

**MINUTES OF THE MEETING  
OF THE  
ASSEMBLY COMMITTEE ON GOVERNMENT AFFAIRS**

**Seventy-Fourth Session  
March 21, 2007**

The Committee on Government Affairs was called to order by Chair Marilyn K. Kirkpatrick at 9:01 a.m., on Wednesday, March 21, 2007, in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at [www.leg.state.nv.us/74th/committees/](http://www.leg.state.nv.us/74th/committees/). In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: [publications@lcb.state.nv.us](mailto:publications@lcb.state.nv.us); telephone: 775-684-6835).

**COMMITTEE MEMBERS PRESENT:**

Assemblywoman Marilyn Kirkpatrick, Chair  
Assemblywoman Peggy Pierce, Vice Chair  
Assemblyman Kelvin Atkinson  
Assemblyman Bob Beers  
Assemblyman David Bobzien  
Assemblyman Chad Christensen  
Assemblyman Jerry D. Claborn  
Assemblyman Pete Goicoechea  
Assemblyman Ruben Kihuen  
Assemblyman Harvey J. Munford  
Assemblywoman Bonnie Parnell  
Assemblyman James Settelmeyer  
Assemblyman Lynn D. Stewart  
Assemblywoman RoseMary Womack

**GUEST LEGISLATORS PRESENT:**

Assemblyman James Ohrenschall, Assembly District No. 12  
Assemblyman Mark Manendo, Assembly District No. 18  
Assemblyman William Horne, Assembly District No. 34



**STAFF MEMBERS PRESENT:**

Amber Joiner, Committee Policy Analyst  
Scott McKenna, Committee Counsel  
Mary Kay Doherty, Committee Secretary

**OTHERS PRESENT:**

Liz Sorenson, representing Communications Workers of America, Local 9413, affiliated with the AFL-CIO  
Danny Thompson, Executive Secretary-Treasurer, Nevada State AFL-CIO  
Phil Gervasi, representing Police Officers' Association, Clark County School District Police  
David Kallas, Director of Government Affairs, Las Vegas Police Protective Association Metro, Inc. and Southern Nevada Conference of Police and Sheriffs  
Ron Cuzze, President, Nevada State Law Enforcement Officers' Association  
Craig Kadlub, representing Clark County School District  
Susan Fisher, representing Nevada Manufactured Housing Association  
Jim Blackwell, Manager, Easy Living Realty, Inc  
Jenny Welsh, representing Nevada Association of Realtors  
Charles Kitchen, representing Nevada Association of Realtors  
Brad Spires, representing Nevada Association of Realtors  
Ronald Dreher, representing Peace Officers Research Association of Nevada  
Frank Adams, representing Nevada Sheriffs' and Chiefs' Association  
Janine Hansen, Executive Director, Nevada Committee for Full Statehood  
Merritt Yockum, representing The Independent American Party  
Patrick Sanderson, Private Citizen, Sparks  
Don Alt, representing Nevada Livestock Association

[The Assembly Committee on Government Affairs was called to order at 9:01a.m. The roll was called. All members were present.]

**Chair Kirkpatrick:**

This hearing will go a little bit out of the agenda order so the legislators may attend other meetings. I will call the proponents of Assembly Bill 298.

**Assembly Bill 298: Makes various changes to provisions concerning school police officers. (BDR 23-1027)**

**Liz Sorenson, representing Communications Workers of America, Local 9413:**

I am here today to speak in favor of A.B. 298. Assembly Bill 298 is adding a new paragraph to Section 1 of *Nevada Revised Statutes* (NRS) 289.057. I have provided the Committee with the proposed amendment (Exhibit C) which deletes paragraph 2 of Section 1, on page 2 and replaces it with a new paragraph which reads as follows: "A law enforcement agency shall not suspend a peace officer without pay during or pursuant to an investigation conducted pursuant to this section." The reason for this bill is to correct a huge financial hardship to certain peace officers during or pursuant to an investigation or a response to a complaint or allegation. I would like to make it very clear these do not involve any criminal activity. During the investigation, and some have taken several months, a financial hardship is created.

