

**MINUTES OF THE MEETING  
OF THE  
ASSEMBLY COMMITTEE ON WAYS AND MEANS**

**Seventy-Third Session  
May 17, 2005**

The Committee on Ways and Means was called to order at 7:30 a.m., on Tuesday, May 17, 2005. Chairman Morse Arberry Jr. presided in Room 3137 of the Legislative Building, Carson City, Nevada. [Exhibit A](#) is the Agenda. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Mr. Morse Arberry Jr., Chairman  
Ms. Chris Giunchigliani, Vice Chairwoman  
Mr. Mo Denis  
Mrs. Heidi S. Gansert  
Mr. Lynn Hettrick  
Mr. Joseph M. Hogan  
Mrs. Ellen Koivisto  
Ms. Sheila Leslie  
Mr. John Marvel  
Ms. Kathy McClain  
Mr. Richard Perkins  
Mr. Bob Seale  
Mrs. Debbie Smith  
Ms. Valerie Weber

**COMMITTEE MEMBERS ABSENT:**

None

**GUEST LEGISLATORS PRESENT:**

Senator Dennis Nolan  
Assemblyman David Parks

**STAFF MEMBERS PRESENT:**

Mark Stevens, Assembly Fiscal Analyst  
Connie Davis, Committee Attaché  
Carol Thomsen, Committee Attaché

**Senate Bill 438: Authorizes justices of the peace and municipal judges to participate in Judicial Retirement Plan under certain circumstances. (BDR 1-217)**

Gene T. Porter, Attorney at Law, and lobbyist for the Nevada Judges Association, appeared before the Committee to testify in support of Senate Bill 438. Mr. Porter introduced the following members of the Nevada Judiciary who also attended the hearing in support of S.B. 438: Judge Dennis Milligan, Yerington; Judge Richard Glasson, Stateline; Judge Susan Deriso, Sparks; Judge Paul Hickman, Reno; Judge John Tatro, Carson City; Judge Robey Willis, Carson City; Judge Harold Albright, Reno;

Judge Barbara Finley, Reno; Judge Douglas Hedger, Henderson; Judge Ken Proctor, Henderson; Judge Bill Rogers, Dayton; Judge James Bixler, Clark County.

Mr. Porter testified that S.B. 438 had developed as a result of legislation approved in 2001 to create *Nevada Revised Statutes* (NRS) Chapter 1A on Judicial Retirement. In his capacity then as Chief Judge of the Eighth Judicial Court, Mr. Porter had provided testimony along with Assemblyman Lynn Hettrick in support of the legislation. Mr. Porter explained there were currently two retirement systems within the judicial arena, the Public Employees' Retirement System and the Judicial Retirement System under the provisions of NRS Chapter 1A.

Mr. Porter advised that NRS Chapter 1A currently applied to district court judges and Supreme Court justices but not to justices of the peace and municipal court judges. If approved, Mr. Porter advised that S.B. 438 would allow local government employers to determine whether or not they desired to allow justices of the peace and municipal court judges to participate in the Judicial Retirement System.

In conclusion, Mr. Porter indicated that the same policy considerations, distinction of careers and career choices, that applied to most individuals later in life should also be provided to justices of the peace and municipal court judges.

Judge James Bixler, Justice of the Peace, Las Vegas Township, Department 4, testified in support of S.B. 438, advising the members of the Committee that passage of the bill would enable local government entities and judges to determine whether they wanted to participate in the Judicial Retirement System. Judge Bixler testified that passage of the bill would place lower court judges on parity with the remaining members of the judiciary in the state of Nevada.

Assemblywoman Giunchigliani asked if the local government entities or the judges would contribute to the Judicial Retirement System with passage of S.B. 438.

Judge Bixler advised that Clark County would pay for the contributions of justices of the peace and municipal court judges in Las Vegas, and, although uncertain, assumed other local governments would also pay for their judges.

Ms. Giunchigliani pointed out that public employees paid for their own retirement contributions and judges did not, which might be a standard that should apply to judges as well. Additionally, Ms. Giunchigliani asked if the local government entities in Las Vegas had budgeted for the retirement contributions.

Judge Bixler advised that the contributions had not been budgeted pointing out that S.B. 438 was enabling legislation.

Dana Bilyeu, Executive Officer, Public Employees' Retirement System of Nevada (PERS), appeared before the Committee to testify that the Retirement Board had taken a neutral position on S.B. 438 to defer to the Judiciary to determine their own benefit structure as long as the cost for any benefit modifications were recognized.

Ms. Bilyeu advised that paragraph 1 of Section 1 of the bill enabled justices of the peace and municipal court judges to participate in the Judicial Retirement

System (JRS) provided participation was permitted by their respective local governments.

Ms. Bilyeu advised that paragraph 5 of Section 1, beginning at line 17, page 2, allowed for the transfer of assets from the PERS to the JRS for each judge or justice who decided to participate in the JRS. Ms. Bilyeu pointed out that the language was similar to the language in the Judicial Retirement Act for district court judges and justices of the Supreme Court who transferred from the Public Employees' Retirement System to the Judicial Retirement System following passage of the 2001 legislation. Ms. Bilyeu indicated it was important to note that the service transferred from the PERS to the JRS would be transferred at the PERS accrual rates of 2.5 percent or 2.67 percent versus the higher 3.4091 percent JRS rate. The higher JRS benefit accrual would be earned upon entrance into the JRS going forward.

Ms. Bilyeu indicated it was her understanding that the intent of the bill was to be cost neutral to State government; contributions paid by the cities and counties would be segregated, and the costs associated with the justices of the peace and municipal judges would be assessed to each individual employer.

Continuing, Ms. Bilyeu indicated that Section 10, beginning at line 40, page 5, provided that local governments would pay into the PERS the normal cost of benefits as a percentage of payroll for each member on a monthly basis. Ms. Bilyeu explained that the normal cost was the cost of benefits the members would accrue each year going forward, which was estimated at 22.5 percent. Additionally, Ms. Bilyeu advised that the PERS had estimated that if permitted, and based on the demographics of the group, approximately 54 active judges or justices out of a total of 95 would switch from the PERS to the JRS. The additional annual payroll cost to local governments would be the difference between the PERS' contribution rate of 19.75 percent and the JRS rate of 22.5 percent, which was reflected in the fiscal note attached to the bill ([Exhibit B](#)).

Ms. Bilyeu explained that the normal cost of an agency that elected to allow its justices of the peace or municipal court judges to participate in the JRS would not "truly be known" without performing an actuarial valuation unique to its members. While the PERS had not performed individual valuations, Ms. Bilyeu said that discussions with the actuary provided some assurance in tying an employer's initial contribution rate to the normal cost associated with the district judges and justices of the Supreme Court until the next annual actuarial valuation was performed. Ms. Bilyeu advised that the next valuation would determine the cost associated with each individual employer and assess those costs to them.

Moving to paragraph 4, beginning at line 13, page 6, Ms. Bilyeu stated that respective local governments would pay to the Judicial Retirement System any additional amounts sufficient to pay the benefits of the System, which generally referred to the payment of the unfunded liability associated with the judges/justices. Simply defined, Ms. Bilyeu said the unfunded liability was the dollar amount associated with promised future benefits not yet funded. Inasmuch as those members would have assets transferred from the PERS equivalent to their liability in the JRS, no immediate unfunded liability would exist.

Concluding her presentation, Ms. Bilyeu said that if S.B. 438 was approved, the legal structure of the JRS would change from a single-agent plan to a multiple-employer agent plan, which meant that separate actuarial valuations

would need to be produced for each participating employer for up to 35 counties and cities. Ms. Bilyeu also advised that additional accounting disclosures reflecting the required contribution rates, amortization period, and other items would need to be produced and the Judicial Retirement System would incur the additional administrative expense at a cost of \$20,000 to \$30,000 annually.

In response to a question Assemblyman Seale asked regarding the amount of the assets that would be transferred, Ms. Bilyeu indicated the amount would depend on the profile of the individual and how much had been accrued in the PERS. Ms. Bilyeu advised that between \$500,000 and \$1 million per judge had been transferred for district court judges and Supreme Court justices after approval of the 2001 legislation.

In response to questions Mr. Seale asked regarding the unfunded liability, Ms. Bilyeu advised that the mechanism that was put into place in 2001 provided for a 100 percent transfer. Ms. Bilyeu advised that with respect to individual justices and judges the unfunded liability in PERS would be non-existent.

There being no further testimony before the Committee, Chairman Arberry closed the hearing on S. B. 438 and opened the hearing on S.B. 365.

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**Senate Bill 365 (1st Reprint): Establishes and encourages use of certain systems and programs relating to public safety. (BDR 40-286)**

Senator Dennis Nolan, District No. 9, appeared before the Committee to testify in support of S.B. 365. Senator Nolan advised that, with passage and availability of funding, S.B. 365 would provide for the establishment of a statewide mapping system for public buildings in Nevada. The mapping system would be used by response agencies called upon to respond to emergencies or acts of terrorism. Additionally, Senator Nolan advised that Section 2 of the bill encouraged Nevada retail establishments to adopt and carry out the "Code Adam" program. The "Code Adam" child-safety program was created and promoted by the Wal-Mart® retail stores and named in memory of a child abducted from a Florida shopping mall.

Senator Nolan reported that following the September 11, 2001, attacks on the World Trade Center Towers in New York City, software mapping systems for public buildings were developed by private vendors to assist first responders and those attempting to exit a building in the event of an act of terrorism or other emergency. Senator Nolan indicated that in the future, computer panels installed in building walls would display information such as floor plans and evacuation routes. Additionally, Senator Nolan advised that the possibility of domestic terrorism situations provided a more "practical and immediate" application for public building mapping systems, especially for schools.

