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**Testimony of  
David Schumann before the  
Assembly Taxation Committee  
Re: A.B. 281 on May 1, 2003**

Mr. Chairman, members of the committee, I had a tough time deciding where to start with this economy-wrecking bill. It is so bad. Then, right there on page 3 in Sec. 11, the Governor himself told me where to start. "The Legislature hereby finds and declares that the tax imposed by this chapter on a business entity must not be construed as a tax upon customers of the business entity, but as a tax which is imposed upon and collectible from the business entity and which constitutes part of the operating overhead of the business entity." I, of course, understand that "the Legislature" has found no such thing. This is the governor's bill and HE is boldly declaring that he is totally **ignorant** of the laws of economics. He might as well ask you to find and declare that it is not nice that people fall out of tall buildings and die upon hitting the ground and that therefore you are repealing the law of gravity. The Governor is asking you to collaborate in his ignorance of economics.

Here is a revelation for the governor: a "business entity" needs to recover **ALL of its operating overhead plus a profit from its activities or it goes out of business.** Think about it. A person as ignorant of economics as that is attempting to increase the burden of government on the people of Nevada by something like one billion dollars!!! This bill, ladies and gentlemen, is an attempt to sneak an income tax through by disguising it under a different name. Please turn to page 5, Sec. 16, "A natural person engaging in a business shall be deemed to be a business entity that is subject to the provisions of this chapter if the person is required to file with the Internal Revenue Service a schedule C (form 1040)....or a Schedule F (form 1040)" The complete title of form 1040 is "U.S. **Individual Income Tax** return." So of course Governor Guinn's proposal is a sneaky way to impose an income tax. It will engage the Nevada government in exchanging information with the I.R.S. about Nevadans' **Individual Income Tax** information. Did the Governor announce this aspect of his plan when he boldly called anyone who objected a coward? I don't think so. I doubt that even 5% of Nevadans know what the Governor has planned for them. The Governor did also NOT tell Nevadans that income from 5 or more rental units would be included in his "gross receipts tax." There are a number of people, such as your humble witness, who have retired here from other states. They have invested a sizable portion of their life savings in rental units and complied with all local laws. Now they find that this income is going to be attacked by the Governor.

It is not enough that the Governor is proposing a tax that will hit every Nevadan, no, he

ASSEMBLY COMMITTEE ON TAXATION

DATE: 5/1/03 ROOM: 3142 EXHIBIT J

SUBMITTED BY: DAVID SCHUMANN

5/1/03 12:52 PM

has decided to strip Nevadans of their basic right to a presumption of innocence and adopt the I.R.S.'s standard of guilt. Please turn to page 7, Sec. 18 (5),

"The regulations must require that to prevail in the appeal the taxpayer must prove by clear and convincing evidence that the method used by the Department for determining the amount of gross receipts that are taxable pursuant to this chapter did not fairly represent the extent of the business conducted by the business entity in this state."

Ladies and gentlemen, that is tyrannical. Yes the I.R.S. uses the same standard, but it is NOT the standard the founding fathers set for government. The tax people should have to prove by clear and convincing evidence that THEY are correct. Anyone with a few years on them can easily point to outrageous injustice perpetrated by Federal taxing authorities. We won't stand for the Governor's low standards in Nevada!

Please turn to page <sup>14</sup>~~43~~ Sec 4<sup>3</sup> (b) for another example of the Governor's tyranny. The taxpayer must preserve his records "for 4 years or until any litigation or prosecution pursuant to this chapter is finally determined, **whichever is longer**;" So, if the taxman doesn't find fault for 4 years and the taxpayer throws away his records, he is then in violation of the law if the taxman comes and he doesn't have the records. This section basically says that we have to go into the warehousing business just to please the governor and his tax-grabbers.

The fact is that Nevadans are NOT under taxed. Attached to my testimony is a map displaying the results of a study by the Utah Legislature. State and local taxes as a percent of Nevadans' personal income were 10.2% in 1998-99. That is a higher level of taxation than Oregon, Texas, South Dakota, Florida, New Hampshire, Alabama or Tennessee and just equal to the tax burden citizens of Colorado, Missouri, and Virginia. Operating revenue for the state's schools increased 25.1% more than enrollment did over the last 5 years according to a study done by the Nevada Taxpayers Association, so the schools are not short of money. The Governor appears to want to be seen as doing *something* about the sad state of education by asking for more funds to increase per pupil spending and reduce class size. Lets look at that for a moment.

The substandard quality of education in the U.S. has nothing to do with events in Nevada. It is a national problem. The Office of Educational Research and Improvement of the U.S. Dept. of Education released a study entitled "**Pursuing Excellence**" which examined the performance of American twelfth graders' achievement in comparison with that of other nations. The Department found that

"Performance of U.S. physics and advanced mathematics students was among the lowest of the 16 countries that administered the physics and advanced mathematics assessments.

In all five content areas of physics and in all three content areas of advanced mathematics, U.S. physics and advanced mathematics students' performances were among the lowest of the TIMSS (third international math and science study) nations."

That money is not the problem with education in America or Nevada is shown by statistics compiled by the U.S. Dept. of Education which show that both America and Nevada spend far more per pupil than Austria, Italy, Germany, France, the U.K., Australia, Netherlands, Japan, Ireland, Spain or Portugal. In spite of all that money spent on education, our kids came in last or next to last. Money is not the problem, educational philosophy and content is. Nevertheless, as a recent editorial in "The Washington Times" points out, educrats will always whine for more money and claim to be under funded. The District of Columbia spent \$10,852 per student, " a mere \$70 behind New York State, the national leader." Peggy Cooper Cafritz, the School Board president has the gall to claim that the schools are "significantly underfunded." The same myth circulates about class size. Here is an insight: 50 years ago average class size in K-12 schools was 30-35 in the major cities of the East Coast. Nonetheless I can say without fear of serious challenge that those of us who went to school then received a much superior education to what the kids receive today in class 2/3 to 1/2 our class size. The bottom line is that the funding for class size reduction can be eliminated during these times of economic uncertainty and idea of an increase in spending to bring per pupil up to some nebulous "national average" should be dropped permanently. The economist Milton Friedman, who has studied American education for over 50 years succinctly sums up all of the above: "There is an inverse relationship between the amount of money the state spends on education and the academic results achieved thereby."

Attached to my testimony is a study done by the American Legislative Exchange Council entitled "**States Can't Tax Their Way back to Prosperity: Lessons Learned from the 1990-91 Recession.**" This study documents that the surest way to harm the economic health of a state is to raise taxes. The study names the states which raised taxes and the states which cuts taxes and documents the results for each state. The tax cutting states prospered while the tax raising states declined in economic health. Please read the study it is only 6 pages of text with 8 pages of charts and graphs. I can summarize it briefly:

**Budget Reserves:** The budget reserves of the tax-cutting states (7.1% of state expenditures) were much higher than those of the states that raised taxes (1.7%). Tax cutting states were in better fiscal health than tax-increasing states.

**Bond Ratings:** If tax cuts contribute to fiscal deterioration, then the bond ratings of the ten states that cut taxes aggressively in the 1990s

should be worse than the ten states that raised taxes. In fact, just the opposite was true. In the tax-cutting states, the average Moody's bond rating in 1995 was between Aaa and Aa. In the tax-raising states, the average Moody's bond rating was between Aa and A1.

