

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

**Seventy-fourth Session
April 6, 2007**

The Senate Committee on Government Affairs was called to order by Vice Chair Bob Beers at 12:43 p.m. on Friday, April 6, 2007, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412E, 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 in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Warren B. Hardy II, Chair
Senator Bob Beers, Vice Chair
Senator William J. Raggio
Senator Randolph J. Townsend
Senator Dina Titus
Senator Terry Care
Senator John J. Lee

STAFF MEMBERS PRESENT:

Eileen O'Grady, Committee Counsel
Michael J. Stewart, Committee Policy Analyst
Olivia Lodato, Committee Secretary

OTHERS PRESENT:

Ed Hamilton
Silvia Hamilton
Julie Hereford
Grace Richie
Robert Gomez, Chair, Latin Chamber of Commerce of Las Vegas
Rene Cantu, Latin Chamber of Commerce of Las Vegas
John F. Mendoza, Latin Chamber of Commerce of Las Vegas
Fernando Romero, Hispanics in Politics
Matthew Santos, Government Relations Associate, U.S. English
Don Gustavson

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Janine Hansen, Nevada Eagle Forum

Farrokh R. Hormazdi

Sharron Angle, Former Assemblywoman

Oran McMichael, American Federation of State, County and Municipal Employees

Ronald R. Cuzze, Nevada State Law Enforcement Officers' Association

Ronald P. Dreher, Peace Officers Research Association of Nevada, Incorporated

Kevin R. Ranft, Nevada State Employees Association, American Federation of State, County and Municipal Employees Local 4041

Madelyn Shipman, Washoe Legal Services

Paul D. Elcano, Jr., Washoe Legal Services

John P. Desmond, Washoe Legal Services

Becky Trenouth, Actuary, Division of Insurance, Department of Business and Industry

R. Ben Graham, Nevada District Attorneys Association

Arthur Mallory, District Attorney, Churchill County

Frank Adams, Nevada Sheriffs' and Chiefs' Association

Alan Glover, Clerk/Recorder, Carson City

Jeffrey A. Fontaine, Nevada Association of Counties

Pat Whitten, County Manager, Storey County Commission

Doug Sonneman, Nevada Assessors' Association

Richard Gammick, Nevada District Attorneys Association

Vice Chair Beers opened the Committee meeting with a discussion of Senate Bill (S.B.) 325. He said the bill proposed allowing Nevada to pass a law making English the official language of government. Senators Raggio, Care and Townsend were in the meeting. Vice Chair Beers said the remaining members of the Committee were testifying in other meetings and would join the Committee as soon as possible.

SENATE BILL 325: Makes various changes concerning the English language.
(BDR 19-760)

Vice Chair Beers said S.B. 325 made Nevada more competitive in the global marketplace. He said it ensured the workforce communicated in the language of global commerce, English. He said the bill ensured drivers could safely operate a vehicle by requiring the Department of Motor Vehicles stop providing driver license exams in foreign languages. He said S.B. 325 saved taxpayers money by requiring state government agencies officially communicate in English, including

all publications, forms and public proceedings. He said the bill affirmed the melting-pot tradition of the United States. He said it provided a strong incentive for immigrants in the state to learn English.

Senator Raggio asked how many states had adopted similar measures. Vice Chair Beers replied 29 states.

Senator Care asked if the bill only concerned state documents, not county or city documents.

Vice Chair Beers replied the bill was written to the state level.

Senator Care asked what documents were currently printed in languages other than English. He said he had seen voter guides printed in another language but did not know of any other documents.

Vice Chair Beers said he did not have a list of other documents. He said a memorandum from the Legislative Counsel Bureau, Fiscal Division, dated 2006 needed revisions. He said some specific items listed as costs included Medicaid costs at \$20 million in care for illegal noncitizens and another \$20 million for care of legal noncitizens. He mentioned printing costs for the Division of Mental Health and Developmental Services. He said there was no quantifiable breakout except the printing costs. He said the total of the report, including a Department of Corrections estimate of \$27.4 million for incarceration of illegal aliens, was \$80 million. He said the number was being revised downwards.

Senator Care asked if the state ceased publishing documents in any language other than English, was a federal law violated. He asked if there were any federal mandates saying a state must publish in a language other than English.

Michael J. Stewart, Committee Policy Analyst, said the Voting Rights Act of 1965 required states with a certain percentage of minority population to print ballots in that particular language.