Senator Nolan reported that the Homeland Security Commission had commissioned a statewide vulnerability assessment that would determine the State's most vulnerable targets and what was needed to protect them, and the mapping system would be part of that line of defense.

Senator Nolan advised that S.B. 365 had been modified to require that the State Emergency Response Commission establish a statewide mapping system rather than the Nevada Commission on Homeland Security. However, after speaking

to representatives of the Emergency Response Commission and Dr. Dale M. Carrison, Director of the Nevada Commission on Homeland Security, it was determined that the bill should be amended again to require that the Nevada Commission on Homeland Security establish the statewide mapping system for public buildings.

As previously mentioned, Senator Nolan said that Section 2 of the bill "encouraged" Nevada retail establishments to adopt and carry out the "Code Adam" program, which provided training for employees of retail businesses that was designed to prevent and quickly respond to situations of suspected child abductions from those businesses.

Chairman Arberry indicated that Public Works Board representatives had requested a similar mapping system at a cost of \$80,000 a year and asked if the systems differed.

In response, Senator Nolan advised that the process to establish a mapping system was complicated and required the development of a priority system to determine which buildings would be mapped first. While the determination would be based on the Commission on Homeland Security's vulnerability assessment, Senator Nolan indicated that schools would, most likely, top the list since schools appeared to be more susceptible to domestic acts of terrorism than other public buildings.

Senator Nolan advised that there was no fiscal note attached to S.B. 365 as representatives of Senator Reid's office, in Washington, D.C., provided notification of the availability of significant grant funds for the establishment of a statewide mapping system. Senator Nolan reported that the actual bill process allowed the application process for funds to begin.

Assemblyman Perkins clarified that the Public Works Board was attempting to secure a system to store plans for the entire state inventory of buildings in an electronic rather than paper format. Mr. Perkins explained that the statewide mapping system was an interactive mapping system for first responders to use as they arrived on a disaster or terrorist scene. The mapping system would provide first responders the ability to access, through their laptop computers, building floor plans and to pinpoint areas where utilities needed to be turned off. While there might be some interaction, Mr. Perkins advised that the State Public Works Board had no control over the building floor plans for schools, local governments, malls, or the Las Vegas resort corridor.

Chairman Arberry questioned whether public officials or casino industry officials would be amenable to providing building floor plans for inclusion in the statewide mapping system. Additionally, Chairman Arberry questioned how the system would include older buildings that lacked plans.

In response to Chairman Arberry's questions, Senator Nolan said that public and private sector officials were required to provide the plans to the State Emergency Response Commission under the provisions of Homeland Security legislation approved during the 2003 Legislative Session. Senator Nolan explained that the passage of additional legislation during the 2003 Legislature provided for the establishment of safety measures that provided access to floor plans and building information to emergency responders, such as the fire chief or the police chief of a particular jurisdiction, who would determine who could review the plans. Additionally, Senator Nolan advised that the vendor, aided by computer technology, would be required to re-create plans for older buildings.

In response to a question Chairman Arberry asked regarding storage of the information, Frank Siracusa, Chief, Division of Emergency Management, Department of Public Safety, advised that under the provisions of A.B. 250 and A.B. 441, 72nd Legislative Session, all casinos and public utilities were required to file emergency plans with first responder agencies in the area in which they were located and with the Division of Emergency Management.

While many of the plans were filed as hard copies, Mr. Siracusa advised that Dr. Carrison, Director of the Nevada Commission on Homeland Security, had established a task force, including members of the private sector, to determine how to standardize the information. Additionally, Mr. Siracusa said the State Public Works Board's system would interface with the statewide mapping system, which would be stored electronically on a secure website.

In response to additional questions from Chairman Arberry, Mr. Siracusa advised that all state agencies and local governments would be required to comply with the standards established by the State Emergency Response Commission in order to apply for Homeland Security funding.

Assemblywoman Giunchigliani asked Mr. Siracusa to work with representatives of the Public Works Board on potential amendments to S.B. 365 to ensure there was no duplication of effort. Ms. Giunchigliani advised Mr. Siracusa amendments would be required by Friday, May 19, 2005.

Mr. Siracusa agreed to work with Public Works Board representatives on an amendment to S.B. 365.

In response to comments Ms. Giunchigliani made regarding the need for realistic emergency training for school children and the Fire Marshal's review of school plans, Senator Nolan agreed it would be a good idea to include the Fire Marshal in the process to establish a statewide mapping system. Additionally, Senator Nolan referenced page 2 of S.B. 365, which listed training and strategies for prevention in connection with attacks involving violence.

Assemblyman Denis expressed some reservation regarding the security aspect of the statewide mapping system.

In response to questions Assemblywoman Weber asked regarding whether federal agencies also had to comply with the requirements for a mapping system and the number of states that had established systems, Senator Nolan indicated he assumed that federal agencies were complying with a mapping system since they were providing the grant funding to states. Mr. Nolan advised that Gary Milliken, who represented Prepared Response, Inc., would address the question on the other states that had established statewide mapping systems.

Mr. Milliken advised that Prepared Response, Inc. offered a first responder public building information system and had contracts with the states of Washington and Arizona to map school buildings. Additionally, Mr. Milliken advised that both states had received federal grants that provided funding for the mapping system.

Assemblywoman Weber asked if the total number of buildings that would be included in Nevada's mapping system had been determined.

Senator Nolan advised that the total number of buildings would not be known until the statewide vulnerability assessment determined and prioritized the

State's most vulnerable targets, but it could be assumed all public schools and public buildings would be included in the assessment.

Ms. Giunchigliani suggested establishing a policy that from this time forward any public buildings on the Public Works Capital Improvement Program list should automatically include a mapping system.

Providing a brief commentary on the effectiveness of a mapping system, Mr. Milliken advised that about a year ago in the state of Washington, a shooting incident took place at a school that had been mapped. Upon arrival and before even leaving their vehicles, the first responders were able to interconnect with cameras within the school, determine ingress and egress routes within the building, establish that the shooter was in a chemistry laboratory, brought up a list of chemicals contained in the laboratory and cut the natural gas supply to the laboratory.

There being no further testimony before the Committee, Chairman Arberry closed the hearing on S.B. 365 and opened the hearing on A.B. 154.

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**Assembly Bill 154 (1st Reprint): Revises provisions governing statewide system of accountability for school districts and public schools and makes appropriations. (BDR 34-484)**

Carol Stonefield, Senior Research Analyst, Research Division, Legislative Counsel Bureau, and Policy Analyst for the Interim Legislative Committee on Education, appeared before the Committee to testify on A.B. 154.

Ms. Stonefield testified that A.B. 154 grew out of a number of proposals brought before the Interim Legislative Committee on Education from the Department of Education and the school districts. Ms. Stonefield advised that A.B. 154 contained provisions that related to the No Child Left Behind Act and S.B. 1, 19th Special Session, that concerned testing and accountability.

Ms. Stonefield referenced an outline (Exhibit C) which summarized the 27 sections of the bill, which she reviewed for the benefit of the Committee.

The bill proposed to authorize the State Board of Education and the districts to summarize their accountability reports and to post the reports on the Internet which, Ms. Stonefield said, was important because the No Child Left Behind Act required report cards and S. B. 1, 19th Special Session, required that the districts, in particular, provide for public dissemination of their accountability reports. Ms. Stonefield reported that the 2003-2004 accountability report from Clark County was contained in two three-ring binders and disseminating that much information to the public was difficult. Thus, A.B. 154 proposed to authorize summary reports that could be posted on the Internet. The schools would be required to provide a written report for the parents of the children in their schools, and the entire written report would be available upon request to any member of the public.

Additionally, Ms. Stonefield explained that the bill also required that the State Board of Education's accountability report include information on substitute teachers, for which Assemblywoman Smith had an amendment.

Ms. Stonefield advised that the bill also addressed school designation creating a new designation of *exemplary turnaround school* and amended the dates when the designations would be made.

Ms. Stonefield also reported that the bill proposed to move the writing examination from grade 4 to grade 5 and applied the science portion of the high school proficiency examination to grade 10 in the 2007-2008 school year. Ms. Stonefield advised that the No Child Left Behind Act required that science would also be tested along with reading and mathematics.

Ms. Stonefield reported that the bill included provisions relating to retesting in the event of testing irregularities and that S.B. 1, 19th Special Session, required retesting if fewer than 95 percent of the students were tested in a particular school year. As a result of having moved all testing to spring administrations, retesting in the same school year had proven difficult, and thus, the bill would delete some of those retesting provisions.

Ms. Stonefield indicated that the bill also addressed testing in year-round schools, and the Interim Legislative Committee on Education received testimony from a concerned parents group that children who attended year-round schools were being tested at a point where they had fewer contact days than children in the traditional nine-month school year. Ms. Stonefield advised that the bill proposed a different designation period for year-round schools so they would not be penalized.

The legislation also proposed a change in reporting data by charter schools to reflect state-sponsored charters. Ms. Stonefield explained that the charter schools that were sponsored by the school districts would continue to be reported by the school districts while the schools that were chartered by the State Board of Education would be reported by the State Board of Education.