**Population Growth:** Americans voted with their feet in favor of tax-cutting states. Population gains were 3.8 percent in the tax-raising states, but 13 percent in tax-cutting states. The tax-cutting states gained 500,000 more people than the tax-increasing states.

**Employment Growth:** Businesses migrated to low tax states in the 1990s, enhancing job growth in their new locales. From 1990-1997 the United States gained approximately 12 million (net) new jobs. But in the ten states that raised taxes, total employment rose by 5 percent, which was only one-third the job growth in the tax-cutting states (16 percent). Some of the tax-raising states lost jobs from 1990-95 including Rhode Island, Connecticut, California and Massachusetts. Job flight was reversed only after taxes were cut in these states in the mid 1990s. None of the tax-cutting states lost jobs in the first half of the '90s.

**Incomes:** Total state income grew by 22.5 percent in the tax-cutting states--twice the rate of income growth in the tax-raising states (11.3%).

Again Milton Friedman sums it up nicely: "There is very little the government can do to help the economy, there is no end to the harm the government can do the economy."

The Governor should be spending more of his time asserting the right of Nevada to lands illegally claimed by the Federal Government. In *Pollard v. Hagan*, 44 U.S. 212 (1845) the Supreme Court ruled, "We think a proper examination of this subject will show, that United States never held any municipal sovereignty, jurisdiction, or right of soil in and to the territory, of which Alabama, or any of the new states were formed." According to the study done by the Utah Legislature, the State of Nevada loses \$355 million a year due to the Federal claim to land in Nevada. Please remember that it is the private sector that creates wealth and the government sector which redistributes it. There will be less to redistribute if the Governor's tax bill, or any other tax increase is imposed on the hard working citizens of Nevada. The State would be better served if the Legislature create permanent committees to investigate ways to cut government waste rather than collaborate with the Governor in making life even tougher for every Nevadan. Again, the Gross Receipts Tax IS an income tax on every Nevadan who will have to pay more for the bread he buys, the car he drives and the

clothes he wears. It comes down to this; raise taxes, lower  
the health of our economy, lower taxes, improve the health of our economy.

Thank you for your time.

# The Washington Times

[www.washingtontimes.com](http://www.washingtontimes.com)

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## Per-pupil spending

House Editorial

Published March 13, 2003

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In the midst of the relentless whining emanating from the D.C. Council and the Board of Education over the alleged financial shortchanging of children attending public schools, the Census Bureau offered a dramatically different picture.

A report issued Tuesday revealed that current per-pupil spending for public schools is virtually as high in the District as it is in any of the 50 states. Specifically, for the school year ending in June 2001, the District spent \$10,852 per student, a mere \$70 per student behind New York State, the national leader. The District's per-pupil current expenditure exceeded the national average of \$7,284 by more than \$3,500, or 49 percent.

Regarding current spending and capital outlays (construction, equipment, etc.), the District's per-pupil figure was \$15,122, a level that was far higher than a comparable figure for any state. Indeed, the highest level of total revenues of any state — \$12,454 for New Jersey — was nearly \$2,700 per pupil below the District's. Across the nation, moreover, total revenues available for current spending and capital outlays averaged \$8,521 per pupil, a level the District's figure of \$15,122 exceeded by more than \$6,600 per student, or by an astounding 77 percent.

Using somewhat different criteria, the National Education Association (NEA), arrived at comparable relative spending levels between District and the rest of the nation for 2001. Based on average daily attendance, the NEA calculates that D.C. schools spent \$13,525 per pupil in 2001, nearly \$6,000 per student above the national average of \$7,640. Like the Census Bureau's per-pupil differential, the NEA's figure for the District is a breathtaking 77 percent above the national average.

These figures put the lie to the assertions by the likes of D.C. Council member Adrian Fenty and School Board President Peggy Cooper Cafritz, who maintain that schools are significantly underfunded. The problem, quite obviously, isn't that D.C. taxpayers and the federal government are shortchanging the schools. The problem is that the schools have been shortchanging the students for years.

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# PURSUING EXCELLENCE

A STUDY OF U.S. TWELFTH-GRADE  
MATHEMATICS AND SCIENCE ACHIEVEMENT  
IN INTERNATIONAL CONTEXT

Prepublication Copy  
EMBARGOED until February 24, 1998, 11 a.m. EST

INITIAL FINDINGS FROM THE  
THE 3<sup>RD</sup> INTERNATIONAL MATHEMATICS AND SCIENCE STUDY

OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT  
U.S. DEPARTMENT OF EDUCATION

NCES 98-049



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## **CHAPTER 3: ACHIEVEMENT OF ADVANCED STUDENTS**

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### **KEY POINTS:**

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Performance of U.S. physics and advanced mathematics students was among the lowest of the 16 countries that administered the physics and advanced mathematics assessments.

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In all five content areas of physics and in all three content areas of advanced mathematics, U.S. physics and advanced mathematics students' performances were among the lowest of the TIMSS nations.

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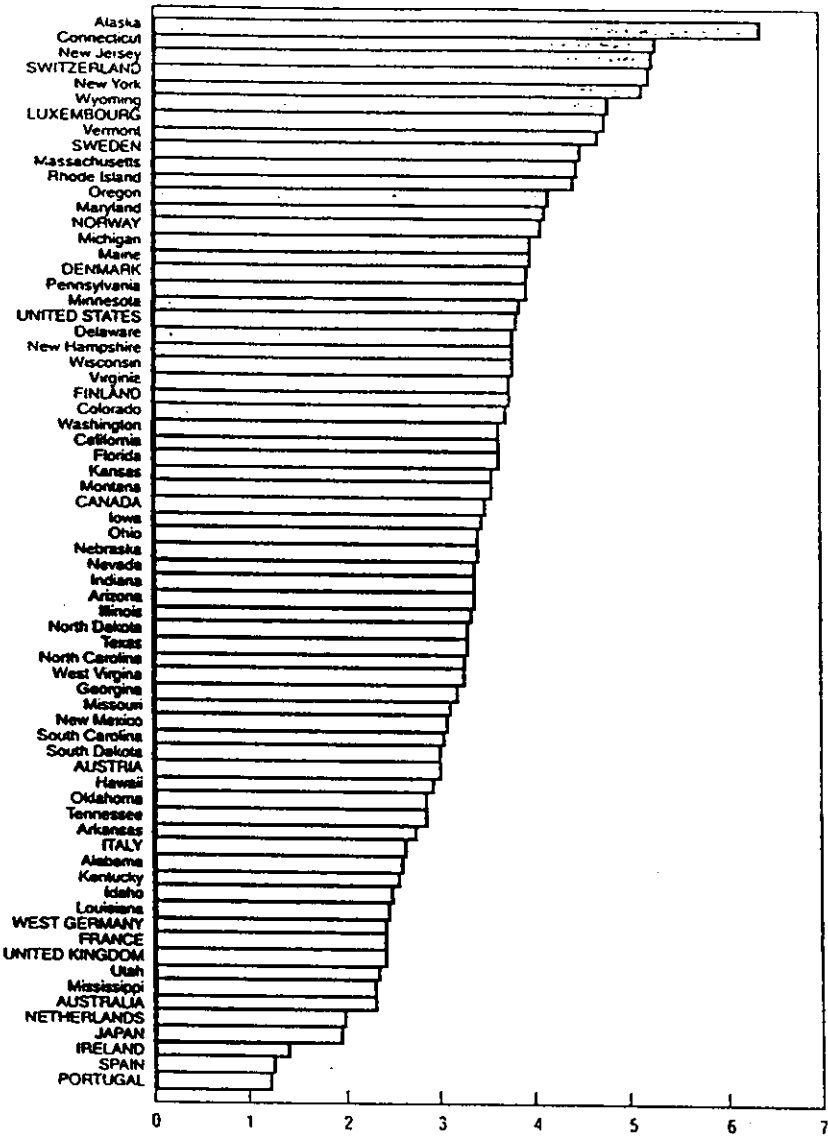
In both physics and advanced mathematics, males outperformed females in the United States. This was true for 4 of the 5 content areas in physics and for all 3 of the content areas in advanced mathematics.