Ed Hamilton strongly supported S.B. 325. He said he was active in the Asian-American community in Las Vegas. He said Asians in America wanted to speak the language of opportunity, English. He said one common language in state government was a good idea. Mr. Hamilton said the bill was not divisive.

Silvia Hamilton said she supported S.B. 325. She said she spoke German when she came to this county and had to learn English. She said everyone else who comes to America should also speak English.

Julie Hereford said she supported S.B. 325 based on lower taxes and smaller government. She said she also supported the melting-pot principle.

Vice Chair Beers requested Senator Titus be marked present.

Grace Richie said she represented herself and many of her friends in the Asian community. She said she strongly supported English as the state government official language. She was in favor of S.B. 325.

Robert Gomez, Chair, Latin Chamber of Commerce of Las Vegas, said in the Hispanic community, it took approximately three generations for their culture to fully assimilate into the English culture. He said he was in favor of English in America. He said the demographics were changing, and Hispanics were the fastest growing population in America. He said the Latin Chamber of Commerce of Las Vegas opposed S.B. 325.

Rene Cantu, Latin Chamber of Commerce of Las Vegas, said he had multiple advanced degrees which required the learning of English. He said he worked with first-generation immigrant families who spoke Spanish. He said they want their children to learn English. He said everybody believed learning English was the key to a better future and achieving the American dream. He said S.B. 325 violated the First Amendment rights guaranteed in the U.S. Constitution. He said changing the law was designed to deny Hispanic Americans access to government ([Exhibit C](#)). He said Senator Beers' proposal was racist in intent. Mr. Cantu said Hispanics were offended by the bill. He requested the Committee vote against S.B. 325.

Vice Chair Beers said he was not at all racist. He said on page 2, lines 16 and 17, the provisions were specifically not applied to classes that teach students whose proficiency in English was limited. He added in lines 24 and 25, the provisions of the bill also specifically excluded promotion of international trade or tourism by any officer, employee or agent in the state.

Mr. Cantu said the bill sent a bad message to Spanish speakers. He said his organization was offended by the bill.

John F. Mendoza, Latin Chamber of Commerce of Las Vegas, said he was a retired district court judge, a former district attorney of Clark County and former chair of the Public Service Commission. He said he was against S.B. 325 for the same reasons Mr. Cantu stated. He said the bill zeroed in on only one group.

Vice Chair Beers asked Judge Mendoza what section of the bill concerned him.

Judge Mendoza asked Senator Beers to repeat his question.

Vice Chair Beers asked which section of the bill focused on one particular group.

Judge Mendoza said the reality of Las Vegas was the majority of non-English speakers were Hispanics. He said the bill automatically excluded the Spanish-speaking population.

Vice Chair Beers asked Judge Mendoza if there was a difference between making an official language and prohibiting the speaking of any other language. He said the bill stated Nevada had an official language, as did 29 other states.

Judge Mendoza said he was talking about the practicality of the bill's application.

Vice Chair Beers asked what bill language would create impracticality.

Judge Mendoza responded everyone knew English was the designated language of this country. He said by the end of the second generation, 90 percent of the Hispanic population spoke English in the home. He said the problem concerned more recent immigrants.

Vice Chair Beers asked all opponents of the bill to hold up their hands. He asked them to leave their hands up if they were first-generation American. He said it did not appear new immigrants were objecting to the bill.

Judge Mendoza said the citizens who had to deal with this type of bigotry and action objected to the bill.

Senator Care said there were limited citations in the testimony to sections of the bill. He said there was a section in the bill which discussed the employment

practices of the state. He said records had to be stored in English. He asked what happened to earlier records in a language other than English. He said it was suggested the bill encouraged everyone to learn English.

Senator Titus said section 1, subsection 3, listed many exclusions. She said section 1, subsection 2, was already being done and that section could be removed from the bill. She said section 3 listed what each agency was required to record, and it appeared it would cost more money because state agencies had to record expenditures. She said the bill created a bureaucratic nightmare with a lot of red tape and more personnel. Senator Titus said the first part of the bill was already being done, the second part excluded almost everything, leaving only a divisive statement, and the third part of the bill was going to cost more money.