In the meantime these officers must support their families, pay rent, mortgages, bills, and put food on the table. As you can see, this financial burden impacts the officers and their families, too. I say only certain peace officers. We identified this problem but realized many peace officers, such as the Las Vegas Metropolitan Police Department (Metro), provide such an internal policy. We have chosen language that mirrors the Metro police policy. Simply put, Assembly Bill 298 provides the peace officers with the protection needed during their internal investigation process. As I mentioned earlier, this amendment pertains only to noncriminal investigations and will prevent any unnecessary financial hardship to the peace officers and their families.

**Danny L. Thompson, Executive Secretary-Treasurer, Nevada State AFL-CIO:**

This change is important. If you are one of the peace officers charged and it demands an administrative investigation, you will be put on administrative leave, sometimes taking months, without pay. Later, if the investigation determined nothing was improper and the officer did nothing wrong, the officer's retirement and health insurance could have been cancelled. The officer will return to work, but the family could have been financially ruined. This is why we have requested this bill.

Some other police agencies have such a policy, too, but I think it is only fair that we afford these protections to our peace officers who put their lives on the line every day. The Clark County School Police put their lives on the line every day for your children.

If someone is charged with something, he is assumed to be innocent until proven guilty. When an officer returns to work having lost both health

insurance and his retirement, it certainly is not fair. This bill seeks only to correct that situation.

**Phil Gervasi, representing the Police Officers' Association, Clark County School District Police:**

It is a real tragedy if the families of our officers cannot meet their bills or cannot afford medical care for their children because of an allegation which has not been heard, discussed, or investigated. This actually is saying, "You are guilty and you must prove your innocence." It is completely the reverse of what we do in America.

There have been situations within the Clark County School District when only one person thought an officer was not telling the truth and the officer was suspended without pay. I had an officer who had an accidental shooting while chasing two burglars. The Metro Police investigated the shooting and determined there was no criminal intent. The officer did not change, conceal, lie, or distort the series of events. When we did get the officer back to work, my administrator stated, "You are coming back to work because you told the truth." As of this date, however, the officer is out approximately \$7,500 in lost wages and that does not include the payments he paid for medical insurance. Also, there were no contributions made to the Public Employees' Retirement System (PERS). Now if you want that money back, you must fight for it ([Exhibit D.](#)) I do not think this is fair, and I do not think anybody can sustain such a financial loss and give their family what is deserved.

**Assemblyman Christensen:**

I have a question for Mr. Thompson. When I met with proponents yesterday, I had a hard time understanding how this could happen. These are not super high-paying jobs, and I could not understand taking away pay on an administrative issue. You have been on our side [the Legislature], Mr. Thompson, and I am just curious. Is this something that slipped through the cracks?

**Danny Thompson:**

I have to admit that I am the guy who suggested the school police, way back in another life. I do not know if it slipped through the cracks. The school police force was created in response to gang violence in the Clark County School District. The school district police evolved from security guards to a new police unit and now to a very professional police unit. I think it is just that evolution. I do not think all these things were thought out at the time.

**Assemblyman Atkinson:**

As I understand it, an individual gets suspended without pay for 35 days. Then an administrator brings the individual in and tells him, "Okay, you will be suspended without pay for only five days, then you come back to work." What happens to the 35 days that he was off? For instance, an employee is brought back and is told he needs to be made "whole." Does that mean he will be paid for 30 days and be suspended without pay for only 5 days? We have to give you the money for the 30 days. What happens?

**Danny Thompson:**

At present, nothing. In the case Mr. Gervasi referred to, a school police officer on the graveyard shift, and I believe by himself, came upon two burglars. He drew his weapon, and with his gun out he pursued the two people. He had his finger on the trigger, as I would, and the gun accidentally discharged. Because of that accidental discharge, he was put on administrative leave. I believe the leave lasted for 35 days without pay.

