller:

Senator Lange, do you understand the question?

Senator Lange:

Yes. The onus would be on the party to figure that out. It is an organization. Each county party has its bylaws, and then the state party is the umbrella over all of them. I am sure they are already in their bylaws. It would be up to the party organizations, counties, and the state to figure that out. If they want to put it in their rules and bylaws—what our convention should be like, how many people should attend, what should the representation be? As a former chair, that is my recommendation.

Chair Miller:

Are there any additional questions? [There were none.] We will go ahead and move on to testimony. I will limit testimony to 20 minutes each for support, opposition, and neutral. Is there anyone in the room who would like to testify in support?

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

Battle Born Progress is here in strong support of Senate Bill 292 (1st Reprint), and we thank Senator Roberta Lange for bringing this forward. We are in support mostly because this will really help address drop-off in state and local elections. A recent study by Keystone Research Center in Pennsylvania, a state that took away straight ticket voting, showed that the elimination of straight ticket voting will lead to an average reduction, per district, of 1,241 votes in state senate elections and 845 votes in state house elections, numbers that are greater than the margin of victory in one senate and four house districts per year [Memorandum re: Elimination of Straight-Ticket Voting and related matters, dated October 25, 2019, Marc Stier, Director, Pennsylvania Budget and Policy Center]. Creating a straight ticket voting option would improve full ballot voting and ensure more equitable vote distribution in downballot contests. Please support S.B. 292 (R1) and thank you for your time.

Chair Miller:

Is there anyone else in the room who would like to come forward to testify in support? [There was no one.] Is there anyone on the line to testify in support? [There was no one.] I will close testimony in support and open testimony in opposition. Is there anyone in the room who would like to come forward to testify in opposition?

Janine Hansen, State Chairman, Independent American Party of Nevada:

The Independent American Party of Nevada opposes Senate Bill 292 (1st Reprint), particularly the portion that imposes straight ticket voting. Straight ticket voting exists currently in only 6 states and has been abolished in 16 states ["Straight Ticket Voting States," March 25, 2020, National Conference of State Legislatures]. Straight ticket voting is particularly harmful to minor parties who do not field candidates for every office. It also disenfranchises nonpartisan voters. As of January 2021, nonpartisan and minor party voters comprised over 640,000 voters, which is about one-third of all Nevada voters [Voter Registration Statistics, January 2021, Office of the Secretary of State].

Straight ticket voting has been found to be very confusing to voters. Straight ticket voting hurts nonpartisan races, like judges and school board trustees, who are at the bottom of the ballot because voters think they are finished voting. The voters also fail to vote on ballot questions and proposed constitutional amendments. Straight ticket voting discourages voter engagement in trying to obtain good information about those running for offices. It essentially encourages lazy voting.

Although the sections of the bill imposing earlier deadlines for minor parties do not affect the Independent American Party of Nevada because we have secured our ballot access, we oppose those portions of the bill as well. Why do we seek to make it more difficult for people joining together as voters to organize a political party? Is it fear of competition, or perhaps it is suppression of voters with alternative ideas?

I served as the national ballot access coordinator for the national Constitution Party in 1996, 2004, and 2008. It is very difficult for minor parties to gain ballot access. In fact, in some states it is nearly impossible. Is it the objective of this legislation to maintain the monopoly of the two parties? For 26 years, Nevada Families for Freedom has published the Nevada Families Voter Guide, of which I was the publisher and editor, that reported answers from candidates for statewide and legislative offices, county commission, school board, and sheriff to questions on critical issues [Allotted time was exceeded.]

In closing, we oppose straight ticket voting as antithetical to the goal of an informed electorate. Thank you.

Chair Miller:

Thank you, Ms. Hansen. I know you know the routine; you can hand in your printed statement, so we have your full testimony for the record. That goes for anyone on the telephones as well. I do not see anyone else in the room. Is there anyone on the phones who would like to testify in opposition to S.B. 292 (R1)?

Gennady Stolyarov II, Chairman, United States Transhumanist Party; Chief Executive, Nevada Transhumanist Party:

I strongly urge you to oppose Senate Bill 292 (1st Reprint). I note that I am acting as a private citizen on my personal time, am not representing any agency of the state of Nevada, and am not using state equipment to provide any testimony on this bill.