Fernando Romero, Hispanics in Politics, said the figures Senator Beers quoted earlier were not precise. He said Senator Beers needed to be more specific with his figures. He said S.B. 325 was a violation of the First Amendment. He said his organization supported English as the language of America and agreed everyone should learn the language. Mr. Romero reiterated his opposition to the bill. He requested a list of the 29 states that had English language laws.

Vice Chair Beers said Mr. Romero seemed to be mistaking S.B. 325 for an English-only law. He said it was not an English-only law. Senator Beers began reading the list of states with similar bills: Arizona, Iowa, Utah, Missouri, Alaska, Georgia, Wyoming, Virginia, Montana, South Dakota, New Hampshire, Alabama, Florida, Colorado, Mississippi, Arkansas, North Carolina, South Carolina, North Dakota, California, Tennessee, Kentucky, Indiana, Hawaii, Massachusetts, Illinois, Nebraska, Louisiana and last week, Idaho.

Vice Chair Beers reiterated the bill was not an English-only law.

Mr. Romero said he understood the term "official language."

Senator Care asked Judge Mendoza to look at section 2, subsection 2, concerning the inability to converse in a language other than English. Senator Care said race, creed, color, national origin and sex were referred to as constitutionally protected classes. He said sexual orientation, age, political affiliation and disability were also granted protection. He said S.B. 325 added the inability to converse in a language other than English. He asked

Judge Mendoza if he knew any other jurisdiction that had ever done that. He added he read that to mean the state could not say it needed to hire someone who spoke Spanish.

Judge Mendoza said section 2, subsection 2, line 2 "shall not refuse to hire" were the operative words.

Matthew Santos, Government Relations Associate, U.S. English, said his organization worked to make English the official language on a national and state level. He said he prepared remarks and distributed them to the Committee ([Exhibit D](#)). He said in Clark County, 84 languages were spoken. He said the bill sent a message to immigrants that it was essential to learn English in our society. He said the bill did not take away some of the federal laws, such as ballots in other languages. He reiterated Senator Beers' statement the bill was not an English-only law. The bill only affected state government.

Senator Care asked Mr. Santos if he had seen the language in section 2, subsection 2. He asked if the provision had been adopted in other states.

Mr. Santos said Idaho and Arizona had the same provision.

Senator Care asked what the language meant. He asked what happened if a state agency needed to hire a translator; could the agency specify a specific language?

Mr. Santos said the bill's language allowed hiring someone directly for a specific purpose. He said if the position was specifically for translation, the bill's language provided for that situation.

Senator Titus inquired about recording all the expenditures. She said Nevada was the name of our state. She said it was a Spanish name, and she asked if that name would have to be recorded by all agencies every time they print something with the name Nevada.

Vice Chair Beers asked how that was handled in California, Idaho and Arizona, all of which were names not based on English.

Mr. Santos said in Idaho, a provision was added that allowed for proper names.

Vice Chair Beers said the language in the bill discussed providing services and listed specific services.

Mr. Santos said counsel for his organization did not think the language in the bill caused problems for proper names.

Vice Chair Beers asked for any new testimony not given by proponents or opponents in Las Vegas.

Don Gustavson said he had prepared testimony ([Exhibit E](#)). He said 322 different languages were spoken in the United States. He said he also prepared the document listing the 29 other states with similar laws and the number of languages other than English spoken in each state. He said he supported S.B. 325.

Janine Hansen, Nevada Eagle Forum, offered a handout entitled "The Importance of Our English Language" ([Exhibit F](#)). She said English as the official language did not violate the Constitution. She said section 3 of the bill was important for citizens and taxpayers to know the cost of providing services in another language. She said she supported S.B. 325.

Farrokh R. Hormazdi said he supported S.B. 325. He said he came to America as a student and did not speak English. He said people needed to be forced to learn a language that helped them succeed.

Vice Chair Beers said former Washoe County Assemblywoman Sharron Angle requested the bill draft for S.B. 325.

Sharron Angle, Former Assemblywoman, said her testimony had been distributed to the Committee ([Exhibit G](#), original is on file in the Research Library). She said her testimony had been covered by previous people. She urged support of S.B. 325.

Dr. Tom Morris of Reno and Ms. Sheila Ward of Carson City submitted written testimony in favor of S.B. 325 ([Exhibit H](#)).

Nancy Ford, Division of Welfare and Supportive Services, submitted written testimony against S.B. 325 ([Exhibit I](#)).