Ms. Stonefield advised that A.B. 154 also provided for an appropriation from the Distributive School Account for remediation programs and for supplemental services and tutoring for non-Title I schools. Ms. Stonefield reminded the members of the Committee that the proposal was approved by the Interim Legislative Committee on Education in August 2004, while the budget for the 2005-2007 biennium was in the process of being developed. Thus, the appropriation in A.B. 154 for the next biennium was the same as the appropriation for the current biennium and considered by the Interim Legislative Committee on Education as a "placeholder" in order that remediation and supplemental services would receive some funding.

Assemblywoman Giunchigliani asked if the \$5 million appropriation in each year of the biennium for remediation was an anticipated need.

In response, Keith Rheault, Superintendent of Public Instruction, advised that as previously indicated the appropriation was a "placeholder" for funding that had been received in the current biennium. Mr. Rheault indicated, however, that The Executive Budget included a \$13 million appropriation for remedial programs.

As the legislative session concluded, Ms. Giunchigliani indicated the committees would be reviewing what was needed for remediation and what should be done to prevent the need for remediation.

Chairwoman Giunchigliani asked if the proposed legislation streamlined the accountability reports for parents, teachers, students, and legislators.



Ms. Stonefield responded that the Department of Education and the school districts, together with the staff from the Legislative Counsel Bureau, developed summary reports that provided the highlights of what the public and parents needed to know. Ms. Stonefield advised that the streamlined summary reports were especially important for parents because if a school was identified as in need of improvement and failing to make adequate yearly progress, parents had the option to choose to send their children to another school. Ms. Stonefield showed the members of the Committee an example of a streamlined report that was four pages, which could be printed front to back, folded, stapled, and mailed.

In response to additional questions from Chairwoman Giunchigliani regarding the annual accountability report and the summary, Mr. Rheault explained that the bill proposed that before August 15 of each year every school district would prepare an annual report of accountability to be posted to the Internet. As previously indicated by Ms. Stonefield, Clark County's accountability report was 1,000 pages and not a document easily disseminated. The written report would continue to be available by request.

In response to Chairwoman Giunchigliani's question regarding the need for a 1,000-page report, Mr. Rheault advised that there were 280 schools in the Clark County School District and with 10 to 20 pages allotted to each school, the Clark County accountability report totaled 1,000 pages.

Chairwoman Giunchigliani expressed her appreciation for the additional content and the summaries that would be provided for the accountability reports but expressed some dismay that nothing was being eliminated.

In response, Mr. Rheault indicated that although nothing could be eliminated since the requirements for the accountability reports were placed in a separate statute, paperwork would be eliminated by the summaries, which would be consistent from school to school, district to district, and at the state level.

Mr. Rheault expressed support for key points of the legislation including the accountability report summaries, posting the reports to the Internet, and moving the writing examination from grade 4 to grade 5. Additionally, Mr. Rheault indicated the funding appropriation for remedial programs in the bill could be deleted since funding was included in The Executive Budget.

Assemblywoman Smith spoke in regard to a proposed amendment ([Exhibit D](#)) to Section 9, page 9, lines 10 through 16, which addressed the inclusion of information regarding substitute teachers in the annual report of accountability. Mrs. Smith advised that the bill was originally amended to include information regarding substitute teachers when it was determined there was a need to track the number of days substitute teachers spent in the classroom and to correlate high school proficiency examination scores to teachers teaching in and out of their field and substitute teachers.

Mrs. Smith advised that the amendment proposed to change the date for inclusion of information regarding long-term substitutes to July 1, 2005, and all the other substitute teachers to July 1, 2006, to provide time for the districts to collect the information. Mrs. Smith expressed some uncertainty regarding the effective dates as proposed in the amendment, but indicated the districts would be required to track information on long-term substitute teachers in the coming year, and all substitute teachers in the following year.

Chairwoman Giunchigliani asked Mrs. Smith to work with Mr. Rheault on the effective dates in the amendment.

As previously indicated, Assemblyman Perkins commented that A.B. 154 was legislation suggested by the Interim Legislative Committee on Education as an effort to streamline and provide a more efficient way to provide accountability reports. Mr. Perkins indicated it was important for the Committee to recognize that Nevada had created a system of accountability and standards long before the No Child Left Behind Act.

Anne Loring, a lobbyist representing the Washoe County School District, testified in support of A.B. 154, which she indicated would benefit students, parents, schools, and teachers.

Ms. Loring commented on the positive benefits of the electronic transmittal of accountability reports, which she indicated would provide a much wider availability to members of the community who were interested in the information.

Ms. Loring also commented on the benefits of providing an extra two weeks for determining adequate yearly progress for schools operating on a year-round multitrack schedule. Ms. Loring advised that the extra two weeks would allow the same amount of time for instruction provided to students in traditional calendar-year schools.

Additionally, Ms. Loring indicated that moving the writing test from grade 4 to grade 5 was beneficial to fourth grade teachers, who were burdened with a number of other tests required for students.

Ms. Loring commented on the provision in the bill to permit all schools to appeal their adequate yearly progress determinations, which she indicated was beneficial since the data manipulation was complex and corrections were sometimes required to the data that affected the determination outcome.

Ms. Loring also spoke about the benefits that would be provided by the *exemplary turnaround school* designation. The description would recognize the achievement of schools in need of improvement that earned the *exemplary turnaround school* designation within three years. Ms. Loring credited Anderson Elementary School as one school in Washoe County that succeeded in that endeavor and recognized for the effort. Ms. Loring indicated there would be other schools throughout the state that would also accomplish improvement within the designated time period and deserve to be recognized.

Concluding her remarks, Ms. Loring asked for the Committee's favorable consideration of the bill.

There being no further testimony before the Committee, Chairwoman Giunchigliani closed the hearing on A.B. 154 and returned the duties of the Chairman to Chairman Arberry.

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Chairman Arberry opened the hearing on A.B. 189.

**Assembly Bill 189 (2nd Reprint): Revises provisions relating to Nevada Equal Rights Commission. (BDR 18-406)**

Terry Johnson, Deputy Director, Department of Employment, Training and Rehabilitation, introduced Martin Ramirez, Administrative Services Officer, Department of Employment, Training and Rehabilitation, and Susan Gray, Administrator, Nevada Equal Rights Commission (NERC), Department of Employment, Training and Rehabilitation. Mr. Johnson was before the Committee to testify in support of A.B. 189, which, he stated, if enacted would place Nevada's fair housing laws on the same level as federal housing laws. Under the provisions of the bill, Mr. Johnson indicated the Nevada Equal Rights Commission would enter into a work-share agreement with the Department of Housing and Urban Development (HUD) whereby the Commission would investigate, process, and settle housing discrimination complaints.

Mr. Johnson advised that A.B. 189 had no fiscal effect on the Nevada Equal Rights Commission's budget, which was largely funded from the General Fund. A portion of the Commission's budget was derived from a contract with the federal Equal Employment Opportunity Commission (EEOC), and Mr. Johnson said the intent of the bill would, as previously indicated, provide an agreement with the HUD whereby the Nevada Equal Rights Commission would receive funding to enforce and investigate housing complaints. Mr. Johnson stated again there would be no additional fiscal effect on the State.

Assemblywoman Leslie expressed concern regarding the adequacy of federal funding and asked how much the Department of Housing and Urban Development was willing to commit to Nevada.

Mr. Johnson advised that in discussions regarding the terms of the agreement HUD would provide about \$86,000 for the remainder of fiscal year 2006 and beginning on October 1, the start of the federal fiscal year, \$115,000 would be provided for fiscal year 2007, totaling about \$201,000 for the biennium. Mr. Johnson advised that an additional \$100,000 would be provided for the third year.

Additionally, Mr. Johnson advised that while the Equal Rights Commission currently had enforcement jurisdiction over discrimination in housing, the Commission recognized there were opportunities to do a better job. Believing that government worked best at the level closest to the people, Mr. Johnson said the Commission wanted to see a situation where individuals had the opportunity to address discrimination complaints through the Nevada Equal Rights Commission offices in Reno and Las Vegas.

Continuing to express concerns, Ms. Leslie indicated \$201,000 was not a great deal of money to fund attorneys, expert witnesses, and other possible legal costs.

Mr. Johnson indicated that while Commission representatives would follow-up with HUD to obtain additional information on the funding, the \$201,000 would support the contract's initial breaking in or training period. Mr. Johnson indicated the Commission was not being placed in a position of over commitment, but rather in a better enforcement environment.

In response to questions Assemblywoman Giunchigliani asked regarding Nevada's current jurisdiction, Mr. Johnson advised that under the provisions of *Nevada Revised Statutes* (NRS), Chapter 118, enacted in 1971, and NRS 233.160 and NRS 233.170, the Equal Rights Commission had the jurisdiction to investigate and enforce complaints of housing discrimination. While the Commission currently had jurisdiction to investigate and enforce housing discrimination complaints, Mr. Johnson reiterated that enactment of

A.B. 189 would render Nevada's Fair Housing Law substantially equivalent with federal fair housing laws.

Mr. Johnson recalled that A.B. 502, 68th Legislative Session, and A.B. 60, 69th Legislative Session, were first attempts to bring Nevada's Fair Housing Law to the same level as the federal law. Mr. Johnson indicated that when the bills were enacted, a decision was made to forego entering into a contract agreement with HUD because of the agency's backlog in employment discrimination complaints. Having "basically" eliminated its employment discrimination backlog, Mr. Johnson said the Commission was in a good position to enter into an agreement with HUD and to use the authority provided by the bill to enforce Nevada's Fair Housing Law.

Ms. Giunchigliani continued to express reservations and recalled that during her tenure as a legislator the Equal Rights Commission had problems with processing discrimination complaints and had a continuous backlog of cases. Ms. Giunchigliani asked for information regarding the number of Notices of the Right to Sue that had been issued.