Senate Bill 292 (1st Reprint), especially section 2, exacerbates a highly polarized political situation, disenfranchises supporters of minor parties, and restricts voter choice. I submitted a detailed comment letter [[Exhibit C](#)] explaining why this is so. The equal apportionment requirement for petition signatures makes it practically impossible for a minor party to qualify by petition. It would be almost effortless for a major party to challenge petitions submitted by minor parties by counting the signatures from each district and noting any difference whatsoever, even literally one signature. The amended section 2 would not allow any room for deviation from a strictly equal apportionment. The threshold of petition signatures required in Nevada is already immensely high. No party has been able to meet this onerous threshold since 2011. Section 2 would compound the difficulties and enable a major party to thwart every minor party's petition forever. The June 1 deadline reduces the time to comply with more stringent requirements. The U.S. District Court for the District Court of Nevada even struck down a somewhat less burdensome deadline of June 10 during the 1992 case of *Fulani v. Lau* [Case No. CV-N-92-535-ECR], discussed in my letter [page 3].

Honorable legislators, do you really wish to support legislation that so clearly limits and suppresses voter choice? How is this consistent with the stated commitment to voters' rights? Senate Bill 292 (1st Reprint) would reinforce America's bifurcation into two distinct blocs, which are engaged in an ever-intensifying struggle with one another, to the detriment of any actual progress on policy and any solutions to pressing problems. Minor parties can help provide solutions that bridge partisan divides. Please do not shut us out of the process; please reject S.B. 292 (R1). Thank you.

Jim DeGraffenreid, National Committeeman, Nevada Republican Party:

The Nevada Republican Party is strongly opposed to this bill. Senate Bill 292 (1st Reprint) is presented as a straight ticket voting bill. That small part of this bill is bad enough because it discourages voter engagement and informed voting, and that is the worst thing we can do in our current polarized and hyper-partisan political environment.

Sections 8 and 9 change the way vacancies are filled for state and federal legislators. Senate Bill 292 (1st Reprint) requires the state of Nevada to hold a special primary election in place of the current internal party nominating process to fill such a vacancy. That means two complete elections to fill a single vacancy. We do not know the expense because the Secretary of State declined to give an estimate on a "vacancy that may not happen" [Executive Agency Fiscal Note for SB 292, prepared April 4, 2021, submitted by the Office of the Secretary of State]. Based on typical election costs as stated in fiscal notes and other legislation, the fiscal notes for this bill are understated, however, by millions of dollars.

Sections 11, 12, and 13 give the Legislature more power over the process of filling legislative vacancies at the expense of counties. The *Nevada Constitution* rightly gives county commissioners, who are the closest to the people, the power to determine the process to fill vacancies. However, under this bill, the list of nominees to choose from would be provided

by the Legislature, which inappropriately limits local control. If that is what the people want, it should be done by a constitutional amendment, rather than an end run around the *Nevada Constitution*.

Finally, section 15 casually eliminates in a single sentence all the provisions of NRS Chapter 293 that govern state and county central committees, precinct meetings, and conventions. This language is not amended nor is it replaced with anything; it is simply repealed in its entirety. These sections of Nevada law have been in place since 1960, and they are the only sections that authorize and direct how political parties operate. Maybe that is a good thing; maybe it is not. But I am not sure that we have given it enough thought as to what structure would replace this repealed law. Section 15 had no discussion on the Senate side of the building when this bill was passed, only a passing mention that it existed. Only today, for the first time, was there some discussion of the motivation for the change. Because it forms the very foundation of how major political parties operate in Nevada, it seems incredible that it would be repealed as a tacked-on afterthought to an unrelated bill with little discussion or debate. There is insufficient time with just a few days remaining in this session for the parties to properly review and determine if this is appropriate legislation or not.

The Senate made a serious error when it passed the bill without complete debate
[Allotted time was exceeded.]

I hope the Assembly will not repeat the Senate's grave error in passing this bill without fully discussing and understanding all the important sections of it. Thank you.

