

**MINUTES OF THE MEETING  
OF THE  
ASSEMBLY COMMITTEE ON JUDICIARY**

**Seventy-Third Session  
March 10, 2005**

The Committee on Judiciary was called to order at 8:09 a.m., on Thursday, March 10, 2005. Chairman Bernie Anderson presided in Room 3138 of the Legislative Building, Carson City, Nevada, and, via simultaneous videoconference, in Room 4401 of the Grant Sawyer State Office Building, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Mr. Bernie Anderson, Chairman  
Mr. William Horne, Vice Chairman  
Ms. Francis Allen  
Mrs. Sharron Angle  
Ms. Barbara Buckley  
Mr. John C. Carpenter  
Mr. Marcus Conklin  
Ms. Susan Gerhardt  
Mr. Brooks Holcomb  
Mr. Garn Mabey  
Mr. Mark Manendo  
Mr. John Ocegüera

**COMMITTEE MEMBERS ABSENT:**

Mr. Harry Mortenson (excused)  
Ms. Genie Ohrenschall (excused)

**GUEST LEGISLATORS PRESENT:**

Assemblyman Richard Perkins, Assembly District No. 23, Clark County

**STAFF MEMBERS PRESENT:**

Allison Combs, Committee Policy Analyst  
René Yeckley, Committee Counsel

Katie Miles, Research Analyst  
Jane Oliver, Committee Attaché

**OTHERS PRESENT:**

Ron Titus, Court Administrator, Administrative Office of the Court,  
Supreme Court of Nevada  
Jay Dilworth, Judge, Reno Municipal Court, City of Reno, Nevada  
Kami Dempsey, Legislative Advocate, representing the Coalition to  
Regulate and Control Marijuana for Today, Las Vegas, Nevada  
Rob Kambia, Executive Director, Marijuana Policy Project,  
Washington, D.C.  
Mitchell Earleywine, Ph.D., Associate Professor of Psychology, College of  
Letters, Arts and Sciences of the University of Southern California,  
Los Angeles, California  
Jack Cole, Executive Director, Law Enforcement Against Prohibition,  
Medford, Massachusetts  
John O'Connor, Private Citizen, Churchill County, Nevada  
Frank Adams, Executive Director, Nevada Sheriffs' and Chiefs'  
Association  
Bill Young, Sheriff, Las Vegas Metropolitan Police Department, Clark  
County, Nevada  
Michael Mayberry, Police Chief, Henderson Police Department,  
Henderson, Nevada  
David Roger, District Attorney, Clark County, Nevada  
Jim Lopey, Assistant Sheriff, Washoe County Sheriff's Office, Washoe  
County, Nevada  
Ron Pierini, Sheriff, Douglas County Sheriff's Office, Minden, Nevada  
Ken Furlong, Sheriff, Carson City Sheriff's Office, Carson City, Nevada  
Todd Raybuck, Detective, Las Vegas Metropolitan Police Department,  
Clark County, Nevada  
Matthew Sanford, Detective, Las Vegas Metropolitan Police Department,  
Clark County, Nevada  
David Noahr, Captain, North Las Vegas Police Department, North Las  
Vegas, Nevada  
Isaac Henderson, Private Citizen, Clark County, Nevada  
Bob Roshak, Sergeant, Las Vegas Metropolitan Police Department, Clark  
County, Nevada

**Chairman Anderson:**

[Meeting called to order and roll called.]

[Chairman Anderson instructs witnesses and guests of hearing protocol.]

**Assembly Bill 157**: Authorizes senior municipal court judge to serve in any municipal court regardless of whether he is resident of city in which he serves. (BDR 1-528)

**Ron Titus, Court Administrator, Administrative Office of the Court, Supreme Court of Nevada:**

[Introduced Judge Jay Dilworth, Reno Municipal Court, and he turned the testimony over to Mr. Dilworth.]

**Jay Dilworth, Judge, Reno Municipal Court, City of Reno, Nevada:**

Assembly Bill 157 provides that a judge that has become a senior judge, a municipal court judge who has been certified by the Nevada Supreme Court, after retirement to be a senior judge, could sit in any municipal court in the State of Nevada. Several years ago, the Supreme Court issued Rule 12 which provided for senior municipal court judges and justices of the peace. It provided that they would not only be available for vacationing judges or judges who are ill, but as courts become busier or if the court wants to enlarge the number of judges but doesn't want to go to a full-time judge, a part-time senior judge can come back and assist. This is similar to the senior district court judges and the senior justices of the Supreme Court.

Rule 12 anticipated that judges who were municipal court senior judges could sit in any municipal court in the State; however, there is a statute that says that a municipal court judge has to reside in the city in which they live or that they work. This would simply allow, notwithstanding any other rules, once a person has been certified by the Nevada Supreme Court as a senior judge, they could then sit in any municipal court. This is especially important in Clark County and the Las Vegas area where there are three municipal courts, North Las Vegas, Las Vegas, and Henderson. Several of those judges have said to me that they are approaching retirement and they would like to serve part-time and not have to only stay in their own city, but they could sit in Henderson, North Las Vegas, or Las Vegas, as those courts get more crowded. The same thing in the north between Reno and Sparks where there are two municipal court judges that are only about eight miles apart. That is the gist of the bill. I do not think that there is anything else to be added.

There are provisions for pro tempore judges. The difference between a pro tempore judge and a senior judge is that the Administrative Office of the Court provides additional education for the senior judge. So, they have kept up on the law better than perhaps a volunteer would be, on a regular basis. That is what we are asking you to do.

**Assemblyman Carpenter:**

In many of the rural counties the justice of the peace is also acting as a municipal judge, so under this bill could they also act as a justice of the peace as well as the municipal judge, or would they be only able to act upon those cases that came from the city?

**Jay Dilworth:**

The person would be both. They are currently elected as justice of the peace and municipal court judge and could choose to be both at retirement. Once they are retired, they could ask to be appointed as senior municipal court judge and as senior justice of the peace. There is no prohibition. That individual would then be free to go to any justice court in the state and any municipal court in the state as well.

**Chairman Anderson:**

Rule 12 clearly states the number in the first part of that: "Any former justice of the peace or municipal court judge who has performed sufficient judicial service to qualify for retirement." That would be the major element, if we are going to make this happen. We are removing the narrower prohibition against municipal judges who have to reside in that particular city where we have not done that for district court judges anywhere in the state. We are trying to bring equity to that question. Would it be helpful for you to have a copy of Rule 12, Mr. Carpenter?

**Assemblyman Carpenter:**

Probably not.

**Chairman Anderson:**

I think that you have to go through that first hoop. You have to be elected a municipal judge and have to have served successfully and then the court has to agree to put you under this status. Not every municipal judge would automatically qualify. Would that be a fair statement? The Supreme Court has to agree that their training is up-to-date and they can revoke this if they find that the judge has not kept themselves current of the practices within the system.

**Jay Dilworth:**

That is correct. Rule 12 talks about that. The judge has to apply first after retirement. They have to be of suitable physical and mental ability to serve. They would be subject to the Canons of Judicial Ethics while they are serving as a temporary part-time judge. They could not practice law if they were an attorney. They would be basically a judge only. The Administrative Office of the Court would fund reasonable education to keep their information up and yes,

the Supreme Court can remove anybody either by a hearing in front of them, or more effectively, through the Judicial Discipline Committee. The senior judge would still be under that supervision.

**Chairman Anderson:**

The pay for these judges comes from the municipality?

**Jay Dilworth:**

The pay would come from the city that invited the judge. It speaks in here of 5 percent, which works out to a one-day salary; however, it could be up or down. It also provides in Rule 12 for per diem if there is travel, and that leads me to believe that the Supreme Court envisioned me traveling possibly to another area, and that I would be eligible for that as well. But, the inviting city would pay the fee.

**Assemblywoman Angle:**

Is there any limitation on the number that can be selected? You answered the qualification question.

**Jay Dilworth:**

I am not aware of any maximum. It is a brand new area and it is an area where people are choosing to serve in municipal court throughout their judicial career, such as myself. I have been there 18 years. I will hopefully retire there at some point and would like to be able to serve part-time. There is a number of us that are doing that and that is the reason why the Supreme Court Rule 12.

**Chairman Anderson:**

[Closes the hearing on A.B. 157.]

We will transfer this bill over to the work session on Tuesday. The Committee has a bill draft request requested by the Administrator of the Welfare Division.

- BDR 10-650—Exempts the Child Support Disbursement Fund from the Uniform Disposition of Unclaimed Property Act. (ASSEMBLY BILL 192)

ASSEMBLYMAN HORNE MOVED FOR COMMITTEE  
INTRODUCTION OF BDR 10-650.

ASSEMBLYMAN MANENDO SECONDED THE MOTION.

THE MOTION PASSED. (Assemblyman Mortenson and  
Assemblywoman Ohrenschall were not present for the vote.)

[Chairman Anderson, continued.] Let us turn our attention to a question that we have dealt with in this Committee in previous sessions, and the voters have already voted on once and could conceivably be voting on again. I cannot make that assumption because I have no way to know how the Committee is going to react.

Since this is an initiative process, let me remind the Committee again, of what the choices are in front of us. In the initiative petition process, we do not have the ability to change the initiative petition itself in any way. It is as the supporters have previously drafted it. As a result, we cannot amend the information. We look merely to the supporters. We can ask the questions of the supporters and then we will take testimony in support of the issue and then we will take testimony in opposition to it.