Susan Gray, Administrator, Nevada Equal Rights Commission, advised that Notice of the Right to Sue was issued by the EEOC in every case upon closure or upon request by the charging party.

Ms. Giunchigliani indicated that a Notice of the Right to Sue had not been issued in a case in which she had been personally involved during the past year.

Ms. Gray advised that although such Notices of the Right to Sue were issued by the EEOC, information regarding the right to request a Notice of the Right to Sue appeared in correspondence issued by the NERC.

In response to Ms. Giunchigliani, who asked why Section 21 had been deleted from the bill, Mr. Johnson indicated that when A.B. 189 was originally heard in the Assembly Committee on Government Affairs, several sections were deleted as a result of compromise discussions and in an effort to move the bill.

Ms. Giunchigliani expressed some reservation with respect to expanding the duties of the NERC just because this was the first year there was no backlog of cases. Ms. Giunchigliani asked for comments regarding the NERC investigation process.

Ms. Gray advised that cases with probable cause were recommended by an investigator to be transferred to the Office of the Attorney General for legal review. If the Office of the Attorney General concurred with the probable cause finding, the NERC attempted to conciliate or settle the charge. If at that point the case could not be resolved, it would be forwarded to the EEOC for review and a determination on whether to litigate on behalf of the complainant. If a decision was made not to litigate, the EEOC issued the Notice of the Right to Sue.

In response to a question from Ms. Giunchigliani regarding the Attorney General's review, Ms. Gray advised that if the Attorney General's review determined the case did not meet the legal standard for probable cause, no probable cause determination would be issued.

In response to Ms. Giunchigliani's request for a breakdown of anticipated legal costs, Mr. Johnson advised that although information on costs had not been discussed when the bill was before the Assembly Committee on Government

Affairs, the NERC representatives would prepare and provide the requested information.

Ms. Giunchigliani indicated that seeing the costs and the possible long-term impact to the budget since federal dollars could not be guaranteed would be important to moving the bill forward.

With regard to deleting Section 21, Ms. Giunchigliani indicated she was unable to understand why a section that provided court-ordered restoration of all benefits in cases of unlawful employment practice was deleted.

Mr. Johnson explained that laws that were not associated or assigned to a particular agency, entity, commission, or board defaulted to the Labor Commission, and concerns had been raised regarding whether Sections 20 and 21 had the unintended consequence of limiting the ability of individuals to pursue relief through the Labor Commissioner.

In response to additional questions from Ms. Giunchigliani regarding whether the Labor Commissioner had jurisdiction with regard to discrimination issues, Mr. Johnson advised that portions of NRS Chapter 613 were not necessarily related to discrimination issues and were not specifically assigned to another enforcement entity, such as the termination of employment for use of an unlawful substance.

Assemblyman Hogan indicated that moving forward with the bill appeared to be motivated, in part, by the elimination of the caseload backlog and asked if qualitative data was available on how the reduction was accomplished.

Mr. Johnson advised that elimination of the backlog was attributable to a "priority charge handling" process, which provided the ability to prioritize cases. Additionally, Mr. Johnson advised that the previous administrator and Ms. Gray, acting then as counsel, made a concerted effort to recognize greater efficiencies in the agency's operations and to work smarter, better, and more effectively to prioritize the caseload. Mr. Johnson advised that moving forward, the Nevada Equal Rights Commissioners would have an enhanced role as well in adjudicating housing, discrimination, and employment complaints, which would provide for continued efficiencies and effectiveness in managing the caseload.

In response to questions Mr. Hogan asked regarding the EEOC's role in reviewing and determining the merit of cases in the NERC backlog, Mr. Johnson advised that the "priority charge handling" process was an EEOC initiative that Nevada replicated and placed in statute.

Ms. Gray explained that the Nevada Equal Rights Commission adopted the "priority charge handling" procedure used by the federal EEOC to eliminate their backlog. The procedure, placed in *Nevada Revised Statutes* during the 2003 Legislative Session, allowed the NERC to employ greater selection in accepting cases and to reduce the amount of time spent on cases without merit. With regard to federal EEOC review of files, Ms. Gray explained that for each case determined to lack probable cause, there was a right for rebuttal by the NERC's Chief Compliance Investigator, followed by a request for reconsideration by the administrator. If a case was determined by the administrator to require further investigation, the file would be forwarded to the EEOC for further review and determination.

Jon Sasser, Esq., Washoe Legal Services, appeared before the Committee to testify in opposition to A.B. 189. Mr. Sasser's prepared remarks ([Exhibit E](#)) were distributed to the members of the Committee.

Mr. Sasser advised that he testified in support of A.B. 189 when it was heard in the Assembly Committee on Government Affairs, although he had reservations regarding whether the NERC would have sufficient resources to enforce housing discrimination laws. Subsequent to the hearing, Mr. Sasser advised he was contacted by Christopher Brancart, a California attorney, who raised "grave concerns" regarding the wisdom of Nevada becoming a "substantially equivalent" state and the NERC taking over HUD's role in housing discrimination cases.

Mr. Sasser advised that Mr. Brancart was one of the best known housing discrimination attorneys in the United States and licensed to practice in California and Nevada. Mr. Sasser further advised that Mr. Brancart had worked with Nevada Legal Services and Nevada's fair housing agencies in bringing lawsuits in Nevada against people who discriminated on the basis of housing. Additionally, Mr. Sasser indicated he had served as local counsel with Mr. Brancart on a complex design and construction case that after several years resulted in a victory for the Nevada citizens involved in the case.

After hearing Mr. Brancart's concerns, Mr. Sasser contacted the Silver State Fair Housing Council in Reno, and the Nevada Fair Housing Center in Las Vegas, whose directors also raised concerns that the NERC would not have adequate resources to enforce fair housing laws in Nevada.

Mr. Sasser advised that at Mr. Brancart's suggestion, he called the Executive Director of the North Dakota Fair Housing Program who indicated that North Dakota lost much more than they gained by becoming substantially equivalent.

Although funding would be provided by the HUD with passage of A.B. 189, Mr. Sasser indicated Mr. Brancart would provide testimony to show that fewer resources could be bought with that limited funding than currently afforded to Nevada citizens through the HUD and the federal government. Mr. Sasser pointed out that currently complainants had access to HUD's investigative unit, and, with a determination of probable cause, also had access to the Department of Justice and the Civil Rights Division experts who could bring litigation on behalf of Nevada's citizens and had successfully done so over the past several years. Mr. Sasser advised that the Department of Justice could spend more money on one expert witness in complex cases than the entire budget that HUD would provide to Nevada.

Mr. Sasser advised that the sections of the bill that related to Nevada becoming a "substantially equivalent" agency and the NERC taking over the HUD's role of enforcing fair housing law in Nevada were the only portions of the bill for which concern was being raised.

Additionally, Mr. Sasser pointed out that currently there were two versions of NRS 233.170, which provided for administrative action for alleged discriminatory housing practices. One version was currently being used and the other was the version that would be used if and when Nevada became a substantially equivalent agency.

Chairman Arberry recognized Assemblyman David Parks, Chairman, Assembly Committee on Government Affairs.

Speaking in support of the bill, Assemblyman Parks advised that, as previously indicated, A.B. 189 was heard and positively received in the Assembly Committee on Government Affairs. Mr. Parks indicated that opposition to the bill resulted in several revisions and removal of Sections 28 through 33, which related to employment issues, and a subsequent revision related to punitive damages.

Christopher Brancart, Attorney at Law, Brancart & Brancart, appeared before the Committee to testify in opposition to A.B. 189. As an advocate for fair housing, Mr. Brancart advised that federally funded HUD investigatory resources would be lost if Nevada became a substantially equivalent state. Mr. Brancart provided copies of letters ([Exhibit F](#)) addressed to Assemblyman David Parks, and to Assemblyman Morse Arberry Jr. stating his opposition to Assembly Bill 189, which were included as a part of the record.

Providing a brief explanation of the current system, Mr. Brancart said that currently individuals with fair housing complaints could log onto the Internet, or call a 1-800 number, and within 1 day be contacted to process a complaint. Within 10 days, the respondent would be contacted, and within 30 days the HUD would initiate a conciliation process. If the HUD determined reasonable cause to believe that discriminatory housing practices occurred and issued a charge of discrimination, either side could elect to go to court, and the case would be referred to the Civil Rights Division of the U. S. Department of Justice Housing and Civil Enforcement Section. And, at that point, if the respondent or the plaintiff elected to do so, the Department of Justice would prosecute the case.

Mr. Brancart pointed out that the HUD was a highly resourced, federally funded agency with a well-trained specialized unit of 300 investigators and a relatively small caseload, for example, 1,200 cases in 2004. Under substantial equivalency, Mr. Brancart said the finest civil rights law firm in the country, with 50 attorneys dedicated to prosecuting housing cases and Department of Justice enforcement currently at the immediate disposal of Nevada citizens, would be lost.

Reiterating previous comments with emphasis, Mr. Brancart said that the United States Department of Justice could spend more in one case handled on behalf of Nevada citizens than the HUD would ever provide in an entire year to fund the program. Additionally, Mr. Brancart explained that with passage of A.B. 189, the HUD would pay \$115,000 during the first interim period and then place the State on a case-by-case allowance of under \$1,000 or over \$1,000, to be determined by Congress depending on what they could afford to share with the states.

