

**PLAN**

Progressive Leadership Alliance of Nevada



# FACING RACE

2009 LEGISLATIVE REPORT CARD  
ON RACIAL EQUITY

NEVADA

The Nevada Racial Equity Report Card is a collaborative effort of PLAN and Western States Center.



PLAN uses research, public education, leadership development and grassroots organizing to build power and create more humane solutions to Nevada's problems. Our mission is to build collective strategic action among coalition partners in order to deepen democracy and achieve greater social justice in Nevada.



Western States Center has been at the forefront of building a progressive movement and just society since 1987. Our mission is to build progressive movements for social, economic, racial and environmental justice in eight western states.

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# INTRODUCTION

## Nevada has rich and complicated history around racial equity that continues today.

In 1864, the Nevada's first state constitution stated that only White men were able to vote. Before that as a territory, Nevada prohibited Non-whites from providing testimony against Whites, and the law prohibited cohabitation or inter-marriage between races. By 1870, Nevada had the largest immigrant population of any state in the country, yet in 1900 the census shows only 134 African Americans lived in the state.<sup>1</sup> The limited recognition and rights of these communities during Nevada's early history serve as a reminder of how far the state has come.

Today Nevada is home to over 2.6 million people; almost half, or approximately 1.1 million, are people of color.

2008 NEVADA US CENSUS PROJECTIONS <sup>2</sup>		
WHITE	57.1%	1,485,702
LATINO	25.7%	668,527
BLACK	7.3%	189,919
ASIAN/PACIFIC ISLANDER	6.5%	168,435
AMERICAN INDIAN/ ALASKA NATIVE	1.1%	27,361
OTHER	2.3%	60,223
	TOTAL POPULATION	2,600,167

Immigrants from across the world call Nevada home. Currently, nearly 500,000 Nevadans were born outside the United States, constituting nearly 20% of the population. Nevada ranked fourth in the nation for immigrant population growth between 1990-2007.<sup>3</sup>

Racial disparities in Nevada are extensive yet do not need to be permanent. Government officials are in a unique position and as state leaders, they must respond to these changing demographics and to enhance equity and opportunity for all Nevadans. Will Nevada embrace the potential of new and growing communities of color, immigrants and refugees by promoting equity for all?

During the 2009 Nevada Legislature, elected officials had a mixed score on addressing the most pressing issues affecting the state's most vulnerable communities, especially communities of color. Nevada needs to take the opportunity to redefine the standards for racial equity. Although race-based disparities in opportunities and outcomes are perhaps not always intentional, the fact that these disparities persist or worsen is certainly not accidental. Instead, they are systemic problems born out of and perpetuated through policies and institutions that shape the lives of all Nevadans, as this report identifies. Nevada needs to take the opportunity to evaluate the impact of lingering structural barriers and deliberately work to enact laws and adopt policies to achieve racial equity.

Race matters in Nevada and this report highlights why.

# ABOUT THIS REPORT

**The Racial Equity Report Card examines legislation introduced in the 75th session of the Nevada Legislature of 2009 that would have directly impacted Nevada's communities of color. It also grades each chamber of the state legislature separately, as well as the Governor, on their responses to these bills.**

To be considered for the report card, bills must have met at least one of the following criteria:

- **Does the legislation explicitly address racial disparities and work to eliminate racial inequities?**
- **Will the legislation help eliminate access barriers to public benefits and institutions for communities of color?**
- **Does the legislation advance enfranchisement and full civic participation for everyone in the state?**
- **Will the legislation protect against racial violence, racial profiling, and discrimination?**
- **Does the legislation preserve, protect, and/or strengthen the ability of American Indian tribes to exercise their rightful sovereignty?**

The report card evaluates four major areas of legislation: education equity, economic equity, civil rights, and health equity. Additionally, the last major section, institutional racism, reviews legislation that would have increased or exacerbated existing racial disparities. Each area of the report card provides background information, context, and data that details Nevada's current reality, as well as discussing information about how the proposed legislation would have addressed persistent racial inequities.

Legislators' grades are made up of two primary components: leadership and legislative votes. Ninety percent of legislators' score came from their votes on legislation, with votes for racial equity legislation increasing their score and votes against decreasing their score. The last ten percent of the score comes from legislator's leadership in sponsoring racial equity legislation. The Governor's grade is determined by whether he signed racial equity legislation that crossed his desk or if he vetoed it.



# EXECUTIVE SUMMARY

**The 2009 Nevada Legislative Racial Equity Report Card tracked a total of eighteen bills that were important to communities of color. Only seven made it to the Governor's desk. Overall, the bills set out to increase access to state services, close racial disparities, and strengthen enforcement against racial discrimination. Following is a summary of key findings.**

**Overall, the Assembly earned an "A+" for 100 percent support for racial equity bills, while the Senate received a "D+" for 67 percent support for racial equity bills.** The Assembly passed ten of ten racial equity bills. The Senate passed six of nine racial equity bills, but also passed on bill that would have increased institutional racism in Nevada.

**The Governor received an "F-" for signing only 43 percent of racial equity bills.** The Governor vetoed five of seven racial equity bills that passed both chambers. While the legislature was able to override three of the five vetoes, the Governor's decision to veto nearly two-thirds of the racial equity bills in this report card is the basis of his low grade on racial equity. Racial equity is a critical piece of our states welfare, yet was not reflected among the Governor's priorities this session.

**A total of six pieces of racial equity legislation became law.** One bill in education equity, two bills in economic equity, and three bills in civil rights became law by the end of the session through a combination of gubernatorial signature, veto overrides, and inclusion in the budget.

