

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

**Eighty-first Session
April 27, 2021**

The Senate Committee on Legislative Operations and Elections was called to order by Chair James Ohrenschall at 3:32 p.m. on Tuesday, April 27, 2021, Online and in Room 2149 of the Legislative Building, Carson City, Nevada. [Exhibit A](#) is the Agenda. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator James Ohrenschall, Chair
Senator Roberta Lange, Vice Chair
Senator Heidi Seevers Gansert
Senator Carrie A. Buck

COMMITTEE MEMBERS ABSENT:

Senator Nicole Cannizzaro (Excused)

GUEST LEGISLATORS PRESENT:

Assemblyman Howard Watts III, Assembly District No. 15

STAFF MEMBERS PRESENT:

Michael Stewart, Policy Analyst
Bryan Fernley, Counsel
Barbara Young, Committee Secretary

OTHERS PRESENT:

Aaron Ford, Attorney General
Elizabeth Davenport, American Civil Liberties Union of Nevada
Jared Luke, City of North Las Vegas
Christine Saunders, Progressive Leadership Alliance of Nevada
Jim Hoffman, Nevada Attorneys for Criminal Justice
Maria-Teresa Liebermann-Parrago, Battle Born Progress
Kent Ervin, Nevada Faculty Alliance

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David Parks
Marla McDade Williams, Reno-Sparks Indian Colony

CHAIR OHRENSCHALL:

We will begin with the hearing on Assembly Joint Resolution (A.J.R.) 10 which was requested by Assemblyman Howard Watts and several other primary sponsors. Attorney General Aaron Ford is also here to speak on behalf of this resolution.

ASSEMBLY JOINT RESOLUTION 10 (1st Reprint): Proposes to amend the Ordinance of the Nevada Constitution and the Nevada Constitution to remove language authorizing the use of slavery and involuntary servitude as a criminal punishment. (BDR C-496)

ASSEMBLYMAN HOWARD WATTS III (Assembly District No. 15):

It is my honor to present A.J.R. 10 for your consideration which fully bans slavery and involuntary servitude in the State of Nevada. I will share my testimony with you ([Exhibit B](#)).

SENATOR BUCK:

How does this relate to community service?

ASSEMBLYMAN WATTS:

Specifically, when we speak about slavery and involuntary servitude, we are talking about forced labor programs. Community service arrangements or even work programs within the correctional system are choices people can make. Community service is an alternative to another type of punishment. The text of this has no bearing on that. This specifically refers to the forced labor of people without any choice in the matter and the removal of their basic human rights.

CHAIR OHRENSCHALL:

Can you explain the process to amend the Nevada Constitution if this passes this Legislative Session? Will it need to be passed next Session and go to the voters?

ASSEMBLYMAN WATTS:

Yes, as a constitutional amendment beginning through the Legislature, both Houses must pass the resolution. No action is required by the Governor. It will return for consideration in the Eighty-second Legislative Session in 2023 where

it must be passed by both Houses again. After that, it will be placed on the general election ballot in 2024 for a vote of the people. If a majority of the voters support the bill, the change will take effect. Three states, Colorado, Utah and Nebraska have voted on this, and it has passed by strong, if not overwhelming, margins.

SENATOR SEEVERS GANSERT:

I would like to thank Assemblyman Watts and the cosponsors for bringing this resolution forward. I appreciate the language being brought to light so we can remove it from our Constitution.

AARON FORD (Attorney General):

I am testifying in favor of A.J.R. 10 which seeks to remove language from the Nevada Constitution that authorizes the use of slavery and involuntary servitude as a criminal punishment. Article 1, section 17 of the Nevada Constitution states, "Neither Slavery nor involuntary servitude, unless for the punishment of crimes, shall ever be tolerated in this State." The clause in the section I just quoted, "unless for the punishment of crimes," provides an exception, allowing for legalized slavery and involuntary servitude. It implores the criminal justice system be allowed to take action. As our reference point, a second similar clause appears in the Thirteenth Amendment to the United States Constitution. Just as that clause undermines our United States Constitution, this clause undermines the foundation of the State of Nevada. As its commentary states in the 2016 documentary film *13th*, an in-depth look at the prison system in the United States and how it reveals the Nation's history through racial inequality, the Thirteenth Amendment exception has permeated our society.