Mr. Brancart advised that Brancart and Brancart had represented fair housing advocates throughout the United States and every state that had gone to substantial equivalency had regretted the decision to do so. Providing an example, Mr. Brancart discussed a letter ([Exhibit G](#)) from the Director of the North Dakota Fair Housing Council, initially a supporter of substantial equivalency, who wanted local solutions for local problems. However, rather than solutions, North Dakota currently had a profoundly underfunded system and less fair housing enforcement, which he indicated was the result of another underfunded federal mandate. With substantial equivalency, Mr. Brancart advised that the HUD would turn over to Nevada the obligation to enforce a substantial equivalent fair housing law, but would not provide one tenth of the resources currently provided.



In conclusion, Mr. Brancart expressed his appreciation to the Committee for the opportunity to address his concerns and as a supporter of fair housing in Nevada, recommended against passage of A.B. 189.

In response to a question from Ms. Leslie regarding the current number of substantial equivalent states, Mr. Brancart advised that while substantial equivalence was achieved at the local jurisdiction level as well as the state level, approximately more than half of the states had attained substantial equivalence. In addition, Mr. Brancart advised that large metropolitan areas, such as New York and Phoenix, had also obtained substantial equivalence. Mr. Brancart advised that a few entities had fallen out of substantial equivalency as a result of no longer having the ability to afford to subsidize the program through their state budgets.

In response to a question from Ms. Leslie, Mr. Brancart indicated dropping out of substantial equivalent status and returning to total funding from HUD was very difficult.

Indicating many concerns with the substantial equivalent portion of the bill, Ms. Leslie indicated Nevada had "quite a bit" of interaction with the Civil Rights Division of the Department of Justice in which she had a great deal of confidence. Additionally, Ms. Leslie indicated a complete budget and a fiscal note from the Office of the Attorney General was needed before she believed the Committee could move forward with the bill.

Directing her comments to Mr. Sasser, Ms. Leslie indicated she would appreciate assistance in developing an amendment to delete the portions of the bill associated with substantial equivalence. Additionally, Ms. Leslie indicated she would agree to work with the Chairman of Government Affairs to retain the portions of the bill related to employment discrimination.

Mr. Sasser agreed to work with Ms. Leslie on an amendment.

Robert Desruisseaux, representing the Northern Nevada Center for Independent Living, advised that he too had originally testified in support of A.B. 189, but in view of the information provided to the Committee had withdrawn his support. Addressing similar concerns that entering into an agreement with the HUD would affect the quality of Nevada's fair housing investigation and enforcement ability, Mr. Desruisseaux said that the majority of complaints received by the Silver State Fair Housing Council were with regard to reasonable accommodation for individuals with disabilities.

Concluding his remarks, Mr. Desruisseaux indicated that if Nevada entered into an agreement with the HUD to become substantial equivalent without the resources that the federal government currently provided, individuals with disabilities would face difficulty in finding suitable housing assurance of their housing rights.

Chairman Arberry closed the hearing on A.B. 189 and after a brief recess opened the hearing on A.B. 349.

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**Assembly Bill 349: Makes appropriation for development and implementation of improvements in information technology and administrative capabilities of Division of Water Resources of State Department of Conservation and Natural Resources. (BDR S-1265)**



Assemblywoman Heidi Gansert, District No. 25, appeared before the Committee as a sponsor of A.B. 349, which would appropriate funding to develop and implement improvements in information technology and administrative capabilities for the Division of Water Resources. Additionally, Mrs. Gansert proposed an amendment to A.B. 349 that would reduce the State General Fund appropriation request from \$5 million to \$3 million.

Mrs. Gansert explained the reason for the necessity to put the funding request in bill form was that the projects, outlined in the legislation, were not developed to the point to have been included in the budget during the budget preparation process. Mrs. Gansert advised that the request was being put forth in bill form to provide a forum for the Division of Water Resources to present their needs.

Mrs. Gansert advised that the State Engineer had stayed within a flat budget for so many years that the Division's technology had fallen behind to the point there were a great number of documents that needed to be electronically scanned. Mrs. Gansert asked for the Committee's favorable consideration of the bill, which, if approved, would provide the funding to enable public access to Division of Water Resources documents and would move the Division into the 21st Century.

In response to questions from Assemblywoman Leslie, Mrs. Gansert clarified that the funding requested in the bill was not included in The Executive Budget and was not discussed during budget hearings. Mrs. Gansert reiterated the State Engineer's efforts to stay within a flat budget, even to the point of "hoarding" computers that met the Department of Information Technology's (DoIT) schedule for replacement.

In response to comments from Ms. Leslie that budget issues were expected to be presented to a budget subcommittee for hearing, Mrs. Gansert advised that Division of Water Resources representatives would address her concerns.

Allen Biaggi, Director, Department of Conservation and Natural Resources, advised that the request for funding had not been discussed by a budget subcommittee since the request for appropriation from the General Fund was in bill form.

Ms. Leslie indicated that the request raised a "red flag," and not including it in the budget process was "a major mistake" since budget subcommittees had been created to carefully review the details and background information in regard to appropriation requests.

Hugh Ricci, P.E., State Engineer, Division of Water Resources, Department of Conservation and Natural Resources, appeared before the Committee to testify in support of A.B. 349.

Mr. Ricci extended his appreciation to Assemblywoman Gansert for sponsoring A.B. 349 and advised the Committee members that the Division's ability to serve the public was integral to the economic well-being of Nevada's communities ([Exhibit H](#)). Mr. Ricci advised that passage of the legislation would allow the Division to better meet its mission.

Mr. Ricci suggested that if the bill was approved, it would be appropriate for the Interim Finance Committee to consider plans and allocate the one-time funding. Mr. Ricci advised that many of the improvements to the Division of Water Resources needed to be made with a long-term rather than project-specific

approach in mind, but that short-term project plans could easily be prepared for consideration by the Interim Finance Committee in areas such as information technology, backlog reduction, and data gathering.

In closing, Mr. Ricci again extended his appreciation to Mrs. Gansert for providing the opportunity to request the Committee's consideration of the bill.

Mr. Ricci referenced a document ([Exhibit I](#)), which was distributed to the members of the Committee. The document, titled *Statewide Information Technology Advancement Project*, contained information regarding the three areas that met the goals of A.B. 349, which would assist the Division of Water Resources in achieving those goals.

Chairman Arberry discussed the steps that should have been taken to include the request in The Executive Budget and indicated it appeared Division representatives had attempted to circumvent the system.

Mr. Biaggi advised that A.B. 349 was not an agency-sponsored bill, but rather a bill sponsored by Mrs. Gansert and others who shared concerns regarding the ability of the State Engineer's Office to generate data and information. Mr. Biaggi indicated that Department and Division representatives were before the Committee to testify in support of the bill, but reiterated it was not generated by the Division of Water Resources.

Chairman Arberry advised that not adhering to the budget process for a large funding request placed the Committee in an awkward situation.

Assemblyman Marvel expressed his appreciation for the Chairman's comments, but indicated there were probably a number of bills requesting funding for improvement that were being heard that were not included in the budget process. It was Mr. Marvel's opinion the request was the result of legislative prerogative to introduce a bill.

Chairman Arberry maintained the Division should have approached the Governor's Office with the funding request.

Mr. Hettrick testified that there was no attempt by the State Engineer to circumvent the system. After having been approached by members of the public who strongly recommended the need for legislation, Mr. Hettrick asked Mrs. Gansert to sponsor the bill and she agreed. Mr. Hettrick further explained that he met with Mr. Ricci to discuss the recommendation for the bill, and Mr. Ricci indicated at that time he did not want to be placed in a position of appearing to circumvent the budget process.

Assemblywoman Giunchigliani pointed out that the bill was requested and introduced in March, and had only just been scheduled for hearing before the Committee on Ways and Means. Ms. Giunchigliani indicated the State was experiencing "huge" water issues, and if the Division was unable to even adhere to normal computer equipment rotation requirements, they needed to present their case even though it was unfortunate the information had not been scheduled before one of the joint subcommittees for hearing.

Ms. Leslie expressed concern that there was no mention during other Division of Water Resources' presentations that the Division needed additional resources. While it appeared the Division did need additional resources, Ms. Leslie indicated the Division representatives should have been forthright in approaching the Legislature with a plan.

Assemblyman Denis asked if the request had gone through the Department of Information Technology (DoIT) to determine a budget for the additional resources being requested.

Mr. Biaggi indicated the request for resources was still in the “conceptual” stage and would require the DoIT approval.

Mrs. Gansert extended her appreciation to the members of the Committee for hearing the bill.

Mr. Ricci provided information on the conceptual plan for the statewide information technology advancement project and indicated three areas were identified that could facilitate some of the processes in the Division of Water Resources’ office:

- The first area for the statewide information technology advancement project included:
  - ✓ Scanning/digitizing approximately 85,000 records
  - ✓ Linking scanned images to permit database for publication on the Internet
  - ✓ Creating GIS coverages to allow staff and general public to see water right spatially and link to database.
  - ✓ Creating a client database to automate Division’s forms and letters
  - ✓ Other planned improvements would provide ability to digitize maps for all existing water rights and abstracts of title for publication on the Internet
  - ✓ Contracts would be awarded for all scanning and digitizing requirements
  - ✓ Project costs included software and hardware purchases
- The second area under the conceptual plan included:
  - ✓ Data gathering including field work to measure stream flows, springs, groundwater levels; crop and water pumpage inventories; and locating resource position by GPS (Global Positioning Satellite)
  - ✓ Assisting in adjudication work
  - ✓ Low-hazard dam inspections awarded through contract services with some staff involvement
  - ✓ Project costs included five summer hires for statewide field work, a staff engineer and an administrative assistant, vehicles, measurement devices, in-state travel, furniture and rent for new staff, software and hardware, and contract for low-hazard dam inspections
- The third area under the conceptual plan was for the Truckee Meadows Water Right Application Project and included:

- ✓ Processing approximately 1,000 backlogged reports of conveyances containing approximately 10,000 deeds that required review
- ✓ Processing 700 pending water right applications
- ✓ Project costs included three technicians to process reports of conveyances; one technician to create and maintain coverage depicting water righted areas; one administrative assistant to provide clerical support; office space and computer hardware and software

Mr. Ricci advised that the Truckee Meadows process could also be applied to other areas in Nevada, such as the Virgin River, the Muddy River, the Humboldt River, and any area with an associated decree.