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*As the chief executive officer of the state, the Governor is responsible for ensuring the welfare of Nevadans. Racial equity is a critical piece of our state's welfare, yet not one that was reflected among the Governor's votes this session.*

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# EDUCATION EQUITY

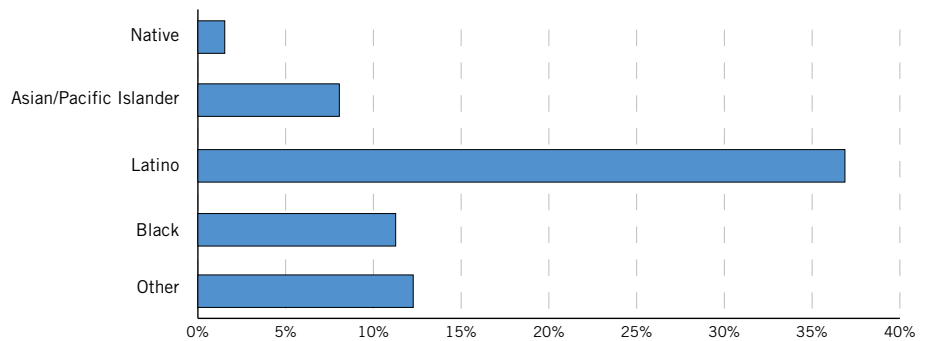
Today more than 437,433 students are enrolled in Nevada’s schools.<sup>4</sup> Yet education in Nevada remains a place of persistent racial disparities and barriers for students of color from pre-K through high school and post-secondary graduation.

Over the past thirty years, Nevada’s school enrollment grew 188 percent—the largest jump in the nation.<sup>5</sup> The student body is increasingly diverse; in fact the number of Latino students in Clark County has increased by over 75 percent in the past five years. Although 65 different languages are spoken by Nevada students, 92 percent of English language learners are Spanish speakers, and their numbers are growing at the rate of about 20 percent per year.<sup>6</sup>

Because a high school diploma is an indicator of future economic well being, Nevada’s rank of 51st in the nation for high school graduation is particularly alarming.<sup>7</sup> While 54 percent of White students graduate from high school, only 37 percent of Native American students and 34 percent of Black students graduate.<sup>8</sup>

Unfortunately, the legislature passed few bills that deal with racial equity in education this session.

**Nevada Public Schools Racial/Ethnic Enrollment, September 2008<sup>9</sup>**



## LEGISLATION CONSIDERED IN THE 2009 SESSION

### **AB 243 Requires employers to grant leave to parents, guardians, and custodians of children to participate in certain school activities**

**Lead Sponsor: Assemblywoman Mastroluca (D-29)**

Studies show that students with parents who are involved in their school tend to have fewer behavioral problems and better academic performance, and are more likely to complete secondary school than students whose parents are not involved in their school. Unfortunately, parental involvement in schools breaks down along race lines, with 48 percent of White students having a parent who acts as a volunteer at school, compared to 32 percent of Black students and 28 percent Latino students.<sup>10</sup>

AB 243 requires employers of 50 people or more to grant parents or guardians four hours of unpaid leave, per year, for every child enrolled in k-12 school. Parents who are unlawfully disciplined for taking leave to attend school-related activities or events can appeal the job action to the Labor Commissioner.

AB 243 will make it possible for a wider variety of parents to volunteer in schools and demonstrates the state’s commitment to educational achievement for all students.

✓ *Signed into law*

## **SB 378 Establishes provisions relating to certain early childhood education programs**

### **Introduced by Senate Health and Education Committee**

High-quality pre-kindergarten programs can help improve the educational success of all children and by doing so, decrease school failure and dropout, and crime and delinquency.<sup>11</sup> Unfortunately, Nevada ranks 37th out of 50 states for 4 year olds having access to early childhood programs and ranks 27th in state spending on pre-kindergarten programs.<sup>12</sup>

SB 378 would have required the Department of Education to adopt a plan for programs for pre-kindergarten children. It also authorized the Department to apply for and use grant money from the American Recovery and Reinvestment Act of 2009 for pre-school programs.

Although children of all backgrounds benefit academically from pre-school programs, research shows that pre-kindergarten programs can help overcome achievement gaps of Latino and Black children compared to their White counterparts.<sup>13</sup>

*Passed Assembly, Failed in Senate*

## **MISSED OPPORTUNITIES**

## **AB 155 Enacts provisions related to multicultural education**

### **Lead Sponsor: Assemblyman Munford (D-6)**

AB 155 would have required the State Board of Education to adopt curriculum for multicultural education programs for second grade through twelfth grade students and would have required completion of a course in multicultural education for teachers renewing their licenses, unless previously completed.

Given the increasingly diverse student body of K-12 education in Nevada, multicultural curriculum and tools will be increasingly necessary. However, this legislation was vaguely written and would have only required the inclusion of “information relating to the contributions made by men and women from various racial and ethnic backgrounds.” But educators note that multicultural education should make explicit how issues of race, ethnicity, culture, language, religion, gender, and abilities/disabilities are intertwined with educational process and content.<sup>14</sup> The legislature should revisit this legislation with a clearer definition of multicultural education and the benefits it offers all students.

*No action taken*

## **AB 327 Increases and standardizes data collection and publication by the Board of Regents of the University of Nevada**

### **Lead Sponsor: Assemblyman Denis (D-22)**

In the past decade, growth in the enrollment of students of color within the Nevada System of Higher Education has surpassed the national average.<sup>15</sup> But disparities remain within higher education, where White students receive 71 percent of the bachelor’s degrees but are only 62 percent of the enrolled student body.<sup>16</sup> Those students of color who do graduate are taking a longer time than their white counterparts. For example, in 2007, only 25.5 percent of Native American students graduated within 150 percent of expected time.

AB 327 requires the Board of Regents of the University system to report on the participation of ethnic and racial minorities, women and other protected classes in higher education. While the legislation increased and standardized the data required of the Board of Regents, it did not put funding in place to ensure that plans to diversify higher education will be successful.