In those 35 days, he not only lost his pay, but he lost his health insurance. Therein lays the problem. To correct this we fight for this individual to be made "whole." On the other hand, let me give you another scenario. What if, during the period of suspension, an officer cannot pay his insurance and his insurance is cancelled? If one of his children gets a disease during that time, it would be considered a pre-existing condition, and the child would not be covered.

I appreciate Mr. Christensen's question, because that kind of situation was not thought out at the time. We were just trying to respond to violence in the schools. Actually, a teacher being shot in a Clark County classroom was the impetus for the bill. That prompted the whole thing.

This present bill would correct any oversight. We can go through the process to make this officer financially whole, but what about the situation where he loses insurance?

**Assemblyman Beers:**

This question is for Mr. Gervasi. Looking at the bill it appears you are separating administrative investigation from criminal investigation. Can you give us examples of the differences between the two situations? What would be an administrative complaint and what would be a criminal complaint?

**Phil Gervasi:**

On the incident with the accidental shooting, if the officer intentionally shot his weapon and then lied about it, that would be a criminal act, and we are not trying to change that. A criminal act would stand and is excluded from what

we are trying to do today. Anything that is criminal, or if there is an indictment, would stand and the officer would be suspended without pay. So, the intent to commit a crime would push it from the administrative category.

**Assemblyman Beers:**

What would be an example of an average administrative complaint?

**Phil Gervasi:**

An administrative complaint is for an incident where, for instance, the officer, not realizing an object was a weapon, neglected to take the proper course of action with an arrest or a citation. Then, during the review, it was determined it was a weapon, and the officer says, "I did not know it was a weapon." Someone then says the officer is lying and asks, "How could you not realize it?" This has happened. That officer, since Christmas Eve 2006, remains on suspension. The officer must prove he really did not know the object was a weapon. This is an administrative complaint. It is "I do not believe you, so I am going to suspend you without pay."

**Assemblyman Settlemeyer:**

I support this bill. It is wrong if people are being denied their wages. We must make sure they are kept "whole" and they do not lose their mortgage and things of that nature. I believe this bill will speed up the process for reviewing any complaints. If wages are being paid, the administrators will make sure it is done a lot quicker because of their budget.

I did call some friends of mine who retired from the Los Angeles Fire Department. They posed a question. Their policy allowed for paid leave under certain situations. One situation was when a guy got in a fight with his captain and hit him. He had 30 days paid time off while an investigation was completed. He took a second job. Are you agreeable with adding something to the bill saying if there is paid leave the officer cannot, in that time frame, take another job?

**Phil Gervasi:**

They would not be able to take a second job. Officers must request permission to work another job when they are in a police department. That is already covered.

**Assemblyman Munford:**

I want clarification. When an officer is on administrative suspension, who is the person determining the suspension? Who determines if an officer should be suspended?

**Phil Gervasi:**

Right now, in my department, it is the chief who brings the charges against an officer. The chief also calls for the investigation, the chief decides guilt or innocence, and the chief decides the punishment. That is it.

**Assemblyman Munford:**

Is it not decided by school administrators?

**Phil Gervasi:**

The chief has absolute power. If I bring the charges, investigate those charges, determine guilt or not, and impose punishment, it is not impartial. I work patrol, and that is the problem we have in the field.

**Assemblyman Claborn:**

It hurts more to be falsely accused. I do not know if any of you have been accused falsely, but I have. It really hurts your whole family life, and it hurts your children's lives. You need to be made "whole," and restitution must be made. Even if proven not guilty, everybody has the attitude that, "Well, maybe he was guilty anyway." I really believe that something like this bill will at least give restitution to the people and also give back a little self-respect for you, your family, and the people who know you.

**Assemblyman Goicoechea:**

You said an officer cannot take a second job. That is not in statute, only department policy, correct?

**Phil Gervasi:**

Yes, it is department policy and most departments do have that policy. If you are permitted to take a second job to supplement your income, most restrictions say you cannot work more than 20 hours a week.

