

**MINUTES OF THE  
SENATE COMMITTEE ON GOVERNMENT AFFAIRS**

**Seventy-third Session  
June 1, 2005**

The Senate Committee on Government Affairs was called to order by Chair Warren B. Hardy II at 2:09 p.m. on Wednesday, June 1, 2005, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator Warren B. Hardy II, Chair  
Senator Sandra J. Tiffany, Vice Chair  
Senator Randolph J. Townsend  
Senator Dina Titus  
Senator Terry Care

**COMMITTEE MEMBERS ABSENT:**

Senator William J. Raggio (Excused)  
Senator John Lee (Excused)

**GUEST LEGISLATORS PRESENT:**

Assemblyman Harvey J. Munford, Assembly District No. 6  
Assemblyman David R. Parks, Assembly District No. 41

**STAFF MEMBERS PRESENT:**

Kim Marsh Guinasso, Committee Counsel  
Olivia Lodato, Committee Secretary  
Michael Stewart, Committee Policy Analyst  
Catherine T. Barstad, Committee Secretary

**OTHERS PRESENT:**

Terry L. Johnson, Deputy Director, Department of Employment, Training and Rehabilitation

Susan L. Gray, Administrator, Nevada Equal Rights Commission

William Vassiliadis, R&R Partners, Incorporated

CHAIR HARDY:

Welcome, Assemblyman Munford, to our Committee and tell us about your resolution, Assembly Concurrent Resolution (A.C.R.) 28.

**ASSEMBLY CONCURRENT RESOLUTION 28:** Urges Commission on Economic Development to develop programs to stimulate economic development in certain areas. (BDR R-1015)

ASSEMBLYMAN HARVEY J. MUNFORD (Assembly District No. 6):

This bill is based upon economic development, primarily focusing on my district and the urban core community that I represent. I have lived in District 6 for more than 33 years. If any of you are familiar with southern Nevada, you probably identify this area as the old west Las Vegas area. We are desperately trying to initiate positive transition. When I first moved there in the early 1970s, it was a productive area. We experienced some hope that our community would do well and prosper. That did not happen. Our community began to regress with the overflow of hard times and social disorders within the city. We fell back into isolation from the surrounding communities. This negative atmosphere existed for many years. The community struggles with poverty and crime on a daily basis. Our young people cannot even receive a decent education because of the substandard school system. This area has been overlooked by fresh, new retail and community building organizations. We have been forgotten. Las Vegas has experienced abundant progress, and we have not been able to participate in any of that development. My goal, when I ran for office, was to do whatever I could to uplift my community so my constituents could once again take pride in their homes and lifestyles. This should not have any economic impact. I want only for the Legislature to recognize something must be undertaken to save this community. If the concern comes from this Legislative body, there could be some hope for all of us. While preparing A.C.R. 28 we had in mind a new beginning, and it is all about asking for your help.

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CHAIR HARDY:

We appreciate your bringing this forward. Some of the bills this Legislature has processed this year have addressed this area and these concerns. This resolution is certainly appropriate in that regard.

SENATOR CARE:

This resolution sounds similar to Senator Horsford's proposal earlier in this session. What happened with that legislation?

CHAIR HARDY:

Senator Horsford's legislation was actually proactive legislation. It would come under a commission to encourage development of an economic program. His was actually a program in that direction.

ASSEMBLYMAN MUNFORD:

That is correct. I worked with Senator Horsford on his bill. He had some type of program already established.

CHAIR HARDY:

I am pleased to report that Senator Horsford's bill passed both Houses and was delivered to the Governor for his signature on Monday. Is there anyone else wishing to testify in favor of or in opposition to A.C.R. 28? Seeing none, we will close the hearing on A.C.R. 28 and turn our attention to Assembly Bill (A.B.) 189.

[ASSEMBLY BILL 189 \(3rd Reprint\)](#): Revises provisions relating to Nevada Equal Rights Commission. (BDR 18-406)

ASSEMBLYMAN DAVID R. PARKS (Assembly District No. 41):

I am here to support the passage of A.B. 189. I will defer to our people in Las Vegas.

TERRY L. JOHNSON (Deputy Director, Department of Employment, Training and Rehabilitation):

With me today is Susan Gray from the Nevada Equal Rights Commission. We are here to speak in support of A.B. 189. This bill is largely dedicated to housing discrimination enforcement. Initially, it set out to render Nevada's fair housing law which is set forth in *Nevada Revised Statute* (NRS) 118 to be substantially

equivalent to federal fair housing laws. This piece of legislation represents the efforts to do so.