✓ *Signed into law*

# ECONOMIC EQUITY



Nevada's economic disparities are deepening. The foreclosure crisis has hit Nevada hard and, combined with decline in tourism and construction, has made it harder for every day Nevadans to survive. The state's unemployment rate is at an all time high of 12 percent.<sup>17</sup> From April 2008 to April 2009, Nevada experienced a 40 percent increase in monthly food stamp usage, the second largest increase in the country.<sup>18</sup> A single person earning the state's minimum wage (\$6.55/hour) would need to work 108 hours per week for 52 weeks per year to afford a two-bedroom apartment at fair market value in the state.<sup>19</sup> For communities of color in Nevada, the situation is even more dire, considering that slightly more than 50 percent of those living in poverty in Nevada are Black or Latino. Nevada has more than 109,000 children living in poverty, and over 40 percent of those children are Latino.<sup>20</sup>

## LEGISLATION CONSIDERED IN THE 2009 SESSION

### AB 149 - Revises provisions governing foreclosures on property

**Lead Sponsor: Assemblywoman Buckley (D-8)**

Nevada faces a crisis of home foreclosures. Of the top thirty three counties in the United States with home foreclosure rates at 5 percent or higher in 2008, Nevada had three counties on the list: Clark, Lyon, and Nye.<sup>22</sup> Between January and June 2009, more than 100,000 Nevadans made new foreclosure filings.<sup>23</sup>

A significant underlying factor in Nevada's foreclosure crisis was caused by above national average rates of high-cost lending in the state during recent years, with more than 29.2 percent of all Nevada borrowers in high-interest loans.<sup>24</sup> High interest loans were also concentrated in Nevada's communities of color, with more than 50 percent of all Native American, Black, and Latino borrowers in high interest loans—compared to only slightly more than 30 percent of White borrowers.<sup>25</sup> This pattern is especially concerning when one considers that even when borrowers of color qualified for traditional loans, lenders still sold them higher interest products.<sup>26</sup>

AB 149 allows those with title to properties with loans that have defaulted, or are in danger of defaulting on loans, to request mediation with the loan owners to modify the terms of the loan. In addition, the law stipulates that if mediation is requested, the loan owner cannot sell the foreclosed property and evict the occupants until the completion of the mediation.

✓ *Signed into law*

### AB 254 – Makes the Ombudsman of Consumer Affairs for Minorities a permanent position

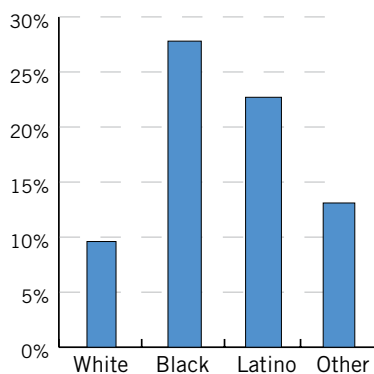
**Lead Sponsor: Assemblyman Denis (D-28)**

AB 254 changes the temporary position of Ombudsmen of Consumer Affairs for Minorities within the Department of Business and Industry to a permanent position. Since the creation of the office in 2005, the Ombudsman of Consumer Affairs has taken more than 1,121 consumer telephone calls, and the office has returned more than \$51,000 to defrauded consumers.

Given Nevada's high foreclosure rates in communities of color, it comes as no surprise that the largest volume of inquiries to the office in the past year has been around foreclosure rescue fraud. Making this office a permanent position will ensure that scam artists are unable to prey on communities of color hardest hit by the economic crisis.<sup>27</sup>

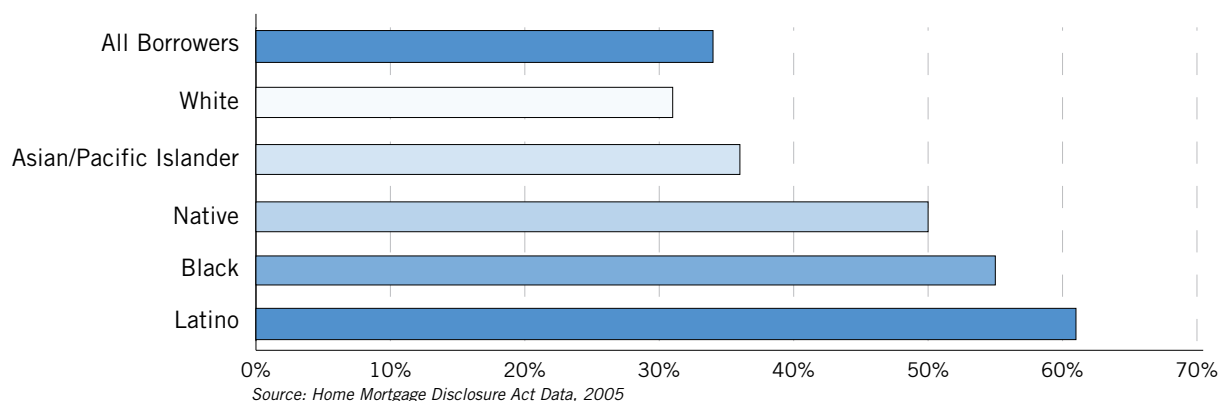
✓ *Signed into law*

**Poverty by Race/Ethnicity, Nevada 2007<sup>21</sup>**





## High Cost Conventional Loans in Nevada By Race, 2005



### AB 313 – Makes various changes relating to tenants of property

#### Lead Sponsor: Assemblywoman Pierce (D-3)

Statewide, nearly 39 percent of Nevadans live in rental housing. One-third of White households are in rental units, while 50 percent of Latinos and 63 percent of Blacks live in rental units.<sup>28</sup> Draconian rental fees disproportionately affect communities of color.

AB 313 was designed to limit the amount of late fees landlords could charge for late payment of rent. The bill would have set the maximum late fee at 2 percent of the rent for monthly payments that are five to nine days late, and an additional 3 percent for payments 10 or more days late. For weekly rentals, the maximum fee would have been 2 percent for payments three to six days late, and an additional 3 percent if seven or more days late.

*Passed Assembly, Failed in Senate*

## MISSED OPPORTUNITIES

### AB 139 – Creates state database on low-income housing

#### Introduced by Assembly Commerce and Labor Committee

Affordable housing remains a critical issue in Nevada, especially as the economic crisis worsens. AB 139 requires the Housing Division of the Department of Business and Industry to maintain a database of information on low-income housing.