We do not have competing issues here unless this Committee chose to put its own in front of the voters relative to this particular question. We have that opportunity. We also have the further opportunity to deal with another piece of legislation dealing with other attributes of the law dealing with marijuana. Recognizing in the event that this particular piece of legislation were to pass, the Legislature would be precluded from dealing with the issue from three years after its passage.

[Opens the hearing on Initiative Petition No. 3.]

**Initiative Petition 3: Makes various changes concerning possession, use, sale and taxation of marijuana.**

**Kami Dempsey, Legislative Advocate, representing the Coalition to Regulate and Control Marijuana for Today, Las Vegas, Nevada:**

We thank you for the opportunity to hear this initiative before you, and the ability to debate the merits. 5,000 and more Nevadans in 5 different counties did support this initiative and wanted to have it debated before their legislative body.

To provide you with some of the additional details, we brought the expert behind the initiative, Rob Kampia, who is the Executive Director of the Marijuana Policy Project.

**Rob Kampia, Executive Director, Marijuana Policy Project, Washington, D.C.:**

I submitted written testimony ([Exhibit B](#)). I am not going to review word-for-word the written testimony. I thought I would just speak to two points

today. One is why we have promoted this initiative. Secondly, is what does this initiative actually do?

[Rob Kampia, continued.] The initiative is not a solution in search of a problem, it is a solution to a number of problems that Nevada has with the marijuana laws, as well as the other 50 states. Nevada is no different from the other states in terms of the problems that are associated with marijuana. Clearly, the marijuana laws are not working. The whole point of having these laws, which were first instituted in 1937, were to keep adults from using marijuana, but especially to keep children from using marijuana. If that is the benchmark, if that is the measure of our success, then the laws have failed. According to the CDC [Centers for Disease Control and Prevention], more teens are using marijuana than cigarettes as of last spring.

Secondly, the marijuana laws, which are not preventing people from using marijuana, are actually costing the taxpayers billions of dollars in law enforcement costs, court costs, and so forth. In addition, to some extent, they prevent police from focusing on what I consider to be more important crimes. Crimes like DUI [driving under the influence], assault, burglary, and so forth. In the last few years, there have been more than 3,000 marijuana arrests per year in Nevada alone. Nationwide, it is 750,000 arrests a year. That is more arrests than all violent crimes combined. This is a huge issue in the criminal justice system. If marijuana were to be taxed and regulated, the police would have more time to go after the real crimes in our society.

Let us look at the initiative and what it would seek to accomplish. The major points of the initiative are listed here, and the reason that we put them in the initiative is because they are actually quite popular with the voters individually. As a package, we think that this could actually pass.

First, we addressed the notion of whether adults age 21 and older should be arrested for using up to an ounce of marijuana, which is the personal possession amount. The initiative would allow adults 21 and older to use marijuana, up to an ounce, in the privacy of their homes.

Second, the initiative holds the penalties for vehicular manslaughter while driving under the influence of anything, marijuana, alcohol, prescription medicines, and so forth.

Third, the initiative doubles the penalties for adults who sell marijuana to kids.

[Ron Kampia, continued.] Fourth, it regulates the sale of marijuana to adults age 21 and older, but there are a lot of restrictions on who could actually sell it. The businesses that would be licensed by the State to sell marijuana could not be within 500 feet of a school, or 500 feet of a church. The establishments that would sell marijuana to adults would not be able to sell alcohol. You could not actually smoke marijuana on the premise, so do not picture a bar or a casino, but rather a place where you walk in, if you are 21 or older, you buy a limited amount of marijuana and you take it home. That is how the system is envisioned and the state would regulate it through the Department of Taxation.

Fifth, it taxes marijuana. This is an enormously popular provision with the voters, not only in Nevada, but nationwide. It clearly has majority support. Currently right now, the people who are making all the profits are the drug dealers. What we want to do is tax the marijuana users so that the state gets the tax revenues. The initiative actually earmarks half of the tax revenues for alcohol and drug treatment and then allows the other half to be used for the General Fund for law enforcement or schools, or whatever the Legislature so pleases.

Finally, an added benefit of the initiative is that it would solve one of the problems that we have with the medical marijuana law in Nevada, which is enormously popular, that patients right now who are legally allowed to use medical marijuana oftentimes have to go to the criminal market and buy their medicine from drug dealers. So, by having a regulated marijuana system, where adults could go and purchase it in licensed establishments, legitimate patients or even not legitimate patients, because this is open to anyone who is 21 and older, would be able to go into one of these establishments, buy the medicine they need, or have a caregiver go and buy the medicine they need. They know what they are getting and they are not going to get ripped-off and they are not supporting the criminal underground.

Those are the main provisions of this initiative. That is the core of it. We have polled Nevadans and I would share with the Committee how popular all this is. I am not going to go through all of it now, but on point three of my three-part written testimony ([Exhibit B](#)), I give the poll results for each of these provisions. This is a poll that we just conducted with Goodwin Research of California. The poll overall was more than 1,600 Nevadans. Each question was asked of various subsets of the population. So, with each question I also list here how many people were sampled so that you can see that it was statistically significant.



**Assemblywoman Angle:**

I was wondering why you chose Nevada and if Nevada is the only one that you are running this petition in. You are running it in other states as well?

**Rob Kampia:**

Nevada is not the only state where we are working. We are a national organization, but with limited resources; we are able to choose just a few states. Currently, the states that are moving forward on this are: Vermont. There is a bill introduced and they don't have the initiative process there, so it is just a straight bill that would tax and regulate marijuana. That bill was just introduced and it is going to be debated in the months and probably years to come. In Washington State, there is a coalition of lawyers, the State Pharmacists Association, the King County Bar Association and a group of religious people. This huge coalition in Washington just released a report saying that they want to tax and regulate marijuana. That is causing the Legislature to now look at it there. In Alaska, there was an initiative that would have ended marijuana prohibition which failed at the polls on November 2. There will be an initiative again in Alaska, but probably not this cycle; it will probably be the 2008 cycle. Then, there are some legislators in Maine and Colorado that are also looking to introduce similar bills.

**Chairman Anderson:**

The answer is that this is the only state that you have a petition going in at this particular moment.

**Rob Kampia:**

At this moment. I would guess that it is the only state that will have an initiative on the 2006 ballot.

**Chairman Anderson:**

I noted that among the points in your presentation, you mentioned the fact that in the use of marijuana compared to the use of cigarettes, there is a higher usage among teenagers, young smokers. Is that because of in part, the declining usage of tobacco product in general, or solely because there is more use of marijuana?

**Rob Kampia:**

The CDC [Centers for Disease Control and Prevention] measures the rate of marijuana use for teenagers every two years. It issues its report every two years. The marijuana use rate has actually been stable. So, from 1993 to 2003, it was at about 20 percent. But with tobacco, from 1993 to 2003, it went from 30 percent down to about 20 percent. The lines just crossed at the 2003 report.

**Chairman Anderson:**

In terms of that report, how did you factor in the age group? What age group were you pulling for that particular statistic?

**Rob Kampia:**

The CDC did the poll and the age group was high school students.

**Chairman Anderson:**

Prior to retirement, I spent 34 years with that group of individuals and occasionally I note, that when these kinds of surveys came around, there was something of a tendency to often admit to or wish they were doing things that in all probability they were not doing. There were quite a few questions in those types of surveys. How do you disseminate the difference between that kind of question in this kind of survey, or is that going to be a private presentation from one of the other gentlemen?

**Rob Kampia:**

The latter. Mitchell Earleywine will speak to that.

**Chairman Anderson:**

The third point that you made was relative to doubling the penalties to marijuana itself, here in Nevada. Are you of the opinion that the marijuana laws here in the state of Nevada are not sufficiently difficult in terms of the enforcement process that is currently in place for people who are misusing marijuana?

**Rob Kampia:**

We did focus groups and polling on this to see, after we had lost in 2002 by a 39 to 61 margin. So, we were thinking, well, maybe we are all screwed up and we actually have a serious misread of what the public wants. We ended up doing focus groups, and polling, and asking a series of questions about how the public wants to handle marijuana. The two things that kept coming up over and over and over again, beyond the issue of too many teenagers are smoking and patients should have legal access, was that people wanted to get really serious about dangerous drivers, and they wanted to get really serious on the notion of selling pot to kids. When we asked them, well the current penalties are what they are, 4 years and 20 years, they said, let's double them. When we ended up putting this into the initiative, it was in response to what the voters were telling us.

**Chairman Anderson:**

Of course, the weighted factor of the number of beds available for this and the treatment for people in drug treatment is one of the points relative to the dollars

that would go to drug treatment. The positive aspect is that there is never enough money in drug treatment programs. Do you think that would offset how this would affect programs like drug courts and other things that are near and dear to my heart?

**Rob Kampia:**

If I am understanding the question, the drug treatment dollars that would be generated from taxing and regulating marijuana would eliminate the waiting list that people in Nevada currently have when they want to go into treatment. I do not have the numbers in front of me, but it is something like 5,000 people who have to wait to get into drug or alcohol treatment. The last number I saw is something like \$13 million spent on treatment by the state of Nevada every year.

The initiative, according to UNLV [University of Nevada Las Vegas] would generate approximately \$26 million in tax revenues every year. We are talking about the current amount of money being spent on treatment with what we can bring to the table with \$26 million. It is a substantial amount of money. That is why we think that there is going to be money left over to go into the General Fund to pay for things like schools.

**Chairman Anderson:**

So, your expectation is that because of the dollars that will come, those who are running drug treatment programs will open additional treatment programs in rural areas and other parts of the state, where they are not currently available?

**Rob Kampia:**

Absolutely.

**Chairman Anderson:**

Even though the population concentration is somewhere else?