On page 2, section 2 requires the Nevada Equal Rights Commission to come back to the Legislature before it seeks to enter into an agreement with the U. S. Department of Housing and Urban Development (HUD). They would have a work-share agreement. On page 3, section 3 covers how the Commission processes complaints of discriminatory practices in housing. It incorporates existing statutory language, but the language will be rearranged to other parts of the statute. This section clarifies remedies for the different complaints. On page 4, section 4 of the bill clarifies the legislative declaration with regard to which classes are protected for purposes of employment and housing accommodations. On page 5, section 6 is largely housekeeping. In order to harmonize with existing statutory language, page 6, in section 8, makes a change to extend the period of time from 180 to 300 days in which people can file complaints of discrimination in employment or in public accommodations. This is designed to mirror provisions already in effect at the federal level regarding the statute of limitations. On page 10, section 13 and the following sections are those provisions raising Nevada's housing discrimination laws to the levels in federal law. We ask for your favorable consideration of this measure.

CHAIR HARDY:

Mr. Johnson, did you speak to the deletions in section 10? Do those relate back to section 2?

MR. JOHNSON:

The deletions in section 10, beginning on page 7, line 43, and continuing on page 8, line 26, have been reinserted in previous areas of the bill on page 3, section 3.

SENATOR TIFFANY:

Would this law apply if I wanted to rent a room in my private home? Would I be compelled to take anyone who applied for the room, regardless of my personal feelings?

SUSAN L. GRAY (Administrator, Nevada Equal Rights Commission):

This law would apply if you had four or more housing units for rent. It would not apply to a single-family home.

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SENATOR TIFFANY:

Does this Commission normally have authority over housing?

MR. JOHNSON:

The Nevada Equal Rights Commission currently has the statutory jurisdiction to investigate complaints of housing discrimination. It is set forth in chapter 118 of NRS.

SENATOR TIFFANY:

Why then do we need this?

MR. JOHNSON:

This bill brings Nevada's laws in housing discrimination up to a level equivalent with federal law.

SENATOR TIFFANY:

What part of state law is different from federal law?

MS. GRAY:

There are a couple of provisions being added. Please look at page 5, section 5, line 8. There is the definition of "Familial status." Currently, Nevada law does not protect against familial status, so that change would be equivalent to federal law. Some of the provisions concerning transactions in real estate relating to mortgage lending and advertisement are areas Nevada law currently does not cover.

CHAIR HARDY:

Are you saying there is federal law that requires Nevada to have these provisions? I would like the Committee to be clear on what is being required of us by the federal government in order to be in compliance.

MS. GRAY:

When this bill was originally drafted, the intent was to enter into a work-share agreement with HUD. Within the last few weeks, people have come forward indicating a concern about the intent. We brought those concerns to HUD and were not satisfied with the response. Since we are not going to seek a contract, there is no federal law requiring us to upgrade this law. The Commission felt it was still worthwhile to bring Nevada's law up to the level of federal law.

MR. JOHNSON:

In terms of providing the levels of relief, we were faced with the situation where we would refer citizens to a local office or we could refer them to Los Angeles or San Francisco to have their complaints heard by the federal government. We would like to reach the point where those people are provided with that level of local service and have the same avenues of relief as found in other jurisdictions. It is a matter of fairness to have our laws equivalent to federal laws.

CHAIR HARDY:

Why are we statutorily entering into a contract with HUD to enforce these laws?

MR. JOHNSON:

The reasoning is to give the Legislature an opportunity to examine whatever the content of such an agreement would provide. We would not do so without bringing it back before the Legislature.

CHAIR HARDY:

You are saying that when we do sign a contract, we essentially give up any ability to regulate or have our statutes involved. Do we want the State to have control over those matters? Is the reason a policy statement?

MR. JOHNSON:

Even if we were to enter into a contract or memorandum of understanding with HUD, we would not be giving up anything.

CHAIR HARDY:

Let me read this so it will be clear.

The Commission shall not contract with or enter into a memorandum of understanding with the United States Department of Housing and Urban Development for the Commission to investigate and enforce laws relating to fair housing as a certified agency unless the Legislature, by resolution or other appropriate legislative measure, expressly authorizes the Commission to do so.

This indicates that we cannot enter into a contract with HUD to investigate and enforce laws unless the Legislature authorizes it. So, something is being sacrificed.

MR. JOHNSON:

You are correct as this is written. We would not be able to enter into a contract with HUD, but in the interim that would not preclude our investigating housing complaints.

CHAIR HARDY:

That is the point of my question. We apparently have to give up too much if we allow HUD to do it.

SENATOR CARE:

I want to be absolutely sure how A.B. 189 reads. Let me start with page 4, section 4, subsection 1. We are adding sexual orientation. I know you mentioned employment, but this also goes to services in places of public accommodation. Is that correct?

MR. JOHNSON:

Yes, that is correct.