The Nevada Constitution was created with urgency in 1864, hence the "Battle Born State," as part of President Lincoln's effort to prevail in the Civil War fought over slavery. At that time, Nevada Governor James Warren Nye deemed that neither train nor postal service was fast enough to deliver the handwritten Nevada Constitution to President Lincoln before the upcoming presidential election. According to the Nevada State Library and Archives, Governor Nye authorized for the Nevada Constitution to be telegraphed across the continent to Washington, D.C. At that time, it was the most expensive telegraph ever, costing \$4,313. After receiving the telegram, Lincoln proclaimed Nevada was admitted to the Union, and the following year the Union won the Civil War.

While Nevada was actively trying to earn Statehood, other areas of the Country were struggling to end the practice of slavery and involuntary servitude. Those practices were deeply ingrained in the social and economic fabric of states throughout the Union, now known as the former Confederate Territories. Nevada led the way, albeit with room for improvement. It was a precondition for admission to the Union for Nevada to be a nonslave State, and, parenthetically, the other preconditions were freedom of religious worship and a disclaimer of public land. Nevada was one of the States leading the way on the issue of slavery and involuntary servitude.

The Thirteenth Amendment of the United States Constitution, which abolished slavery throughout the Country, was ratified after the Nevada Constitution on December 6, 1865. The Thirteenth Amendment utilized similar language which is in our Constitution, "providing that neither slavery nor involuntary servitude, except as punishment for a crime whereof the party shall have been duly convicted, shall exist within the United States or any place, subject to their jurisdiction." This language was often used for the purpose of circumventing the abolition of slavery.

"Black codes" were enacted throughout America to punish and incarcerate the formerly enslaved for petty purposes, such as having to prove employment every year or for violating early curfews. Once convicted, the government could then lease inmates, extracting forced labor without pay. States could allow convict lease and used that as a method of loaning or renting prisoners to companies for private use. Notably, Black prisoners were often rented or loaned to former slave owners for labor. The prisoners would come back severely abused, deformed and some even died. That was a way for racists to act out vengeance for no longer having the right to own people and enslave them. Moreover, it was the beginning of our culture's rebranding of Black men from slave to criminal. A book entitled *Slavery by Another Name: The Re-Enslavement of Black Americans from the Civil War to World War II* by Douglas A. Blackman corroborates this practice.

Assembly Joint Resolution 10 is designed to protect all groups from slavery and involuntary servitude. Black Americans are disproportionately represented in Nevada prisons. While Black Americans represent 10.3 percent of Nevada's overall population, they comprise slightly more than 31 percent of Nevada's prison population. The Caucasian prison population is 42 percent in Nevada, larger than any other race or ethnic group. Ultimately, individuals of every race,

color and creed would benefit from A.J.R. 10. It serves to rid us of the last vestiges of slavery. This clause in question is not only antiquated, but it is entirely unnecessary to achieve the criminal justice's purposes—among other things punishment, deterrence, rehabilitation and restoration.

In closing, I would like to share a personal story and introduce you to William Berry. Similar to Assemblyman Watts, I come from a lineage of the formerly enslaved. William Berry was my fourth great-grandfather, born in Fordyce, Arkansas, as an enslaved individual in the early 1800s. He was married with children and was put on an auction block to be sold in Fordyce. He stood up for his humanity and said that his wife and children deserved to have a husband and a father. They did not sell him; they killed him on the auction block. An oral history of my family says three of his sons were sold to a Texas slave owner, one of whom was my third great-grandfather, and I am the progeny of William Berry. His DNA runs through my veins. As Nevada's Attorney General, I continue his legacy, and I fight for everyone's humanity. Today, you can join me and members of the Nevada Black Caucus along with every member of the Nevada Legislature in this fight for humanity by supporting A.J.R. 10.