**Assemblyman Horne:**

I am curious on the cost of shops where people would be able to purchase and take it home. Would we just rely on the free market? Are we going to have people step up and say, "Okay, I am going to open up a shop for marijuana," or, is the state going to have its own shops to aid in the regulation?

**Rob Kampia:**

The state would not have its own shops. We thought the notion of a government distribution program for marijuana was not going to be popular, so we decided to leave it to the entrepreneurial spirit of Nevadans to decide if they want to open up a shop. Just because you open up a shop does not mean you

get to. You actually have to be licensed by the state to set up the shop in a way that doesn't violate any of the restrictions that are in the actual initiatives, such as not being within 500 feet of a church and 500 feet of a school. Ultimately, these people who want to sell marijuana to adults actually have to get a state license.

**Chairman Anderson:**

Do you have anyone else wishing to speak in favor of the Initiative?

**Kami Dempsey:**

We would like to add Jack Cole, as well as Mitchell Earleywine.

**Mitchell Earleywine, Ph.D., Associate Professor of Psychology, College of Letters, Arts and Sciences, University of Southern California, Los Angeles, California:**

I am a clinical psychologist who specializes in substance abuse. I am the author of *Understanding Marijuana* which was published by Oxford University Press. There are a couple of issues that seem to come up when people consider regulating or taxing cannabis, and that is concern about use among children and increased use among adults. We do not have a ton of data in the United States on this because this a relatively new idea, but when we compare to other countries that have altered their cannabis regulations, what we find is that in the 12- to 18-year-old group, the forbidden fruit of cannabis tends to disappear. It is no longer as desirable, so rates of use of cannabis tend to be lower. For example, in the Dutch Ministry of Health surveys, compared to those done in the United States, and the connection between the cannabis use and hard drug use, the use of drugs like cocaine and heroin tends to decrease so that they not only have lower rates of cannabis use among their teens, they also have lower rates of use of drugs like cocaine and heroine.

Another key issue seems to concern the increase in use among adults if cannabis regulation is altered. As it turns out, large polls of the United States suggests that most of the people who do not use cannabis choose to not use, based on moral, ethical, or health reasons, rather than anything that has to do with some kind of fear of legal retribution or some kind of problems with the law, so the chances of large changes in legislation altering an individuals interest in using the drug don't seem to have a big impact. The bottom line is that there is a big opportunity for getting cannabis out of the hands of the children and getting it available to those who want it without really increasing the interest of those who do not.

You had mentioned gathering information from the CDC and the accuracy of the estimates of use among teens. That is a curious idea and one I would like to

elaborate on. Basically, teens lie on these questionnaires. The concern is not so much that they say that they don't use when they do, but it is as if they are showing off for their pals that they have already used something that they have not used. The latest research suggests that the way to increase accuracy is to increase the anonymous nature of these tests, so that now they are administered in settings where the students are far from each other, they can fill them out individually, they staple their answers shut, and there is no identifying information about who they actually are, in their responses. Then they submit them into a large box, each student separately. It is much less likely that they would be inclined to lie on the tests themselves. What they tell their peers they answered is, of course, up to them.

[Mitchell Earleywine, continued.] The other data suggests that the responses on these anonymous questionnaires correlate very highly with both drug tests of the hair and urine screens, again supporting the idea that our estimates of drug use in these large surveys turn out to be relatively accurate.

**Assemblywoman Angle:**

You mentioned the Netherlands and this forbidden fruit idea. So, we are going to regulate the use by teens so it would still be considered forbidden fruit, as far as I can see. Do they regulate the use by teens in the Netherlands?

**Mitchell Earleywine:**

In the Netherlands, no one under 18 is allowed to purchase cannabis either and what has happened is that it has become no longer a big thrill. As the Minister of Health has suggested, we have taken it away, we have made marijuana boring so that the 12 to 18 years olds no longer see this as a sign of rebellion that the teens may see here in the United States.

**Jack Cole, Executive Director, Law Enforcement Against Prohibition, Medford, Massachusetts:**

[Mr. Cole presented [Exhibit C](#) and [Exhibit D](#).] I am a retired detective lieutenant after a 26 year career in the New Jersey State Police. Fourteen of those years were spent basically as an undercover agent in narcotics. The group that I am presently involved with, LEAP [Law Enforcement Against Prohibition], was created 2 1/2 years ago to give voice to all the current and former members of law enforcement that feel that the war on drugs is not only a dismal failure, but it is a terribly destructive policy.

In that 2 1/2 years, we have gone from 5 founding members, all of us were former cops, to over 2,000 members. We are no longer just cops, we are cops, judges, prosecutors, prison wardens, we even have former DEA [Drug Enforcement Agency] agent who make up the speakers bureau; we have

85 people. What I would like to say is that passing this bill before you today actually gives us a chance to literally save lives.

[Jack Cole, continued.] For 35 years, we have fought the longest war in the history of the United States, the war on drugs. During that time, we have spent over half a trillion dollars on that war and every year we continue this war, we are dumping another \$69 billion into it. All tax money. What we have to show for it is that throughout the United States, every year now, we are arresting 1.6 million for nonviolent drug offenses. Fully half of those arrests are for marijuana. Today we have 2.2 million sitting in jails and prisons in our country. That is far and away the largest prison population of any country in the world.

The kicker to this is that with all this money so well spent, all these lives are certainly crippled, if not destroyed. Today drugs are cheaper, they are more potent, and they are far easier to get than they were in 1970, when I started buying them undercover. To me that is the very essence of a failed public policy. That is what we are here today to try to do. To try to correct some of these horrors we have created in this policy.

We believe that we are destroying generations of our young people needlessly with these laws. Nearly 1,000 young folks went to jail as a direct result of just what I did out there undercover. I cannot say how many of those children would have gone on to have a perfectly productive, fine life, had I not come on the scene. I can tell you that I believe that that number is huge. Just think of all the people that you know personally who, in their life have used an illegal drug at some point and then put those drugs behind them and went on to have a good life. Many have become leaders in government. George W. Bush, Bill Clinton, Al Gore, Dan Quayle, Newt Gingrich. The line is too long to enumerate, but all those folks had a couple of things in common. They all used an illegal drug when they were young, they were not caught, and they quit using them and went on to have a perfectly good life.

That is a total impossibility if those folks were arrested. We have a saying at LEAP, you can get over an addiction, but you will never get over a conviction. A conviction will track you every day for the rest of your life because it is on a computer. It does not even matter if you move to another country. Every time you go to get a job, it hangs over your head like a big ugly cloud. There are many, many unintended consequences of the war on drugs. Let me tell you what happens when you prohibit a drug, even the worst drug.

It does not cause less people to use that drug. We are well aware of that. The use has increased over those 35 years tremendously. What it does do when we prohibit a drug, is to create an underground market for that drug that is instantly

filled with criminals. Because these drugs are illegal, we create an artificially inflated value of these drugs which are basically worthless weeds, so much so that, between where they are grown, produced, and where they are sold, the value can increase by 17,000 percent.

[Jack Cole, continued.] I would suggest to anybody, with that kind of obscene profit motive, whole armies of police cannot arrest their way out of this. I learned very early on, after living in the streets with these folks, that if a uniformed officer arrested somebody for rape or murder, they were taking somebody off the streets and making our communities safer for all of us, but when I arrested a drug dealer, I was simply making a job opening for 200 more people who were more willing to take the chance for this obscene profit motive.

We learned, perhaps, once again of the worst unintended consequence to me last Friday, when suddenly, four members of the Royal Canadian Mounted Police were murdered in a matter of minutes at a marijuana grower. Bills and initiatives such as we have today could have possibly saved those people from being killed. All you are doing is taking this out of the criminal element. You are saying, let's treat this as a health issue. We are not saying that this is a good thing, this is great, and anybody should be using drugs. What we are saying is, let's not make it even worse by treating these people like criminals. They are just like us.

When we started the war on drugs, there were, according to the DEA [Drug Enforcement Agency], 4 million people in this country who used drugs. By 1999, 30 years into that war, there were 87 million people above the age of 12, who had used an illegal drug. Every one of those people is vulnerable to arrest. There is no way we can arrest them all. If we did, we would have a country where half of our people were in prison and the other half is guarding them. This is not something that I want.

For those of you who worry that backing an initiative like this might not be mainstream public thinking, LEAP [Law Enforcement Against Prohibition] started going to law enforcement conferences, national and international ones, last year. We attended six of them, and we put up an educational display booth where we talked to people on a one-to-one basis, law enforcement people. It has to be on a one-to-one basis. We talked to over 1,200 people there, law enforcement folks. Afterwards we would mark down whether they agreed with us, disagreed with us, or were undecided, and we were amazed to find out that of these roughly 1,200 people, 6 percent of them wanted to continue the war on drugs regardless of the harms it was doing monetarily. Fourteen percent were undecided. A whopping 80 percent of law enforcement that we talked to agreed with us.

[Jack Cole, continued.] There were two things that were very interesting about this. The first was that of all the 80 percent, I could probably count on both hands the number of people in law enforcement in that group who, before we came along, had ever had any knowledge that there was anybody else in law enforcement who felt the way they do. There is a peer pressure out there among folks in law enforcement, so much so, that they seldom ever talk to each other about their feelings about this. What we have done at LEAP is given them an outlet, a chance to see this and understand that perhaps they are in the majority and not the minority. All I am saying is please help us stop some of these harms that are inflicted by prohibition, by allowing this initiative to go forward. Let's get the police back to protecting us from things like violent crimes.