**David Kallas, representing Las Vegas Police Protective Association, Metro, Inc.:**

I am here today to support the proposed amendment to A.B. 298. I have had several conversations with the sponsors and proponents of the bill to address the issue of inconsistencies. This is exactly what A.B. 298 is trying to do. It seeks to create some consistency in how officers accused of policy violations and internal misconduct are treated throughout all the law enforcement agencies within the State. Our agency has a policy in effect, and the language in the proposed amendment mirrors it. We believe that putting this bill into state law will give consistency throughout the State. It will certainly address the concerns of the proponents, and we support this.

**Chair Kirkpatrick:**

We will now open the discussion to those wanting to speak in favor of the bill. I will start with Mr. Cuzze in Clark County.

**Ron Cuzze, President, Nevada State Law Enforcement Officers' Association:**

Not only do the state cops strongly support this bill, we are concerned there is a need for it. We ask, "What is the school district thinking?" Apparently it has forgotten about due process. It is either teaching our children incorrectly or not practicing what is preached. I strongly urge the Committee and the Legislature as a whole to pass this bill.

**Chair Kirkpatrick:**

We will return to Carson City. I believe I have addressed everybody wanting to speak in favor of this bill. Any opposed to this bill?

**Craig Kadlub, representing Clark County School District:**

First, I would like to apologize to the sponsors of the bill. One of our team members asked me to take this bill yesterday, so I cannot be certain what sort of discussions may or may not have occurred. With that said, I would like to compliment our force [police]. We really do have a stellar school police force.

I would like to point out this bill negates a provision agreed to by the district and the school police in our collective bargaining agreement, and we feel it should continue to be a subject of collective bargaining. Also, we only use suspension in incidences we believe will result in dismissal—incidences such as theft, dishonesty, or pornography. We believe it is inappropriate to allow the officer to remain on campus under those circumstances.

The current collective bargaining agreement with school police allows an officer to be suspended without pay in extraordinary circumstances. The agreement defines circumstances as "acts which are criminal in nature, which involve the welfare or safety of the staff or the public, or which endanger district property, pending the investigation of misconduct." Under the proposed law, a police officer arrested upon probable cause by local law enforcement—and for a serious crime—could not be suspended without pay pending the investigation, even though we have no control over the investigation. In other words, the investigation may be conducted by another police agency. Having the district pay will not speed up the investigation. If we do not conduct the investigation, we cannot influence it, and the officer would be paid by the district, conceivably for months, while the matter is in someone else's hands.

In the last two years there have been two serious cases, and officers were suspended for a long time because the investigation took a long time. One



officer was allegedly using illegal drugs; one was arrested for assault and battery. Each was investigated by Metro.

I had some discussions with our legal office this morning, and I am not aware of any cases where suspension without pay was ordered for a minor noncriminal offense. In other words, we do not believe there was an abuse of this provision. If this bill applied only to minor offenses and not those defined earlier as extraordinary circumstances, we could support it. We do agree it is important not to suspend for minor reasons.

**Assemblyman Goicoechea:**

Are school police officers considered category I or category II?

**Phil Gervasi:**

We are a category II department according to the NRS, but we are all trained category I.

**Assemblyman Settlemeyer:**

I understood that once a criminal investigation is started, the officer automatically went without pay. I understood this would work because if an officer was put on leave, he would be paid.

**Craig Kadlub:**

I have not seen the amendment proposed this morning, but that is not our interpretation of the bill as it was initially introduced. It says the police officer would not be suspended during or pursuant to an investigation.

**Assemblyman Stewart:**

As I read the bill, it says, "in response to a complaint or allegation which does not involve criminal activity." So, would your concern be about what is considered as criminal activity?

**Craig Kadlub:**

Yes. I believe we could support the bill if it applied only to minor offenses and not to criminal offenses. As I stated already, our collective bargaining agreement says we can suspend without pay in extraordinary circumstances, defined as acts which are criminal in nature. If an officer is arrested for something believed to be criminal in nature, under the current collective bargaining agreement, we could suspend that officer without pay.

**Chair Kirkpatrick:**

I am going to ask Legal to clarify a few things and then I will go to Mr. Goicoechea.