Lynn Chapman, State Vice President, Nevada Families for Freedom:

Please oppose S.B. 292 (R1). In 2020, the National Conference of State Legislatures stated, "The number of states offering straight ticket voting has been declining in popularity over time." Utah abolished straight ticket voting in 2020, Pennsylvania in 2019, and New Mexico in 2001. New Mexico tried to put it back on the ballot, but it failed. Iowa abolished it in 2017, Texas in 2017, Indiana in 2016, Rhode Island in 2015, West Virginia in 2015, North Carolina in 2014, Wisconsin in 2011, New Hampshire in 2007, Missouri in 2006, Illinois in 1997, South Dakota in 1996, and Georgia in 1994.

Jeff Bray of Michigan said, "I almost didn't vote; I almost said, 'Well, if I can't vote for who I want to, then I'm not gonna cast my vote.' I think it turned a lot of people away. Maybe they're a lot of people that didn't vote because of that" ["Pros and cons of straight-ticket voting," published August 5, 2016, WLUC-TV6]. I think it causes so much confusion and so many problems. I think it is a bad idea to go forward with this bill. I think it would cause even more problems if people cannot even find a way to put their ballots in their little envelopes and try to get it back to the registrar's office. We had a lot of problems with that. I think this is going to cause even more confusion. Please oppose S.B. 292 (R1). Thank you.

Bob Russo, Private Citizen, Gardnerville, Nevada:

I oppose Senate Bill 292 (1st Reprint). A major problem I see today is an electorate that is becoming less informed on how our government functions and who votes based on what the government is willing to give it instead of what is best for preserving the inherent qualities of our republic. Voting is an incredible gift that we each take to the voting booth. Ideally, we carefully review each candidate to make sure that he or she supports the values we hold dear as Americans. Unfortunately, Senate Bill 292 (1st Reprint) and straight ticket voting does just the opposite. It devalues voting and encourages people to be lax and neglectful.

As Janine Hansen just mentioned, nonpartisan race positions and ballot questions that tend to be at the bottom of the ballot can also be overlooked. Further, it could cause some members of the Legislature who are doing a good job to be voted out of office. Plus, this bill transfers the power to fill legislative vacancies from the counties or county commissioners to the state Legislature. I do not support this. I believe that county commissioners have a greater view of the candidates who can meet the needs of their counties better than the state.

Senate Bill 292 (1st Reprint) also requires an additional, costly special primary election for a total of two primaries to fill a vacancy. This is unnecessary and another case of fiscal irresponsibility. I believe that the more informed the electorate is about the candidates they elect, the better qualified the candidates will be to serve the people they represent. I urge you to please vote for an informed and educated electorate by voting no on S.B. 292 (R1). Thank you very much.

[There were no more callers in opposition. The testimony later provided by Mr. Winger was categorized as opposition.]

Chair Miller:

Is there anyone who would like to testify as neutral to Senate Bill 292 (1st Reprint)?

Richard Winger, Editor, Ballot Access News, San Francisco, California:

[The following testimony was categorized as opposition.]

I am neutral on the bill, but I urge you to delete the part of the bill that makes it more difficult for minor parties to get on the ballot. In 1984, the Democratic National Convention passed a resolution that said no task of the Democratic Party is more important than protecting the right to vote. The part of the bill that makes it more difficult for minor parties to get on the ballot is an anti-voting rights measure. Nevada has not had a party qualify in ten years.

As far as the idea that the deadline has to be moved earlier because the state needs more time to adjudicate—it is very rude of me to say the word "phony"—I feel bad, and I do not want to be rude, but that is totally phony and here is the evidence: The Nevada law on how an independent presidential candidate gets on the ballot has a deadline in August for the Secretary of State to receive the signatures, and the work has to be done in July. The number of signatures for an independent presidential candidate and a new party is the same. How is

it possible that this bill seems to leave the August deadline in place for an independent presidential petition deadline and feels it is necessary to move the earlier party deadline? It just does not make sense.

Finally, as to the distribution requirement. There are eight states that have a distribution requirement, but none of them are worded as badly as this one. The typical state says [Allotted time was exceeded.]

Chair Miller:

I am going to move your testimony to opposition because, according to our Committee rules, it was not considered neutral. Your testimony will be categorized as opposition for that bill.

[There were no more callers in neutral.]

Chair Miller:

I will close testimony for S.B. 292 (R1). It appears that Senator Lange has final comments to make.