Police are terrific people. They are very good at protecting me from you or you from somebody else, but we are absolutely worthless at protecting an individual from themselves. We should not be put into that position. The people that should be put into that position are our religious leaders, social workers, medical specialist, almost anybody but police.

**Assemblyman Horne:**

What about the conflict between state laws and federal laws? The current administration has clearly said that they are going to enforce federal law. They believe that those states that pass laws legalizing marijuana or any other currently illegal drug will enforce those federal laws. So, if Nevada were to be the lead in this effort, we would maybe not be doing our duty by placing normally law-abiding citizens in harm by saying, "Yes, you can go and open up a shop and sell marijuana," and then have the feds come in and arrest them. I think that this destroys your argument that we are saving tax dollars, doesn't it?

**Jack Cole:**

I do not think so. First of all, you did not hesitate from going through with legalizing medical marijuana because of that. Now there are 10 states that have legalized medical marijuana. Also, do we not have an issue before the Supreme Court about that, and nobody knows which side that is going to come down on. I would suggest that it is probably going to come down on the side of the states' rights. States do have a right to create laws, as long as those laws are not taking rights that are given by the federal government away from people. They are allowed to create laws that give their citizens more rights than the federal government says.



**Assemblyman Horne:**

I think I may have to differ on that a little bit. I think that we can create laws that do not conflict with federal laws. If a federal law says that the possession or selling of marijuana is illegal and we pass a law that says it is not, I think that it is in direct conflict. I am just trying to see how we can do that. That does not mean that a policy shift is not going to happen across the U.S. It was stated earlier that maybe Nevada would be first, well maybe Nevada does not want to be first.

**Jack Cole:**

Perhaps I do not have the expertise to answer that question. I am just, after all, a police officer.

**Rob Kampia:**

If this initiative passes and people try to start to set up marijuana shops that are regulated by the state government, it is possible that the feds could come in and try to raid some of these entrepreneurs. You saw that in California with entrepreneurs that were starting up medical marijuana shops in Oakland and San Francisco. The feds came in and made an example out of a few of them, but the vast majority of them are actually still in business. They are not even sanctioned by California state law, they are just doing it. I would guess, that in real life, if this were to pass, that what we will have is the feds threatening lots of people, coming in and busting a shop or three, but not being able to bust all of the shops. The feds do have limited resources. This is not the only thing that they have to do in life, but they will try to send a message by arresting a few shop owners.

Underlying all of that, there are still a couple of parts of the initiative that will still stand intact. One is the personal possession by adults of an ounce or less at home. That will still be legal after this initiative passes and the feds will really not be able to touch that. The feds do not, right now, go in and try to sniff around to see who might have an ounce of marijuana at home. That will be intact plus the two penalty increases will be intact, regardless of what the feds do.

**Assemblywoman Angle:**

My question is, why Nevada? Why not go all the way to Washington D.C. and ask them?

**Rob Kampia:**

Having lived in Washington, D.C. for 13 years, I can say that it is a city of fear. This is before September 11, 2001. Members of Congress are often afraid of their own shadows. You can show them public opinion polling that shows

80 percent support for medical marijuana, they see the "m" word and they get scared. Then, we pass an initiative overwhelmingly in their state and then they say, "Okay now you have proved it to me." It is a slow learning process. What we are finding with medical marijuana is that by passing laws in 10 states including Nevada, we are now nearing a majority in the U.S. House of Representatives. We are getting close to that magic number of 218 votes in the U.S. House that will end the war on medical marijuana. We don't have it yet, so our strategy is to win in a few more states to pick up more momentum, until we finally get to that magic number.

[Ron Kambia, continued.] The same thing needs to happen with regulating marijuana like we are talking about today. I do not think that Congress will be the first legislative body to act; it will probably be the last legislative body to act.

**Assemblyman Holcomb:**

What percentage of the persons who are found to be in possession of marijuana are actually being arrested for that?

**Jack Cole:**

By the year 2000, we were arresting 1.6 million people every year and fully half of those people, around 734,000 were for marijuana. Of the marijuana arrests, because we are out there arresting drug users, not just drug dealers, 80 percent of those arrests were for possession.

**Assemblyman Holcomb:**

You said that there were 2 million people incarcerated.

**Jack Cole:**

2.2 million.

**Assemblyman Holcomb:**

Is that for marijuana use?

**Jack Cole:**

No. Fifty-eight percent of the people in there are for nonviolent drug use.

**Assemblyman Holcomb:**

Could you even surmise what the percentage is for marijuana use?

**Jack Cole:**

I do not have that information.

**Mitchell Earleywine:**

That data is not available. I think that the answer to your previous question about who actually gets arrested, the latest data suggest that there is only about a 2 percent risk of getting arrested if you possess cannabis per year, as long as you are not dealing. Literally 98 percent of folks who possess cannabis are not getting arrested anyway. That might be closer in line with what you had been asking.

**Assemblyman Holcomb:**

I did have an opportunity to talk to an officer, some time back, and that was brought up. They said that they are not arresting for just mere possession. They have other concerns. If there is something else, then yes, they will arrest them, but not just for mere possession.

**Jack Cole:**

Let me tell you how that changes because it changed many times when I was out there. As we all know, drug use, especially soft drug use, is a very social thing. People tend to stand around in a group and take a few tokes, as it is called, on a marijuana cigarette, and then pass it to the person on their right. If that person on their right happens to be myself or another undercover agent, they are no longer users, they instantly became drug dealers. What I would do then is pretend to take a toke on that marijuana cigarette, knock the flame off of the end of it, and put it into my pocket. That night I would submit it as evidence that that person was a drug dealer.

The way the drug laws are written, it does not say that anybody has to receive money for distributing drugs. All it says is that you will not distribute a controlled dangerous substance, nothing about money. A person who is a drug user can suddenly become a drug dealer just by making that mistake.

**Chairman Anderson:**

Mr. Cole, I am mindful of the list of the district attorneys in the past who have indicated to us that while certain types of marijuana usage and arrests do take place, the actual enforcement of those smaller amounts, at least here in Nevada, are not carried out in the two larger counties, because they become overly burdensome to the jail in terms of the process. So, the reality is that there is some sort of a screening tool. In your experience, during the time-period when you were serving on the force in New Jersey, was that also the case in your state? Or is Nevada's experience unique?

**Jack Cole:**

I think that is an experience that is pretty closely tracked across the United States. When you have a bad law, you should not leave that law up to individual police officers and say, "Just ignore this, or don't do this." You should throw out the law and put in a workable law. If you leave it the way it is, those police officers are still investing the time to track these people down, to do the investigation, to process it, and then we just don't do anything about it. What we are saying is give these police officers back this time where they can work on really important things.

**Chairman Anderson:**

That was the point of my question, while police officers are spending their time doing what you did in New Jersey, district attorneys were often not enforcing this section of the law.

The only other person that has indicated a desire to speak in support of the Initiative Petition No. 3 is Mr. O'Connor.

**John O'Conner, Private Citizen, Churchill County, Nevada:**

My father had a medical plan for about 3 years. When he goes out and finds it on the street, an ounce is about \$420 and sometimes it is hard to find. Growing it is very expensive and no fun to do; it is very labor intensive. What the law allows us to grow is little to none. If it was legalized, you would be able to ride uptown and get it. It would at least be a little bit easier for him. He uses it to mask the pain that he is in. He is handicapped and 67 years old. I just hope that you guys will pass this bill, help dad out.

**Chairman Anderson:**

Let me make sure that we are clear on the record. You feel that making the product cannabis available to those people who are in medical need would ease its sale on the medical side of the question?

**John O'Conner:**

Correct. We do not want to get it on the black market, nor do we want to grow it. We want to be able to buy it from the state or from a licensed place.

**Chairman Anderson:**

Having heard the proponents' side of the argument for 19 minutes, it is now time to move to those in opposition.

**Assemblyman Richard Perkins, Assembly District No. 23, Clark County:**

I appreciate the opportunity to come before the Committee and would like to also express my appreciation to the Chairman for his strong feelings about

having an open hearing on this issue. This is the people's House and whether or not any of us have individually strong feelings about the issue one way or the other, it is important for us to have the debate.

[Assemblyman Perkins, continued.] When I addressed the Assembly on opening day, I said, in no uncertain terms, "Marijuana will not be legalized on my watch." Let me tell the Committee why I feel so strongly about that. If you look at the initiative itself, in the beginning paragraphs where it starts off, "An act relating to marijuana," there are a number of real telling things for me. First, we are talking about one ounce or less of marijuana, and the use and possession of marijuana paraphernalia. Just as an aside, for the officer on the street, I am not sure how they are supposed to determine whether or not a drug pipe is going to be used for marijuana, crack cocaine, or the various other drugs that are used by those in our state. Nonetheless, the initiative is attempting to legalize paraphernalia.

A little farther down, "Providing a penalty for a person who is 18 years of age or older, who knowingly furnishes marijuana to a person who is under 18 years of age and at least three years his junior." So I guess if you are 19 years of age and you give it to somebody who is 17, the 3-year rule would be revoked and considered not to be a crime under this initiative. On the second page, under the "whereas" clauses, second paragraph, "Whereas because decades of arresting millions of marijuana users has failed to prevent teenagers or anyone else from using marijuana, the state of Nevada should take a new approach." I would submit to you that is a patently untrue statement.

The fact that we have a law that prohibits the use of marijuana, I think, is a deterrent to a number of people. Not everybody certainly, nor is the law that we have that says that if you are under 21 you should not drink alcohol. That does not prevent everyone either, but we still have the law for good public policy reasons. Then, down a little farther, "Whereas by allowing adults age 21 and older to use marijuana legally, in the privacy of the home, police will be able to spend more time preventing and investigating serious crimes like murder, rape, assault, robbery, burglary, and driving under the influence of alcohol and other drugs." As you can see behind me, there are a number of members of law enforcement that I am sure would be in a big hurry to get up to the table and explain to you why that is not the direction they want to go.