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More countries outperformed U.S. students in physics than in advanced mathematics. This differs from results for mathematics and science general knowledge, where more countries outperformed the United States in mathematics than in science.

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Diagram 17. CURRENT PUBLIC EXPENDITURE PER STUDENT ON PREPRIMARY  
THROUGH SECONDARY EDUCATION, 1988  
1988 US Dollars, thousands



Source: U.S. Department of Education, *Education in States and Nations*, 1988.

## International comparisons of public expenditures for education

- ♦ Generally, among the G-7 countries, only Canada showed a higher level of public education expenditures than the United States.
- ♦ Public expenditures for the 1991-92 school year in the United States were 0.2 percent of Gross Domestic Product (GDP) for preprimary education, 3.5 percent for grades 1-12, and 1.2 percent for higher education. France and Italy spent a larger fraction for preprimary education, while the former West Germany spent the same fraction as the United States. Only Canada and the United Kingdom expended a larger fraction than the United States for 1st-12th grade education and only Canada expended more for higher education.
- ♦ In grades 1-12, public expenditures per student in the G-7 countries ranged from \$2,707 in Japan to \$4,935 in Canada and \$4,909 in the United States. In higher education, public expenditures ranged from \$2,358 in Japan to \$9,829 in Canada and \$6,984 in the United States.

Public education expenditures are an indication of public investment in education. In the United States and other countries, there are additional private expenditures for education. Three alternative measures allow examination of the magnitude of public investment in education. The first provides a measure of the fraction of a country's resources that are allocated to public education. The second provides a measure of the public investment in each child in the education system. The third provides a measure of public educational investment in each child compared to available resources per person in the country.

## Current public expenditures for education, by level of education and country: School year 1991-92

G-7 countries	As a percent of GDP <sup>2</sup>			Per student <sup>1</sup>			As a percentage of GDP per capita		
	Pre-primary	1st-12th	Higher education	Constant 1991-92 U.S. dollars <sup>3</sup>			Pre-primary	1st-12th	Higher education
				Pre-primary	1st-12th	Higher education			
Canada <sup>4</sup>	—	4.3	2.4	—	\$4,935	\$9,829	—	24.8	49.3
France	0.6	3.4	0.8	\$2,337	3,630	4,676	12.6	19.6	25.3
Former West Germany <sup>5</sup>	0.2	2.4	0.8	1,619	3,616	5,749	8.0	17.8	28.3
Italy	0.4	3.3	0.6	2,259	4,036	3,888	13.0	23.2	22.4
Japan	0.1	2.3	0.3	800	2,707	2,358	4.0	13.7	11.9
United Kingdom <sup>6</sup>	0.1	3.8	1.0	1,819	3,365	9,154	11.2	20.6	56.2
United States	0.2	3.5	1.2	2,234	4,909	6,984	9.5	20.9	29.8

— Not available.

<sup>1</sup> Enrollment is in all institutions, public and private, and is based on headcount estimates for preprimary through 12th grade. For higher education, it is full-time-equivalent enrollment.

<sup>2</sup> Gross Domestic Product (GDP) is Gross National Product (GNP) less net property income from abroad.

<sup>3</sup> Purchasing Power Parity (PPP) indices were used to convert other currencies to U.S. dollars. Because the fiscal year has a different starting date in different countries, within-country Consumer Price Indices (CPIs) were used to adjust the PPP indices to account for inflation.

<sup>4</sup> Preprimary expenditures for Canada are grouped with elementary and secondary data.

<sup>5</sup> Includes contributions to the pension funds of teachers who are civil servants. Expenditure data for publicly-supported private schools include capital expenditures.

<sup>6</sup> Excludes expenditures on nursing and paramedical education.

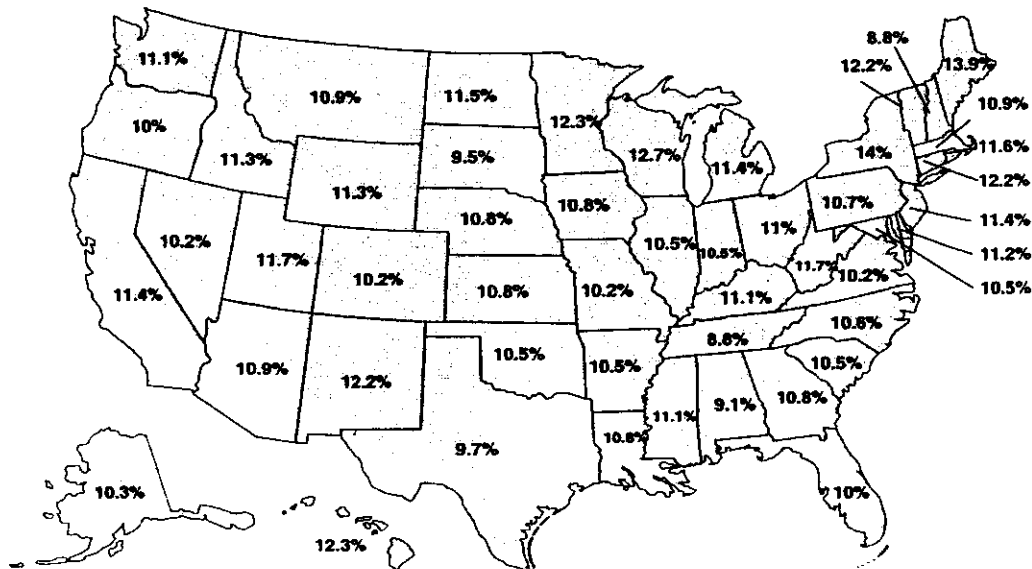
NOTE: The fiscal year begins in different months in the above countries. See supplemental note to Indicator 54 for an explanation of how expenditures were adjusted. See supplemental tables 54-1 through 54-5 for additional expenditure data and the supplemental note to this indicator for a discussion of these data.

SOURCE: Organization for Economic Co-operation and Development, Center for Educational Research and Innovation, International Indicators Project, 1995.

- Why do western states have:
  - higher pupil per teacher ratios; and
  - lower real growth in per pupil expenditures?
- Is it because western states tax less than other states?