Senator Lange:

I will make them short; we all have a lot to do. I just want to clarify that on the straight ticket voting, you can vote your party, or you do not have to vote your party. It is equal access for all parties. Independents can vote for either party all the way down or for an independent candidate; they are all going to be listed on the ballot. This just provides an easy way for people who do not want to fill in every single candidate to be able to vote a straight ticket. The other thing that is also really important—it does not say that you should not look into the candidates and figure out who they are. Because if you are going to cross lines and not vote a straight ticket, you would want to know who those people are. I think it provides everything that the opposition was asking for; they are just hearing it differently. Thank you so much. I urge your support.

Chair Miller:

I will close the hearing on Senate Bill 292 (1st Reprint). I see our next presenter is here, but we are actually going to shift gears a little bit and work session a bill right now.

Assembly Bill 432: Revises provisions relating to elections. (BDR 24-1039)

Pepper Sturm, Committee Policy Analyst:

The bill for work session today is Assembly Bill 432, which was heard on April 6, 2021. Assembly Bill 432 expanded automatic voter registration requirements to certain Executive Branch agencies. The measure specified these agencies include the Department of Motor Vehicles, the Department of Health and Human Services (DHHS), any agencies within DHHS that process applications for Medicaid, the Silver State Health Insurance Exchange, and any other state or tribal agency meeting certain other requirements as approved by the Governor. The bill also sets forth procedures for processing applications,

transmitting the information, and determining if the information is complete. Finally, the bill specifies that the automatic voter registration agencies must comply with the National Voter Registration Act [of 1993], which is *United States Code*, Title 52, Sections 20501 et seq.

We had an amendment proposed by Assemblyman Watts, who presented the bill. He submitted an amendment to revise the effective date of the bill, which is in section 36, subsection 2, paragraph (b), from January 1, 2022, and instead make that effective date January 1, 2024. The intent of the amendment was to implement the bill concurrently with the implementation of Assembly Bill 422, if passed, which is the top-down voter registration system.

I would just note there were other amendments proposed by the county clerks and Clark County, but Assemblyman Watts has requested that the Committee act on A.B. 432 without those proposed amendments while adopting his amendment concerning the effective date.

Assemblywoman Jauregui:

I know Assemblyman Watts is currently chairing the Assembly Committee on Growth and Infrastructure so Assemblywoman Monroe-Moreno could join us. I just want to clarify that the amendment is simply delaying the implementation date. Is that correct, Mr. Sturm?

Pepper Sturm:

Yes, it delays the implementation date. That is the only amendment that Assemblyman Watts has requested the Committee consider for a motion to amend and do pass.

Chair Miller:

I will accept a motion to amend and do pass Assembly Bill 432.

ASSEMBLYWOMAN JAUREGUI MADE A MOTION TO AMEND AND DO PASS ASSEMBLY BILL 432.

ASSEMBLYWOMAN MONROE-MORENO SECONDED THE MOTION.

Are there any comments or questions on the motion? [There were none.]

THE MOTION PASSED. (ASSEMBLYMEN DICKMAN, LEAVITT, MATTHEWS, AND MCARTHUR VOTED NO. ASSEMBLYMAN FRIERSON WAS ABSENT FOR THE VOTE.)

[Chair Miller assigned the floor statement to Assemblyman Watts.]

I will close the work session and move on to our next bill. I will open the hearing on Senate Bill 385 (1st Reprint). This measure is brought to us from the Senate Committee on Judiciary on behalf of the Legislative Committee on Child Welfare and Juvenile Justice.

It requires the Division of Child and Family Services of the Department of Health and Human Services to conduct a study during the 2021-2022 legislative interim concerning investments in juvenile justice prevention activities in the state. Senator Ohrenschall, as my counterpart in the Senate as Chair of the Senate Committee on Legislative Operations and Elections, it is good to see you here.

Senate Bill 385 (1st Reprint): Requires the Division of Child and Family Services of the Department of Health and Human Services to conduct a study during the 2021-2022 legislative interim concerning investments in juvenile justice prevention activities in this State. (BDR S-506)

Senator James Ohrenschall, Senate District No. 21:

I appreciate your hearing Senate Bill 385 (1st Reprint) and thank you for sending so many good bills over for our Senate Committee on Legislative Operations and Elections to hear. Our sister-committee relationship here has worked well. I hope we have sent you some good bills, but you have sent us a lot of great ones.