**Scott McKenna, Committee Counsel:**

I just wanted to point out that this is indicated in the digest but it might not otherwise be evident in the bill. Pursuant to NRS 289.090, the section which is in the bill, NRS 289.057, does not apply if the investigation were to concern alleged criminal activities. So that controls the scope of the bill, right there.

**Assemblyman Goicoechea:**

Again, my interpretation of the bill, and after conversation with the bill sponsor, is it refers to an investigation to the point where that person is charged. It is my understanding it can be without pay. Realistically, it should not take that long to complete an investigation and actually bring charges for it.

**Craig Kadlub:**

I would agree. The only point that I would make is that the School District Police are often not the agency conducting the investigation.

**Assemblyman Goicoechea:**

If the charges are serious in nature, as you talked about, it should not be very difficult to get a district attorney or someone to bring charges.

**Chair Kirkpatrick:**

I will now close the hearing on A.B. 298. I will open the hearing on Assembly Bill 358 and I would like to thank the sponsor of the bill for being patient. It was on yesterday's agenda, but I had people who had to be other places. Thank you.

**Assembly Bill 358: Revises provision relating to manufactured homes.  
(BDR 22-1193)**

**Assemblyman Mark Manendo, Assembly District No. 18:**

I bring forth A.B. 358. As many of you know, it was in 1999 when we first put in this piece of legislation. It was actually Speaker Buckley's and Senator Amodei's legislation. Under the existing law, populations of 400,000 or more, which in Nevada are Clark and Washoe Counties, *must* [emphasis added] have guidelines in place to allow manufactured homes placement on residential lots. Counties under that population *may* [emphasis added] also do this.

One of the ground rules for placing manufactured homes is the age of the home. Homes cannot be older than five years. This is working very well. I have not heard any complaints, and usually I would hear complaints.

We have heard, however, that we should open it up a little and broaden the age restriction. This bill will do that and allow a 1996 or newer model. Some folks do not want to see older manufactured homes in their neighborhoods. I do not know how old your home is, but many homes older than five years look pretty good. They just must conform to the local parameters. The most important thing is to ensure the local jurisdictions enforce their parameters. It is not so much the age of the home but how the home actually looks. If the local guidelines are enforced, their communities are safe.

Another piece of legislation will be heard next week or the week after doing away with a timeframe altogether. Assembly Bill 358 does not do that, and I think it is a good compromise. I would now like to turn this discussion over to Ms. Fisher.

**Susan Fisher, representing the Nevada Manufactured Housing Association:**

You should have some pretty pictures of samples of manufactured housing ([Exhibit E](#)) in front of you. Do they all look like these? No, manufactured housing also includes what is traditionally called a trailer house. This bill, put into statute in 1999, does have additional language in it, as Mr. Manendo said, requiring a minimum size of 1,200 square feet.

Somebody came up to me this morning and asked, "Does this [bill] mean that a single-wide trailer can be moved into my neighborhood?" I asked, "Can they now?" She said, "Well, yes." If there are no local codes in place where she lives—and she is in the rural area of the county—this bill will not affect her area whatsoever.

This year, in addition to being a methamphetamine session is also an affordable housing, workforce housing, and attainable housing session. Assembly Bill 358 is truly about affordable housing. Manufactured homes can be put on a homesite with every upgrade you can think of, for around \$85 a square foot. This is phenomenal if you compare it to a traditional site-built home. Manufactured homes are also very energy efficient and can be beautiful.

It is also interesting to note that very few states have any age restrictions on these homes because it would thwart home ownership of the manufactured homes. Just recently the New York Supreme Court ruled that age restrictions are unlawful. The terms the court used are, "They [restrictions] are unlawful because it [age] is arbitrary and capricious and has nothing to do with health and safety of citizens or community."

**Assemblyman Goicoechea:**

On the open market, what is a 1996 home worth today? Is it a lot of money given the present housing market? I am concerned this bill does not go far enough.

**Jim Blackwell, Manager, Easy Living Realty, Inc:**

That is not an easy question to answer when I do not know the condition and location of the home. I think it is fair to say that a 1996 manufactured home is comparable in price to a 1992 manufactured home, given all the same situations. They do not really lose value every year, if that is what you are asking.