For many low income Nevadans, housing costs take up an unsustainable portion of their gross income. Only 46 percent of White renters paid thirty percent or more of their gross income for rent in the Las Vegas region, while 51 percent of Latino renters, and 58 percent of Black renters pay more than thirty percent of their income.<sup>29</sup>

While the bill creates a database to include an annual assessment of affordable housing at the city and county levels, including rental rates, vacancy rates, new homes sales and construction permits—it does not create new low income housing, nor does it fund or develop incentives for new low income housing. This bill is a first step, but the legislature will need to do more to assure that we have adequate affordable housing in Nevada.

✓ *Signed into law*



# HEALTH EQUITY

Nevada has seen a 21 percent increase in the number of people without health insurance since 2007.<sup>30</sup> In addition, Nevadans of color are more likely to be uninsured or underinsured. Nearly 60 percent of Whites receive health care from their employer, whereas only 6.8 percent of Blacks, and 21.6 percent of Latinos receive health care from their employer.<sup>31</sup>

HEALTH INDICATOR <sup>32</sup>	WHITE	BLACK	LATINO	NATIVE AMERICAN
Infant Mortality (deaths per 1,000 live births)	5.6	12.2	4.5	11.2*
Diabetes Mortality rate (deaths per 100,000 population)	15	24.6	—	—
Annual AIDS case rate (per 100,000 population)	12.4	59.8	15.4	9.8
Enrolled in Medicaid	3.9%	24%	9.6%	—
Uninsured	15%	18%	35%	—

\* Data for the infant mortality in the Native American community combines data from 2000-2004 and is from the Urban Indian Health Institute..

Disparities in health start at birth and continue throughout the lifespan. Women of color in Nevada face significant barriers to having healthy pregnancies and outcomes. Nearly 32 percent of all women of color in Nevada have late or no prenatal care<sup>33</sup>, and 14 percent of Black women give birth to low birth weight babies compared to 8 percent of White women.<sup>34</sup>

Despite growing evidence of racial disparities in health status and medical services, few systems exist in Nevada for collecting comprehensive state and local data on health disparities. Given these statistics and health realities, it is disappointing there was no legislation in the session that addressed the inequities of health outcomes for communities of color. We hope by highlighting this problem, we will see more comprehensive bills that address this very important racial justice issue.

## MISSED OPPORTUNITIES

### AB 269 – Provides health care to children who do not reside with a parent or legal guardian

**Lead Sponsor: Assemblyman Conklin (D-37)**

AB 269 would have allowed children under the age of 18 years who do not reside with a parent or legal guardian to apply on their own for Medicaid and the State Children’s Health Insurance Program, if they met standard eligibility requirements for either program.

Providing medical care for the growing homeless youth population would help set young people on the path to health and self sufficiency. Studies show that young people of color make up a disproportionate share of the homeless. In a 2006 Clark County homeless youth study, 36 percent of the youth were Black and 20 percent were Latinos, while Blacks make up 9.3 percent of the general population in Clark County. Slightly under half of homeless youth surveyed needed health care services at some point while homeless and were unable to get it.<sup>35</sup>

*Died in committee*

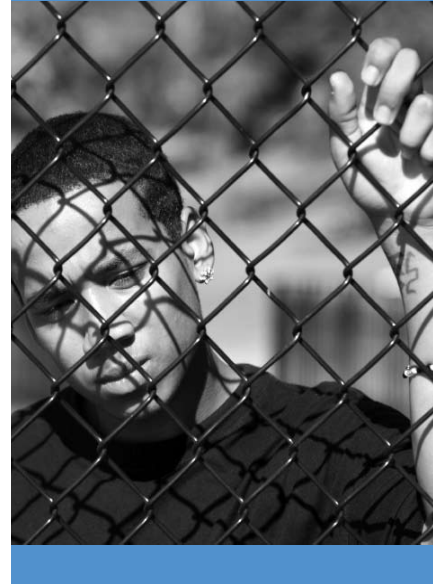
# CIVIL RIGHTS

While the presidential election of 2008 made history, the renewed refrain that America has become “post-racial” has promoted the idea that civil rights legislation is no longer needed. In reality, as Nevada has become increasingly diverse, the need for expanded civil rights protections and legislation that addresses structural racism has become increasingly clear.

Today, 1 in 48 adult is under correctional control in the state of Nevada—40,172 people are on probation, parole, or in jail or prison in the state. Nevada spent nearly 7.9 percent of the general fund on corrections, totaling more than \$253 million.<sup>36</sup>

2005 INCARCERATION RATES PER 100,000 <sup>37</sup>			
	WHITE	BLACK	LATINO
National	412	2290	742
Nevada	627	2916	621

The Black to White incarceration rate in NV is 4.7 to 1.



Within the civil rights category, this report card also evaluated legislation related to tribal sovereignty—the inherent authority of indigenous tribes to have self-governance and self-determination to continue to preserve their way of life, culture and traditions. Native American tribes have a government-to-government relationship with the U.S. Federal Government, through national and international treaties. In addition U.S. Presidential Executive Orders 13175, 13084 and 13007 and Memorandums for Government to Government Relations with Native American Tribal Governments all deal with tribal sovereignty. Legislation that affects tribes in Nevada addresses both civil rights and the ability of tribes to have meaningful and complete sovereignty within the state of Nevada. The rights of native nations in the U.S. are in existence not out of the largesse of the U.S. government or its laws, “but simply as a fact of their presence here for millennia prior to the existence of these laws.”<sup>38</sup>

## LEGISLATION CONSIDERED IN THE 2009 SESSION

### SB 283 Revises provisions governing the rights of domestic partners

#### Lead Sponsor: Senator Parks (D-7 Clark)

SB 283 gives partners in long-term, committed relationships most of the same rights, protections and benefits as married couples. Although “marriage” remains in the Nevada Constitution as a term limited to men and women, this legislation extends the benefits of those relationships to gay men, lesbians, bisexuals and transgender individuals, as well as to straight couples who seek legal recognition without marriage, of all races and ethnicities.<sup>39</sup>

Black and Latino same-sex couples are twice as likely as White same-sex couples to be raising children, they are likely to earn less than their White counterparts, and are less likely to own the home they live in.<sup>40</sup> Given this context, domestic partnership legislation disproportionately benefits same sex families of color, allowing them to receive health care benefits, adopt children, and provides more than 917 rights and responsibilities.