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## State and Local Taxes As A Percent of Personal Income 1998-99



Source: U.S. Bureau of the Census

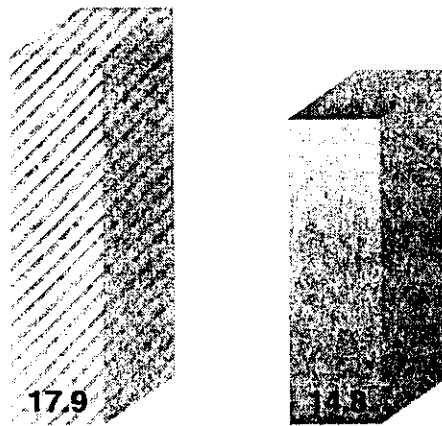
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- On average, the 13 western states have 3 more students per classroom than the 37 other states.
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## Pupil Per Teacher Ratio 2000-01

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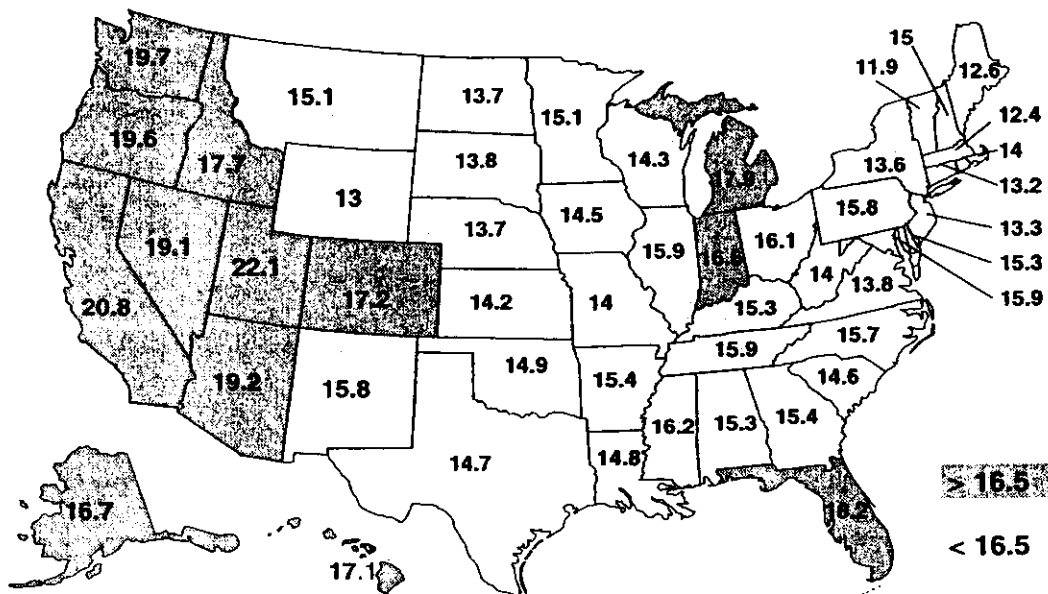
13 Western States Average  
37 Other States Average

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- One effect of less funding for public education in the west is higher pupil per teacher ratios.
- 10 of the 12 states with the largest per pupil ratios are western states.

7

## Pupil Per Teacher Ratio 2000-01



Source: U.S. Department of Education, National Center for Education Statistics

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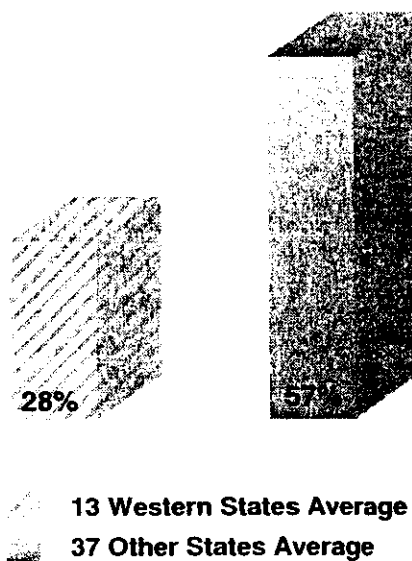
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- The growth rate of real per pupil expenditures in the 13 western states is less than half (28% vs. 57%) of that in the 37 other states.
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### Percent Change in Expenditures Per Pupil 1979-98

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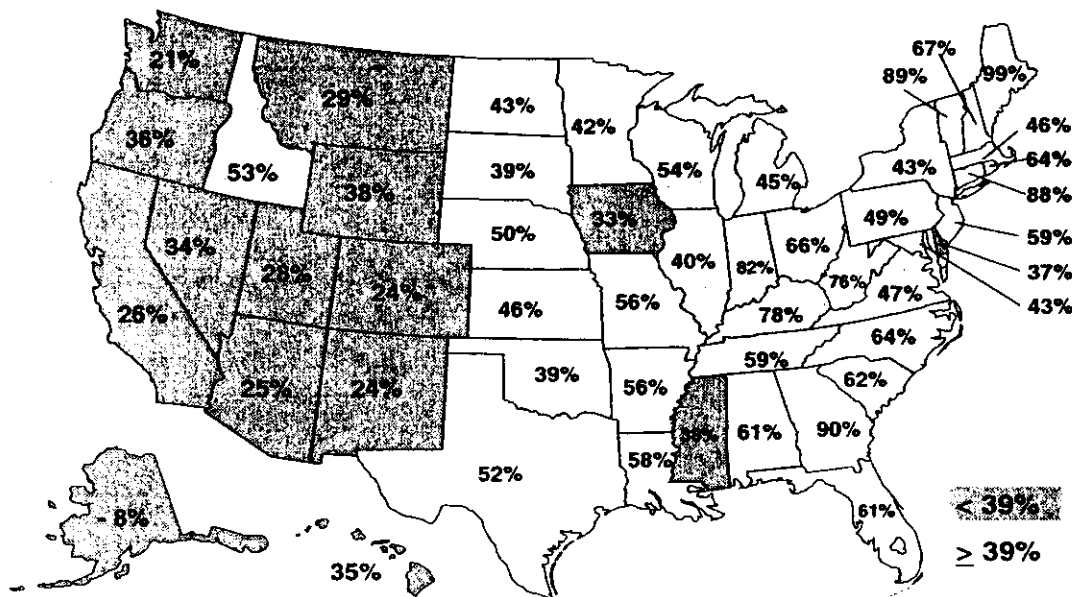


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- Western states, as a group, are falling behind in education funding when measured in growth of real per pupil expenditures from 1979-98.
- 11 of the 12 states with the lowest real growth in per pupil expenditures are western states.

3

## Percent Change in Expenditures Per Pupil 1979-98



Note: calculations use constant dollars

Source: U.S. Department of Education, National Center for Education Statistics

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# The APPLE Initiative



## Action Plan for Public Lands & Education



**Speaker Marty Stephens  
Representative Tom Hatch  
Representative Steve Urquhart**

**Utah House of Representatives**

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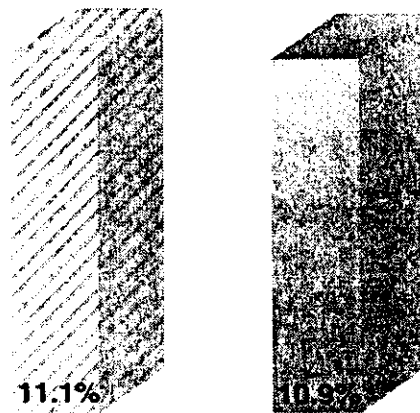
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## The West's Education Paradox

- Western states' state and local taxes as a percent of personal income are as high or higher than other states.