Senator Care asked if there were departments or agencies in the state where there was an option to hear a recording in a particular language. He asked if S.B. 325 would apply in that situation.

Chair Hardy said staff would research Senator Care's question. He said he would accept additional testimony on S.B. 325 during a work session.

Chair Hardy opened the hearing on S.B. 428. He said S.B. 429 was removed from today's agenda and rescheduled for next week.

SENATE BILL 428: Provides for workplace relations discussions and agreements for certain state employees. (BDR 23-1098)

Senator Titus said S.B. 428 was often known as "meet and confer." She said a recent study by the U.S. Department of Labor said labor management cooperation and employee participation in the public sector led to dramatic improvement in quality, cost and delivery of services. She said the report detailed specific service improvements and cost savings resulting from cooperation and participation. She said the task force was unanimous in agreeing public workplaces must change from traditional ways of doing business and move towards workplace cooperation. She said the report found employees usually knew the most about how to complete a job.

Oran McMichael, American Federation of State, County and Municipal Employees, said the bill required the state to enter into a meet-and-confer process with a chosen representative for the majority of the employees. He said the bill allowed employees to engage in a discourse on wages, hours, benefits and working conditions. The bill excluded economics. It designated a representative to enter into negotiations. He said 25 states allow some form of collective bargaining. Nevada provided for local government negotiations. He said the goal of labor management relations was for union and management to strive for sound, constructive relationships. The negotiation process was designed to promote the balancing of the rights and interests of employees, the union and management and foster a two-way flow of communication. Mr. McMichael said the negotiating team was usually comprised of a small group of management and union officials. He said 11 states had provisions to settle unresolved negotiations with state classified employees. He said arbitration was compulsory in four states. He said the protection of the right of employees to organize, bargain and participate through labor organizations had

three important pieces. He said it safeguarded the public interest, contributed toward excellence in service and encouraged the amicable settlement of disputes between employees and employers. He said the right to union representation and bargaining was a basic human right. He urged the Committee to support S.B. 428.

Ronald R. Cuzze, Nevada State Law Enforcement Officers' Association, said his organization supported S.B. 428.

Ronald P. Dreher, Peace Officers Research Association of Nevada, Incorporated, said for 25 years, he had been collectively bargaining for various local governments. He said any bill with due process rights was needed for state employees. He said the bill was modeled after the Employee-Management Relations Board. He said he supported S.B. 428.

Senator Lee asked what had happened in the past ten years in regard to employee relations. He asked if the Legislature had made things better for state employees.

Mr. Dreher said an arbitrator or mediator worked well for settlement issues. He said state government systems could be unilaterally changed. He said S.B. 428 gave state employees the same rights as the rest of the state.

Senator Lee asked if the same bill had been presented last session and what occurred with that bill.

Mr. Dreher said the bill died in committee. The arbitration provisions killed the bill last session. He said arbitration was a successful way to have an unbiased third-party resolution of an issue.

Mr. McMichael said the bill did not receive a hearing in the Senate last session. It passed unanimously out of the House with full support.

Chair Hardy asked if there was further testimony on S.B. 428.

Kevin R. Ranft, Nevada State Employees Association, American Federation of State, County and Municipal Employees Local 4041, said the Department of Corrections had an agreement to have a meet and confer. He said the program

was working and issues were resolved. He said S.B. 428 offered equal treatment to all state employees.

Chair Hardy closed the hearing on S.B. 428 and opened the hearing on S.B. 500.

SENATE BILL 500: Authorizes contracts between legal services organizations and local governmental agencies for the provision of insurance. (BDR 23-1367)

Madelyn Shipman, Washoe Legal Services, said Mr. Elcano would explain the bill.

Paul D. Elcano, Jr., Washoe Legal Services, said he had distributed a handout for the bill. He said there was no fiscal impact; it was permissive legislation that was a county option. He said it allowed a county and a legal service organization to contract, allowing the legal service organization participation in the county medical pool for their medical plan ([Exhibit J](#)). The legal service organization paid the premium at no cost to the county. He said the issue was lack of stability in insurance premiums and the ability to stabilize costs.

Chair Hardy asked if anything in subsection 4 was beyond the scope of what was offered by the county to other participants.

Mr. Elcano said the bill was drafted in a manner to ensure it was done properly.