I think that they will also be able to tell you, as I will in further testimony, that serious crimes like murder, rape, assault, robbery, burglary, and others oftentimes are spurred on by substance abuse and oftentimes by marijuana. As a police officer for more than 20 years, I can tell you that legalizing marijuana is the wrong thing to do. Over 80 percent of the inmates in our prisons are drug

users. Many committed their crimes under the influence. I am not talking about sending people to prison for possessing marijuana. That is not a large population. I am talking about those who have committed their crimes under the influence of or in pursuit of marijuana or those who experience marijuana as a gateway drug and then went on to more egregious activities.

[Assemblyman Perkins, continued.] I, myself, have arrested criminals who committed their crimes, many of which were violent crimes, because they were part of the drug culture. I remember many years ago in Henderson, we had a number of thefts involving the bases of light poles. The base is made out of aluminum, and the person stealing them did so to sell the bases and buy his drugs. He happened to be a heroin addict and he told me he had been using heroin on and off for about 15 years, but he was not addicted.

When we arrested him, we had a good discussion, chatted with him about his life story. He specifically told me that his entry into the drug use in his life started with marijuana, that marijuana after awhile was not what he was looking for in excitement, so he moved onto more difficult drugs. That was nonviolent crime. I personally investigated and had a great deal to do with a case with a number of people in Henderson, there were actually three primary people involved. Two of them took one of them out to a swampy area in the Las Vegas Wash and slit the other's throat and left him to die. He was very influenced by methamphetamines at the time. The methamphetamines probably saved his life. He came out of the swamp, walked back to the city and survived. He pointed out the other two folks that committed this crime on him. They were then arrested for attempted murder. In discussions with them, a very, very similar story—they entered the drug culture with marijuana and then moved from marijuana to more serious drugs.

Substance abusers frequently commit robbery and murder, not to mention the countless burglaries and other thefts. Substance abusers are commonly in possession of guns, knives, and other weapons. I can tell you with authority, that when police officers go into a neighborhood known for its drug activity, they become much more uncomfortable because of the concerns that they have in that area. The people that are promoting this effort have, for the most part—I understand that you had one witness earlier that did come from law enforcement, but for the most part did not spend their lives fighting crime.

For the most part, the support for this effort comes from people that are not Nevadans, they come from outside of the state. Does this Committee, this Legislature, want to send a message to our youth that using a drug is an acceptable behavior or that we have given up on them? I trust that that is not

the case. I am not going to stand by and let our state be put at risk by encouraging criminals. This is a real threat, ladies and gentlemen.

**Chairman Anderson:**

From your perspective as a law enforcement officer, we have heard in the past in this Committee that oftentimes the officers that arrest people, who have possession, there is a failure to prosecute by the district attorney's office for a wide variety of issues, particularly around low-level drug use, in particular marijuana. Are you constantly re-arresting the same offender? Not necessarily youthful offenders but the same people because of this type of low-level usage, and then there is a failure to prosecute?

**Assemblyman Perkins:**

We have a saying in law enforcement that there are about 10 percent of the people who commit 80 percent of the crime. So, in general, the folks that we have contact with in the criminal element, if you will, are repeat offenders. As it relates to marijuana specifically, there are a lot of minor amounts of drugs that folks are arrested for that are in possession. I cannot speak for the district attorney's office, they have their own representatives here, but, we are all stretched by the resources that we have. They are trying to get to the murderers and the robbers and prosecute them ahead of lower priority crimes. But by the same token, if we just give up on the enforcement of our drug laws, whether it is marijuana or any other, then we are going to see that many more robbers and murderers and those that commit the more egregious crimes.

It is like this Legislature, we always have more funding requests come to us than we have money to spend. We have to spend our money wisely and make priority decisions.

**Assemblyman Horne:**

Mr. Perkins, I know quite a number of police officers. I have heard firsthand from them that they would bust somebody for a couple of joints, so there would go a couple of hours out of my shift. They said that it really was not worth my time and they feel that their time could be better used. In the testimony that you did not hear, there was testimony as to the amount of money that is being spent on the enforcement of these drug laws, particularly to marijuana. Wouldn't we be saving a lot of money if marijuana were to be legalized?

**Assemblyman Perkins:**

That is a very good question. I am sure that there are others behind me that I am sure will express a similar opinion. We have a lot of officers that work for us and they get frustrated by the system as well. There is frustration at the lack of resources. There are not enough law enforcement officers throughout our state

to do the business that we have to do. Just to put it in perspective, I think that there are less priority crimes that are committed in our state than the possession of marijuana. You could probably think of some yourself.

[Assemblyman Perkins, continued.] We do not quit enforcing them because they are important to the overall public policy of this state. Oftentimes, the line officer on the street gets overwhelmed with the number of arrests they make and the number of contacts they have with the repeat offenders and others. That frustration level comes out without seeing necessarily the much larger picture. In my first couple of years on the street, I would have probably had the same thought. But after 5, 6, or 7 years and those same folks that I was arresting in year 2 for marijuana possession were committing robberies and burglaries in year 6, it came home to me and made more sense as to why we were doing it.

If we just legalized marijuana and created more folks under the influence, you are going to have more crimes. Then the situation of a lack of resources that we have today will just exacerbate.

**Assemblywoman Angle:**

Mr. Speaker, in your expert police opinion, do you think that if Nevada lifts the prohibition of the legalization of marijuana, that drug use will increase?

**Assemblyman Perkins:**

Absolutely, without question.

**Assemblyman Carpenter:**

Mr. Speaker, I guess what we need to do is after we arrest these people and they go through the system, we have to get them into treatment. Would you want to comment on that?

**Assemblyman Perkins:**

We absolutely, as a state, need to spend many, many more resources on drug rehabilitation. It is a cycle that folks get caught up in and if we can remove them from that cycle, it serves a much larger public purpose. I think that the two go hand-in-hand. I do not think that we get rid of one to do the other.

**Assemblywoman Angle:**

You said that the drug use level would go up if we legalize marijuana. Has it gone up because we have legalized medical marijuana? Have you seen that? Is that how you are basing your unequivocal statement? Do you have something else that you base that on?



**Assemblyman Perkins:**

No. It is a completely different analysis. I am a supporter of medical marijuana. I have a son who is a cancer survivor and has used, in a prescription form, a cannabis-based medicine when he was going through his treatment that I thought was very beneficial to his treatment. I do not think that somebody that is in a medical situation, using medical marijuana, is going to then use that as the "gateway" drug to go on to additional drug abuse. I think that if we legalize marijuana, much like the two stories that I gave you of personal involvement with criminals, I think that they will start with the marijuana and after awhile become bored with it and will move on to crack cocaine, methamphetamines or heroin, or some of the other more difficult drugs of choice. That is what we see in our society, in the drug culture that exists.

**Chairman Anderson:**

There was a major study by the Legislative Interim Study Committees that was done between the 1993 and 1995 Sessions, relative to drug usage and the recidivist rate. It was from that study that the drug courts joined existing drug treatment programs. I would make the recommendation that you might want to take a look back at that, although it is a little dated now.

**Frank Adams, Executive Director, Nevada Sheriffs' and Chiefs' Association:**

We are here again in opposition to the legalization of marijuana, specifically of Initiative Petition No. 3. With me this morning, I have: Sheriff Ron Pierini of the Douglas County Sheriff's Department and president of the Nevada Sheriffs' and Chiefs' Association; Jim Lopey, Assistant Sheriff, from Washoe County Sheriff's Department, to speak for the northern Nevada agencies; and Ken Furlong, Sheriff, from the Carson City Sheriff's Department.

In the south we have the District Attorney, David Roger, from the Clark County District Attorney's Office; Sheriff Bill Young, from the Las Vegas Metropolitan Police Department; and Chief Mike Mayberry, from the Henderson Police Department. The individuals in the south do have some pressing appointments, so if you would consider taking them first, we would appreciate that.

**Bill Young, Sheriff, Las Vegas Metropolitan Police Department, Clark County, Nevada:**

There are a couple of points that I think are important that be made. As the leader of the largest law enforcement agency in the state of Nevada, I think one of the things that needs to be addressed a little more fully is resource management. The pro-drug or marijuana lobbyist seems to have a better idea of where we should be deploying our resources. I can tell you that fighting crime is a tough job and we need every tool that we have in our tool bag. The current marijuana law sets a balance that I believe in my experience of 27 years, is

about right. I spent 7 of those years working in our vice/narcotics bureau. This is not a new subject to me.

[Bill Young, continued.] We are talking about one ounce or less. Currently, in this state, it is a misdemeanor. Most law enforcement officers in my department and southern Nevada believe that it should be a misdemeanor. It allows our police officers to have a wide range of discretion as to who is arrested and who is not arrested. One of the fallacies that I have heard, or one of the misstatements that I have heard from the pro-drug lobby this morning is that we are spending millions of dollars and wasting lots of jail space in America dealing with people in this category. That would be possession of marijuana, less than one ounce.

I can tell you that it is Metro's [Las Vegas Metropolitan Police Department (LVMPD)] policy and our standard practice. Probably our agency runs into this problem more than anybody in this state. Anybody arrested for a small amount of marijuana or that we encounter with a small amount of marijuana and we choose to take an enforcement action is simply issued a ticket. Just like a traffic ticket. We are not filling up our jails or taking space in the Clark County detention system with people in custody or placed under arrest for small amounts of marijuana. That fallacy needs to be cleared up. It is just not happening; it is just not accurate and I defy that group to prove otherwise.