**Assemblyman Goicoechea:**

If a 1995 or a 1992 manufactured home has been kept up well but you cannot purchase it or move it onto another lot or location, it might be somewhat restrictive. In the 1970s and 1980s, mobile homes were truly mobile homes, having only two-by-four construction, so the industry has come a long way in these last 20 years. In Elko, Nevada, for example, there are many 1994 and 1995 manufactured homes that are truly nice homes. To say they cannot be relocated to another lot is somewhat restrictive. I would like to see a mechanism in the bill to allow evaluation of each home and its local code and further allow an option to say this home is worthy of being moved. The way I read the legislation, it says you cannot do that.

**Susan Fisher:**

We put the 1996 date in the bill because that is the year Housing and Urban Development (HUD) adopted some very stringent rules. I certainly would not be opposed to taking the year out entirely.

As to your question about a home's appreciation, I will use one particular development in north Reno. In fact, I believe it is in Mr. Bobzien's district. It is called Tenaya Creek. This manufactured home development was built, I think, six or seven years ago. Those homes went on the market for \$102,000 to about \$112,000 for the top model home of 2,500 square feet. They are now on the market in the high \$200,000s and low \$300,000s. The owners were able to get into homes and now have real equity in their homes. They have more than doubled their investment. Manufactured homes do appreciate.

**Assemblyman Goicoechea:**

We are talking about manufactured homes being converted to real property. If you have a home and it took ten years to pay for the home—which is exactly where we are now—and you want to convert it to real property, as I read this bill with the 1996 date in it, you could not do it.

**Assemblyman Manendo:**

We will leave that to the guidance of this Committee. If you believe we should open this up even more, we are amenable to that. Mr. Goicoechea, very good comments and suggestions.

**Assemblyman Goicoechea:**

If you want a pre-1996 manufactured home, for instance, could there be a mechanism in the bill to allow for an inspection of that home?

**Chair Kirkpatrick:**

I do not remember where I saw the other bill, but it says no matter the age, if it meets the requirements set by the local government, the home could be moved.

**Assemblyman Manendo:**

You are referring to Assemblyman Bill 304.

**Assemblywoman Pierce:**

Out of curiosity, what changes were made in 1996?

**Jim Blackwell:**

I do not have an exact list of the changes, but they primarily dealt with construction, heat loss, heat gain, and energy efficiency issues.

**Assemblyman Settlemeyer:**

I remember prior to 1996 some of the older trailers did not have two-by-four type construction. They had only two-inch board and had some problems. That is why HUD stepped in and put forth some standard requirements regarding insulation. I think there was a requirement for a minimum of two-by-four [boards] and now most of them use two-by-six. They are really well-made homes.

Will this bill prevent a community with covenants, conditions and restrictions (CC&Rs) from dictating that a house must be at least 1,500 square feet to be built in the area? The CC&Rs must be obeyed, is that correct?

**Susan Fisher:**

Absolutely. The CC&Rs supersede almost everything else.

**Assemblywoman Womack:**

I think manufactured housing is really part of the answer for affordable housing. I have seen some very nice manufactured housing communities. I think it is a county/city planning decision if a manufactured home can go on the lot or not.

Once it is affixed to the foundation, it does become real property. So, I think the inspection is the responsibility of the county or the city. I support this bill.

**Chair Kirkpatrick:**

Is there anyone here who would like to speak in favor of A.B. 358? [There were none.] Is there anybody neutral on A.B. 358? [There were none.] To speak against A.B. 358, we have Charlie Kitchen, Brad Spires, and Jenny Welsh.

**Jenny Welsh, representing Nevada Association of Realtors:**

With me today are realtors Brad Spires and Charlie Kitchen who represent the Nevada Association of Realtors. We are here in opposition to A. B. 358.

**Charles Kitchen, representing Nevada Association of Realtors:**

I am a fourth-generation Nevadan. My family has been in the State since 1873. I have respect for the history of the communities in the State. I speak against this bill on behalf of my Association, and we think a bit of the legislative history should be talked about.