*Passed by Assembly and Senate, Vetoed by Governor, Veto Overridden*

**SB 394 - Makes various changes to provisions relating to off-highway vehicles. Introduced by Senate Energy, Infrastructures and Transportation Committee**

SB 394 requires the owners and operators of off-highway vehicles, including all-terrain vehicles and motorcycles, dune buggies, snowmobiles and other “recreational” vehicles used on public lands to obtain title and registration from the state Department of Motor Vehicles. The law had broad support from ranchers, rural governments, and responsible off-highway vehicle users.<sup>41</sup>

The Reno-Sparks Indian Colony and other tribal and Native American governments supported the registration in an effort to control the use of unlicensed vehicles going off-trail and damaging environmentally and culturally sensitive areas. Lands surrounding and within the Colony’s Hungry Valley community have been seriously damaged by renegade off road vehicle users. The Colony has worked for years with state and local authorities to remediate this abuse, and SB 394 finally provided relief.

*Passed by Assembly and Senate, Vetoed by Governor, Veto Overridden*

**AB 304 - Makes various changes relating to the preservation and improvement of existing neighborhoods**

**Lead sponsor: Assemblyman Segerblom, Senator Horsford\***

AB 304 requires local governments to consider preservation of historic neighborhoods during the drafting of development plans and regulations. The bill also includes an amendment requiring the city of Las Vegas and the Nevada Department of Transportation to re-open F Street in Las Vegas. In 2008, the Department of Transportation closed the street, effectively cutting off residents of historically Black West Las Vegas from new downtown developments.

The F Street closure has disproportionately impacted the Black community. Census data indicates that of the 108 residents living on the west side of F Street and most affected by the closure, 107 are Black.<sup>42</sup> Shutting off access not only made it more difficult for residents to access retail, medical and government facilities nearby, it has also impacted the economic development of the neighborhood.<sup>43</sup>

*Passed Assembly and Senate, Vetoed by Governor, Veto overridden*

*\*AB 304 was introduced by Assemblyman Segerblom and it required local governmental entities to address preservation of historic neighborhoods in zoning regulations. In the Senate, AB 304 was amended by Senator Horsford to also assist in reopening F Street, a historically Black neighborhood. The amended bill is the bill that was graded in the Racial Equity Report Card. Due to these changes, both members received points for leadership.*

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***Race remains a key element in the sentencing rate in the Nevada: half of the 79 death row inmates in Nevada are people of color—Black, Latino or Asian.***

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**AB 443 - Revises provisions concerning the election of Councilmen in the cities of Reno and Sparks**

**Lead Sponsor: Assemblywoman Leslie (D-27)**

Currently Reno and Sparks city council candidates are nominated in the primary election by voters in their own ward. But during the general election, all voters cast ballots for all of the city council, decreasing the likelihood that candidates with a strong base of support locally can win votes outside of their geography. AB 443 would have allowed the voters of Reno and Sparks to elect their city council members from wards of both cities, rather than a general election from throughout the cities.

The effect of the current regulations means that wards with predominantly Black or Latino voters do not have the ability to elect their own representatives, diluting the power of minority voters.<sup>44</sup>

*Passed in Assembly, no vote in Senate*

## **MISSED OPPORTUNITIES**

**AB 190 - Provides for a study of issues regarding the death penalty**

**Lead Sponsor: Assemblyman Anderson (D-31)**

AB 190 would have stopped all executions in the state until July 1, 2011, during which time the state will study the fiscal costs of the death penalty. The study must be completed for the Legislature to consider by Jan. 31, 2011.

The criminal justice system is deeply flawed, when nationwide, about 98 percent of prosecutors are White, the vast majority of judges are White, and People of color are underrepresented on juries. Unfortunately, the state of Nevada is unable to provide data on race and ethnicity data of juries, defendants and victims.<sup>45</sup>

Race remains a key element in the sentencing rate in the Nevada: half of the 79 death row inmates in Nevada are people of color—Black, Latino or Asian.<sup>46</sup> In addition, many studies show that prosecutors seek the death penalty in 70 percent of cases involving Black defendants and white victims, versus 9 percent of cases involving white defendants and Black victims.<sup>47</sup>

The bill initially called for a moratorium on the death penalty, however it was watered down to be only a fiscal audit. Given the disparities—and the life or death nature of this issue—the legislature could have taken critical action by supporting the bill as originally introduced.

*Passed in Assembly*



# INSTITUTIONAL RACISM

Even as America elected its first Black president, institutional racism continues to create unequal outcomes from communities of color. While most people think of racism as acts between individuals, the most profound forms of racism reside in institutions that perpetuate and reinforce disparities along racial lines.

LEVELS OF RACISM <sup>48</sup>	
LEVEL	DESCRIPTION
Individual/Internalized Racism	Racial bias within individuals—one’s beliefs, attitudes and prejudices about race.
Interpersonal Racism	Racial bias between individuals—public expression of bigotry and hate
Institutional Racism	Racial bias within institutions such as schools and hospitals. Disparate outcomes reveal institutional racism, whether or not there is racist intent on the part of individuals within that institution.
Structural Racism	Racial bias among institutions and across society. Structural racism is the cumulative effects of history, ideology, and culture and the result of institutions and policies that favor whites and disadvantage people of color.

Public policies can create and reinforce institutional racism, whether intentional or not. Only one piece of legislation relating to institutional racism (SB 52), was voted on by a full chamber and is thus graded in the report card; the remaining four bills were only introduced or discussed in committee.

