Nevada’s 2019 Legislative Session

Review and Report Card

Nevada Policy Research Institute
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In November 2018, Nevada witnessed a blue wave — or perhaps what occurred is better described as a blue tsunami.

Spurred by near-unprecedented voter enthusiasm, particularly for a midterm election, Democrats dominated election night, from local assembly and senate races to Nevada’s constitutional offices. (Reelected as Secretary of State, Barbara Cegavske was the lone success story for Republicans in statewide races.)

The biggest story of election night, of course, was Democrat Steve Sisolak’s relative trouncing of his Republican rival, former Attorney General Adam Laxalt, for the governorship.

But legislative Democrats also had a blockbuster night. They easily maintained control of both legislative chambers, and in fact increased the size of their majorities.

Most notably, Democrats assumed command of a powerful 29-13 supermajority in the assembly, giving them the much cherished two-thirds representation that is required to enact new tax increases, per Nevada’s state constitution, and also override a gubernatorial veto.

Fortunately for Republicans, they narrowly avoided a two-thirds taking by the Democrats in the senate, although a split of 13-8 meant there was no room for GOP defectors if they wanted to
successfully oppose new tax proposals.

This report card will allow Nevadans to assess how their elected officials acted on issues pertaining to economic freedom and is designed to provide insight into lawmakers’ votes.

It is to ensure that Nevada’s elected officials are held to account for the votes they cast that Nevada Policy publishes this legislative report card after every session.

However, the way a lawmaker votes only tells part of the story. Some of the most significant legislative actions occur behind the scenes, before any vote is ever taken.

To that end, Nevada Policy thought it important to go beyond merely the bills that were voted on in both chambers. This report card is broken into key categories — policy areas that most impact the degree to which Nevada remains a free and prosperous state.

“However, the way a lawmaker votes only tells part of the story.”

Each section will give a narrative on not only the bills we found important, but also the key lawmakers who worked behind the scenes to advance or thwart policy proposals. Following each section, Nevada Policy will recognize specific lawmakers who worked tirelessly behind the scenes for key reforms, as well as call out those who actively fought against the interests of everyday Nevadans.

At the end of the day, the overall scores remain an important metric. However, given the landscape of modern politics, these issue-specific “rankings” will prove to be far more valuable for citizens and activists who are looking to advance liberty by working beyond partisan politics, and engaging lawmakers on key issues.
Since it was first enacted in 1911, the Nevada Public Records Act has been a crucial public-policy tool allowing regular citizens and influential stakeholders to hold their government accountable.\(^1\)

The NPRA’s explicit purpose, as written into the Nevada Revised Statutes, is “to foster democratic principles by providing members of the public with access to inspect and copy public books and records to the extent permitted by law.”\(^2\) Notably, the NPRA requires that its provisions “be construed liberally to carry out this important purpose.”\(^3\)

When governments adhere to the requirements of the law, the NPRA works well. It allows watchdog organizations like Nevada Policy to keep an eye on the activities of the governing class. For example, each piece of data Nevada Policy publishes on TransparentNevada.com, Nevada’s largest public-sector pay database, was acquired via requests for public records, pursuant to the NPRA.\(^4\)

Unfortunately, government agencies across Nevada — both state and local — have learned over the years they can flagrantly disregard the law’s requirements with impunity because they are, quite literally, never disciplined for doing so.

Governments’ flouting of the law manifests in different ways. Some will deny a valid request for government documents on the false basis those documents are confidential under state law. Others may be willing to provide the requested documents, but only if the requester agrees to pay a hefty and often disproportionate fee. Others still will simply ignore a citizen’s request for public records altogether.

That’s why, during the summer of 2018, stakeholders from various interest groups across the political spectrum came together to form what became known as the Right to Know Nevada coalition — a group dedicated to improving the NPRA in ways that incentivize government agencies to comply with the law as written.\(^5\)

Its founding members included Nevada Policy, the ACLU of Nevada, the Las Vegas Review-Journal, and attorney Maggie McLetchie, but dozens more signed-on over the course of the 120-day legislative session.
Sen. Parks, correctly recognizing the deficiencies of the status quo, agreed to sponsor legislation towards this purpose. Sen. Ira Hansen agreed to co-sponsor the bill immediately and was a tireless advocate throughout the session.

With the support of the coalition, Senate Bill 287 was drafted to implement discretionary penalties of up to $250,000 against government officials who were found to have wrongly, and in bad faith, violated state law and denied access to public records.

Additionally, the legislation called for more cooperation from government employees when responding to information requests, and for limiting what fees could be charged for producing records.

“Despite an outpouring of support from residents from across the state, the ‘government veto’ almost killed the bill then and there.”

Not surprisingly, when the bill was first heard in committee on April 3, 2019, government lobbyists — who are paid with taxpayer dollars — crowded the room and voiced their vehement opposition to the bill. Seemingly, government agencies across the state cringed at the idea of being held more accountable to the citizens they ostensibly serve.

Despite an outpouring of support shown by residents from all corners of the state, the “government veto” almost killed the bill then and there.

The bill would languish for weeks without action and was ultimately resurrected only after Nevada Policy and the coalition put significant pressure on party leadership, demanding that the bill be given a hearing.

That strategy seemed to pay off, as the Senate Finance Committee, to which the bill had been referred some weeks earlier, finally held a subsequent hearing for SB287 on May 29.

The hearing was again contentious, pitting the Right to Know Nevada coalition members against a series of government lobbyists. It quickly became apparent that lawmakers were unwilling to stand against this wave of lobbyists and ensure that government officials actually face consequences for knowingly violating the state’s open records law.
Consequently, the bill was heavily amended and the penalty on individual government officials was removed.

While the final version of SB287 was significantly watered down, nothing would have been passed without the tireless work of Sens. Ben Kieckhefer and Melanie Scheible, who worked long hours to produce compromise language that stood the best chance of passing.

Some of the most surprising opposition, on the other hand, came from a few Assembly Republicans, including Asm. Glen Leavitt.

Despite ultimately voting for SB287 after it became clear that it would pass, Asm. Leavitt fiercely opposed an already watered-down version of the bill when it first reached his committee on June 3rd, the very last day of the session. Specifically, Asm. Leavitt felt it was excessive and unfair to propose levying a $1,000 fine against a government agency (the fine on an individual had already been removed) for violating the law.

What the assemblyman failed to appreciate, is that government is supposed to serve the people — not rule over them. Advocating for a system whereby the government can violate laws with impunity is inconsistent with a representative system of government run by “we the people.”

Sen. Parks, on the other hand, deserves special recognition for both sponsoring SB287 and for his efforts to include a penalty on any individual government employee who violates the law.

Despite the fact that the final amended version didn’t include those penalties, it still moves Nevada’s government toward being more transparent and accountable to the people.

As the editorial board of the Las Vegas Review-Journal noted:

“The final version of the bill scaled back the potential fines for government workers or departments that willfully refuse to cooperate with those seeking access to documents and records held and compiled by the public-sector agencies that work on their
behalf. But any statutory punishment represents progress.”  