ELIZABETH DAVENPORT (American Civil Liberties Union of Nevada):

Being an extern from the William S. Boyd School of Law, University of Nevada, Las Vegas, I am here on behalf of the American Civil Liberties Union (ACLU) of Nevada and am in strong support of A.J.R. 10. I echo the eloquent words of Assemblyman Watts and Attorney General Ford. I reiterate, slavery is not a Nevada value and should not be in the Nevada Constitution. Nevada is one of only 11 states within the Country which include slavery in its Constitution. Of these states, Wisconsin and Tennessee have recently introduced legislation to remove it.

Assemblyman Watts spoke of how the history of slavery has echoed into present day by allowing harsh punishment for crimes. This is unacceptable and archaic, and slavery should never be condoned, regardless of circumstance. The ACLU of Nevada strongly urges your support for A.J.R. 10 to remove this language from our Constitution.

JARED LUKE (City of North Las Vegas):

As the largest city in Nevada with a majority of minority people, I echo the sentiments of the previous testimonies. I stand in strong support of A.J.R. 10.

CHRISTINE SAUNDERS (Progressive Leadership Alliance of Nevada):

I am in support of A.J.R. 10. I thank Assemblyman Watts for bringing this legislation forward and Attorney General Ford for the valuable history lesson. The Nevada Constitution is our State's guiding document and agreement of how we will interact with one another, representing our shared values and a symbol of our ideals. The global pandemic and the rise of the Black Lives Matter movement has created a watershed moment for change. Thousands of Nevadans have taken to the streets to demand an end to the ways our institutions perpetuate systemic racism. Nevadans are looking for the State to do what is right. We must act to remove this outdated and harmful language from our State Constitution.

JIM HOFFMAN (Nevada Attorneys for Criminal Justice):

We support A.J.R. 10 because we oppose slavery in all cases, including in the prison system. I do not think the bill needs any more justification, but I would encourage the Committee to reflect on this question. If our criminal justice system still allows slavery, where else might there be bias and discrimination in other pieces of the system?

MARIA-TERESA LIEBERMANN-PARRAGA (Battle Born Progress):

We are in strong support of A.J.R. 10 and thank Assemblyman Watts for bringing the bill forward. Nevada is the "Battle Born State," and for that reason we must take slavery out of our Constitution so we can stand for freedom and second chances for people.

KENT ERVIN (Nevada Faculty Alliance):

We support A.J.R. 10 on general principles for all of the reasons already stated. The Nevada System of Higher Education faculty are required to teach the Nevada Constitution as part of our general education curriculum. Assembly Joint Resolution 10 provides teachable moments about how this provision got into the Constitution in 1864, its harsh consequences and the process to change it now.

ASSEMBLYMAN WATTS:

There is clearly a need from a public policy perspective to update our Constitution to reflect the times we are in and to ensure our Constitution shows the values that we as Nevadans hold. For me, it is also a deeply personal issue, as someone who uncovered through my ancestry my enslaved great-great grandfather and found records of him becoming a freed man.

CHAIR OHRENSCHALL:

I would like to open the hearing on A.B. 95. We are fortunate to have our former State Senator David Parks on Zoom.

ASSEMBLY BILL 95: Revises the membership of the Legislative Committee on Public Lands. (BDR 17-463)

DAVID PARKS:

I am pleased to present A.B. 95 for your consideration. I had the honor of serving as Chair of the Legislative Committee on Public Lands for the 2019-2020 Interim Session. The Committee monitors a wide variety of natural resources and public lands which are matters crucial to the State's economy, lifestyles and traditions. Travel to rural towns and communities around the State, holding committee meetings and conducting informational tours are also a part of its function. These visits provide Legislators an opportunity to visit with local, State and federal officials and provide members of the Public Lands Committee the ability to hear directly from citizens of each community.