Perry DiLoreto, a Nevada developer and builder, testified in support of A.B. 349. Mr. DiLoreto told the members of the Committee that his company had built tens of thousands of homes and developed thousands of acres of land in northern Nevada. Mr. DiLoreto advised that he and a group of business associates, who represented over 90 percent of development and construction activity in northern Nevada, had requested the bill as a result of seeing serious problems with obtaining water rights in northern Nevada.

Mr. DiLoreto explained that developers were required to provide water rights for property being developed, and the State Engineer's Office was seen as a focal point since water rights had to be obtained through that office. As a user of the services provided by the Division of Water Resources, Mr. DiLoreto indicated he understood their volume of work, water rights, and Nevada water law. While he expressed the highest degree of respect for the State Engineer's Office, Mr. DiLoreto advised that the process for obtaining water rights and the approval of "will serve" letters was lengthy, cumbersome, and difficult.

Additionally, Mr. DiLoreto indicated that added to their volume of work, the State Engineer was being inundated with applications from developers who were attempting to assemble fractional acres of feet of water. Mr. DiLoreto explained that the same amount of work was required to prove the title on a quarter of an acre foot of water as required for 100 or 200 acre feet. Additionally, Mr. Ricci pointed out that there were new resources coming into the system, such as the new \$44 million water treatment plant Washoe County was building, and creek rights for which the State Engineer's Office would also need to calculate the yield analysis, priorities, and change of title.

Mr. DiLoreto indicated the State Engineer's Office had demonstrated that, if approved, funding to improve information technology and administrative capability would be well spent. Additionally, Mr. DiLoreto indicated that he and his contemporaries would entertain the imposition of additional user fees, if necessary.

Mr. DiLoreto apologized for his unfamiliarity with the budget process, and asked for the Committee's favorable consideration of the bill. Additionally, Mr. DiLoreto expressed his thanks to Assemblywoman Gansert and Assemblyman Hettrick for their assistance in bringing the bill before the Committee.

Steve Walker, a lobbyist representing the Truckee Meadows Water Authority, expressed support for A.B. 349.

Andy Belanger, a lobbyist representing the Southern Nevada Water Authority and the Las Vegas Valley Water District, expressed support for A.B. 349.

Steve Robinson, Advisor on Wildlife, Conservation and Rural Nevada Issues for the Governor's Office, appeared before the Committee to testify in support of A.B. 349. Mr. Robinson reiterated earlier testimony that A.B. 349 was drafted through the recommendations of a group of private developers after the legislative session commenced and not by the Division of Water Resources. Mr. Robinson said the Governor's Office was advised of possible deficiencies in the Division of Water Resources' operations after the recommendation for a bill draft request, and that the office could be operated with greater efficiency to become more responsive to the public.

Mr. Robinson explained that during the budget process, the Division's conservative budget request for funding and staffing was approved as requested by the Budget Division and the Governor's Office. While a conservative budget request had been a tradition of the State Engineer and was to be lauded, Mr. Robinson indicated there was some realization by the Administration that the expenditures requested in the bill would be well spent if the Committee chose to approve the funding request.

Ms. Leslie indicated she was glad to hear an Administration representative indicate changes might be needed. Ms. Leslie agreed that changes were needed, but that changes needed to occur in the context of reviewing operations for the entire office. Ms. Leslie indicated she hoped the Governor's office would participate in the interim study for the State Engineer's Office.

Mr. Robinson indicated he would testify in favor of Senator Rhoads' concurrent resolution, scheduled to be heard that afternoon.

Ms. Giunchigliani also expressed her support for the concurrent resolution sponsored by Senator Rhoads to study water use and water resources in the state of Nevada.

Chairman Arberry closed the hearing on A.B. 349 and opened the hearing A.B. 376.

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**Assembly Bill 376 (1st Reprint): Provides for various benefits for members of Nevada National Guard who are called into active service. (BDR 36-1072)**

Assemblyman Richard Perkins, District No. 23, appeared before the Committee to testify in support of A.B. 376, which would provide various benefits to members of the Nevada National Guard. Mr. Perkins spoke of the emotional and financial challenges faced by the more than 3,000 men and women Nevada National Guard members and reservists who had served in conflicts in the Middle East since the events of September 11, 2001.

Mr. Perkins said the State should be prepared to assist Nevada National Guard members while they were deployed, and A.B. 376 took practical steps to do so. After many discussions with General Vanderhoof, the Adjutant General of Nevada, Guard members, the business community and many others, it was

determined there were three ways in which the State could provide some assistance to Guard members and their families.

If approved, Mr. Perkins said A.B. 376 would create a system whereby Guard members and their families would be exempt from paying sales tax by being made an extension of the State while the Guard members were mobilized.

Additionally, Mr. Perkins proposed the establishment of a Patriot Relief Fund to which would be appropriated \$2.5 million each year of the biennium. The Fund would be used to assist Guard members in paying the premiums on their life insurance policies. Mr. Perkins indicated that in view of the fact that the State's military personnel were being asked to risk their lives, the State should be obligated to ensure that in the event of injury or death, their families were financially protected.

Additionally, the Fund would pay for textbooks of members of the Guard who were enrolled in college classes. Mr. Perkins indicated that Guard members appeared to be "very appreciative" of the tuition waivers provided to them.

Mr. Perkins pointed out that members of the Guard often took "a significant pay cut" when called to duty, and the Patriot Relief Fund would provide assistance to Guard members and their families when financial difficulties were encountered during mobilization. Mr. Perkins said the Adjutant General would be given the responsibility of deciding where and how the funds would be best distributed.

Additionally, Mr. Perkins advised it was learned after meeting with General Vanderhoof and Guard members that currently military personnel who were State employees were paid the difference between their State pay and military pay, if the military pay was less. However, hazard pay was included in the calculation and members saw no increase in pay from hazard pay received while serving in dangerous combat zones. A.B. 376 provided that those employees would receive the increase from hazard pay.

Mr. Perkins advised that the sales tax exemption, guaranteed life insurance, and benefits provided through the Patriot Relief Fund would give Guardsmen and their families the peace of mind to focus on their loved ones rather than an unforeseen financial crisis.

Mr. Perkins indicated Section 2 of the bill provided that members of the Guard, employed by the State, would be relieved of their duties without loss of pay to serve under orders for 39 working days rather than the current 15 working days. The additional time was suggested since 15 working days did not cover weekend training as well as the two weeks training required yearly. However, Mr. Perkins advised there was a concern that 39 working days would increase the cost to a degree that would perhaps lessen the State's interest in hiring members of the Guard. Thus, it was Mr. Perkins' suggestion that the Committee amend the bill to remove that section and stay with the current 15 days.

Additionally, Mr. Perkins referred to the proposed amendment ([Exhibit J](#)) and advised that General Vanderhoof had suggested a change in language for Sec. 4 (b) and Sec. 7(b) from "Under an order to perform training or other duty pursuant to 32 U.S.C. § 502(f)" to "*Under an order to perform a duty for state emergency or homeland security under 32 U.S.C. § 502(f).*"

Speaking in support of the bill, Major General Giles Vanderhoof, Adjutant General of Nevada, extended his appreciation to Mr. Perkins for listening to and addressing the concerns of members of Nevada's National Guard who had served in the combat zone. General Vanderhoof also indicated his appreciation for the bill, which he said reflected Nevada's support for the members of the Guard who were mobilized.

General Vanderhoof expressed agreement with the proposed changes to the bill, and indicated that changing the number of days off with compensation from 15 to 39 days would have been relevant for employees who worked shifts, but would have allowed an employee on a regular shift two months out of every year to perform duty with the Guard on a volunteer status whether called or not.

Concluding his remarks, General Vanderhoof told the members of the Committee the members of the Guard were looking forward to the benefits provided in the bill and were appreciative of the support being provided to them.

Chairman Arberry closed the hearing on A.B. 376 and opened the hearing on A.B. 499.

\* \* \* \* \*

**Assembly Bill 499 (1st Reprint): Makes various changes relating to elections.  
(BDR 24-898)**

Kate Marshall, a private citizen from Washoe County, appeared on behalf of a group associated with the Washoe County Democrats who had formed after the last election to provide nonpartisan provisions to help modernize and streamline the voting process.

Ms. Marshall requested the Committee's favorable consideration to amend the bill to delete three provisions that required a fiscal note and would leave the bill with no fiscal impact.

Ms. Marshall reviewed the following sections of A.B. 499 (1st reprint) recommended for deletion:

- ✓ Delete Sections 12 through 14 which would clarify and expand the availability of absentee ballots in emergency situations prior to or on Election Day.