Secondly, like Speaker Perkins, we all have the stories of the gateway issue. I have never met a person in my years as a law enforcement officer who had ultimately gone on to hardcore drugs or had taken on a drug lifestyle that involved themselves in crime that started with that hardcore drug. If you connect the dots and you have those conversations with those people, it always leads back to the first instance of drug use and it always starts with marijuana. I think that that is the experience of most law enforcement officers.

As a parent and as a leader of my constituency here in southern Nevada, I think I would like to end on about messaging. The voters have spoke on this issue. The group mentioned 39 to 61 percent. What they have come back at is ways of circumventing other points and ways to defy what the voters have already said. Let's not worry about peer pressure, what is the right thing to do. I think that sending the message to our young people that the legalization of marijuana would be the correct way that we would want them to lead their lives, is totally irresponsible.

It is very interesting to me that the group of people that are here are from out-of-state. As a fourth generation native Nevadan, I think that we know better what we need to do in this state. Finally, visualize legal marijuana stores in our

communities and in our neighborhoods. We would be the first state in the United States to do that. I think that we would be the laughing stock of the United States. This thing makes no sense, there is no logical basis and fact is it is simply the wrong thing for our citizenry.

**Michael Mayberry, Chief, Henderson Police Department, Henderson, Nevada:**

I think that you heard some misinformation this morning. I would tell you that it is my belief, and discussing this with the sheriff as well, that any narcotics detective who worked for me, who employed the tactic of standing in a circle of people smoking marijuana and when the joint got to him pretended to take a hit and then flicked the end of the cigarette off and put it in his pocket, and arrested that person for sales or drug possession, would not be working in narcotics very long. We would not tolerate that type of law enforcement activity in Henderson.

I represent the men and women of the Henderson Police Department. We are strongly against this. The 80 percent of law enforcement that agrees with Mr. Cole makes me one of the 6 percent that is not in agreement with him. I can not imagine that number is true in Nevada, knowing the sheriffs and chiefs like I do, having been their president last year. Lastly, I would just conclude as a citizen and parent and tell you that I still have a 12 year-old daughter at home. I was born and raised in Nevada. I have lived down south all my life. The thought of my daughter being able to walk down the street and go into someone's home who is a friend of hers and see her parents smoking marijuana and the effect that would have on her—I just do not think that that could be calculated, nor do I want to ever see us be in a position where we have to accept that type of activity.

**David Roger, District Attorney, Clark County, Nevada:**

I have been a prosecutor for 18 years. That is the only thing that I have done in my entire career. I have worked with victims, law enforcement officers, and fellow prosecutors and I can tell you unequivocally that we do not need dope smokers walking the streets of Clark County or anywhere in this state, with immunity. It is somewhat offensive to me as a citizen of this state to hear from people who do not even reside in the state of Nevada. People who have a lot of money and are not from this state, come in here and tell us how to enforce our laws, how to protect the community.

It is a little offensive to me that these people will come forward and try to dictate the health, safety, and morals of this community. Personally, I think that it is the wrong message to send to our youth of today. To have a thought or a feeling of permissiveness when it comes to controlled substances that will hurt them. I understand that you will find some doctors out there who will say that

the legalization of marijuana will not affect people's health. With great respect to them, I disagree. I promise you that there are doctors out there who will tell you that marijuana may very well be a gateway drug. Marijuana will not help people become productive members of this community.

[David Roger, continued.] We spend millions of dollars trying to rehabilitate people who are addicted to drugs. The argument that the proponents offer suggesting that we will be able to put more money into our General Fund is, quite frankly, disingenuous. By legalizing marijuana, we are going to be creating or producing more people addicted to drugs. We will be spending more money, not less on drug courts throughout this state. The question I think that we have to ask ourselves is this: will our community, will our state, be better off with having more people addicted to drugs by the legalization of marijuana? The answer to me is very simple. The answer is that there is no benefit to legalizing marijuana.

**Jim Lopey, Assistant Sheriff, Washoe County Sheriff's Office, Washoe County, Nevada:**

I am not going to debate statistics. I think that those can be skewed in several different ways. I would like to focus on the people that I represent from the northern Nevada law enforcement agencies. Marijuana usage has no redeeming social value and the legalization of marijuana would only encourage its use. Morally and ethically, we as a society can take the high road, or we can fold and give in to the vocal minority, some of whom have little regard for the consequences that legalization of marijuana would bring to this great state. Sheriff Dennis Balaam and the Washoe County Sheriff's Office and other northern Nevada law enforcement agencies will choose to take the high road.

Legalizing marijuana brings nothing to our great state. Drug merchants, including many who grow and peddle marijuana are often not nice people, and I would argue that if we legalize small amounts of marijuana, it does not necessarily mean that we are still not going to have illegal distribution and activity out there. As a former tactical officer, we sometimes had to raid marijuana groves often laced with high security and with attendees who had firearms and other booby traps. May I remind all of you what recently happened to the four RCMP [Royal Canadian Mounted Police] officers that were shot and killed in Canada?

Mr. Cole brought that up and intended to indicate perhaps that this law would have saved their life. I think that is ridiculous. There is also stolen property in association with the suspect. That goes to show you that often the people that peddle marijuana and are involved in the distribution are not necessarily good people. We need to protect our children and our society and I would ask all of you to stand with us and resist these immoral attempts to further denigrate our

society. We can lead by example and tell the rest of our great country that Nevada will never legalize marijuana or other harmful substances.

[Jim Lopey, continued.] I also wanted to give a quick analogy. Mr. Cole and some of the other supporters talked about the Netherlands and some of these other European countries. When I was 18, I joined the army and was shipped to Germany and served in a paratroop unit there. Prior to moving to Italy, the marijuana and hashish problem within the United States Army was epidemic. The laws in Germany and Holland were very liberal. I have been to the Netherlands and I do not think that that is an example that we should follow. I might add that until my unit moved down to Italy where the drug laws were much more stringent and drug usage was almost nonexistent, the difference between what it was like in Germany and Italy was like night and day.

Having had some exposure to what drugs bring to people, not only in the military but also in my almost 29 years of law enforcement assistance, I would ask this Body to reject the efforts to legalize marijuana.

**Ron Pierini, Sheriff, Douglas County Sheriff's Office, Minden, Nevada:**

[Mr. Pierini presented [Exhibit E](#).] It is my turn in the box to be president of the Nevada Sheriffs' and Chiefs' Association. We are here again. We were here two years ago telling you that all of us were very much against this kind of initiative and there is a lot of reasons for it. For one, it is not because law enforcement is lacking in having anything to do, it is because it is the right thing to be opposed to such an initiative.

It reminds me of being in the schools when we have our D.A.R.E. [Drug Abuse Resistance Education] graduations. In Douglas County we are very much into this. I often have 250 to 300 parents show up to those graduations. It is nice to see those young kids go through that program and believe that they need to say "no" to drugs. How do we, in our own conscience, say as adults that we are going to pass certain substances with no reason other than to enjoy that substance, with no medical value, and tell those kids that it is okay for adults to do it but we do not want you to do it? How does our conscience do that? I do not think we can.

Some of the dialogue that I have with those graduates and with those parents is about the 70 percent of violent crimes and 90 percent of property crimes in the United States that is related to drug abuse. I also talk about the fact that kids between the age of 12 and 18 that smoke marijuana are twice as likely to cut class, steal, and destroy property. We do know that 85 percent of those people that start on marijuana go on to other drugs. How do we justify that? Often I am asked the question, well alcohol is legal? We heard that in the 60s.

I remember in the 60s and the 70s when they used that same kind of parallel. That is ludicrous because social problems are what we do not want to have. We do not need anymore. There is no way that we can do that.

[Ron Pierini, continued.] We also know that there is a huge problem with domestic violence. I know that all of us are against domestic violence. In little Douglas County with 50,000 people, we handle over 1,000 calls of domestic violence per year. Out of those, we know that about 60 percent are related to drug abuse. We talk about the fact that we could be in our home and we could smoke marijuana and that is okay. Where does domestic violence really occur? All related to crimes of other natures, our bigger picture. We can talk about statistics all we want, and I had to kind of laugh in a way when we listened earlier about the Centers for Disease Control and they were talking about their study. I have it in front of me. I would like to read this one thing.

“In the United States, 70.8 percent of all deaths among persons age 10 to 24 years result from only four causes: Motor vehicle crashes, other unintentional injuries, homicide, and suicide. Results from the 2003 National Youth Risk Behavior Study demonstrated that during the 30 days preceding the survey, numerous high school students engaged in behavior that increased their likelihood of death from these four causes: 30.2 percent had ridden with a driver that had been drinking alcohol, 17.1 percent carried a weapon, 44.9 had drunk alcohol, 22.4 had used marijuana.”

We can look at these studies and use whatever they want but here it is telling you that there is a big problem. I think that Mr. Carpenter mentioned something about rehabilitation. I think that education is just as important to stop drug usage as enforcement, but did you know that when a person goes into drug rehabilitation for 28 days plus, it costs about \$40,000 to \$50,000? Did you know that if somebody goes into drug rehabilitation for 10 days that it costs between \$5,000 and \$10,000? How do we encourage such a thing? I just encourage you to stay on exactly what my colleagues have said.

Being the president of the Nevada Sheriffs' and Chiefs' Association, I can tell you that there is no one in our membership that concurs with this type of thing or even wants this to happen. We want you to be steadfast and be able to keep the laws on the books as they are and do the right thing.