Senate Bill 385 (1st Reprint) came out of the interim Legislative Committee on Child Welfare and Juvenile Justice. I was very lucky to serve with Assemblywomen Torres and Monroe-Moreno on that Legislative Committee. During this past interim, I had the honor of chairing the Legislative Committee, and Assemblywoman Monroe-Moreno was the vice chair. We had Assemblywoman Torres, Assemblywoman Hansen, Senator Hammond, and former Senator Cancela—a bipartisan group. We were very focused on trying, of course, to help children, but in the juvenile justice arena; trying to prevent children from ending up deeper in the system; and trying to see if children could avoid state commitments, which means commitments to state youth correctional facilities. We want to try to keep children who get in trouble with the law closer to home, promote diversion programs, limit repeat times in court, and see if we can get children out of the system and get whatever therapy and treatment they might need to help them—but try to not have them get deeper into the system.

Senate Bill 385 (1st Reprint) is a unanimous, bipartisan recommendation that came out of the Legislative Committee. It was amended over on the Senate side, and the amendment took away the fiscal note. That made it a little more palatable for the money committee. In Senate Bill 385 (1st Reprint), we are asking for the Division of Child and Family Services to really study what they have been able to accomplish in terms of juvenile justice prevention, trying to keep kids from ending up in the system, and trying to promote diversion programs. We had great partners during the interim. I see the Administrator of the Division of Child and Family Services, Ross Armstrong, on Zoom. We also worked with Brigid Duffy [Director, Juvenile Division, Clark County District Attorney's Office] and Holly Welborn of the American Civil Liberties Union of Nevada.

This bill tries to further what is already being done and look at where funds can be spent to divert kids from ending up committed to state facilities while trying to keep them closer to home and trying to make sure that, hopefully, they will not appear again in a court or on

juvenile probation or youth parole. I am happy to answer any questions. I see Administrator Armstrong, and I appreciate all his hard work and commitment to youth in the state. If there is a question I get stumped on, I ask permission to "Zoom a friend" on a lifeline.

Chair Miller:

That is generally our practice here. Committee members will direct their questions to you, and you can defer when you feel it is necessary. Committee members, do you have any questions?

Assemblywoman Thomas:

Thank you for bringing this bill forward. It is something that we really, truly need. Going to section 1.5, subsection 2, [paragraph (a)], it says the study must include a "review of current investments in juvenile justice prevention activities within" the state. It just struck me—review the "current" investments. Could you explain what they are?

Senator Ohrenschall:

Certainly. There are many, and if I miss any, I did not mean to exclude them. There are programs in southern Nevada. My day job is a public defender in juvenile court, so I get to see a lot of what happens there. In juvenile court in southern Nevada, Judge Sunny Bailey started what is called the autism court [Detention Alternative for Autistic Youth Court]. We have had many kids who have been arrested—they get in trouble, are brought down to Juvenile Detention Services at Clark County—and a lot of times, it was never discovered that they were on the autism spectrum. Judge Bailey is no longer there; she moved on to the Eighth Judicial District Court, but she developed that court, which tries to diagnose children and connect them with treatment. Very often, the charges end up getting dismissed if the treatment works.

There is also a juvenile drug court in southern Nevada where kids can try to work on rehabilitation to get sober and stay sober. It is very similar to the adult drug court, but more tailored for children in terms of trying to get them therapy and seeing if that can help them avoid getting into further trouble with the law. Clark County has a tremendous program called The Harbor, which tries to divert children from going into juvenile justice court and ending up in delinquency court—either after a charge or sometimes before. It is a diversion program that I think has proven to be very effective. Those are just some examples.