## SB 52 – “REAL ID” Act

### Sponsored by Energy, Infrastructure and Transportation Committee

SB 52 would have enrolled Nevadans’ names, social security numbers and photos into a national identification database. A de facto national card, REAL ID was opposed by a diverse coalition civil libertarians, civil rights activists, and gun owners.<sup>49</sup>

The national identification system proposed under REAL ID Act of 2005 would negatively and disproportionately affect communities of color, Native American communities, immigrants and refugees, the elderly and homeless. These communities are most likely to have problems securing access to the required documentation needed to obtain a REAL ID identification.<sup>50</sup> Therefore, the bill would have restricted these communities’ ability to carry out their day-to-day lives as they are now. Immediate effects would include, but are not limited to, not being able to travel by commercial plane, not being able to drive, not being able to open any accounts or access any accounts and services that require identification.<sup>51</sup> This legislation would have relegated already marginalized communities to the fringe of mainstream social life.<sup>52</sup>

*Passed in Senate, no vote in Assembly*

## AB 70 - Designates English as the official language of the State of Nevada

### Lead Sponsor: Assemblyman Stewart (R-22)

AB 70 assumes other languages are undermining the use of the English language in official settings. The legislation would have designated English as the official language of the State of Nevada, required that all official proceedings of the State be conducted only in English (with limited exceptions), and required all official records of the State to be prepared, stored and made available only in English.

More than 650,000 Nevadans, or nearly 28 percent of the state's population, speak a language other than English at home.<sup>53</sup> New immigrants would be especially affected by this legislation, and would have limited ability to access services, records, or resources provided by state government. The legislation would negatively impact many communities of color while providing no explicit benefit. It also denies the diversity of languages and cultures in Nevada and promotes xenophobia.

*No action*

**AB 347 - Makes various changes concerning foreign nationals**  
**Lead Sponsor: Assemblyman Cobb (R-26)**

This legislation would have placed various limits on access to social services for non-U.S. citizens. Limits include eliminating eligibility to receive certain state benefits, eliminating access for the Governor Guinn Millennium Scholarship Program, and other changes to existing laws.

Nevada's immigrant population has grown from 8.7 percent in 1990 to 19.4 percent in 2007.<sup>54</sup> Latino immigrants alone directly and indirectly account for slightly more than 25 percent of the gross state product, a measure of the state's economic output, from 2000 to 2005. Over this same period, taxes paid by the Latino immigrant community grew 44 percent, from \$3 billion to \$4.2 billion.<sup>55</sup>

AB 347 made no distinction between immigrant communities, and did not recognize the various lawful immigrant statuses outside of U.S. citizenship. In eliminating benefits, rights, and access that legal U.S. immigrants should have, the legislation created a permanent second class status for immigrant communities in Nevada and would have significantly damaged Nevada's economy at the same time.

*No action*

**AB 245 - Revises certain provisions relating to voter identification**  
**Lead Sponsor: Assemblyman Stewart (R-22)**

AB 245 would have created additional barriers to civic engagement and these restrictions disproportionately hit low-income, communities of color, handicapped, and elderly voters the hardest, leading to lower levels of voter participation.<sup>56</sup> A recent national study revealed that between 1996-2004, voter ID policies reduced Asians' registration and diminished voter turnout by Blacks and Latinos. In states with such policies in 2004, the estimated net reduction in voting by communities of color was more than 400,000 votes.<sup>57</sup>

AB 245 would have legislated against a "problem" that doesn't really exist. The Justice Department prosecuted only 38 cases of voter fraud between 2002 and 2005—and fourteen of those cases were thrown out of court.<sup>58</sup> There are simply no credible studies to back up allegations of voter fraud in Nevada. By requiring that identification and proof of citizenship be provided to register to vote, to vote and to request an absentee ballot, AB 245 would have created additional barriers to civic engagement.

*No action*

# LEGISLATIVE REPORT CARD

# GRADING METHODOLOGY

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A  
90–100%

B  
80–89%

C  
70–79%

D  
60–69%

F  
0–59%

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## State Legislature and Governor

Each chamber of the state legislature was given a separate grade, and the governor received a grade on his own.

Legislator’s individual grades are based on their votes and their leadership, if any, on racial equity bills that were voted on by either the Assembly or Senate. Voting accounted for 90 percent of the grade. Leadership, defined as sponsoring a qualifying racial equity bill, accounted for up to 10 percent of the score.

More than 1,000 pieces of legislation were introduced in the 75th session. Nevada state statute limits the number of bills that legislators may draft. New Assembly members are allowed to request the draft of no more than 5 legislative measures and new Senators may request 10 legislative measures, while incumbent Assembly members may request drafts of no more than 11 legislative measures and incumbent Senators may request no more than 22 legislative measures. Exceptions are made in statute for legislators in leadership positions in both the majority and minority party.<sup>59</sup> Lastly, bills may come directly from committee without individual sponsors. Given these regulations, individuals who are the lead sponsor on racial equity legislation are given leadership points to honor their role in supporting legislation in the state. The Racial Equity Report Card gives lead sponsors 3 percentage points per bill sponsored. The Report Card does not give any leadership points for bills coming from committee.

Voting against racial equity legislation or voting in favor of bills that would have institutionalized racism reduced a legislator’s score. In addition, three leadership points were deducted if a legislator sponsored legislation that was determined to institutionalize racism in the state of Nevada.

# GRADES FOR THE STATE LEGISLATURE

The 2009-2010 Nevada Legislature began with the state in a severe recession, creating a billion dollar shortfall in the Nevada state budget, thus the session was predominately about budget and revenue issues. Governor Gibbons vetoed 48 bills, more than any other Governor in the history of the Nevada legislature—with an additional nine bills that became law without being signed. A total of 23 bills were overridden by the legislature, more than any time in Nevada’s history. Seven bills will come back as vetoed bills in the next legislature. Getting a two-thirds majority to override vetoes and to pass any tax proposal took the center stage of the 2009-2010 Legislative Session.

More racial equity bills were introduced in the Assembly than the Senate, and Assembly members were more likely to sponsor or cosponsor multiple pieces of legislation, resulting in higher leadership scores in the Assembly side than in the Senate. The Assembly received an overall grade of A+ for passing ten of ten racial equity bills.

Overall, the Senate advanced fewer pieces of racial equity legislation, and individual grades are lower than in the Assembly. The Senate experience around racial equity legislation was dominated by amendments, which watered down bills and resulted in more mixed votes by Senators. The Senate received an overall grade of a D+ for passing six of nine racial equity bills, and passing 1 institutional racism bill.