We at Nevada Policy continue to believe any law without penalties will rarely be followed. Moreover, it is fundamentally immoral and unjust to create a special class of citizens — government officials — who can break state law without consequence.

Until the Legislature removes penalties on ordinary citizens who fail to pay any of the taxes demanded of them, Nevada Policy will fight for equal treatment under the law and revisions to the NPRA that include penalties on the specific government officials who violate the law.

**Senate Bill 224**

**Legislating Secrecy for the Pension System**

During the 2017 session, Democrats pushed for legislation intended to decrease transparency within Nevada’s Public Employees’ Retirement System (PERS).

Citing unfounded privacy concerns, Sen. Julia Ratti sponsored the legislation — Senate Bill 3847 — to make secret certain information needed to calculate and analyze the taxpayer-funded pensions of retired government employees.

At the time, Nevada Policy’s Robert Fellner wrote:

“It is deeply troubling that lawmakers are seeking to shroud PERS in even more secrecy, particularly at a time when costs are soaring to unprecedented heights, siphoning funds that could otherwise be spent on teachers, public safety and other vital services.”

Undoubtedly, having access to such information as name, date of retirement, and last employer of PERS recipients is vital for the purpose of assessing waste and fraud in the pension system, as the Las Vegas Review-Journal recently noted:

“That additional information, however, can be vital to uncovering excesses. For instance, a 2015 study by the Nevada Policy Research Institute found many public employees retired with pensions larger than their final year of base pay.”

Moreover, when the bill was debated in committee, its proponents failed to identify any instances of identity theft resulting from access to such public information, a fact the Reno Gazette-Journal noticed in its editorial opposing the effort:

“This is a bad idea, based upon unfounded fears, that weakens
scrutiny of government fraud, abuse and waste and creates a slippery slope to more government secrecy.” ¹⁰

Ultimately, the bill was amended several times before passing both chambers on mostly party lines in 2017, though a few Democrats did show opposition. Fortunately for taxpayers, Gov. Sandoval wisely issued a veto, remarking:

“SB 384 seeks to achieve its goals by limiting the public’s right to access public information, upsetting the established balance between privacy and transparency.

“In deciding how to balance these competing interests, the public’s right to know cannot be compromised absent a compelling case that such limits are justified and in the public interest.

“SB 384 does not overcome this significant test in favor of less transparency. Although the proponents raised the possibility of identity theft, there is no assurance that SB 384 would actually prevent such risk.” ¹¹

But in 2019, with a democrat occupying the governor’s mansion, Democrats renewed their efforts to accomplish what they failed to acheive in 2017.

Again sponsored by Democrat Sen. Julia Ratti, Senate Bill 224¹² of the 2019 session sought to make secret the names of those receiving tax-funded public pensions.

Sen. Ratti joined a paid lobbyist hired by the Retired Public Employees of Nevada (RPEN), Marlene Lockard, to co-present the bill to the Senate Government Affairs Committee on March 1, 2019. Lockard seemed to assume the role of “expert” in this specific policy area, though her credentials for doing so were never revealed.

“...her statements so distorted the actual debate, that Nevada Policy had little recourse but to file a formal complaint”

However, her demonstrably false — and fearmongering — claims made to the committee in support of the bill indicated her expertise should be questioned.

In fact, her statements so distorted the actual debate, that Nevada Policy
had little recourse but to file a formal complaint with both the Nevada Attorney General as well as the Legislative Counsel Bureau, alleging a violation of NRS 218E.085(2) — the state law that makes it a crime to knowingly misrepresent any fact when testifying before a legislative committee.

As Nevada Policy described in its press release announcing the complaints:

“Ms. Lockard relied almost entirely on known falsehoods when explaining why the secrecy proposed by SB224 is ostensibly necessary.

“Specifically, Lockard told the committee that passing SB224 was necessary because of a recent court order that allegedly requires PERS to disclose its members’ passports, addresses of ex-spouses, birth certificates and other similarly invasive information. In reality, no such court order exists and none of that information is, nor has it ever been, public under Nevada law.”

Seemingly, those concerns fell on deaf ears, as the Democrats remained generally supportive of the concept throughout the hearing process. The bill was approved by the committee in late March and later by the senate as a whole.

However, by the time the proposal reached the assembly, Gov. Sisolak had apparently taken a keen interest in its development.

It turned out that Gov. Sisolak — being a fervent, career-long supporter of transparency in government — wasn’t inclined to sign the bill as introduced. He, in fact, lobbied leading Democrats to amend the bill so as to allow for the public release of names and pension amounts for PERS beneficiaries.

Democrat leadership acquiesced, and the bill was amended to keep names public. However, other changes were made as well — changes that actually increased government secrecy at the expense of the public’s right to know.

Despite being amended to make names public, the rewritten bill
also made new information secret — information the bill’s first iteration explicitly made public.

Rather than simply adding names to the limited list of data declared public in the bill’s first iteration, the amendment resulted in only names and payout amounts being public information. This left key contextual data secret, such as the retiree’s last employer, years of service credit, retirement date and whether the benefit is a disability or service retirement.

Despite Gov. Sisolak’s historic dedication to greater transparency, he nonetheless eventually signed the amended bill into law when it reached his desk, representing a massive blow to government transparency in the Silver State.

The veil of secrecy SB224 places over PERS means Nevada citizens will have little (if any) insight into how the agency spends more than $2 billion of their taxes each year.

“the amended bill made new information secret — information the bill’s first iteration explicitly made public.”
Transparency Rankings

Beyond the Votes

Based on their actions throughout the session as well as their voting record, Nevada Policy has named the lawmakers who were the most dedicated to ensuring Nevada government is transparent and accountable — as well as those who demonstrated the most profound hostility toward this policy goal.

Pro-Transparency
Lawmakers of 2019:

Sen. David Parks (D)
Sen. Ben Kieckhefer (R)
Sen. Ira Hansen (R)
Sen. Melanie Scheible (D)

Anti-Transparency
Lawmakers of 2019:

Sen. Julia Ratti (D)
Asm. Glen Leavitt (R)

The actions lawmakers take long before voting on certain bills can be the most important indicator of their support or hostility toward policy issues. As a result, it is important to look beyond the aggregate rankings found at the end of this report card, and evaluate lawmakers based not only on the votes they cast, but also on their actions throughout the session.
During the 2015 legislative session, Republican-led efforts to increase state education funding included an increase to the existing Modified Business Tax rate. The MBT is a payroll tax on Nevada businesses with wages totalling above $50,000, with finance and mining-related businesses paying a slightly higher rate.

That 2015 legislation increased the general MBT rate to 1.475 percent, but it also included a provision which would automatically lower the MBT rate going forward if certain tax sources well-exceeded the revenue projections offered by the Economic Forum.

Accordingly, due to exceptionally-robust tax revenues during the prior biennium — the product of a booming Nevada economy — the MBT rate was set to decrease to 1.378 percent at the start of Fiscal Year 2020.