13

## State and Local Taxes As A Percent of Personal Income 1998-99



13 Western States Average

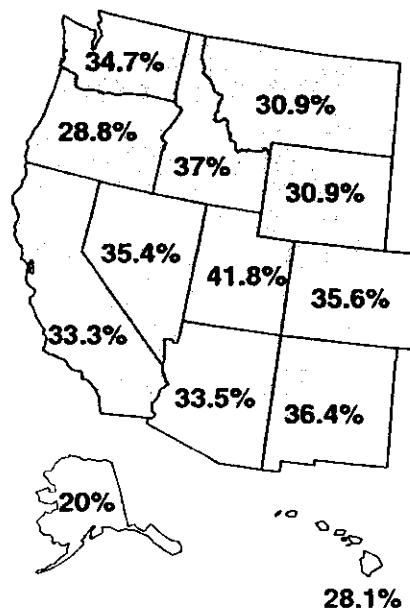
37 Other States Average

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- Are western states spending fewer tax dollars on public education than other states?

15

### Percent of State Budget Allocated To Public Education



Source: Census Bureau - State Government Finance 2000

16

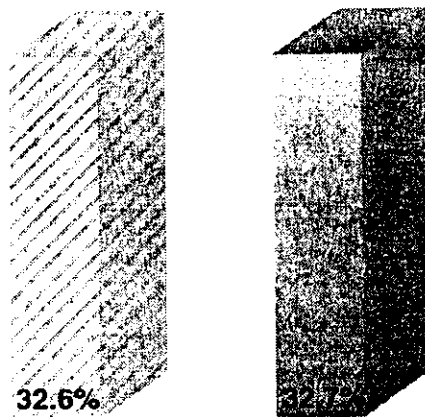
- 
- Western states' commitment to education is equal to that of other states.
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### Percent of State Budget Allocated To Public Education

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13 Western States Average  
37 Other States Average

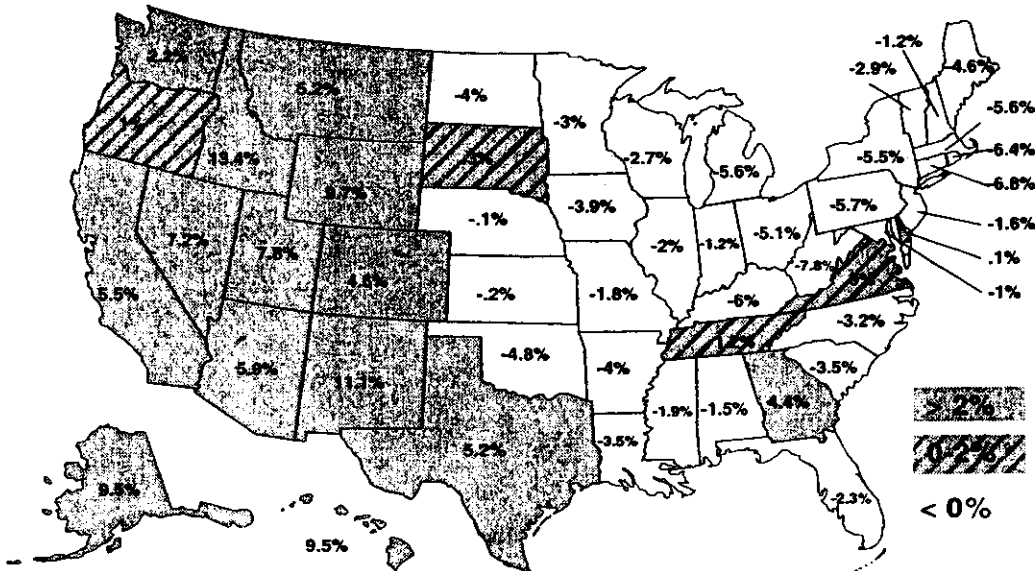
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- To make matters worse, over the next ten years, enrollment is projected to be much higher in western states than in other states.

19

## Percent Change In Projected Enrollment 2002-2011

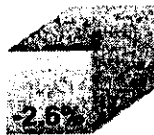
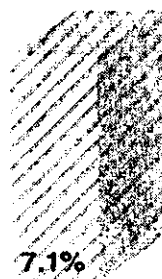


Source: U.S. Department of Education, National Center for Education Statistics

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- On average, western states enrollment growth is projected to increase dramatically while the other states projected growth rate actually decreases:

## Percent Change In Projected Enrollment 2002-2011



13 Western States Average

37 Other States Average



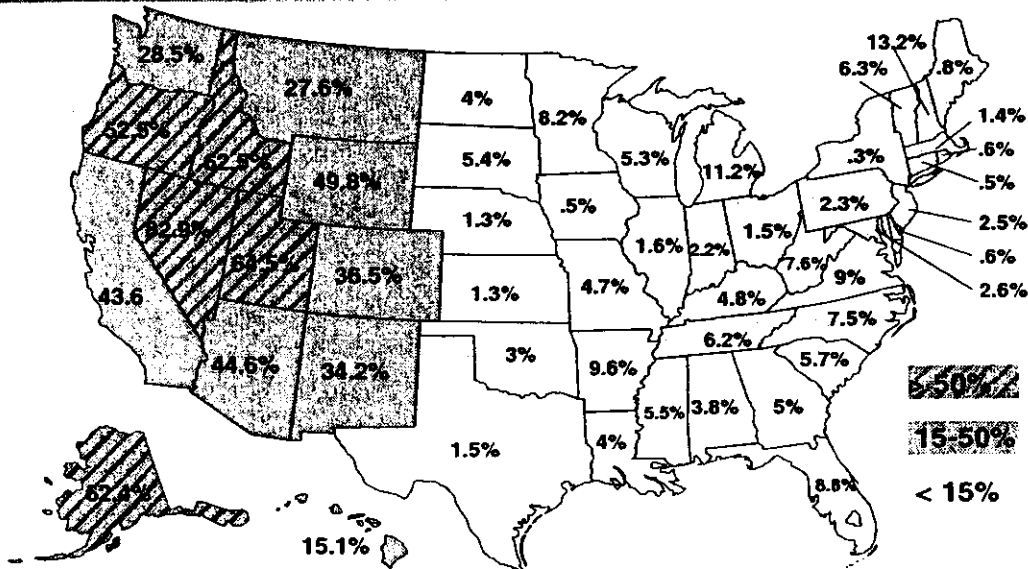
## Summary Of The West's Education Paradox

- Despite the fact that western states:
  - tax at a comparable rate
  - allocate as much of their budgets to public education
- Western states nevertheless:
  - have higher pupil per teacher ratios
  - have lower real growth in per pupil expenditures
- And are projected to have higher enrollment

# Why?

- The problem lies at the feet of the federal government and the enormous amount of land it owns in western states.
- No state east of an imaginary vertical line from Montana to New Mexico has more than 14% of its land federally owned.
- No state west of that imaginary line has less than 27% of its land federally owned (with the exception of Hawaii).
- 4 western states have more than 62% of their land federally owned (Alaska, Idaho, Nevada, & Utah).