Ms. Marshall indicated it was her understanding that when the bill was before the Committee on Elections, Procedures, Ethics, and Constitutional Amendments, Sections 12 through 14 were voted out and the 1st reprint of the bill, which included Sections 12 through 14 was incorrect.

- ✓ Delete Section 15, which required permanent early voting polling places in large counties to remain open from 8:00 a.m. to 8:00 p.m. Monday through Saturday during early voting, excluding holidays.
- ✓ Delete Sections 10, 13 and 19, which would provide permanent absentee ballot status available to all voters.

Ms. Marshall indicated it was her understanding A.B. 455 had a provision that extended absentee ballot status for two succeeding years.



Ms. Marshall advised that there were seven sections remaining in A.B. 499 that were recommended for approval. Based on her group's review of the original fiscal notes attached to the bill, Ms. Marshall indicated that it appeared the amendments already made to the bill, as well as the amendments proposed to the members of the Committee, would remove any substantive fiscal impact from the sections remaining in the bill.

Sections remaining to be approved:

1. Required all polling places to have access to countywide voter registration lists by any reasonable means, effective January 2008.

Currently, Ms. Marshall said polling places were only required to have a limited list consisting of voters in the polling place precinct. The provision in the bill required a polling place to have access to a countywide list of voters, primarily to assist voters who arrived at the wrong polling place and direct them to their correct polling place. Access to the list could be achieved by any reasonable means, for example, telephone, paper, or electronic access, and voting did not need to terminate if access to the list was temporarily lost.

2. Required public high schools and libraries to provide for the availability of voter registration forms.

Ms. Marshall pointed out that approval of the bill would not require high schools or libraries to become official voter registration agencies, but would require them to provide voter registration forms.

3. Provision to allow county clerks and poll managers to deputize and reallocate poll workers as necessary on Election Day.

Ms. Marshall advised that currently poll managers were not permitted to deputize additional poll workers or reallocate workers between precinct tables on Election Day. As a result, poll workers were sometimes placed in certain precincts that were overworked and at which lines could become "unacceptably long," while other precincts had little activity. The bill would allow poll managers the flexibility to reallocate workers to provide for greater voter efficiency at the polls on Election Day.

4. Provided for the availability of the results of programs that purged inactive voters from voter lists 45 days prior to the close of registration.

Ms. Marshall indicated that currently county officials conducted systematic programs to purge inactive voters from voting lists, but there was no requirement that the results of purging programs would be made public within a certain time frame. The bill provided that the list would be made available, but did not require that lists be distributed or published.

5. Clarified that the Attorney General and county district attorney's offices had concurrent jurisdiction to prosecute criminal violations of the Election Code.

Currently, Ms. Marshall said the Election Code did not clearly state that a county district attorney had the jurisdiction to prosecute violations of the Election Code. The bill clarified that a county district attorney did have jurisdiction to prosecute Election Code violations, but it did not take away the Attorney General's concurrent right to also prosecute such violations.



6. Clarified identification requirements at the polls as set forth in NRS 293.277.

Ms. Marshall advised that currently NRS 293.277 was unclear as to when a voter was required to show identification at the polls. The bill clarified that identification might only be required of first-time voters who registered by mail and voters whose signatures did not match the signatures on file with the Registrar's office. The bill also clarified that a college identification card was an acceptable form of identification.

In response to a question from Assemblywoman Weber regarding signatures on student identification cards, Ms. Marshall indicated that although uncertain, she believed student identification cards reflected signatures as well as photos.

7. Provision to prohibit a county clerk from charging a fee for providing groups requesting 50 or more voter registration forms.

Currently, Ms. Marshall said a county clerk's office had the discretion to charge a fee for groups, including political parties who requested 50 or more voter registration forms. Ms. Marshall indicated that permitting a discretionary charge for groups requesting registration forms could interfere with registration drives and could result in unequal treatment of groups. Passage of the bill would ensure that all groups, including both political parties, would continue to have the ability to conduct voter registration drives.

Cathy Bradford, a member of the Washoe County Election Reform Committee, indicated that members of the Committee had provided amendments to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments in response to concerns expressed by county clerks in addition to the amendments provided by Ms. Marshall.

Ms. Bradford asked for the Committee's favorable consideration of the bill, which she indicated contained many positive nonpartisan election reform provisions with no fiscal impact.

Assemblywoman Debbie Smith expressed her appreciation to the members of the Washoe County Election Reform Committee for their work on the provisions contained within A.B. 499. Mrs. Smith commented that the population within her district was highly transient, and that the work that had gone into the bill and the issues addressed would result in positive results for the voters in her district as well as other Nevada voters.

Diana Glomb Rogan, former State Senator from Washoe County, represented the League of Women Voters in support of A.B. 499 and indicated she had testified in support of the bill when it was heard in the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Assemblywoman Giunchigliani also expressed her appreciation to the members of the Washoe County Election Reform Committee for their work in suggesting amendments to the fiscal issues in the bill.

Sabra Smith-Newby, lobbyist for the City of Las Vegas, testified in support of A.B. 499, and referenced Section 14, line 41 of the 1st reprint, which stated *"statement to the city clerk acknowledging that the secrecy of the...."*

Mrs. Smith-Newby indicated that earlier in the paragraph the reference was to the county clerk and said the bill should be amended to read county clerk. Additionally, Mrs. Smith-Newby expressed concerns regarding Section 27, lines 19 and 20, regarding the time period for early voting between 8:00 a.m. to 8:00 p.m. seven days a week and holidays. Mrs. Smith-Newby indicated that because of the nature of city elections and smaller turnout than national elections, the time period for early voting by personal appearance could be amended downward.

Chairman Arberry closed the hearing on A.B. 499 and opened the hearing on A.B. 560.

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**Assembly Bill 560: Revises provisions governing millennium scholarships.  
(BDR 34-1424)**

Assemblywoman Chris Giunchigliani provided opening remarks for the hearing on A.B. 560, and outlined the proposed amendments to the bill:

- The State Treasurer would continue to invest the money in the Millennium Scholarship Trust Fund
- The Millennium Scholarship Program would be administered by the Department of Administration rather than the Board of Regents
- Implementation of a “two strikes and you are out” rule if a student failed for a second time to make satisfactory academic progress toward a recognized degree or certification
- No students would be awarded a millennium scholarship to pay for remedial courses
- Summer school would be permitted for any student who wanted to “fast track” the Program

Ms. Giunchigliani stated that Mark Stevens would provide information regarding the \$100 million one-shot appropriation to finance the Program.

Mark Stevens, Assembly Fiscal Analyst, Fiscal Analysis Division, Legislative Counsel Bureau, advised that the bill, in its current form, had a \$100 million one-shot appropriation to finance the program. Mr. Stevens reported that one of the problems being faced was the gap between the revenue generated to finance the Program and ongoing expenses. Mr. Stevens recommended reducing the gap since expenses were exceeding available revenue and thereby producing a deficit each year.

Mr. Stevens advised that The Executive Budget recommended \$7.6 million a year in Unclaimed Property revenues be allocated to the Millennium Scholarship Program and, although that provision was not included in the bill, it could be included if the Committee so desired. Mr. Stevens advised that early in the legislative session, the Governor recommended an alternate plan to finance the Millennium Scholarship Program by utilizing \$8 million a year rather than \$7.6 million a year in Unclaimed Property revenue and \$35 million in one-time funding. Mr. Stevens indicated the Committee would need to decide whether to use one-time funding in addition to the \$7.6 million or \$8 million in Unclaimed Property revenue to bolster the Program.

Mr. Stevens reported that staff from the Fiscal Analysis Division and the State Treasurer's Office had calculated similar projections although there were small differences. Mr. Stevens advised that if the Committee chose to utilize \$7.6 million a year in Unclaimed Property revenue effective in fiscal year 2006 with \$35 million in a one-time appropriation, the Fiscal Analysis Division projected the funding would take the Program through the year 2012 with additional funds required in the year 2013.

Although not currently included in the bill, Mr. Stevens advised that the Governor's plan provided additional amendments to reduce expenditures, and the State Treasurer had also suggested provisions to reduce expenditures. Mr. Stevens indicated that if the Committee wanted to review additional proposals to reduce expenditures, or additional ongoing or one-time revenue, or some combination of the two, the projections could be quickly calculated.

Ms. Giunchigliani directed the Committee's attention to Section 1, subsections (1), (2), and (3) and suggested replacing the Board of Regents language with the language that referred to the Department of Administration.

Ms. Giunchigliani suggested a \$35 million one-time appropriation to provide the one-time funding, and additionally, although uncomfortable with the idea of perhaps setting a trend, \$7.6 million in each year of the biennium from Unclaimed Property revenue.

Reiterating that General Fund monies were not intended to be used for funding purposes when the Millennium Scholarship Program was created, Chairman Arberry indicated it was important, however, to ensure funding for the Program until at least 2012.

In response to questions Assemblyman Marvel asked regarding the proposed funding, Brian Krolicki, State Treasurer, advised that Unclaimed Property had sufficient annual revenue to support the \$7.6 million or \$8 million diversion to the Millennium Scholarship Trust Fund. Mr. Krolicki clarified that the \$35 million would be provided through a one-time General Fund appropriation.

In response to a question from Assemblyman Seale, Mr. Krolicki clarified that funding from Unclaimed Property revenue was actual revenue and not earnings from interest.

Assemblyman Seale indicated he, too, was uncomfortable with the use of General Fund revenue to fund the Program since funding was initially to have been provided from the Tobacco Settlement Agreement. Mr. Seale also expressed concerns in funding a program with an established end date and indicated he hoped other funding sources could be provided to continue the Program. Additionally, Mr. Seale asked for comments on the amendment that transferred some of the administrative duties to the Department of Administration and to the Board of Regents.