I know that on the state side, Youth Parole [Bureau, Division of Child and Family Services, Department of Health and Human Services] tries to help children once they have exited state youth facilities—I know Probation does, too, at Clark County [Department of Juvenile Justice Services]—and tries to help kids get birth certificates, get into and get through a credit retrieval program, and get their high school diploma or GED. I think that there are many different programs trying to help children land on their feet and not get caught up back in the system. Certainly, there are Judges William Voy and David Gibson in southern Nevada. Very often, a court hearing brings social workers and folks from state facilities together to find out if home is not an option right now and trying to find another placement

where a child might do well and succeed. Our former colleague, Assemblyman Tyrone Thompson, was pivotal in trying to help and in starting the Shannon West Homeless Youth Center. For kids who end up getting arrested in delinquency court and home is not an option or home is such a bad option that the child is not going to succeed there—the court, the social workers who work with the defense attorneys, and the prosecutors will sometimes try to place the children there at Shannon West. There are many options. I think those are just some of the examples. I was not planning to Zoom my friend this early, but if I could reach out for my lifeline, Mr. Armstrong, in case I am missing any.

[Assemblywoman Jauregui assumed the Chair.]

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

Senator Ohrenschall hit on some of the great activities that are happening in terms of juvenile justice prevention. Just to understand the scale, the State of Nevada spends about \$5.5 million from the State General Fund on juvenile justice prevention. The vast majority of that goes to our county camps: China Spring and Spring Mountain Youth Camps. For those of you who are on the finance committees, you know the discussion about the China Spring funding this session. That is compared to the \$26 million a year we spend in corrections. One of the ideas of taking a look at the current investments in juvenile justice prevention is to review the scale and their effectiveness.

There have been one-off bills in the past that fund specific programs. I think two sessions ago, there was a bill that gave each judicial district some money, so part of this is taking a look at how we have invested in the past and determining if there is a better way to structure it—in particular, taking a look to see if there are any ways we can encourage savings in the corrections arena and then invest those savings in further prevention. Like I said, Senator Ohrenschall hit on the specific programs, but sometimes I think understanding that scale—that we spend \$5 million on prevention, most of that is on essentially "corrections light," compared to the \$26 million that we spend on state juvenile corrections—is helpful in thinking about juvenile justice prevention.

There is also a federal program [Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs]. We receive a formula grant that is a couple of hundred thousand dollars a year that we also grant out to local entities working in prevention.

Assemblywoman Thomas:

It is such a wonderful program, and you always bring our younger citizens. I have been listening to a couple of your bills, and I am so impressed. I appreciate your service to our community. I do have a follow-up question: What does the data look like that is showing the success or failure rate with all of the programs? Do you have a spreadsheet to look at? I just want that for future reference; I do not need it right now.

[Assemblywoman Miller reassumed the Chair.]

Senator Ohrenschall:

I appreciate your kind words. Certainly, on the interim Legislative Committee, Assemblywoman Torres, Vice Chair Monroe-Moreno, and the other members were pivotal in advocating for legislation to try to keep kids out of the system. Administrator Armstrong and Ms. Duffy were great to work with and just tremendously committed to this issue. For me personally, success means you do not see the child arrested or back in court again. The clients that I feel are my best successes are the ones I never see again and never hear from—because they did not come back, get in trouble again, get a violation of probation, or get a violation of youth parole. As to data, that has been a struggle through the years. I know that between the statewide Juvenile Justice Oversight Commission, the Division of Child and Family Services, and the county juvenile probation offices, there is a big effort, and there has been an effort now for the last few years, to get more data as to what is working or not. We are close to getting better data soon, but I think it is still a little way away. If I can defer to Administrator Armstrong, he may have more current information where we are with data.

Ross Armstrong:

In 2017, the Legislature passed Assembly Bill 472 of the 79th Session, which was the juvenile justice reform act of that year. That bill required all our juvenile justice serving agencies to get on the same data system. We are there now, and we are working on building those reports to better track the youth from our county probation departments to the state. For those of you maybe not familiar with juvenile justice, our county probation departments do the bulk of the prevention work in the community. Those cases that are escalated, where there is a high risk to the community and complex needs of the youth, are committed to state custody. I can tell you that we have made tremendous progress. Maybe just three or four years ago, we had an average of 200 to 220 youth in our state facilities at any given time. As of May 19, there were only 133 in our state facilities.

We do not have good data right now in terms of, does this particular program work and how many youths were saved from going to the state? We are getting there with our data systems and being able to track that, but we do not have that information right now.