Of course, despite Gov. Sisolak’s “no new taxes” pledge, his biennial budget assumed the legislature would eliminate the MBT’s partial-sunset provision, a move which would maintain the current tax rate of 1.475 percent in perpetuity. Eliminating the partial sunset was projected to increase total state revenues by about $100 million over the 2019-2021 biennium, money which Democrats claimed was desperately needed for education funding. (Spoiler alert: This was not remotely true, as will be shown later.)

However, controversy about whether Democrats could unilaterally — without a single GOP vote — eliminate the partial-sunset provision from law had been brewing ever since Gov. Sisolak unveiled his biennial budget in early 2019.

The controversy stemmed from Nevada’s voter-approved constitutional
requirement that any legislation to increase revenue be approved by two-thirds of the members in each legislative chamber. Democrats controlled a 2/3 majority in the Nevada State Assembly (29-13), but were one member shy of a 2/3 majority in the Nevada State Senate (13-8).

Under Article 4, Section 18, subsection 2 of the *Nevada State Constitution*,

“[A]n affirmative vote of not fewer than two-thirds of the members elected to each House is necessary to pass a bill or joint resolution which *creates, generates, or increases* any public revenue in any form.”\(^{17}\) (Emphasis added.)

Despite the seemingly plain and unambiguous text of this provision, Gov. Sisolak and legislative Democrats insisted the law was on their side, notwithstanding a series of recent Legislative Counsel Bureau actions which suggested otherwise.

Then, in early May, the Democrats received the go-ahead signal they had been waiting for: The Legislative Counsel Bureau issued an opinion stating a two-thirds majority was in fact not required for eliminating this partial sunset. Essentially, the LCB claimed that the proposed change in law would merely “extend” current tax rates, and thus did not constitute an *increase*.\(^ {18}\) (Sen. Settelmeyer called the LCB opinion “a work of legal fiction,”\(^{19}\) given that the measure was quite obviously designed to “generate revenue” by changing current law.)

Publicly, Democrats remained optimistic that they could persuade one GOP senator to support this tax extension — and thus avoid seemingly-inevitable litigation on this issue. However, the following weeks made clear they were determined to move forward with the MBT extension regardless of whether or not any GOP lawmakers defected to their side.

Senate Bill 551 was finally introduced during the last full week of the 80th legislative session. As originally drafted, the bill required a two-thirds vote to remove the scheduled partial sunset, as Senate Democrats remained hopeful a single GOP senator could be won over.

However, all eight GOP senators remained unified in their opposition to the MBT extension, and the original bill failed having not garnered two-thirds support.

Then, in an act of what can only be described as vengeance, Democrats reintroduced the bill… this time, *without* language requiring two-thirds support. The bill now took aim at two GOP-favored educational choice programs, simultaneously eliminating Nevada’s Education Savings Account program from law and putting further restrictions on Opportunity Scholarships — a educational choice program exclusively
serving low-income students. (The ESA program had never been funded, so this move was purely symbolic.)

In addition to the constitutional issue at play, Democrat leadership’s insistence on eliminating the partial sunset was also entirely unnecessary from a fiscal perspective. Indeed, it was widely reported in the session’s final days that tens (if not hundreds) of millions in other available revenues had still not been allocated for any purpose. There was no need for additional revenues — the legislature actually had a surplus.

As the editorial board of the Las Vegas Review-Journal pointed out:

“It wasn’t that Nevada had a fiscal shortfall. Far from it. Legislators had a record amount of tax revenue to spend. But in government, more is never enough.”

The rewritten bill was, nonetheless, passed by both legislative chambers along party lines (without two-thirds support in the senate) and Gov. Sisolak signed it into law on June 12.

In July 2019, the Senate Republican Caucus filed a lawsuit to challenge the MBT extension’s implementation with less than two-thirds support. It is expected the litigation will soon reach the Nevada Supreme Court, where justices will have the opportunity to reinforce and affirm the constitution’s two-thirds rule for measures aimed at generating revenue.

“\textit{It wasn’t that Nevada had a fiscal shortfall. Far from it. Legislators had a record amount of tax revenue to spend.}”

\textbf{Assembly Bill 309}  
\textit{Authorizing counties to impose an additional .25-pt sales tax}

Gov. Sisolak and legislative Democrats entered the 2019 session with access to record levels of revenues to fund whatever policy proposals they deemed appropriate.

Nevada’s economic boom had resulted in state coffers practically overflowing with tax dollars, and state economists predicted the bull economy was here to stay — at least for the short term.
Thus, when Gov. Sisolak unveiled his proposed biennial budget, we learned he’d budgeted an additional $1 billion in General Fund spending for 2019-2021, an increase of nearly 13 percent versus the previous biennium.21

Surely, this massive increase in the state budget meant there was no need for new taxes at the local level, right?

Wrong.

Despite having record revenues at their disposal — including for the purpose of funding K-12 public education at higher levels — Democrats in the waning weeks of the session amended an existing education proposal, Assembly Bill 309, to include a provision allowing counties to impose an additional .25-pt sales tax.22 The new tax could be implemented either by a two-thirds vote of a county commission or via ballot initiative.

Estimates showed that if Clark County, for example, went forward with such a tax hike, it would raise upwards of $108 million per year of new revenue.23 Of course, many counties in Nevada already have relatively high sales tax rates, including Washoe (8.265%) and Clark (8.25%)24 — but more is apparently never enough for government coffers.

This new tax could increase those rates by another .25-pt — to 8.5% and beyond — leaving millions of Nevadans with one of the highest sales-tax burdens in the country and disproportionately injuring low-income Nevadans.

Initially, this new tax was sold as a way to increase funding for K-12 education and to battle homelessness in the counties of Clark and Washoe. However, in the session’s final days, the bill was again amended to include a provision authorizing the potential revenues of the sales-tax increase to fund, in addition, “one or more joint labor-management programs of workforce training in the hospitality industry.”

Unsurprisingly, that amendment was pushed by Sen. Cancela, who for years served in a political capacity for the Culinary Union. Seemingly, Cancela expects taxpayers to pay for programs that directly benefit her former private employer.

The editorial board of the Las Vegas Review-Journal framed her seeming conflict in the following terms:

“No, this doesn’t rise to the level of corruption. But the word ‘shady’ sure comes to mind. Why should local taxpayers be forced to finance the job training efforts of a private labor organization and its hospitality employers? They shouldn’t.” 25
Notwithstanding repeated assertions by Republicans that Nevada’s taxpayer burden had never been greater — and that state and local coffers had never been so full — Democrats rammed through this tax increase on party lines (though, to her credit, Sen. Ratti broke from the Democrats to oppose the bill). Gov. Sisolak would eventually sign AB309 into law on June 12, 2019.

We taxpayers can now expect individual counties, in the coming months, to consider if and how to implement this additional .25-pt sales tax — despite the fact that those very same counties have never been flusher with cash.