Mr. Krolicki defined the Millennium Scholarship Program as one of the most successful and important programs in Nevada serving not only Nevada's students, but also the future of Nevada's economy. Mr. Krolicki indicated that suggestions coincided with a February agreement to utilize a one-time \$35 million appropriation in addition to the \$7.5 million or \$8 million in each year of the biennium and \$10 million of annual reductions. With the recommended changes, Mr. Krolicki said the Program could achieve perpetuity status assuming funding continued to be received from the Tobacco Settlement Agreement.

In response to Chairman Arberry's statements regarding changes in the Program and how those changes would affect current students, Mr. Krolicki indicated that he believed the changes would be implemented fairly. Providing an example, he advised that when grade point average changes affecting eligibility for the Millennium Scholarship were implemented several years ago, the changes affected only freshmen students entering high school, not sophomores or juniors. Additionally, Mr. Krolicki indicated the proposed amendments would reduce the Millennium Trust Fund expenditure rate.

In response to questions Assemblyman Seale asked relative to applying for federal grant money to help reduce Program expenditures, Ms. Giunchigliani indicated discussion had taken place to provide language in a separate bill to place responsibility with the school districts to counsel high school students to apply for every grant for which they could qualify long before they graduated. Ms. Giunchigliani said that even a \$340 National Direct Student Loan would provide some assistance and indicated there were some bills in which the language could be included. Ms. Giunchigliani suggested each Millennium Scholar should graduate with a packet including writing samples, components relative to their senior projects, and resumes from teachers for whom they perhaps had worked as student aides. Ms. Giunchigliani further suggested that it would be up to the Committee to find a way to make that responsibility more appropriate at the high school level rather than a policy in statute.

Chairman Arberry indicated that although language to encourage application for additional scholarship grants sounded good, he doubted that students who were guaranteed a \$10,000 Millennium Scholarship would follow through. Chairman Arberry indicated it was up to the Legislature to find a solution to ensure the continuation of funding and that perhaps work would need to be continued through succeeding legislative sessions to provide that assurance.

In response to a question Mr. Seale asked regarding transferring administering responsibility to the Department of Administration, Mr. Krolicki advised that although everyone knew of the positive benefits of the Millennium scholars, he believed "one of the great unsung stories" was the Program's success on a technical basis. Mr. Krolicki indicated that "a very small group of people in an incredibly short period of time" had successfully rolled out the Millennium Scholarship Program. While he expressed pride in the work of the Treasurer's Office toward that effort, Mr. Krolicki indicated he was not in a position to suggest where the Program should reside in terms of administration.

Assemblywoman Smith asked for information on the policy regarding payment and reimbursement for summer school classes.

Susan Moore, Ed.D., Executive Director, Nevada Millennium Scholarship Program, responded that the Millennium Scholarship Committee decided to treat the summer session as a term, much like the spring and fall terms, because of the many statewide summer sessions beginning and ending at various times. Dr. Moore explained that the Office of the Treasurer usually received data for summer classes from the University System by October 1. Additionally, Dr. Moore advised that students tended to register for too many credit classes during the summer, and the Committee did not want summer work to affect a student's eligibility for the fall term. Dr. Moore said the decision to require payment in advance and to provide reimbursement for a passing grade benefited the students.

In response to a question from Mrs. Smith, Dr. Moore confirmed that summer classes could not eliminate students from the Millennium Scholarship Program.

In response to questions Assemblywoman Gansert asked regarding funds from the Tobacco Settlement Agreement, Mr. Stevens advised that 40 percent of Tobacco Settlement funds were provided to the Millennium Scholarship Program as an ongoing source of revenue. As previously discussed, Mr. Stevens advised that expenditures for the Program exceeded available revenue.

Mrs. Gansert expressed agreement with previous testimony provided by Ms. Giunchigliani regarding encouraging high school students to apply for any available scholarships. Pointing out that tuition costs were currently at approximately \$4,200 a year and the Millennium Scholarship Program provided only about \$2,500 a year, Mrs. Gansert said the school districts should promote activities that would assist students in looking for additional financial aid and scholarship programs.

Mr. Krolicki advised that the Millennium Scholarship Trust Fund currently had \$3 million in Tobacco Settlement funds and pointed out that because of fewer smokers, there was an 8 percent reduction in the original 1993 projection for Tobacco Settlement money.

Additionally, Mr. Krolicki indicated the possibility that manufacturers participating in the Master Settlement Agreement might withhold certain payments in the future as a protest to the non-participating manufacturers. If that protest became a reality, Mr. Krolicki said that tobacco company payments in the next year might be received at 18 to 19 percent less than originally projected. Mr. Krolicki reiterated that the solution before the Committee was based on tobacco money being received at a certain level for which there was no assurance and advised the Committee to be prepared for additional discussions should the money be withheld.

Chairman Arberry closed the hearing on A.B. 560.

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**Assembly Bill 3: Requires Legislative Auditor to conduct performance audit of Department of Wildlife. (BDR S-493)**

Mark Stevens, Assembly Fiscal Analyst, Fiscal Analysis Division, Legislative Counsel Bureau, referenced a proposed amendment ([Exhibit K](#)) to A.B. 3 that had been distributed to the members of the Committee. Mr. Stevens advised that the language in the amendment proposed to replace the provisions outlined in A.B. 3.

Assemblywoman Leslie advised that the amendment provided that the Legislative Auditor would conduct a performance audit of the University and Community College System of Nevada and the Board of Regents of the University of Nevada. Specifically, Ms. Leslie said the Legislative Auditor would conduct a performance audit of the College of Agriculture at the University of Nevada, Reno, and the School of Dental Medicine at the University of Nevada, Las Vegas.

Ms. Leslie indicated she had several discussions during the legislative session with the Chancellor and Dan Klaich, a representative of the University and Community College System of Nevada (UCCSN), about the problems that were being experienced at the College of Agriculture. Ms. Leslie advised that both the Chancellor and Mr. Klaich supported the audit and agreed that the UCCSN

would pay the costs. Section 2 of the bill provided that the audit would cost \$50,000.

Assemblywoman Giunchigliani spoke in regard to the proposed legislative audit for the School of Dental Medicine at the University of Nevada, Las Vegas. Ms. Giunchigliani indicated concerns had been expressed during hearings on budget closings about the type of treatment being provided by the School of Dental Medicine.

Ms. Giunchigliani discussed having received information from dentists who left the program as a result of having to schedule appointments without actual procedures performed in an effort to build up the number of patients being seen. There were also claims that when treatment was provided, that treatment was simply to extract teeth, which Ms. Giunchigliani indicated was not appropriate in most instances. Although she did not support the School of Dental Medicine when it was established and even now had concerns, Ms. Giunchigliani said the audit would determine whether the program was really providing the services that were intended.

ASSEMBLYWOMAN LESLIE MOVED TO AMEND AND DO PASS  
A.B. 3.

ASSEMBLYMAN HOGAN SECONDED THE MOTION.

THE MOTION CARRIED. (Assemblyman Hettrick and  
Assemblyman Perkins were not present for the vote.)

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**Assembly Bill 101: Makes appropriation to Department of Administration for allocation to Nevada Commission for National and Community Service. (BDR S-1213)**

Mr. Stevens advised that under the provisions of A.B. 101, a one-time \$365,000 appropriation that was included in The Executive Budget would be provided to the Nevada Commission for National and Community Service. The Nevada Commission for National and Community Service would prepare and transmit a report to the Interim Finance Committee regarding utilization of the funding. Additionally, the Nevada Commission for National and Community Service would be required to provide any information books and accounts information to the Legislative Auditor, should a legislative audit be required.

ASSEMBLYWOMAN LESLIE MOVED TO AMEND AND DO PASS.

ASSEMBLYWOMAN MCCLAIN SECONDED THE MOTION.

THE MOTION CARRIED. (Assemblyman Hettrick and  
Assemblyman Perkins were not present for the vote.)

With no further business before the Committee, Chairman Arberry adjourned the hearing at 10:56 a.m.

RESPECTFULLY SUBMITTED:

\_\_\_\_\_  
Connie Davis  
Committee Attaché

APPROVED BY:

\_\_\_\_\_  
Assemblyman Morse Arberry Jr., Chairman

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

<u>EXHIBITS</u>			
<b>Committee Name:</b> <u>Committee on Ways and Means</u>			
<b>Date:</b> <u>May 17, 2005</u>		<b>Time of Meeting:</b> <u>7:30 a.m.</u>	
Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B	Dana Bilyeu	Fiscal Note <u>S.B. 438</u>
	C	Carol Stonefield	A.B. 154 Section Outline
	D	Assemblywoman Debbie Smith	Proposed Amendment to A.B. 154
	E	Jon Sasser	Prepared Remarks in opposition to <u>A.B. 189</u>
	F	Christopher Brancart	May 17, 2005 Letter to Assemblyman Morse Arberry and May 4, 2005 Letter to Assemblyman Davis Parks
	G	Amy Schauer Nelson, Director North Dakota Fair Housing Council, Inc.	May 16, 2005 Letter to Assemblyman Morse Arberry
	H	Hugh Ricci	Hugh Ricci Testimony in Support of A.B. 349
	I	Hugh Ricci	Statewide Information Technology Advancement Project
	J	Assemblyman Richard Perkins	Proposed Amendment to A.B. 376
	K	Mark Stevens	Proposed Amendment to A.B. 3