## The Problem: High Percent of Federal Land Ownership In The West

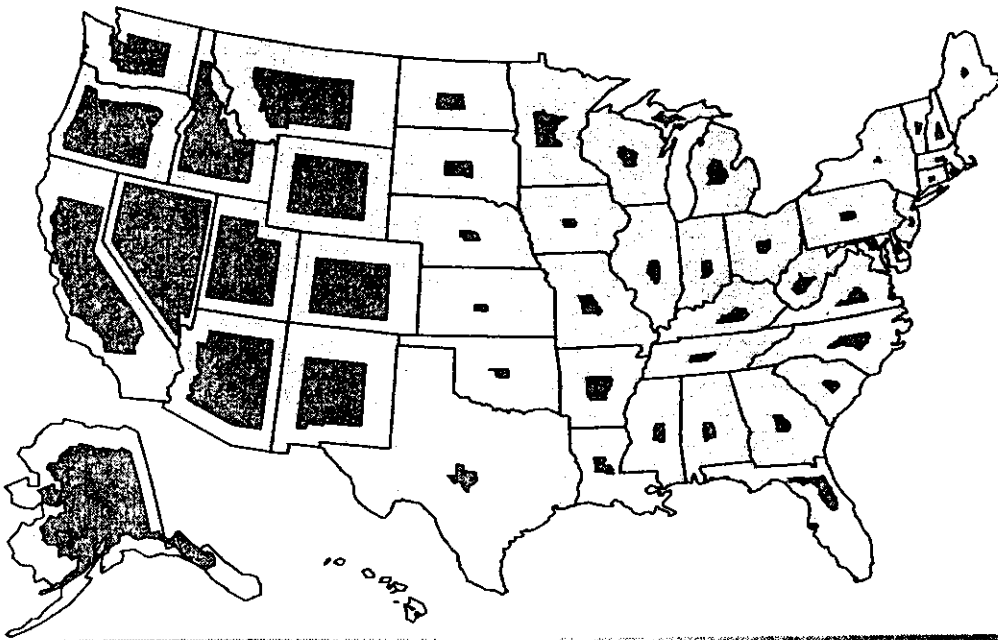


Source: U.S. Dept. of the Interior, Bureau of Land Management. Public Land Statistics 2000

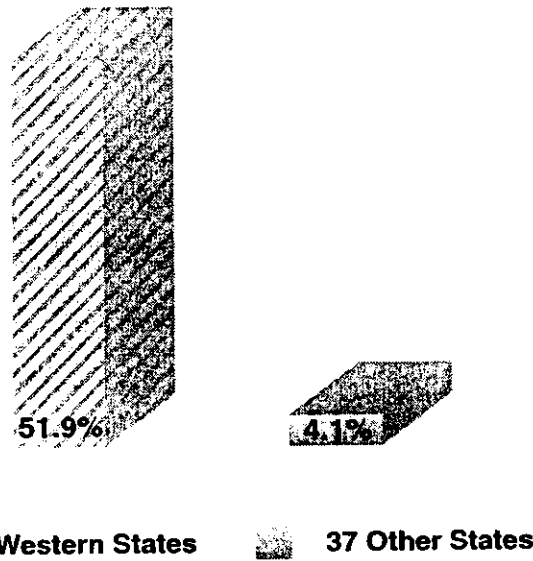


- This can also be shown pictorially

## Federal Land Ownership



## Percent Of Federal Land Ownership



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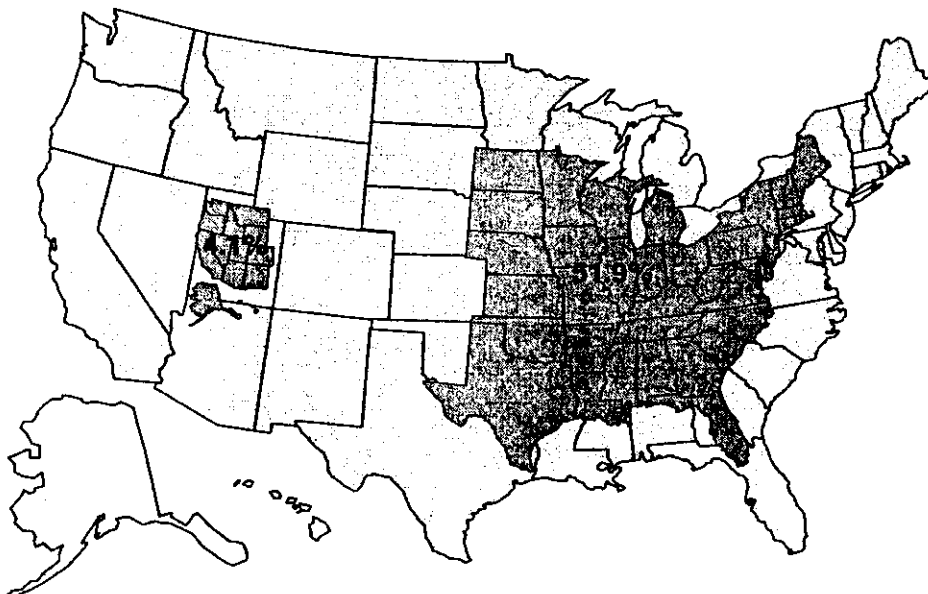
- What if the situation were reversed (i.e. if 4.1% of the 13 western states were federally owned and 51.9% of the 37 other states were federally owned)?

30

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## Percent Of Federal Land Ownership - Reversed

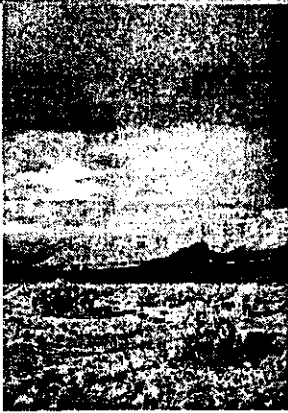
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- How does federal land ownership affect western states' ability to fund public education?
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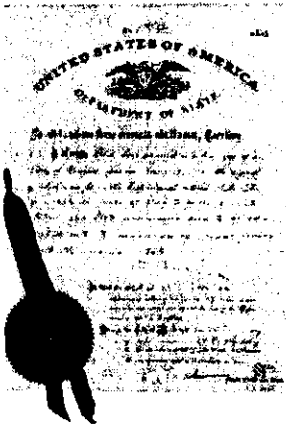
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## **Federal Land Ownership Affects Western States' Ability To Fund Public Education in Four Main Ways**

- **Enabling Acts**
- **Property Taxes**
- **Natural Resources  
Royalty Revenues**
- **School Trust Lands**

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## **Enabling Acts**

- **A state enabling act is a congressional act that admits a state into the Union and outlines the agreements related to admission**

- **Most western states' enabling acts promise 5% of the proceeds from the sale of federal land to the state for public education**
- **Federal government has abandoned its original policy to dispose of public lands**

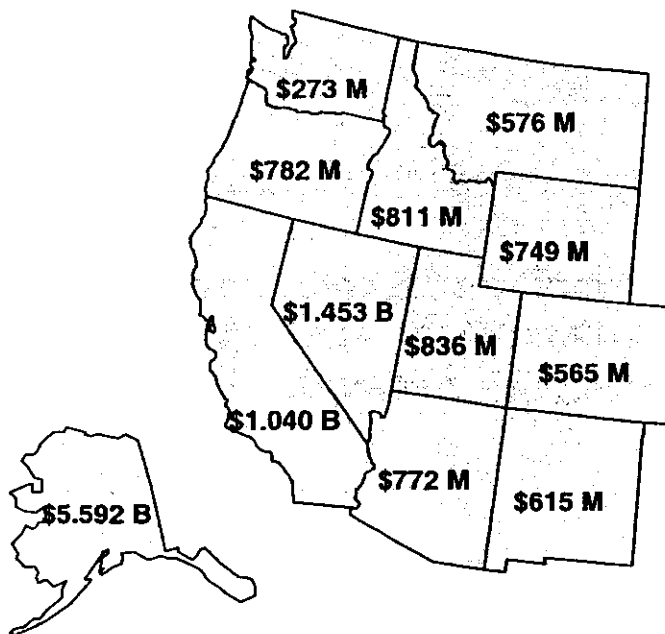
**Estimated Impact on Western States: \$14,063,147,035**