**Ken Furlong, Sheriff, Carson City Sheriff's Office, Carson City, Nevada:**

I would like to add just one comment. In Carson City, the jurisdiction where the State Capitol is located, we have taken on a bit of a different approach this year. We are broadening every resource that we have. Our board of supervisors

in Carson City has now declared illegal drug use, specifically methamphetamines, one of the 9 priority issues for our community. That includes issues that deal with how we grow in a community, our infrastructure of support networks.

[Ken Furlong, continued.] Illegal drug use is now included as one of our priorities to fight and to combat and to educate our public. Any message that this Body sends out, this political entity, this legislative entity, needs to be strong; it needs to be consistent. The crowd that is sitting behind me needs to hear from our leadership that drug abuse is wrong and that we stand together and that we will do everything in our power to prevent the activities that we do see along the path.

**Todd Raybuck, Detective, Las Vegas Metropolitan Department, Clark County, Nevada:**

[Mr. Raybuck read from [Exhibit F.](#)]

I am a 13-year veteran of the Metropolitan Police Department and I am assigned to the Criminal Intelligence section of the Homeland Security Division. Prior to my assignment in my current location, I spent nearly 5 years as a narcotics detective, where I worked undercover as well as in the position of Demand Reduction Coordinator. The Demand Reduction Program provides information and training to the community in order to reduce the future demand for drugs.

As you have already heard from Detective Matt Sanford who is also here, he is a 9-year veteran of the Las Vegas Metropolitan Police Department. He is currently assigned to the narcotics section and is also the current Demand Reduction Coordinator. Detective Sanford has worked in narcotics for 3 years. To my right, Captain David Noahr of the North Las Vegas Police Department's narcotics section also has a few comments, after Detective Sanford.

The proponents of Initiative Petition No. 3 would have you believe that marijuana is a benign drug that law enforcement is wasting precious resources on, arresting a record number of people, and that marijuana use is prevalent, perhaps even inevitable and, therefore, should be a lawful activity. Nothing is further from the truth.

The Las Vegas Metropolitan Police Department, as you heard from Sheriff Young earlier, does not support Initiative Petition No. 3,

regarding the legalization of the Schedule I Controlled Substance, Marijuana, in any amount. In support for my position against Initiative Petition No. 3, I would like to offer the following information and also answer some questions that prior Committee members have asked, if I may?

[Todd Raybuck, continued.] First, the physical and psychological consequences from the use and addiction of illicit drugs are a medical issue. However, the anti-social, dangerous, and often violent behavior of those under the influence of drugs is a criminal justice issue. Unfortunately, marijuana use in Nevada ranks higher than the national average. One recent survey found 12 percent of Nevadans aged 12 years or older have used marijuana at least once in the past year. However, according to this study, nearly 90 percent of Nevadans do not smoke marijuana.

It is true that many American adults have tried marijuana at least once in their lifetime. Most did not suffer negative consequences as a result. But, marijuana potency has increased each decade since 1970. Average THC [delta 9-tetrahydrocannabinol] levels, which is the mind-altering chemical in marijuana, rose from less than 1 percent in the 1970s to more than 6 percent in 2002. Sinsemilla, a higher grade of marijuana, has risen from 6 percent to more than 13 percent. Some marijuana grown indoors may contain up to 33 percent THC content.

Higher levels of THC means that users today face higher risk of dependence, potential for greater harm associated with use, and longer lasting side effects, which puts the community at greater risk. One issue that has not been resolved is the amount of marijuana considered a "safe dose" or how much one can ingest before they become intoxicated. Such determination would be virtually impossible due to the wide range of THC levels in marijuana as well as residual "build-up" from prolonged use or heavy use.

Susan Greenfield is Britain's foremost neuroscientist, an Oxford University professor and author of books including *The Human Brain: A Guided Tour*. Greenfield stated, "I challenge any advocate of cannabis to state what a 'safe' dose is." The side effects of marijuana are indisputable. Marijuana decreases motor skills, concentration and coordination. Accidents may result from the distortion of time and space relationships. Users may experience



shifting sensory imagery, impaired memory and dulling of attention despite an illusion of heightened insight.

[Todd Raybuck, continued.] Accidents from marijuana use can happen in the home, in the workplace, or on the roadway. One study showed that 33 percent of motorists stopped for reckless driving tested positive for marijuana. Unfortunately, in recent years our state has seen the impact of marijuana and driving in several horrific crashes: the unfortunate death of a police officer and also the unfortunate death of a Las Vegas journalist.

I would like to deviate just for a moment from my written testimony to answer some questions that were submitted to other persons speaking today, in hopes to answer those questions.

First of all, there was a question in reference to the proposed tax revenue from marijuana and what it may add to the state's coffers. To look in fairness at what that may mean, we can look at what tobacco tax has done for the state of Nevada. In fact, any proposed tax revenue from legal marijuana sales would likely fall short of the economic use its impact would have on expenses for public and private health care. I believe that you heard Mr. Kampia state earlier, a study conducted by UNLV [University of Nevada Las Vegas], where \$26 million dollars of supposed tax revenues would come by way of marijuana.

Let us look at cigarettes revenue as an example. Twenty-seven percent of adults in Nevada smoke. Nevada collects nearly \$61 million in tax revenue from cigarette sales; however, Nevadans pay nearly \$440 million in public and private health care costs attributed to smoking. So, you can see that we fall far short of the tax revenue that is necessary to cover the public and private health care costs alone.

You also heard others speak about whether or not the legalization of marijuana would increase use. Once again, we can look to other substances to determine whether or not that is true. We also heard about the fact that drug use has skyrocketed and is out of control. If we look at one study, overall teen drug use has continued to decline. There has been a one-third decline in the annual prevalence of using any illicit drug among eighth graders from 23.6 percent in 1996 to 15.2 percent in 2004.

Anyone who takes a few years to try to protract that into what the trend has been is inaccurate. Since a peak in 1996, there has been a 36 percent decline in the annual prevalence of marijuana use among eighth-graders. Furthermore, you heard testimony today that age restrictions of marijuana would assist in

preventing marijuana from falling into the hands of youth. You also heard someone say that there is no way to tell whether or not this would be accurate or not.

[Todd Raybuck, continued.] Again, if we look to alcohol and tobacco, two substances which are legal for adults that have age restrictions, and determine whether or not that is true, we will find that a recent survey indicated among students under 18, who were current smokers, nearly 70 percent reported never being asked for proof of age when buying cigarettes in a store, and 63 percent were not even refused purchase, because of their age. So, clearly age restrictions do not necessarily mean that youth will not be able to obtain that drug.

Each day, 6,000 children under 18 years of age smoke their first cigarette and almost 2,000 of them will become regular smokers. So, we can see definitely that age restrictions do not necessarily equate to a reduced amount of teen use. Anecdotal evidence does not make fact. There is plenty of statistics here. We have them, we can provide them. They prove that marijuana legalization in the state of Nevada for so-called recreational use is a bad move. Those that look at the facts can determine that on their own.

**Matthew Sanford, Detective, Las Vegas Metropolitan Police Department, Clark County, Nevada:**

In all of 2004, only 97 people were booked into the Clark County Detention Center. Six hundred and eighty four were booked into the Las Vegas Detention Center for possession of marijuana less than one ounce. It is likely that many of these bookings include persons with multiple charges. The Clark County District Attorney's office filed 200 felony marijuana cases and 319 misdemeanor cases. In Nevada, only 6 people are on parole, 102 persons on probation, and only 1 person is incarcerated for the possession of marijuana. That person is also serving a sentence for robbery and other violent crimes.

It is clear that our state is negatively impacted by the use of marijuana. Marijuana is directly linked to the crime, violence, and danger to our driving public. Legalizing marijuana and placing it for sale in our neighborhood stores will make it more accessible, more socially acceptable, and lean to an increase and use of negative consequences. The passage of Initiative Petition No. 3 is irresponsible and wrong for the citizens of Nevada.

**Dave Noahr, Captain, North Las Vegas Police Department, Las Vegas, Nevada:**

I presently have command responsibility over our Narcotics Division. I agree with all the comments that have been made previously. I would like to expound on the Speaker's assertion as far as some of the language in this so-called bill. It

frankly leaves a lot of loopholes. I am looking at page 3 which is Section 8, subsection 1. It states that "transfer of one ounce or less of marijuana without remuneration to a person who is 21 years of age or older is exempt from criminal penalty," so on and so forth.

[Dave Noahr, continued.] There is a loophole here, and we all know, in this day and age, our criminal element will find a way to get around the law. They will do things, establishing phone accounts, credit accounts, where they will be delivering one ounce or less without taking monetary remuneration at the time and use this to shield their activities. On the same page, it refers to the language of "a wholesaler or any person who is 21 years of age or older acting in his capacity as an owner, employee, or agent of the wholesaler, who acts in compliance with the provisions of this Chapter is exempt from arrest." It lists cultivating, packing, processing, transporting, and manufacturing marijuana.

If our criminal element gets employment with someone who is a wholesaler under this law, then they could grow marijuana under the guise of acting as an agent under that so-called licensed wholesaler and would be exempt from the penalties of this law. I think that it is wrong to look at legalizing marijuana and I would ask the Committee to take under consideration all the other comments that have been made in opposition.

**Isaac Henderson, Private Citizen, Clark County, Nevada:**

I am neutral on the overall input of marijuana in the system, but I say that it is a big tide we cannot stop; it has been going on for hundreds of years. What we should do is have the federal government step in and be the ultimate dealer of marijuana so that law enforcement can get the proper equipment that they need through the additional tax dollars it could potentially raise. I think that it would be a blessing in disguise to have extra money in your pocket.