Going into the last Interim, the Committee had planned to emphasize the State's cooperation with Native-American tribes throughout Nevada. Many of those plans were derailed, including a potential community meeting at a tribal facility, due to Covid-19. We were able to hold virtual meetings with the Reno-Sparks Indian Colony, Las Vegas Paiute Tribe and members of the Eastern Shoshone-Paiute Tribe. Testimony presented by various members of the tribes offered a unique perspective concerning the management of Nevada's public lands. Based on a recommendation for legislation submitted by Assemblyman Howard Watts at the Committee's final hearing in September 2020, the Committee voted unanimously to approve a bill draft request to add one tribal member to the Committee on Public Lands.

The current membership of the Public Lands Committee is comprised of nine members: four members of the Senate, four members of the Assembly and

one elected officer representing the governing body of a local Nevada government. Currently, Daniel Corona, mayor of West Wendover, is the local government representative. With the addition of one tribal member, the Committee will have ten members.

Turning to A.B. 95, section 1, subsection 1, paragraph (d) adds one tribal member appointed by the Legislative Commission based on a recommendation from the Inter-Tribal Council of Nevada (ITCN). The tribal member will represent the interests of Nevada's 27 tribes on a Statewide basis. In addition to other conforming changes, the only other new provision of the bill is located in subsection 8 of section 2. It allows for the tribal member to receive the per diem allowance and travel expenses provided for State officers and employees in general. The bill will become effective on July 1, allowing for the appointment of a tribal member in the next Legislative Interim.

In conclusion, providing a tribal voice on the Public Lands Committee will offer a significant opportunity for the Legislature and Nevada's tribes to cooperate on public lands issues. I humbly ask for your support on A.B. 95.

MARLA MCDADE WILLIAMS (Reno-Sparks Indian Colony):

I am here on behalf of the Reno-Sparks Indian Colony. I want to extend our appreciation to Assemblyman Howard Watts. During our presentation to the Committee on Public Lands, we have discussed the resources and coordination needed to manage land within the reservations' boundaries. The adjacency to county and city boundaries requires extensive coordination with various local governments. Having a tribal representative on this Committee will help strengthen relationships between State, local and tribal governments.

In addition, there is significant overlap of multiple issues under the jurisdiction of the Public Lands Committee that can benefit from a tribal perspective. Further, Nevada's reservations are part of the federal land that makes up the State. The Inter-Tribal Council of Nevada has access to all of the elected members of Nevada's 27 reservations and colonies. Through the Executive Director of the ITCN, Deserea Quintana, I am confident the ITCN can successfully select a representative who will be able to participate fully on the Committee.

ASSEMBLYMAN WATTS:

We have several measures moving through the Legislature this Session to expand and include tribal voices in our various decision-making bodies. It is

important to bring those voices into the process and address issues of importance to Indigenous people in this State. Assembly Bill 95 fits into that mission.

SENATOR LANGE:

I am pleased the tribes are being represented. In history, the tribes have been taken for granted. The tribes in the State of Nevada need to be integrated into our policy-making process.

MS. SAUNDERS:

We are in support of A.B. 95. Adding a member recommended by the ITCN to the Committee on Public Lands is important. These public lands were stolen lands which our Indigenous neighbors have been stewards of for generations. Membership on the Committee will bring much-needed knowledge of Nevada's many tribes, which should be at the forefront when crafting policies which impact the Earth.

MR. PARKS:

In the past, we have had local government representatives on the Committee, and they have offered a unique perspective to work the Committee performs. More recently, we had Mayor Debra March from Henderson and a number of other local government officials from across the State. This Committee was created in 1970, but it was not until 1983 that local government representatives were put on the Committee, which made it a better Committee for consideration of public lands issues.

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CHAIR OHRENSCHALL:

I will close the hearing on A.B 95. We are adjourned at 4:14 p.m.

RESPECTFULLY SUBMITTED:

Barbara Young,
Committee Secretary

APPROVED BY:

Senator James Ohrenschall, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit Letter	Begins on Page	Witness / Entity	Description
	A	1		Agenda
A.J.R. 10	B	1	Assemblyman Howard Watts	Prepared Remarks on Support Testimony