SENATOR CARE:

Let me refer back to the 1999 70th Legislative Session. We had A.B. 311, and it seems to me, the language was more sweeping. It was not just NRS 233.0101 that we amended.

MS. GRAY:

That is correct. Back in 1999, chapter 613 of NRS was amended, and that is the chapter that relates to what is prohibited, discrimination in employment. At that time, the companion chapter 233 of NRS, which gives the Commission the authority to investigate, was not amended. This is a housekeeping matter to make chapter 233 of NRS conform to the enforcement chapter. That was the only intent on this provision.

SENATOR CARE:

I understand that. Now look at page 4, section 4, subsection 2. We have housing accommodations, which is the heart of this bill. It discusses the same classes mentioned in subsection 1, except it adds familial status, which is not included in subsection 1. It makes no reference to age, as it does in subsection 1. Age is not a protective class. There are apartments and mobile home parks all over the country available to people who are at least 55 years old. How are we able to escape discrimination on the basis of age?

MS. GRAY:

Age has never been a protected class in housing considerations. There are numerous senior citizen-type housing facilities. That is probably one of the reasons age is not protected. It is legal to have those types of older communities because they are protected under federal law.

SENATOR CARE:

On pages 4 and 5, section 5, subsection 6, the definition of sexual orientation is the same definition we presented in NRS 311. The prospective tenant could be discriminated against because of a perceived sexual orientation.

MS. GRAY:

Yes, if discrimination happens as you described, that would definitely be a violation.

ASSEMBLYMAN PARKS:

My comment is relative to the amendment that was handled by the Assembly Ways and Means Committee. It dealt with substantial equivalency. The issue is the federal government has a program where they will pay a fairly small amount for the state to take on the enforcement of an issue. In reality, the cost may be greater than the amount the federal government would reimburse the state. We did not want to put this State in a situation where it would face large expenses otherwise picked up by the federal agencies.

CHAIR HARDY:

I have just been informed by Ms. Guinasso that federal law currently covers age and sexual orientation as they relate to housing.

WILLIAM VASSILIADIS (R&R Partners, Incorporated):

In the past, R&R Partners has worked with a number of groups in the area of discrimination. We have worked to eliminate the actual practice and perception of discrimination. There is a public accommodation piece in this legislation, and the tourism industry aggressively pursues the alternative lifestyle markets. This bill sends an important message regarding the State, and we would appreciate your support.



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CHAIR HARDY:

Is there anyone else wishing to testify in favor of or opposition to A.B. 189? We will close the hearing on A.B. 189. Committee, we will address Senate Bill (S.B.) 467 from the concur/not concur file.

**SENATE BILL 467 (2nd Reprint)**: Makes various changes to laws governing public works projects. (BDR 28-816)

MICHAEL STEWART (Committee Policy Analyst):

In the original form, S.B. 467 added a new provision defining what would happen when a local government received no bids for a public works project. The amendment changes these provisions to clarify that this process takes place when a local government receives no bid as opposed to no response. The bill addresses the awarding of contracts relating to specialty contractors. That intent was to differentiate between what local governments can do versus what the State does in that process. The explanations are set out in the Concur/Not Concur document (Exhibit C).

CHAIR HARDY:

The important distinction to focus on is the no bids versus responsive bids. One of the criteria for nonresponsive is that it does not satisfy the public good. It is important to make that clarification. Unless there are questions from the Committee, I will entertain a motion to concur.

SENATOR TIFFANY MOVED TO CONCUR WITH AMENDMENT NO. 890 TO S.B. 467.

SENATOR TOWNSEND SECONDED THE MOTION.

THE MOTION CARRIED (SENATORS LEE AND RAGGIO WERE ABSENT FOR THE VOTE.)

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CHAIR HARDY:

We will address the recede/not recede options with regard to A.B. 210.

**ASSEMBLY BILL 210 (3rd Reprint)**: Encourages women and minorities to take advantage of opportunities in construction industry. (BDR S-872)

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CHAIR HARDY:

Committee, this is the bill Assemblyman Joe Hogan introduced requiring contractors to file reports and hold meetings on diversification. We turned it into a thoughtful resolution which was unacceptable. However, I stand in favor of the piece of legislation we developed.

SENATOR TIFFANY MOVED TO NOT RECEDE FROM AMENDMENT NO. 897 TO A.B. 210.

SENATOR TOWNSEND SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS LEE AND RAGGIO WERE ABSENT FOR THE VOTE.)

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CHAIR HARDY:

Is there anything else that needs to come before the Committee at this time?  
We adjourn this meeting at 2:49 p.m.

RESPECTFULLY SUBMITTED:

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Catherine T. Barstad,  
Committee Secretary

APPROVED BY:

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Senator Warren B. Hardy, Chair

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