The **Assembly** received an overall grade of **A+** for passing ten of ten racial equity bills.

The **Senate** received an overall grade of **D+** for passing six of nine racial equity bills, and passing 1 institutional racism bill.



# GRADE FOR THE GOVERNOR

During his State of the State address in January 2009, Governor Jim Gibbons said “We have been that ‘beacon on the hill’ of hope for those who wanted to work hard and prosper. While right now our beacon may not be as easy to see, it is our responsibility to ensure that we can help bring back the bright light of success to shine across the state.”<sup>60</sup>

Unfortunately, Governor Gibbons has not provided much hope for communities of color in Nevada. He supported only three of eight racial equity bills that crossed his desk and vetoed five pieces of racial equity legislation. While Governor Gibbons set a record with the number of vetoes he made this legislative session, many of the vetoes on bills in this report card seem especially short-sighted:

- Vetoed early childhood education curriculum standardization and funding – In his public statement about the veto, Governor Gibbons stated, “I maintain my belief that parents know what’s best for their children.”<sup>61</sup>

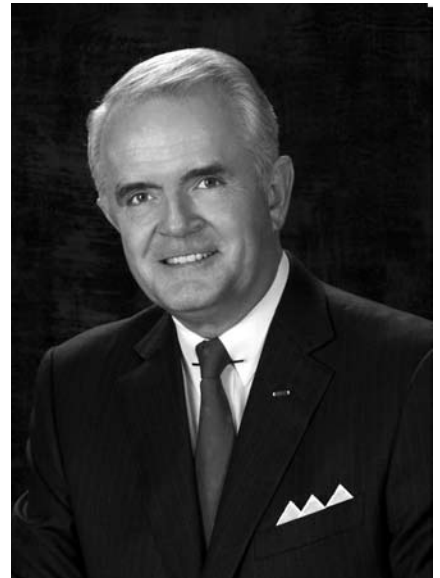
Nevada has only 1,022 students enrolled in state-based pre-kindergarten programs, giving it a rank of 27 in state spending. Only 53 percent of Nevada school districts offer the state program. The state’s funding level per pupil has dropped by more than \$1,600 over the past five years.<sup>62</sup>

Given these dire statistics, and the importance of early education in the lives of children of color, the Governor’s veto is especially harsh. While parents may know what is best for their children, the state of Nevada has an obligation to support early childhood learning in ways that can help to eliminate racial disparities in education.

- Vetoed F Street reopening in historically Black neighborhood. In his veto letter, Gov. Gibbons says “The project went through the normal process of public hearings and public notifications prior to the start of construction....It is counterintuitive to [add to the cost] of this project after it has been fully vetted, approved, and built.”<sup>63</sup>

Unfortunately, Gov. Gibbons perception that the project received normal public scrutiny does not bear out. Many interviews with residents, city council members, and others involved in the process have shown that the Department of Transportation did not make clear the ramifications of the F Street closure nor did it notify residents adequately. Given the pattern of discrimination that this historically Black West Las Vegas neighborhood has experienced, the Governor’s veto was particularly disappointing.

Judging by his performance this legislative session, it appears as though Governor Gibbons’ vision for the state is that it is a “beacon for the privileged.” Leadership is needed from our next Governor to support innovative legislation that will address racial disparities in Nevada and help extend equal opportunity to all Nevadans.



The Governor  
received an overall  
grade of **43%**.

# ASSEMBLY

2009 Assembly	District	Grade	Total %	Leadership	Education		Economic Equity			Civil Rights				Health Equity	% People of Color in District	
					AB 378	SB 243	AB 149	AB 254	AB 313	SB 394	AB 190	AB 443	AB 304	SB 283		
Paul Aizley	D-41	A-	90	—	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	NO HEALTH EQUITY LEGISLATION IN THIS SESSION	46%
Bernie Anderson	D-31	A-	93	3	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		39%
Morse Arberry	D-7	C-	72	—	✓	✓	•	✓	✗	✓	✓	✓	✓	✓		70%
Kelvin Atkinson	D-17	B-	81	—	✓	✓	✓	✓	✗	✓	✓	✓	✓	✓		43%
David Bobzien	D-24	A-	90	—	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		33%
Barbara Buckley	D-8	A-	93	3	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		50%
John Carpenter	R-33	D-	63	—	✗	✓	✓	✓	•	✓	✓	✓	✓	✗		28%
Chad Christensen	R-13	F-	18	—	✗	✓	✓	✗	✗	✗	✗	•	✗	✗		25%
Jerry Claborn	D-19	B-	81	—	✓	✓	✓	✓	✗	✓	✓	✓	✓	✓		47%
Ty Cobb	R-26	F-	6	-3	✗	✗	✓	✗	✗	✗	✗	✗	✗	✗		14%
Marcus Conklin	D-37	A-	90	—	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		34%
Mo Denis	D-28	B	84	3	✓	✓	✓	✓	✓	✓	✓	✓	✓	✗		82%
Marilyn Dondero Loop	D-5	A-	90	—	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		33%
Heidi Gansert	R-25	F-	45	—	✗	✓	✓	✓	✗	✓	✗	✓	✗	✗		14%
Edwin Goedhart	R-36	F-	27	—	✗	✗	✓	✗	✗	✗	✓	✗	✗	✓		17%
Pete Goicoechea	R-35	F-	45	—	✗	✓	✓	✓	✗	✓	✗	✓	✗	✗		25%
Tom Grady	R-38	F-	45	—	✗	✓	✓	✓	✗	✓	✗	✓	✗	✗		15%
Don Gustavson	R-32	F-	9	—	✗	✗	✓	✗	✗	✗	✗	✗	✗	✗		19%
John Hambrick	R-2	F-	27	—	✗	✓	✓	✗	✗	✓	✗	✗	✗	✗		22%
Joseph Hardy MD	R-20	F-	45	—	✗	✓	✓	✓	✗	✓	✗	✓	✗	✗		19%
Joseph Hogan	D-10	A-	90	—	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	41%	

