

JIM GIBBONS
Governor

LARRY J. MOSLEY
Director

DENNIS A. PEREA
Administrator



COMMISSIONERS
Dennis Shipley, Chair
Lee Plotkin
Aileen Martin
Nadia Jurani
Tiffany Young

Minutes

Of the Nevada Equal Rights Commissioners'

Meeting on April 8, 2009

I. Call to Order

Lee Plotkin, Acting Chair, called the meeting to order at 1:32 p.m.

II. Roll Call and Confirmation of Quorum

Norma Delaney, Administrative Assistant III, called role and confirmed that a quorum was present.

Members present: Lee Plotkin, Acting Chair; Tiffany Young; and Nadia Jurani.

Members Absent: Dennis Shipley

Staff present: Dennis Perea, Administrator, Nevada Equal Rights Commission (NERC); Maureen Cole, Deputy Administrator, NERC; Rose Marie Reynolds, Deputy Attorney General (DAG); and Norma Delaney, Administrative Assistant III, NERC.

III. Verification of Posting

Norma Delaney verified that the agenda had been posted and that certificates of posting are on file.

IV. Introduction of Guests

None present

V. Discussion and possible action regarding the report of the Commission's Legislative Liaison on matters before the 2009 Nevada Legislature that may affect the filed of equal rights, including but not limited to AB 43; AB 70; AB 166; AB 1894; AB 347; AJR 3; SB 207; BDR 1169

Ms. Cole advised that SB 207 came up in the Senate this date (April 8, 2009); that it was passed out of Senate by a vote of 19-2; that there was conversation between Senators Washington and Parks as to the need for the legislation and the effect of the legislation; and that NERC reached out to both Senators to provide them with additional information to help clarify the issue(s).

Ms. Cole advised the next step for SB 207 is that it will go to the Assembly who will assign it to a Committee, possibly Labor and Commerce as it came out of that Committee in the Senate; the bill will be scheduled for a hearing on the Assembly side; if the Assembly Committee passes the bill out of Committee, either amended or unamended, it will go to the floor of the Assembly for consideration; if successful there, it would then go to the Governor's desk for signature.

Mr. Plotkin thanked Ms. Cole and asked for an update on the next most pertinent bill.

Mr. Perea advised that AB 43 still has not been scheduled and the information that both he and Ms. Cole have been able to gather is that adding sex as a protected class in public accommodation in NRS 651, and is what is killing the bill; that there were a lot of changes in the bill and it hurts to ask if submitting an amendment not adding sex to NRS 651, if the rest of the bill could be heard so that NERC could proceed with housecleaning, but that he wanted to get the opinion of the Commissioners.

Mr. Plotkin asked Mr. Perea if he is getting any guidance or advice on a process/strategy that may make any portion of the bill successful.

Mr. Perea stated that is what he wanted to bring before the Commissioners – removing that piece affects the Commission greatly, so before reaching out to the Committee Manager and Assemblyman Conklin, he wanted to get the Commission's input.

Mr. Plotkin stated he is nothing if not pragmatic on issues like this; he tends to defer to the legislators that the Commission has been communicating with; that he did not know if during any of the communication with Senator Parks on SB 207, if Senator Parks has made any thoughts/comments on AB 43 or if that could be sounded out.

Mr. Perea stated that NERC can reach out, but the only problem is now there are 24 hours at best to get an amendment in; that if Mr. Plotkin, as liaison, is willing after the meeting, he (Mr. Perea) would try to get on their calendar and call Mr. Plotkin to see if there can be a conference call with some different legislators or Committee Managers.

Mr. Plotkin agreed and stated that it sounds like an ideal suggestion. He added that the one individual, if at all possible as he is an ally on NERC issues, would be Senator Parks, that would be ideal. Ms. Young stated she is fine with that too, and she would like to find out their thoughts/ideas and get some clarification. Ms. Jurani agreed also and stated that Mr. Plotkin has been voted as the liaison to help work on the issues that would help NERC and Mr. Perea.

Mr. Plotkin asked if there was anything else on AB 43; referred to Mr. Perea for an update on the next bill.