Chair Miller:

Are there any other questions? [There were none.] I will open testimony in support for Senate Bill 385 (1st Reprint). [There was none.] Is there anyone interested in testifying in opposition? [There was no one.] Do we have anyone for neutral testimony? [There was no one.] I will close testimony. Senator Ohrenschall, would you like to make any final remarks?

Senator Ohrenschall:

Again, thank you for hearing the bill. I was so lucky to serve on that Legislative Committee during this interim. We were able to have two in-person meetings at the Grant Sawyer State Office Building before the pandemic hit. Then the pandemic hit, and we were not really sure what we were going to do or how we were going to function, but the Legislative Counsel Bureau—Broadcast and Production Services, Patrick Guinan, Eileen O'Grady, and

Karly O'Krent, just tremendous staff—helped us learn this technology. We were able to have, I believe, six more meetings via Zoom and recommend ten bill drafts. This is one of them, and we did have to amend it a little bit due to the fiscal note, but I still feel that this is something that will help the Legislative Committee on Child Welfare and Juvenile Justice and help the Legislature in 2023 try to work on the goal of having fewer kids committed. From hearing Administrator Armstrong, it sounds like we have already made a lot of progress. Thank you for your time. I appreciate it.

Chair Miller:

I will close the hearing on S.B. 385 (R1). Committee members, I am going to ask you to pause for just a moment; this is not a recess. We are going to have a work session on the bill that we just heard, Senate Bill 385 (1st Reprint). There did not seem to be too many questions or complications.

Senate Bill 385 (1st Reprint): Requires the Division of Child and Family Services of the Department of Health and Human Services to conduct a study during the 2021-2022 legislative interim concerning investments in juvenile justice prevention activities in this State. (BDR S-506)

Pepper Sturm, Committee Policy Analyst:

Senate Bill 385 (1st Reprint) was presented by Senator Ohrenschall and heard today. This bill requires the Division of Child and Family Services of the Department of Health and Human Services to conduct a study over the 2021-2022 interim concerning investments in juvenile justice prevention activities in the state. The study must include a review of current investments in juvenile justice in the state, a survey of best practices and funding mechanisms for juvenile justice prevention activities in other jurisdictions, and recommendations for improving investments in juvenile justice prevention activities in the state. The Division of Child and Family Services is then required to submit a report to the Juvenile Justice Oversight Commission and to the Legislative Committee on Child Welfare and Juvenile Justice by August 1, 2022. There were no amendments proposed during testimony to this bill.

Chair Miller:

Are there questions? [There were none.] I will accept a motion to do pass Senate Bill 385 (1st Reprint).

ASSEMBLYWOMAN JAUREGUI MADE A MOTION TO DO PASS
SENATE BILL 385 (1ST REPRINT).

ASSEMBLYMAN LEAVITT SECONDED THE MOTION.

Are there any questions or comments on the motion? [There were none.]

THE MOTION PASSED. (ASSEMBLYMAN MCARTHUR VOTED NO.
ASSEMBLYMAN FRIERSON WAS ABSENT FOR THE VOTE.)

I feel like Assemblyman McArthur always knows when I am looking at him to give him a floor statement. He knows to oppose the bill because it would be super awkward then, and I would never do that. Instead, I will assign the floor statement to Assemblyman Leavitt.

We will close the work session and move to our final item on the agenda, which is public comment. We will take up to 30 minutes of public comment. [There was none.] We will wait just a minute because I know anyone viewing on YouTube or the Nevada Electronic Legislative Information System may be a minute behind. Is there anyone on the line? [There was no one.] I will close public comment.

We have finished all our business for the day. We will have a meeting on Thursday, May 27, at or around 4 p.m. At this point, it will primarily be to work session a number of bills that we still have, but we may hear something new. It all depends; there are a lot of moving parts, and things change rapidly at this point in session. Please plan on having another meeting. Also, stay tuned because there may be other meetings posted for at the call of the Chair. This meeting is adjourned [at 5:34 p.m.].

RESPECTFULLY SUBMITTED:

Jordan Green
Committee Secretary

APPROVED BY:

Assemblywoman Brittney Miller, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is a letter dated May 25, 2021, submitted by Gennady Stolyarov II, Chairman, United States Transhumanist Party; Chief Executive, Nevada Transhumanist Party, in opposition to Senate Bill 292 (1st Reprint).