**Bob Roshak, Sergeant, Las Vegas Metropolitan Police Department, Clark County, Nevada:**

[Mr. Roshak presented [Exhibit G](#).] I have been asked to be here on behalf of STOP DUI [a Nevada grass roots non-profit organization dedicated to stopping driving under the influence] and Sandy Heverly who is not able to attend, to express their opposition to Initiative Petition No. 3.

**Chairman Anderson:**

[Chairman Anderson offers proponents five minutes for rebuttal.]

**Rob Kampia:**

I would say that a lot of the problems that the law enforcement officials are pointing out, we already live with, in the context of marijuana prohibition. The concern about marijuana is it being a gateway to other drugs, about too many kids having access, too many adults using, and on and on and on, I would like to point out that the system right now is broken and the law enforcement officers gave ample evidence of what is going wrong right now.

I did not hear any solutions. I heard a lot of complaining about the status quo, a couple of potshots taken at the Initiative, but no solutions. From my position, if you have tried a war for 35 years and this war that was launched in 1970, use has gone up over the 35 years, not down. Not achieving any of the objectives of the war, it is time for a new approach. I did not hear any suggestions for new approaches. I think what we need to do, and I did hear loud and clear that the law enforcement officials really do not like people who sell drugs, is put them out of business.

We do not have people pedaling alcohol on street corners and so forth. People who sell alcohol are selling it from regulated establishments. The notion of getting rid of the bad guys by arresting them is not going to work, as Jack Cole has pointed out earlier. What we need to do is create a new system where the people who are currently growing, selling, and dealing marijuana will either go out of business or have to be brought into a regulated regime where the state actually controls it.

**Mitchell Earleywine:**

I just wanted to emphasize two key points: the idea that cannabis is a gateway to hard drugs and the idea that cannabis somehow leads to aggression. Both of these have been so roundly disputed in the scientific literature that it is almost impossible to get research funding to look at them any longer. I have over a quarter of a million dollars of federal funding to show that alcohol increases aggression. I wrote a comparable grant to the National Institute of Drug Abuse and was told to not even bother submitting it because everybody knows that marijuana does not increase aggression.

I think it is easy to lump all drugs together and say marijuana is creating aggression when in fact the data suggests that no, perhaps methamphetamine and cocaine increases aggression. It is clearly the case in laboratory studies that this does not happen. The other notion is that cannabis somehow leads to hard drugs; 100 million Americans now use cannabis. We have fewer than 12 million heroin addicts. Where is the gateway, where are all these people who are supposedly propelled right into hard drug use from cannabis? It is simply not happening.

[Mitchell Earleywine, continued.] The law enforcement people mentioned that marijuana was the drug that most people used first, but in fact, when we look at treatment studies now, up to 39 percent of folks in treatment for crack cocaine and heroin addiction did not begin with cannabis, they began with the drug that was most available in their neighborhood, often crack cocaine.

**Jack Cole:**

When the sheriff mentioned that 70 percent of the violent crimes and 90 percent of the property crimes are related to drug abuse, I agree that it is related to the drug culture. It is not related to drug pharmacology; it is related directly to drug prohibition. When we had alcohol prohibition during the 1920s, there was so much money to be made that people were killing each other in the streets in order to control their little corner of the market. I would suggest that the same thing is happening here. When you talk about taking this out of the criminal market, what you are talking about is lowering all these crimes. For instance, when was the last time that you remembered two Budweiser distributors shooting it out over who was going to supply their local tavern? It just does not happen.

Once you take it out of the criminal element, there are other options. One of those people can pull out a piece of paper and say, I have a contract for this area, I will take you to court. That is a total impossibility under prohibition. If someone comes and is making a lot of money selling marijuana and someone else tries to sell that marijuana in their place, they are likely to take out a gun and shoot that person because that is their only option.

**Chairman Anderson:**

Detective Cole, I might mention that here in Nevada we have a bill that is going to be dealing with distributors and that very issue.

**Assemblyman Carpenter:**

If we cannot vote to kill the Initiative, we should let it go to the people.

**Chairman Anderson:**

The choices in front of the Committee are a "do pass" motion that would send it to the Senate, which must then pass it to the Governor by March 18. It must clear both Houses by March 18. If it does not do so, it goes directly to the people. That is what Initiatives do. An affirmative vote would be to send it directly to the Senate for their affirmative vote, send it to the Governor, and then enactment.

**Assemblyman Horne:**

I do not buy the gateway drug argument. I have actually seen people argue that alcohol—kids at a very much younger age try it—may very well be the gateway drug. The people that I have grown up with used it. I know a couple of friends that smoked like chimneys in junior high and high school and are productive professionals today. A really good friend of mine, who I was in Boy Scouts with, never did and he served time in prison for beating up his grandmother for crack after he became an adult. There are all kinds of different scenarios, so I am not buying that.

You can find statistics on both sides of this issue that are favorable, so I am really not buying that either. I would say send it to the people and let them decide. Ultimately, they are going to be the ones that have to deal with the issue that was never addressed, the federal enforcement issue.

**Assemblywoman Buckley:**

I do not support the Initiative.

**Assemblyman Manendo:**

I had about 50 emails last session and this session dealing with this Initiative Petition. Only 2 were against the Petition. I think the voters in my district would like an opportunity to be heard at the poll and I would support going back to the people to have an opportunity to speak.

**Assemblywoman Angle:**

I concur with my colleague, Mr. Horne. I do not want to put our citizens in harm's way of the federal law so I will be voting no.

**Assemblyman Mabey:**

I do not support Initiative Petition No. 3.

**Assemblyman Conklin:**

I do not have an opportunity to vote no today but I think I am going to get my opportunity at the poll.

**Assemblywoman Allen:**

I strongly oppose this Initiative Petition and I hope that this Committee does everything it can to curb the proliferation of drug use.

**Assemblywoman Gerhardt:**

I believe that the people in my district would like the opportunity to vote on this issue and I think that we are going to see that they are against the Initiative.

**Assemblyman Holcomb:**

I believe that this is a very important issue. This Committee needs to take a position. I would move that the Committee vote on the bill. I personally would oppose Initiative Petition No. 3.

**Chairman Anderson:**

Is the Chairman to understand that you would support going to the Senate and that you are requesting a vote from the Committee?

**Assemblyman Holcomb:**

Since I am a freshman, I am just learning the process. So, please bear with me. By voting on it and if we voted against it, would it still go to the people?

**Chairman Anderson:**

I am trying to figure out if you wish to get the Committee to vote in opposition, or in support of the issue. If we are trying to see that it goes directly to the people, then we need to take no action. If we wish it to go to the Senate, then we do need to take action. We can and do take a vote to show the discomfort of the members here if that is the desire, but you are the only one that has indicated that to me so far. I want to make sure of what your desire is.

**Assemblyman Holcomb:**

I am going to have to retract that. I am opposed to that. Let's send it to the people.

**Chairman Anderson:**

Over and above the fact that the initiative process itself gives the people an opportunity to vote, they have voted on this issue in the past and I have confidence that they will vote and take this as a serious issue. I am particularly disappointed in this particular initiative because of the high implications that it would put for the ready availability of the sale of marijuana at the local level.

I worry, as the former Chairman of the recidivist study between the 1993 and 1995 Session that clearly alcohol and marijuana are those kinds of drugs that we need to treat. We should concentrate on the treatment of those people who have acquired this addictive behavior and to make beds available in the prison system for people who do more grievous crime. I think that it is a very compelling part of the argument; however, I believe that it sends the wrong message to people that I have dealt with for the last 34 years that smoking and drinking alcohol is an okay thing to do. We must send a very clear message to everyone that it is not good, it is not proper. I believe that law enforcement needs to hear a very, very clear message that, no, we do believe that the people properly informed will make the right choice, they have in the past and I believe

that they will in the future. I believe that we should not take a position on this particular issue and allow it go forward to the public.

[Closed the hearing on Initiative Petition No. 3.]

We heard testimony on Initiative Petition No. 1 and Initiative Petition No. 2. I have testimony from Richard Davis on behalf of 7-Eleven and testimony from Mike Zunini.

[Meeting adjourned at 10.49 a.m.]

RESPECTFULLY SUBMITTED:

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Kiz Malin  
Committee Attaché

APPROVED BY:

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Assemblyman Bernie Anderson, Chairman

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



**EXHIBITS**

**Committee Name:** Committee on Judiciary

**Date:** March 10, 2005      **Time of Meeting:** 8:00 a.m.

| <b>Bill #</b> | <b>Exhibit ID</b> | <b>Witness</b> | <b>Dept.</b> | <b>Description</b>   |
|---------------|-------------------|----------------|--------------|--|
|               | A                 |                |              | Agenda   |
| I.P.3         | B                 | Rob Kampia     |              | Testimony in favor of Initiative Petition No. 3  |
| I.P.3         | C                 | Jack Cole      |              | LEAP Brochure describing the LEAP organization   |
| I.P.3         | D                 | Jack Cole      |              | LEAP Brochure describing the Leap organization and a brief Biography of Jack Cole                                |
| I.P.3         | E                 | Ron Pierini    |              | Testimony in opposition of Initiative Petition No. 3   |
| I.P.3         | F                 | Todd Raybuck   |              | Testimony in opposition of Initiative Petition No. 3   |
| I.P.3         | G                 | Bob Roshak     |              | STOP Letter in opposition of Initiative Petition No. 3 & Internet Article supporting evidence of treatment rates |