John P. Desmond, Washoe Legal Services, said the organization was able to attract and retain highly qualified legal professionals due to a higher benefit package. He said S.B. 500 gave Washoe Legal Services the opportunity to participate in the county health insurance pool. He said the bill would stabilize premiums for health care. He urged the Committee to pass S.B. 500.

Chair Hardy said it was at the sole discretion of the governing board, and Washoe Legal Services needed to petition the governing board to join the health care pool.

Becky Trenouth, Actuary, Division of Insurance, Department of Business and Industry, said the Division of Insurance was neutral on S.B. 500. She said in *Nevada Revised Statute* (NRS) 288.060, a legal service was not defined as a

local government employer. In order to participate in the trust pursuant to NRS 287.015, it stated the entity must be a local employer. She said S.B. 500 created potentially conflicting language.

Chair Hardy asked legal counsel to research the issues. He closed the hearing on S.B. 500 and opened the hearing on S.B. 516.

SENATE BILL 516: Revises provisions governing the compensation of certain elected county officers. (BDR 20-225)

R. Ben Graham, Nevada District Attorneys Association, said S.B. 516 concerned a salary increase for elected county officials ([Exhibit K](#)). He said the bill dealt with county funds and no state money was involved. He said a review and increase last occurred in 2003. He requested the Legislature adjust the salary upward to reflect the percentage given to state workers. He said sheriffs and district attorneys had people on staff paid more than they were paid. He said the county public defenders in the two major counties were paid more than the district attorney. He said the Legislature authorized the county commissioners to authorize their own pay up to a certain percentage. He said other county officials were not in a position to increase their pay. He said the attached exhibit listed the dollar increases per county, [Exhibit K](#).

Senator Beers said page 3, section 2, lines 10 and 11 appeared to limit NRS 245.044 to subsection 2 or subsection 3 of NRS 245.043.

Chair Hardy said it appeared to be longevity pay.

Senator Beers said the language appeared to reduce the scope by limiting it to subsections 2 and 3.

Ms. O'Grady, Committee Counsel, said the language did not change anything. Salary was referred to as a base salary in the table and in subsection 3, it was an annual salary. She said it clarified the board of county commissioners were eligible for longevity pay.

Senator Lee asked why the sheriff was not equal to the district attorney in the matter of salary. He said the disparity was not fair to the sheriff.

Senator Care asked Mr. Graham to find the percentage of salary increase from the 2003 Session and the amount of time from the last increase.

Arthur Mallory, District Attorney, Churchill County, said the increase was after an eight-year lapse of any increase in pay. He said the lapse accounted for a larger increase.

Chair Hardy said Mr. Stewart had a table detailing the increases which he would provide to the Committee.

Senator Beers asked a column be added to the table that detailed the population of each county.

Mr. Stewart said he recently looked at salary issues. Classifications 1-6 were not necessarily tied to population, but they had changed over time.

Mr. Graham said historically, counties had asked to be increased and the Legislature usually allowed the increase.

Frank Adams, Nevada Sheriffs' and Chiefs' Association, said his organization supported S.B. 516.

Alan Glover, Clerk/Recorder, Carson City, said he was representing the County Fiscal Officers Association of Nevada in support of S.B. 516. He said responsibilities had increased for elected officials.

Jeffrey A. Fontaine, Nevada Association of Counties, supported S.B. 516.

Pat Whitten, County Manager, Storey County Commission, said Storey County supported S.B. 516. He requested an amendment to the bill ([Exhibit L](#)). Mr. Whitten said Storey County was currently a Class 5 on the table and requested a Class 4 classification. He said the other two Class 4 counties were Lander and White Pine. He said Storey County's industrial and commercial growth was huge. He said the surrounding counties, Washoe, Carson City, Lyon and Douglas were Class 3 or higher on the table.

Doug Sonneman, Nevada Assessors' Association, agreed with Mr. Glover and supported S.B. 516.

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Richard Gammick, Nevada District Attorneys Association, said he supported S.B. 516. He added there was a bailout for counties that could not afford to increase salaries.

Chair Hardy closed the hearing on S.B. 516. He asked if there was any further business to discuss. As there was none, he adjourned the meeting at 2:34 p.m.

RESPECTFULLY SUBMITTED:

Olivia Lodato,
Committee Secretary

APPROVED BY:

Senator Warren B. Hardy II, Chair

DATE: _____