**Assembly Bill 456**

**Increasing the Minimum Wage to $12**

“I am committed to working with the legislature — and the business and labor communities — to raise the minimum wage in our state.”

— Gov. Sisolak, during his 2019 State of the State address

The 2019 legislative session was a particularly bad one for Nevada businesses.

Apart from the Modified Business Tax extension, Democrats led the charge — with plenty of GOP support — to implement compulsory paid-sick leave for businesses with more than 50 employees via Senate Bill 312. Such a mandate will further impact businesses’ bottom line and hinder their ability to hire more workers.

Most detrimental of all, however, to the wellbeing of private enterprise was Democrats’ legislating a dramatic increase to the state’s minimum wage.

The governor clearly signaled his support for raising the minimum wage during his inaugural address to lawmakers. The only lingering question was, by how much?

Under previous law, Nevada’s minimum wage was set by the labor commissioner, in accordance with federal law and the consumer price
index, at $8.25 per hour — or $7.25 per hour if an employer offered qualifying health benefits.\textsuperscript{28}

Thus, when Democrats introduced Assembly Bill 456 — which proposed to increase the minimum wage to $12 per hour by 2024 (or $11 per hour for those offered qualifying health benefits)\textsuperscript{29} — it drew swift rebuke from both sides of the political spectrum — but for different reasons.

Republicans rightly viewed the proposal as a job killer. After all, going from $8.25 to $12 represented a 45 percent increase in the minimum wage. Certainly, many businesses would be forced to cut hours, reduce their workforce or even close their doors entirely if their overall personnel expenses increased by that degree.

Contrarily, many union-supporting Democrats criticized the bill as not going far enough, referencing the “Fight for $15” movement that has swept the nation in recent years. In fact, the 2017 Legislature witnessed the introduction of legislation seeking to achieve that $15 per hour threshold, though that effort was ultimately abandoned.\textsuperscript{30}

This time around, Republicans were powerless to stop the bill from reaching the governor’s desk and being signed. AB456 was never in doubt, and it passed on partisan lines — though Sen. Pickard defected from the GOP caucus to join the Democrats in support of the bill.

Now the state will get to witness the effects of such a severe mandate over the coming years, although other jurisdictions’ recent experiences with similar increases to the minimum wage should be enlightening.

The city of Seattle, for example, in the years 2015-2016 gradually increased its minimum wage from about $9.50 to $13 per hour. Scholars at the University of Washington then sought to quantify the effects of the mandatory wage hike in terms of the labor market and employee earnings.

What they found, quite conclusively, is that low-wage workers were disproportionately harmed by the increase:

\textbf{“Certainly, many businesses would be forced to cut hours, reduce their workforce or even close their doors entirely”}

\textit{“[W]e conclude that the second wage increase to $13 reduced}
hours worked in low-wage jobs by around 9 percent, while hourly wages in such jobs increased by around 3 percent. Consequently, total payroll fell for such jobs, implying that the minimum wage ordinance lowered low-wage employees’ earnings by an average of $125 per month in 2016.”

Indeed, while certain workers’ take-home pay increased, the average low-wage worker saw his monthly earnings drop precipitously. Objectively, the increase to $13 per hour failed to achieve its primary goal: Increasing the earnings of low-wage workers, generally.

Similarly, New York City has been feeling the ill effects of recent increases. Since 2016, the city’s minimum wage for businesses with more than 10 employees has skyrocketed from $9 per hour to $15 and, unsurprisingly, businesses have had a difficult time adjusting. In August 2019, the Wall Street Journal reported:

“More than six months after the $15 minimum wage went into effect in New York City, business leaders and owners say the increased labor costs have forced them to cut staff, eliminate work shifts and raise prices.

“Many business owners said these changes were unintended consequences of the new minimum wage, which took effect at the beginning of the year.”

Of course, for those who understand the value and logic behind labor markets and supply-and-demand economics, such negative consequences were foreseeable if not inevitable. As Nevada Policy notes in its Solutions policy guide, “market wages are a function of productivity.”

“Individuals who earn higher wages in the market do so precisely because they possess the skills or education to produce goods or services that are highly valued within society.”

Further,

“All major schools of economic thought recognize that minimum wage laws, if effective, artificially raise the price of labor above the market-clearing price, leading to the unemployment or underemployment of workers.”

Time will be instructive, but Nevadans — especially low-wage workers — should expect to experience the same repercussions as have Seattle and New York vis-à-vis layoffs and reduced working hours.

If Democrats truly want to increase earnings for workers across the state, rather than increase the minimum wage, they’d be wiser to eliminate it altogether.
Based on their actions throughout the session as well as their perfect voting record on the issue, Nevada Policy has identified the two lawmakers who showed the most principled opposition to higher taxes.

**Taxpayer Friendly**
(Business and Taxes)

**Lawmakers of 2019:**

**Asm. Jim Wheeler (R)**
**Asm. John Ellison (R)**

The actions lawmakers take long before voting on certain bills can be the most important indicator of their support or hostility toward policy issues. As a result, it is important to look beyond the aggregate rankings found at the end of this report card, and evaluate lawmakers based not only on the votes they cast, but also on their actions throughout the session.
COLLECTIVE BARGAINING

The 2019 Legislature witnessed a series of Democrat-sponsored bills catering to the special interests of government-sector unions at both the state and local levels.

The political calculus is simple to understand, given organized labor’s predictable — and significant — support for Democrats during the election process.

SENATE BILL 111
GRANTING GOVERNMENT UNIONS MORE LEVERAGE DURING NEGOTIATIONS

Too often in recent years, taxpayers have witnessed the unfortunate excesses of Nevada’s laws governing public-sector labor. The collective-bargaining scheme is such that government unions are incentivized to negotiate new contracts in less-than-good faith. In no small part, this is due to the fact that when a union and government agency reach an impasse regarding the terms of a contract, an arbitrator will most likely award the union virtually everything it asked for during negotiations.

The results of this, financially speaking, are catastrophic for individual districts and taxpayer-funded agencies. In nearly every instance where an arbitrator sides with a government union, agencies are forced to make significant cuts to their budgets — often crippling operations for weeks or months and seriously impacting the agencies’ ability to offer meaningful services to their constituents.

This phenomenon occurs in local districts across the state, but has

“The political calculus is simple to understand, given organized labor’s significant support for Democrats during the election process.”
perhaps been most pronounced in recent years in the Clark County School District. In 2017, for example, when an arbitrator sided with the teacher union after contract negotiations had stalled, CCSD was immediately forced to identify $68 million in budget cuts for the upcoming year to pay for the ordered teacher-salary increases — including $47 million which “needed to be shaved from schools’ strategic budgets.”

Of course, as is often the case in dealings with school-district unions, the effect of such budget cuts on student performance barely even seemed to be an afterthought — another reminder that unions are beholden to their members, not students or taxpayers.

However, even though the status quo institutionally favors unions during contract negotiations, Democrats introduced Senate Bill 111 in an effort to give government unions even more leverage during the collective-bargaining process. As written, SB111 proposed to reduce the amount of an agency’s ending-fund-balance that cannot be considered by an arbitrator for the purpose of determining what a district — excluding schools — can afford, from 25% to 16.67%.