✓ = support of racial equity; ✗ = vote against racial equity; • = excused absence; / = did not vote

2009 Assembly	District	Grade	Total %	Leadership	Education		Economic Equity			Civil Rights				Health Equity	% People of Color in District	
					AB 378	SB 243	AB 149	AB 254	AB 313	SB 394	AB 190	AB 443	AB 304	SB 283		
William Horne	D-34	B-	81	—	✓	✓	✓	✓	✗	✓	✓	✓	✓	✓	NO HEALTH EQUITY LEGISLATION IN THIS SESSION	34%
Ruben Kihuen	D-11	A-	90	—	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		79%
Marilyn Kirkpatrick	D-1	B-	81	—	•	✓	✓	✓	✓	✓	✓	✓	✓	✓		29%
Ellen Koivisto	D-14	A-	90	—	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		51%
Sheila Leslie	D-27	A-	93	3	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		34%
Mark Manendo	D-18	A-	90	—	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		34%
April Mastroluca	D-29	A-	93	3	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		25%
Richard McArthur	R-4	F-	18	—	✗	✓	✓	✗	✗	✗	✗	✗	✗	✗		18%
Kathy McClain	D-15	A-	90	—	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		32%
Harry Mortenson	D-42	A-	90	—	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		40%
Harvey J. Munford	D-6	A-	90	—	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		68%
John Ocegüera	D-16	A-	90	—	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		35%
James Ohrenschall	D-12	A-	90	—	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		49%
Bonnie Parnell	D-40	B-	81	—	✓	✓	✓	✓	•	✓	✓	✓	✓	✓		22%
Peggy Pierce	D-3	A-	93	3	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		34%
Tick Segerblom	D-9	A-	93	3	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		51%
James Settelmeyer	R-39	F-	36	—	✗	✓	✓	✓	✗	✗	✗	✓	✗	✗		13%
Debbie Smith	D-30	A-	90	—	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		37%
Ellen Spiegel	D-21	A-	90	—	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		20%
Lynn Stewart	R-22	F-	30	-6	✗	✓	✓	✓	✗	✓	✗	✗	✗	✗		20%
Melissa Woodbury	R-23	F-	45	—	✗	✓	✓	✓	✗	✓	✗	✓	✗	✗	23%	

✓ = support of racial equity; ✗ = vote against racial equity; • = excused absence; / = did not vote

# SENATE

2009 Senate	District	Grade	Total %	Leadership	Education		Economic Equity			Civil Rights				Health Equity	% People of Color in District
					AB 243	SB 378	AB 254	AB 149	AB 313	SB 283	SB 394	SB 52	AB 304		
Mark Amodei	R-Capital	F-	40	—	✗	✗	✓	✓	✗	✗	✓	✓	✗	NO HEALTH EQUITY LEGISLATION IN THIS SESSION	17%
Shirley Breeden	D-5 Clark	C-	70	—	✓	✗	✓	✓	✓	✓	✓	✗	✓		23%
Terry Care	D-7 Clark	C-	70	—	✓	✗	✓	✓	✓	✗	✓	✓	✓		43%
Maggie Carlton	D-2 Clark	C-	70	—	✓	✗	✓	✓	✓	✓	✓	✗	✓		79%
Barbara Cegavske	R-8 Clark	F-	20	—	✗	✗	✗	✗	✗	✗	✓	✓	✗		25%
Bob Coffin	D-10 Clark	D-	60	—	✓	✗	✓	✓	•	✓	✓	✗	✓		63%
Allison Copening	D-6 Clark	B-	80	—	✓	✗	✓	✓	✓	✓	✓	✓	✓		22%
Warren Hardy	R-12 Clark	F-	40	—	✗	✗	✓	✓	✗	✗	✓	✗	✓		22%
Steven Horsford	D-4 Clark	C-	73	3	✓	✗	✓	✓	✓	✓	✓	✗	✓		56%
John Lee	D-1 Clark	D-	60	—	✓	✗	✓	✓	✗	✗	✓	✓	✓		43%
Bernice Matthews	D-1 Washoe	D-	60	—	✓	✗	✓	✓	✗	✓	✓	✗	✓		43%
Mike McGinness	R-Central NV	D-	60	—	✗	✗	✓	✓	✗	✓	✓	✓	✓		19%
Dennis Nolan	R-9 Clark	F-	30	—	✗	✗	✓	✗	✗	✓	✓	✗	✗		28%
David Parks	D-7 Clark	B	83	3	✓	✗	✓	✓	✓	✓	✓	✓	✓		43%
William Raggio	R-3 Washoe	F-	50	—	✓	✗	✓	✗	✓	✗	✓	✗	✓		17%
Dean Rhoads	R-Northern NV	D-	60	—	✓	✗	✓	✓	✗	✓	✓	✓	✗		25%
Michael Schneider	D-11 Clark	D-	60	—	✓	✗	✓	✓	✗	✓	✓	✗	✓		45%
Randolph Townsend	R-4 Washoe	D-	60	—	✓	✗	✓	✓	✗	✓	✓	✗	✓		24%
Maurice Washington	R-2 Washoe	F-	40	—	✗	✗	✓	✗	✗	✗	✓	✓	✓		22%
Valerie Weiner	D-3 Clark	C-	70	—	✓	✗	✓	✓	✓	✓	✓	✗	✓		39%
Joyce Woodhouse	D-5 Clark	D-	60	—	✓	✗	✓	✓	✗	✓	✓	✗	✓	23%	

✓ = support of racial equity; ✗ = vote against racial equity; • = excused absence; / = did not vote

# GOVERNOR

2009 Governor	Grade	Total %	Education		Economic Equity		Civil Rights			Health Equity	% People of Color in State
			AB 243	SB 378	AB 149	AB 254	SB 394	AB 304	SB 283		
Jim Gibbons	F-	43	✓	✗	✓	✓	✗*	✗*	✗*		43%

\*veto overridden

✓ = support of racial equity; ✗ = vote against racial equity; ● = excused absence; / = did not vote



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