34

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- **The estimated impact assumes that the:**
    - **federal government maintained its policy to sell federal lands and, as a result, the percent of federal land ownership in western states is equal to the average of that in the other states (4.1%); and**
    - **land is sold at \$525 per acre (the average value of similar land sold in Utah in the last 3 years)**
- 

- 
- **How much is each state impacted?**
-

## 5% State Revenue From Sale Of Land



37



## Property Taxes

- States cannot assess property tax on federal lands
- Public education relies heavily on state and local property tax revenues
- Federal government has abandoned its original policy to dispose of public lands

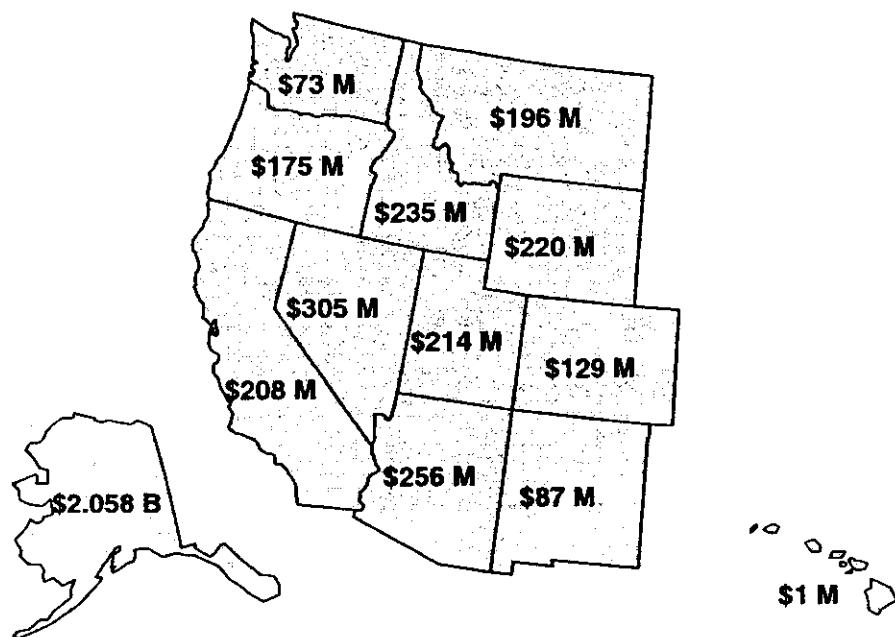
**Estimated Annual Impact on Western States: \$4,157,803,825**

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- **The estimated impact is calculated assuming:**
    - **4.1% federal land ownership in western states;**
    - **the effective tax rate for each state; and**
    - **land valued at \$525 per acre.**
- 

- 
- **How much is each state impacted?**
-

## Annual Property Tax Revenue Lost



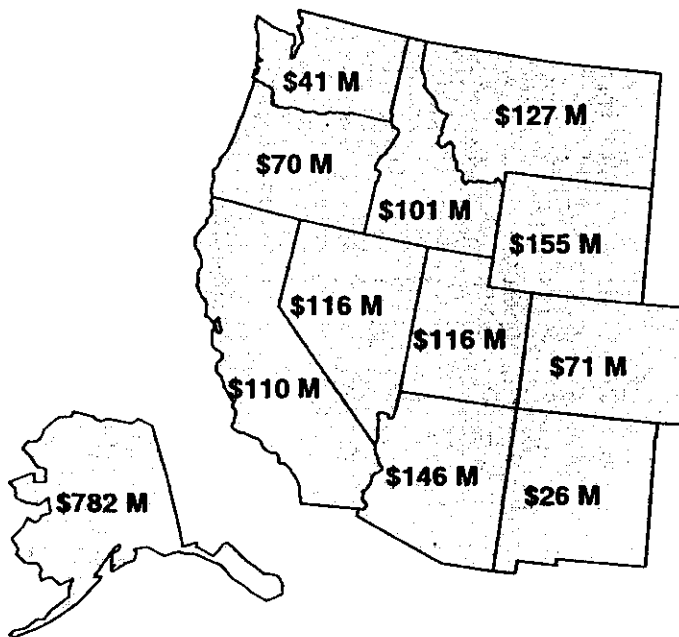
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- What is the impact on education in each state?

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## Annual Property Tax Loss To Public Education



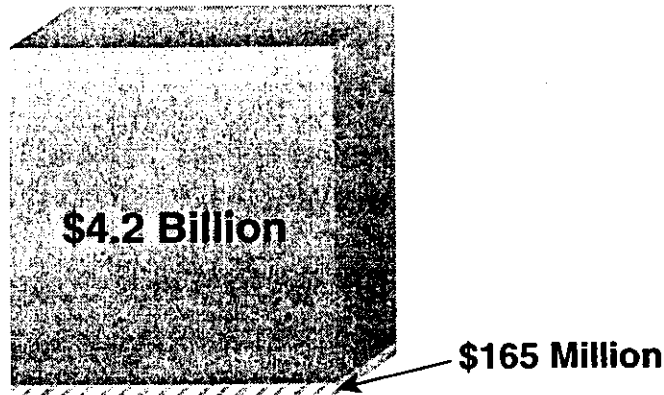
43

- The federal government does provide “Payments in Lieu of Taxes” (PILT) since states cannot tax federal lands.
- However, the amount of PILT payments to western states in 2001 was only about 4% of the annual property tax revenue lost by western states.

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## Federal PILT Payments Compared To Annual Property Tax Revenue Lost

### 13 Western States



 Annual Property Tax Revenue Lost  
 2001 Federal PILT Payments



## Natural Resources Royalty Revenues

- Federal government shares less than half of its royalty revenue with the states
- Federal laws often attach "strings" to where the states' royalty payments go
- Federal lands are less likely to be developed, further reducing royalties to the states

**Estimated Annual Impact on Western States: \$ 1,861,383,395**

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■ **The estimated impact assumes:**

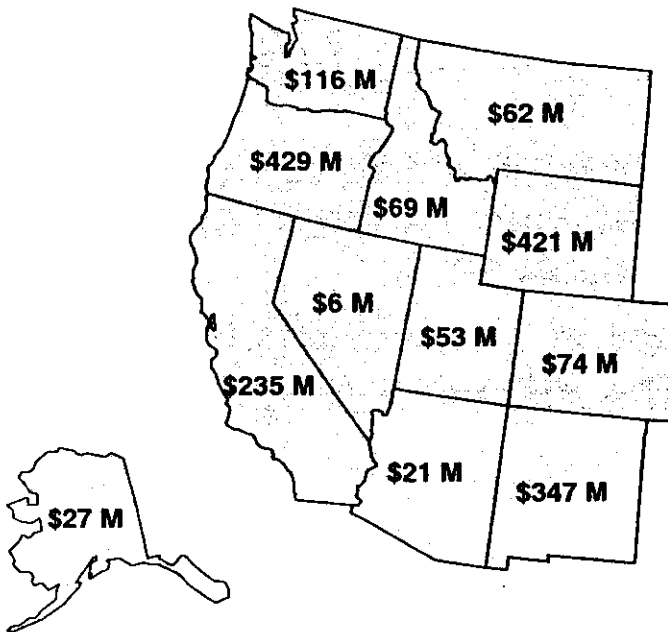
- **4.1% federal land ownership in western states;**
  - **state implementation of rent and royalty programs equivalent to current federal programs; and**
  - **states retain all royalty revenue.**
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■ **How much is each state impacted?**