What this means in practical terms is that government unions will now be able to reference an expanded pot of money for the purpose of convincing an arbitrator that their high-ball demands are justified, with little concern for the fiscal health of the district. Even in the rare cases where an arbitrator sides with the district, that judgment will have been made more favorable to unions — and thus, more impactful for taxpayers — by this change, because their final offers will have been calibrated accordingly.

The bill was initially heard by the Senate Government Affairs Committee on April 2 and ultimately passed both chambers on strictly partisan lines. Gov. Sisolak signed the bill into law on June 12, 2019.

This virtually guarantees the tax burden will rise on Nevadans in coming years as arbitration judgments become more expensive and government agencies continually face budget concerns as a result. SB111 was one of several cases in 2019 where the concerns of taxpayers lost to the interests of politically connected unions.
During his 2019 State of the State address, Gov. Sisolak voiced his support for expanding collective-bargaining abilities to Nevada’s nearly 22,000 state workers.

Under the *status quo ante*, only local-government employees were granted the ability to collectively bargain. Thus, certain Democrat lawmakers have long-argued that state workers should also be given the same abilities, citing (primarily) the disparity in overall compensation between organized local-government workers and nonorganized state workers. Further, they’ve lamented the alleged problems with state-worker turnover rates, claiming workers too often leave their positions in state government for higher-paying, local-government jobs, to the detriment of the state agencies they leave behind.

On both fronts, however, these arguments fail. While it is true that local-government employees earn, on average, more than state workers, proponents of state-worker collective bargaining have largely ignored the arguments *against* extending bargaining abilities.

First, as demonstrated by a 2019 Nevada Policy report — and contrary to the assertions of government-union supporters — Nevada state workers are in fact quite well-compensated when compared to their *private-sector* peers.

Based on the most recent employment data available, the report found
that, “Median earnings for Nevada state workers are 29 percent above private earnings — a gap that is the fourth largest nationwide.”

It continued: “Average compensation for Nevada state workers ranked 10th highest nationwide on a raw, unadjusted basis, and fifth highest when accounting for the different price levels among the 50 states.”

The report also found that the voluntary quit rate of state workers is just “a tiny fraction of the overall quit rate of workers nationwide,” indicating that state employees themselves, as measured by their expressed actions, do not consider themselves underpaid.

“Taken together,” the report concludes, “the evidence makes clear that compensation for state government workers is already well above market levels, and the additional cost associated with extending collective bargaining to state workers is an unnecessary burden on taxpayers.”

But how large of a taxpayer burden would be required to implement state-worker collective bargaining?

According to a 2016 Heritage Foundation study — co-authored by Nevada Policy’s former Director of Research, Geoffrey Lawrence — expanding collective bargaining is likely to increase the state’s overall budget by between $307 million to $647 million per year.

This estimate was regularly invoked by GOP lawmakers — including leadership — to justify their opposition to Senate Bill 135 from the time it was officially introduced in early February through sine die.

“The money isn’t there for 3 percent teacher raises,” said GOP Assembly Leader Jim Wheeler in early May, as the bill’s fate was still uncertain. “So how are you going to go to the collective bargaining and half a billion dollars a biennium estimated rise?”

Notwithstanding Republicans’ vehement and unified opposition to this legislation, Democrats passed SB135 on a strictly party-line basis in both
legislative chambers.

However, by the time the bill had reached the governor’s desk for his signature, an amendment had been injected into the legislation that demonstrated even some supporters of the proposal had concerns about the potential costs associated with granting collective bargaining abilities to state workers.

Specifically, the amendment granted the governor the authority to veto any labor contract that has already been approved by both sides. This last-minute amendment suggests, quite clearly, that Gov. Sisolak demonstrated concerns over the future fiscal impact of SB135 behind closed doors.

And those concerns are well founded. Unfortunately, in practical terms, the “veto authority” granted to the governor’s office will be of little impact. Due to the political pressure unions will be able to exact on a governor (regardless of political party) it seems unlikely this veto will be used in any meaningful way.

As a result, Nevadans should expect to contribute many millions of additional tax dollars in future years to fund the contracts negotiated by newly empowered state-level collective bargaining agents.

On this basis alone, it is very likely — if not a certainty — that the upcoming 2021 Legislature will be eager to raise taxes across the board to pay for the result of state workers’ newly-granted bargaining abilities.

During the 2017 session, Democrat-sponsored legislation would have provided for the implementation of so-called “evergreen clauses” in public-sector collective bargaining agreements.44

Only two years earlier, Republican-led reforms outlawed such clauses, under which schedules of pay raises agreed to in government-union labor agreements continue in effect beyond the expiration of that contract, until
such a time when new agreements are brokered. Those 2015 reforms — which passed with clear bipartisan support — were aimed at controlling public-employee compensation costs, which in recent years have grown at unsustainable rates.

Nonetheless, Democrats sought to reverse those reforms with new legislation in 2017 and were quickly called-out in the media for doing so. In particular, the *Las Vegas Review-Journal* wrote:

“*The measure [to reverse the 2015 reforms] is an overstuffed gift basket for government unions that promises to transfer millions from the pockets of hard-working Nevadans into the coffers of public-sector labor organizations, which will return the affection by showering campaign contributions on legislative Democrats.*”

Indeed, evergreen clauses are among the tools government unions rely upon to increase their already disproportionate leverage during collective-bargaining negotiations. When workers are promised a raise irrespective of an agreement being reached, it lessens the incentive for the union to bargain in good faith — thus increasing the likelihood that arbitration will eventually be invoked to settle the dispute.

Ultimately the 2017 bill died, having never been heard in committee. Seemingly, Democrats understood the optics didn’t favor them — not to mention Gov. Sandoval had likely readied his veto pen in case such a bill made it to his desk.

Not surprisingly, two years later — and with a democrat governor now leading the state — the effort to reimpose evergreen clauses was reignited by the 2019 Legislature via Senate Bill 153.46

Introduced by Sen. Parks, SB153 was first heard in committee on April 2, 2019 by the Senate Government Affairs Committee. During the hearing, organized labor proved to be the bill’s biggest proponents.

Chris Daly of the Nevada State Education Association, the umbrella organization for local teacher unions across the state, testified in support of the bill and the alleged need to reverse the 2015 Republican reforms:

“*Changes made . . . in the 2015 session had chilling effects on*
collective bargaining for public employees. It did not achieve its stated goal of labor peace and locked employers and public employee unions in contentious, non-stop negotiations.”

Of course, Daly’s interpretation of events completely mischaracterizes the function and effects of evergreen clauses. They are only designed to accomplish one purpose: Giving unions more power in the negotiation process!

Nevada Policy testified in opposition to the bill, countering the arguments made by union supporters:

“This bill [SB153] would reduce the incentive for government unions to negotiate in good faith over a new contract, knowing that certain terms of their previous contract can be extended indefinitely in the event of an impasse. Such an arrangement greatly tips the scales in favor of government unions, at the expense of public employers and taxpayers.”