In regards to BDR 1169, housing bill, Mr. Perea advised that this bill has been particularly disturbing to NERC as it has never been given a bill number; NERC has been advised that there will be an official legislative inquiry for further information from Senator Horsford; that he (Mr. Perea) does not know what this means, but is ready to any questions Senator Horsford may have; and that if Mr. Horsford does not pick this bill up from the LCB counsel table, it will die there.

Mr. Plotkin stated that Senator Horsford would be another possibility to reach out to, if he would be able to participate in a telephone conference with them (Mr. Plotkin and Mr. Perea). Mr. Perea stated he will give it a try, but judging by what Directory Mosley says, it is difficult to get on Senator Horsford's calendar at this point. Ms. Young and Ms. Jurani agreed with the attempts to speak with Senator Horsford.

Ms. Young asked that if the housing bill dies, what would be NERC's next direction. Mr. Perea advised that it would not be able to brought up until the next biennium. Ms. Young asked if it would be in the same format, building some foundation for the next biennium. Mr. Perea responded that with the Commissioners' support, NERC will definitely start earlier in the process; that the feedback he has heard is that the housing bill is confused with NERC's other bill and that they should be combined – they are two separate issues.

Ms. Young stated that was going to be her next comment, that the bills have been lumped together, and they are focusing on two different issues.

Ms. Cole agreed with Ms. Young; stated that some of the feedback NERC has received on the housing bill is if it is not broken, do not try and fix it - that if the federal agency is taking care of all of the needs for housing discrimination in the state of Nevada, this is just an extra step that is not necessary. Ms. Cole stated she thinks NERC has to counter that thinking – that while HUD does a fine job, there is no quarrel with them, it is just that they are very far removed from our state and do not have a presence within the state of Nevada for housing issues; she thinks this has a chilling effect on individuals who may have problems along those lines and are daunted with having to file in San Francisco and deal with an investigator in San Francisco.

Ms. Jurani agreed and stated that if there is something Mr. Plotkin can do as the Commission's liaison about this, but as Mr. Perea says, there may not be enough time.

Mr. Perea commented that one inquiry he thinks may come up is, what would housing do to NERC's current capacity in employment? He stated that NERC sees this as a separate program, a completely separate funding source; however, there might be a perception out there that it might affect some of NERC's resources in employment and public accommodation.

Mr. Plotkin asked Mr. Perea if he has an opinion or fiscal impact on that for the Commissioners; has anything changed since the BDR was initiated?

Mr. Perea responded he did not, but that HUD is considerably better funded by the federal government in regards to the Fair Housing Assistance Program (FHAP) than the EEOC in regards to employment cases. He added that the funding from HUD would more than cover starting a good housing program in the state of Nevada.

Ms. Cole added that both she and Mr. Perea try to bring this up in conversations whenever possible, that in employment cases the damage is already done; that NERC has already lost positions and looking at losing another position; funding from the federal government is dwindling as it is also from state government; the negative effects of those cuts are

obviously going to impact NERC's ability to deal with employment cases; this is already a done deal regardless of whether NERC gets housing or not; NERC has to live with those cuts and there will be a lower level of service unfortunately, as NERC does not have the resources to deal with the volume of cases that must be dealt with.

Mr. Plotkin asked if there way anything else in regards to BDR 1169, no comments - asked Mr. Perea for an update on the next legislative bill.

Mr. Perea advised that there is nothing new to report on the other bills at this point; that SB 207 is getting most of the attention. Mr. Plotkin stated that is his understanding too. Ms. Cole agreed that as long as the bill is still alive, there is a reasonable expectation of coming through the process.

Mr. Plotkin asked if there were any other comments on the bills or if the Commissioners had any questions. Ms. Jurani and Ms. Young wished Mr. Plotkin good luck!

VI. Public Comments

None

VII. Schedule Next Meeting (location/time) and Agenda Items

Mr. Plotkin advised that they will hold off scheduling the next meeting, and that Ms. Delaney will be in contact with the Commissioners regarding dates/time.

VIII. Adjournment

Ms. Jurani moved for adjournment; Ms. Young seconded the motion. The meeting adjourned at approximately 2:46 p.m.

Respectfully submitted

Lee Plotkin
Secretary/Commissioner

Date