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## Annual Rent And Royalty Revenue Lost



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## School Trust Lands

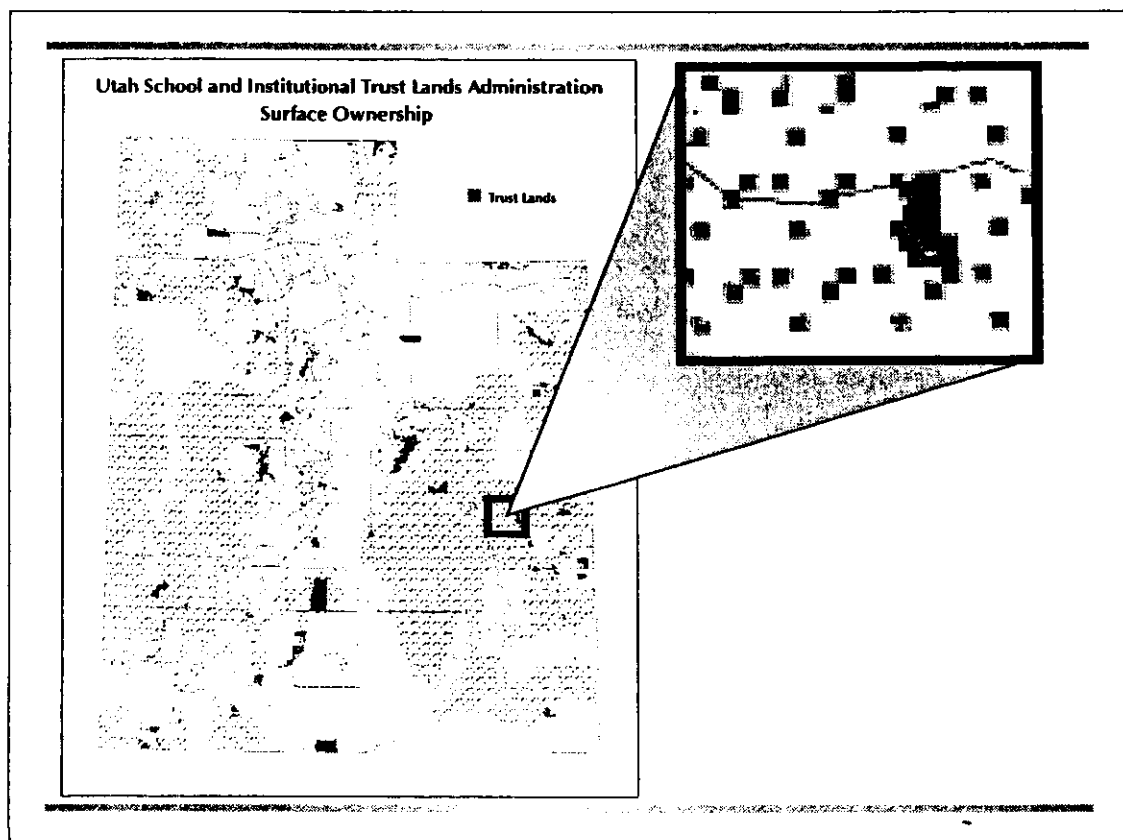


- At statehood, the federal government transferred ownership of specified parcels of land to the states as a trust for public education
- Much of this trust land is difficult to administer and make productive because it is surrounded by federal land

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- Many school trust lands are scattered as shown by the blue squares on the following map of Utah.
- Nearly all other western states are experiencing the same problem.

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- In summary, western states are financially harmed in a significant way by federal land ownership.
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### Summary of Estimated Impacts On Western States

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	<u>One Time</u>	<u>Ongoing</u>
Enabling Acts Revenue	\$14,063,147,035	\$ 421,894,411
Property Taxes		\$ 4,157,803,825
Natural Resources Royalty Revenue		\$ 1,861,383,821
Total Estimated Impact:	\$14,063,147,035	\$ 6,441,082,057

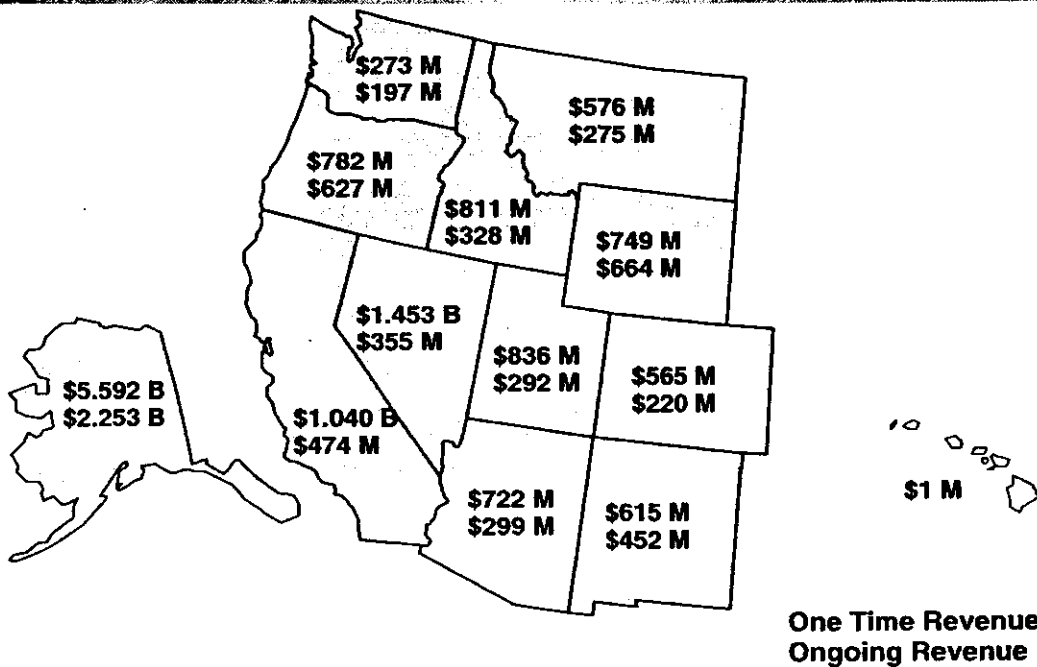
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3% of one time revenue

- **How much is each state impacted overall ?**  
(exclusive of the school trust lands consolidation problem)

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## Summary of Estimated Impacts



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## **Conclusion**

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# **Federal Land Ownership Hinders Western States' Ability To Fund Public Education**

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## **The Solution:**

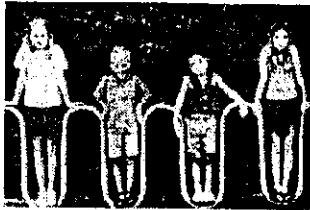
# **The APPLE Initiative**

## **Action Plan for Public Lands & Education**

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## **Action Plan for Public Lands & Education**

- **Create Federal Government Awareness**
- **Educate The Public**
- **Build A Western States Coalition**
- **Encourage Federal Agencies To Develop  
Cooperative Federal Land / Trust Land  
Exchanges**
- **Petition Congress To Compensate Western  
States Accordingly**

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## **What Can We Do About It?**

### **Build A Western States Coalition**

- **Members of Congress**
- **State & Local Officials**
- **Western Governmental Associations**
- **Education Community**
- **Environmental Groups**
- **Local Federal Land Managers**

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