Alas, the Democrat-controlled committee was not deterred by the potential impact upon taxpayers or government agencies. The bill sailed through committee and ultimately both legislative chambers, passing strictly on partisan lines. Gov. Sisolak then signed the bill into law on June 6, 2019.

Unfortunately for taxpayers, the passage of SB153 will inevitably result in increased public-compensation costs, which means higher taxes, reduced government services, and a greater probability of pension insolvency in future years.
Collective Bargaining Rankings

Beyond the votes

Based on their actions throughout the session as well as their vocal concern over collective bargaining’s fiscal impact, two lawmakers stand out for prioritizing taxpayer concerns over those of government unions.

The actions lawmakers take long before voting on certain bills can be the most important indicator of their support or hostility toward policy issues. As a result, it is important to look beyond the aggregate rankings found at the end of this report card, and evaluate lawmakers based not only on the votes they cast, but also on their actions throughout the session.

Taxpayer Friendly (Collective Bargaining)

Lawmakers of 2019:

Sen. James Settelmeyer (R)
Asm. Jim Wheeler (R)
Throughout the 2019 session, Democrats demonstrated extreme hostility to programs that would expand the types of educational options available to Nevada’s struggling students.

Notwithstanding the fact that the state’s traditional education system has, for decades, failed its youth, Democrats remained unified in their opposition to expanding any program that empowers families to seek alternatives to traditional government-run schools.

Specifically, Opportunity Scholarships — a program which exclusively serves children from low-income households — were targeted by Democrat leadership.

Democrats’ “solution,” as always, was to keep pouring more money into the K-12 system and hope for the best. (It’s an approach that teacher unions — which directly profit from expanding the government monopoly over education — aggressively supported.) Yet funding for public K-12 has nearly tripled on an inflation-adjusted, per-pupil basis since 1960, while student performance has remained flat. By any objective measure, the status quo of a one-size-fits-all monopoly has clearly failed. Nevadans need choice!

Unfortunately, legislative Democrats in both chambers rejected proposals which would empower individual students and their families to choose a school which best fits their individual needs.

For example, Republican Asm. Hafen introduced Assembly Bill 218 to fund the state’s existing Education Savings Accounts program. Since 2015, when it was first enacted, the program has remained unfunded,
even though it promises to dramatically improve the way education is
delivered in Nevada by putting families in charge of a portion of the
money allocated to educating their children. However, the Assembly
Committee on Education — led by Democrat Asm. Flores — declined to
even debate the bill in committee. Moreover, the ESA program — in an
act of apparent revenge for the Republicans’ unwillingness to extend the
current Modified Business Tax rate — was ultimately removed from law
via Senate Bill 551.

The same misfortune applies for Senate Bill 404, which was sponsored
by nine legislative Republicans.51 SB404 would’ve created a new school-
choice program — mirrored after the existing Opportunity Scholarships
program for low-income families — specifically aimed at giving aid to
Career and Technical Education students. CTE is woefully underfunded
in Nevada, and this bill would’ve benefitted those students for whom
a traditional education is not suitable. But like AB218, the bill was not
given an opportunity to even be discussed in committee.

Most disappointing was Democrats’ neglect of Senate Bill 351.
Introduced by Sen. Gansert, along with eleven other Republicans, the
bill sought to expand and improve the state’s Opportunity Scholarships
program, allowing more struggling low-income students alternatives to
their local public school.

Enacted in 2015, Opportunity Scholarships is the only funded non-
charter educational-choice program in Nevada. The program is funded
by contributions from Nevada businesses, who in turn receive a dollar-
to-dollar tax credit against their Modified Business Tax liability.52 The
scholarships are then awarded to low-income students seeking private
educational options that are otherwise available only to wealthier
families.

The program currently serves about 2,300 mostly minority students
and their families who fall below 300% of the Federal Poverty Level
— though participation would be much higher if lawmakers prioritized
funding for the program.53

Sen. Gansert’s bill (SB351) proposed to improve the Opportunity
Scholarships program in several crucial ways. First, it would allot
a minimum of $10 million per year for the program in available
scholarship-financing tax credits, increasing funding for the program
above current levels, and establishing funding regularity for the
foreseeable future. (The program was initially provided $5 million for
Fiscal Year 2016, and has grown at a rate of 10% since,54 not including
a one-time $20 million allotment for the program provided by the 2017
Legislature.)55}
Second, SB351 would expand the types of tax credits available to include Insurance Premium Taxes, thereby encouraging even more Nevada businesses to fund scholarships.

Lastly, it proposed to relax the income requirements for special-needs students who apply for scholarships — a long-overdue reform, given the expensive nature of providing for children with such needs (not to mention public education’s difficulty in adequately caring for these vulnerable students).

Yet again, Democrats denied a hearing in committee on the bill, and Republicans were helpless to stop them.

**Assembly Bill 458**

**Eliminating the 10% escalator for Opportunity Scholarships**

Democrats weren’t content with merely blocking GOP education reforms — with Assembly Bill 458, they actively worked to dismantle existing alternatives to traditional public education.

At issue, specifically, is the 10 percent escalator on the funding growth for Opportunity Scholarships. AB458, introduced by the Assembly Committee on Education, sought to eliminate the program’s annual growth and cap it at existing levels. (SB551 further restricted the program with an ambiguous provision that seems to stipulate funds allocated to the program can only be used for students already receiving scholarships.)

Democrat Assembly Leader Jason Frierson presented the bill in the Assembly Committee on Taxation on April 4. During his presentation, he argued the statutory growth of the program was “unsustainable,” even though that growth would’ve amounted to a mere $600,000 dollars over the next year.

That reasoning, of course, is easily debunked. First, it appears to contradict other legislation which Democrats rammed through during

“What kind of message are we sending to our youth by denying these students an escape from their local schools which aren’t working for them?”
the session which would, in fact, reduce the levels of available K-12 classroom funding by significant amounts. Democrats passed Assembly Bill 136, for example, which expanded prevailing-wage requirements for public-school construction — taking dollars directly out of the classroom to pay for higher union-led construction costs.

As Nevada Policy notes in its Solutions policy guide, prevailing-wage laws require that “workers building state-funded public works projects receive a special kind of minimum wage,” one that is, on average, 62 percent above market rates.

Under prior law, governments were only required to pay 90 percent of the prevailing wage on school projects, and charter schools were completely exempt from those requirements.

This change guarantees that school construction costs will increase by tens of millions going forward, as detailed by the fiscal notes submitted to the committee by governments across the state. Thus, Democrat supporters of AB458 were speaking from both sides of their mouths — on one side, there’s not enough money to retain a 10 percent escalator on the scholarship program for low-income students; but on the other, there’s seemingly plenty of available funds to gift special-interest labor groups.

However, Frierson’s line of argumentation also fails in another significant way. Contrary to the typical fulminations of school-choice opponents, choice programs do not “steal” money from public education. As Nevada Policy illustrated in its 2017 report, “Nevada’s Opportunity Scholarships: A Win for Students and Taxpayers,” school choice generates a taxpayer savings!

Understanding this phenomenon is quite simple. Nevada, including both state and local revenues, funds public education at a rate of more than $10,000 per pupil, per year. Yet the average scholarship value for
Opportunity Scholarships, for example, is only about $5,000.\textsuperscript{59} Thus, for every student who leaves public school and utilizes a scholarship to attend a different, private school, the state saves thousands of dollars related to educating that child.

Indeed, the taxpayer benefits of school-choice programs increase as does student participation. Nevada Policy noted this truth in its committee testimony:

“\textit{What kind of message are we sending to our youth by denying these students an escape from their local schools which aren’t working for them? There are other options out there for these students which would work better for them, including Opportunity Scholarships, which, by the way, generate a fiscal savings to the state in the long run. Such programs should be embraced, not shunned.”}\textsuperscript{60}

Of course, committee Democrats were not persuaded.

A final insult occurred durring testimony, when Asm. Frierson abruptly left the room, unannounced, as parents offered their tear-jerking stories about how this scholarship program is the only thing keeping their children from being ripped away from new educational opportunities (and forced back into local public schools where they had struggled for years before).

Frierson wasn’t the only legislative Democrat unmoved by the emotional testimony from numerous low-income families. Ultimately, AB458 passed along strictly partisan lines in both the senate and assembly.

Certainly, this is yet the most recent reminder of what school-choice proponents have long known: Far too many politicians have prioritized the interests of politically active teacher unions over those of students, parents and taxpayers.
Based on their actions throughout the session, Nevada Policy is recognizing the lawmakers who showed the most commitment toward empowering Nevada families with greater educational choice — and naming those who were most hostile to such policies.

**Educational Choice**
**Lawmakers of 2019:**

**Sen. Heidi Gansert (R)**
**Asm. Gregory Hafen (R)**

**Anti-Choice**
**Lawmakers of 2019:**

**Sen. Nicole Cannizzaro (D)**
**Asm. Jason Frierson (D)**

The actions lawmakers take long before voting on certain bills can be the most important indicator of their support or hostility toward policy issues. As a result, it is important to look beyond the aggregate rankings found at the end of this report card, and evaluate lawmakers based not only on the votes they cast, but also on their actions throughout the session.
In recent years, a broad coalition of political players has started to recognize the ubiquitous injustices inherent to our nation’s criminal justice system — and the tremendous taxpayer costs that accompany them.

Led by groups such as Right on Crime — a national initiative whose mantra is “fighting crime, supporting victims, and protecting taxpayers” — criminal-justice reforms long supported by libertarian and progressive leaders are quickly gaining popularity among constitutional and fiscal conservatives as well. The foundational goal for such reforms is to make the system more equitable for those who endure it and more efficient for taxpayers who bear the costs associated with it.

One such proposal contemplated by the 2019 Legislature was cash-bail reform. Under the current system, those arrested for their yet unproven crimes often languish in jails for weeks (if not months) as they await trial, if they cannot afford to post bail. It is a system which discriminates against the marginalized members of society and provides special treatment to those with significant financial resources, while seemingly upending the American slogan “innocent until proven guilty.”

In short, except for those arrested who pose a demonstrated risk to the public welfare, nobody should be incarcerated for any significant period of time unless he or she has been found guilty of a crime in a court of law.

Two bills were proposed during the 2019 session to help remedy these injustices of the cash-bail system: Assembly Bills 125 and 325. Both sought to reduce the use of cash-bail as a first resort in cases where
alternatives were deemed adequate by a presiding judge. Both pieces of legislation were ultimately met with fierce resistance by law enforcement as well as Nevada’s legislative Republicans, who, seemingly, haven’t yet been convinced that such reforms promote constitutional rights, as well as the interests of taxpayers. Due to this unified opposition, neither bill made it to the governor’s desk by sine die.

A similar tale can also be told of the legislature’s efforts to rein-in the profoundly unjust law-enforcement practice known as “civil asset forfeiture.”

**Assembly Bill 420 Reforming Civil Asset Forfeiture**

Civil asset forfeiture is among the most flagrantly unamerican law-enforcement practices.

Under federal and state forfeiture laws, law enforcement may seize an individual’s personal property based merely on a suspected nexus to criminal activity. Property (cash, cars, homes, etc.) can be seized and ultimately forfeited even when its owner is neither arrested nor charged of any crime — much less found guilty of one!

Most intolerable, however, is that the seizing law-enforcement agency is typically entitled to a sizeable portion of the proceeds generated by forfeiture auctions. This means our police agencies are directly incentivized to seize property, knowing that it’ll benefit their bottom-lines and, if they’re lucky, provide enough funding for some new toys for the department.

In fact, law enforcement agencies not only consider such forfeitures to be some sort of perk, they actually build them into their budget and depend on such revenues for various pet projects and equipment. The Linn County Sheriff’s Office in Iowa, for example, recently used forfeiture proceeds to purchase a $300,000 armored vehicle, despite no clear “need” for such an elaborate piece of machinery.64 (The Institute for Justice has coined the phrase “policing for profit” to describe this perverse dynamic.65)
A 2017 Nevada Policy study documented the extent to which forfeitures occur in Clark County, Nevada, and its findings were unambiguous: Forfeitures overwhelmingly take place in low-income and minority communities, where those impacted are least likely to have the financial means to defend their property in court — especially since, unlike criminal cases, property owners are not guaranteed legal representation in civil forfeiture cases.

Often, even those with the resources to fight the forfeiture decide not to, as the seized property can often be worth less than what it would cost to litigate the issue. Under either scenario, legalized theft is essentially committed by government agencies, who never have to prove in a court of law that the owner of the seized property is, indeed, guilty of any criminal act.

“Forfeitures overwhelmingly take place in low-income and minority communities, where those impacted are least likely to have the financial means to defend their property in court.”

During the 2017 legislative session, a bipartisan cohort of ten lawmakers — including the state’s current attorney general, Aaron Ford — introduced legislation (Senate Bill 358) to modify how forfeiture laws are applied. Prominent among the proposed reforms was the requirement that forfeiture would not apply to any property absent a criminal conviction or similar plea from its owner.

But despite the bill’s demonstrated showing of support, it failed to advance through the Senate Judiciary Committee.

After the session, Nevada Policy contemplated SB358’s demise in its 2017 Report Card:

“Why did the bill fail, given the supposed bipartisan support for reform? The answer appears to involve freshman state Senator Nicole Cannizzaro, a Democrat from Las Vegas.

“In addition to serving as a legislator, Sen. Cannizzaro is a sitting Clark County deputy district attorney. Notwithstanding
that ethical conflict, however, she also acted as Vice Chair for the Senate Judiciary Committee, before which SB358 was heard.

“Knowing this, it’s easy to surmise why the bill failed to advance out of committee. Reform would’ve meant less money not only for police but also for Nevada DAs. Thus, SB358 was killed quietly and without explanation, as Cannizzaro controlled the committee.”

In addition to her presumed ethical conflict, Sen. Cannizzaro’s mere presence in the legislature appears to violate the plain text of the Nevada State Constitution — specifically, Article 3, Section 1, which reads:

“The powers of the Government of the State of Nevada shall be divided into three separate departments,—the Legislative,—the Executive and the Judicial; and no persons charged with the exercise of powers properly belonging to one of these departments shall exercise any functions, appertaining to either of the others, except in the cases expressly directed or permitted in this constitution.”

Sen. Cannizzaro was not up for reelection in 2018, and thus maintained her prominent role on the Senate Judiciary Committee for the 2019 session — this time as committee chair.

“As a former Clark County public defender, Asm. Yeager witnessed the unjust excesses of forfeiture as practiced by Nevada law enforcement”

Understanding Sen. Cannizzaro’s position of power in the senate, proponents of forfeiture reform decided to begin their 2019 legislative efforts in the assembly.

Assembly Bill 420 was introduced on March 25, 2019. Though technically sponsored by the Assembly Judiciary Committee as a whole, AB420 was the work of committee chairman Steve Yeager, a Las Vegas Democrat with a demonstrated passion for criminal-justice reform of this sort. As a former Clark County public defender, Asm. Yeager witnessed the unjust excesses of forfeiture as practiced by Nevada law enforcement, and as such was the perfect ambassador for this effort.
Unlike its 2017 predecessor, AB420 sought to eliminate the civil-forfeiture framework entirely. Instead, citizens would be permitted to avail themselves of the due-process protections afforded by the criminal system, including the right to taxpayer-funded counsel. Such a reform would constitute a major victory for due-process and the rights of property owners.

Nevada Policy testified in support of AB420 on March 29, after which Chairman Yeager specifically thanked the Institute for its continued work advancing forfeiture-reform research and legislation. The bill was otherwise met with broad bipartisan support and was easily voted out of the assembly by a 34-6 margin.

But like 2017, the reform effort was killed in the Senate Judiciary Committee by lawmakers who work for government agencies directly benefiting from the status quo.

Sen. Cannizzaro — still an active prosecutor — was this time flanked by her committee colleague, Sen. Melanie Scheible, who is also an active Clark County prosecutor. Together they appeared intent on killing the bill — indeed, they resisted even hearing the bill in committee until public pressure started to mount!

Following that initial senate hearing, no further action on the bill was taken — not even a committee vote — and AB420 succumbed to the same fate as did 2017 efforts.

“The reform effort was killed in the Senate Judiciary Committee by lawmakers who work for government agencies directly benefiting from the status quo.”

As we write this 2019 Report Card, this episode again reminds us of the swampiness and incestuous nature which characterizes Nevada politics. Unless the state’s constitutional prohibition on dual servants is finally enforced, Nevadans should expect to see plenty more examples of lawmakers putting the concerns of their government employers over those of the very citizens they claim to represent.
Criminal Justice Rankings

Beyond the votes

Nevada Policy has deemed the following lawmakers the “best” and “worst” on criminal justice reform issues, based not only on votes cast, but on their actions throughout the legislative session.

Pro-Reform (Criminal Justice)
Lawmaker of 2019:

Asm. Steve Yeager (D)

Anti-Reform (Criminal Justice)
Lawmaker of 2019:

Sen. Nicole Cannizzaro (D)

The actions lawmakers take long before voting on certain bills can be the most important indicator of their support or hostility toward policy issues. As a result, it is important to look beyond the aggregate rankings found at the end of this report card, and evaluate lawmakers based not only on the votes they cast, but also on their actions throughout the session.
Grading Lawmakers

Because most Nevadans do not have the time to follow the individual performances of their representatives in the Nevada Legislature, Nevada Policy keeps track throughout the session. The following rankings provide an objective measure of each lawmaker’s overall voting record on legislation impacting the degree of economic freedom and needed policy reforms.

The grading system is an adapted version of that used by the National Taxpayers Union to grade Congress. A key advantage of the NTU methodology is that it allows bills of greater significance to be weighted accordingly. Thus, each bill impacting Nevada tax rates, either directly or indirectly as the result of spending beyond available revenues, is assigned a weight of 1 through 100, depending on magnitude of impact. Also considered are bills that would create hidden taxes through costly regulation and bills that provide targeted tax subsidies to politically favored recipients.

It should be noted that some legislative proposals can reduce the tax burden — either by lowering tax rates directly or by curtailing spending. Lawmakers can gain points by voting for such proposals. Lawmakers can also gain points by voting for bills that increase government transparency, protect property rights and improve education through structural reform. Where substantial disagreement exists on how best to curtail spending, bills are not considered. When a legislator has been excused from or did not vote on a bill, its corresponding points are subtracted from the denominator to reflect his or her absence.

All scores are expressed as a percentage of the maximum possible number of points. No congressman has ever received a perfect score using the NTU model and so perfect scores should not be expected. Generally, a legislator with a score above 50 is considered to be an ally of economic liberty.

Since floor votes are the only purely data-driven metric for evaluating lawmakers’ performance, they are the only factor considered by Nevada Policy’s overall rankings in this report card.

For the 2019 session, Nevada Policy identified 57 bills significantly impacting economic liberty that received floor votes.

A listing of these bills, and each lawmaker’s voting history, is available on Nevada Policy’s website, www.nevadapolicy.org, along with the underlying spreadsheet calculations. Within the spreadsheet, bills are grouped by topic (e.g. transparency, taxes, collective bargaining,
education, etc...), so citizens can not only review a lawmaker’s overall performance, but also his or her performance within particular areas of interest.

Of course, it’s important to remember that these overall rankings are only one part of how well a lawmaker represented the interests of taxpayers. Their actions behind closed doors, during committee hearings and throughout the session, after all, often dictate what issues actually get voted on.

This is the reason each section of this report card’s narrative recognized lawmakers who stood out on those particular policy priorities. Combined with a lawmaker’s overall ranking on the following pages, this narrative can better enlighten readers as to how well their representatives defended the interests of taxpayers and citizens in the last legislative session.

“Of course, it’s important to remember that these overall rankings are only one part of how well a lawmaker represented the interests of taxpayers.”

**Grading the Governor**

Of the 57 bills whose floor votes were cataloged in Nevada Policy’s legislative report card, 45 were bills that made it to the Governor’s desk. Each bill before him then demanded a decision: to approve or to veto.

These 45 Sisolak decisions yield a significant and revealing metric for his performance within this responsibility.

It should be noted, of course, that a governor’s influence goes far beyond signing or vetoing legislation. For example, though Gov. Sisolak ultimately authorized collective bargaining for state workers — a very bad development for taxpayers — he personally lobbied to include the CBA veto provision. Thus, a terrible bill was made slightly less terrible by his behind-the-scenes intervention.
## 2019 Legislative Report Card

### Governor and Legislature:

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