In 1999 when this bill was enacted, all the counties were instructed to enact minimal restrictions to manufactured housing. Manufactured homes being placed in the various communities had only to meet minimal standards. For example, the roof had to be a certain pitch, but it was a minimal pitch, and the siding had to be similar to the sidings in the area, such as wood or brick. Manufactured homes had to be placed on a foundation. Actually, the counties were instructed not to put hard standards on manufactured housing, and most of the counties place only minimal standards. They also do not require a garage for the house.

If you go back a long time, homes were placed in neighborhoods by zoning restrictions, not by covenant restrictions. When my brother began building homes in Carson City, any restrictions in a neighborhood were placed by zoning. You will notice the original bill of 1999 said "restricted by covenant." Or if it was a historical, older area, manufactured housing could not be placed there if restricted by covenant. There are other types of neighborhoods, and I want to address those.

I grew up in a neighborhood in southwest Reno, and it has become a very upscale area. Homes have been upgraded tremendously. They are actually high-end homes. My mom paid \$19,000 for her home, and we just sold it for \$315,000. It is also in a highly preferred area in Reno. There are some vacant lots remaining, and it is now possible to place a 1,200-square-foot manufactured home with no garage.

The homes shown you ([Exhibit E](#)) are dated 2007 and look great. You also may request that these homes, through the individual manufacturer, meet higher standards than those set even by the county.

If you allow a home built in 1996, or even drop the date entirely, you could have homes only meeting simple, minimal standards in these [upscale] areas. We are talking about older manufactured homes in our older cities. For those who live in Las Vegas, Henderson, or any of the newer areas of Reno, all restrictions are by covenant, and amazingly, most of these areas restrict manufactured housing. There must be a reason for that.

A few months ago I was driving along Skyline Boulevard in Reno. If you are familiar with the area, you know the homes are gorgeous. Those homes are priced at \$750,000 and up. In one area just off Skyline Boulevard, there was a manufactured home, and it did not look like these [pointed to the handout.] It looked like a manufactured home of 1996-1997 vintage. If you drive on Gentry in south Carson or if you drive up Goni Road in north Carson, you will see homes built only to minimum standards and the subsequent results. The county allows this because the State, through its bills, said there could be no restrictions.

If you read A.B. 358, on the bottom of page 1, the smaller counties are allowed to adopt less restrictive standards. These counties decided, on their own and through their building departments, to invoke the less restrictive standards. When I work with clients looking for homes in stick-built neighborhoods and in an older area, if there is a manufactured home next door, they often ask if it is a "mobile home." If it was built after June 1977, I explain it is no longer a mobile home. Since 1977 they are "manufactured homes," per federal standards. In almost every case, the client is no longer interested in the house or any other around it.

Additionally, if you want to move a manufactured home built as late as 1996 but already placed in a mobile home park or on another piece of land, you can get neither Federal Housing Authority (FHA) financing nor HUD financing because it was already moved.

I listed a manufactured house built in 1980. It was placed in a mobile home park in June 1980 and was moved to a lot in east Carson in January of 1981. In June 1991, the home was converted to real property. I listed it last year and found a buyer for it. Just two days prior to closing, the mortgager called me and asked, "Charlie, has that house ever been moved?" Both HUD and FHA would not finance that house. Affordable, manufactured homes are often financed through either FHA or HUD, and if the home was ever moved, some

other financing must be found. That, then, does not help the affordability of those homes.

If you live in Las Vegas or Henderson, you will not deal with this issue because of your covenant restrictions. So much of Las Vegas is very new, built only since 1965 or later, and it will not experience what Carson, Reno, Elko, Gardnerville, Minden, and a number of other communities deal with. Because of this law the older homes usually will not meet the upper standards indicated in this flier ([Exhibit E](#)). They will only meet the minimum standards.

As a real estate broker in Carson City, I totally support affordable housing. It is a hallmark of our local associations, our state associations, and our national associations. They all support affordable housing and work to that end. They also support neighborhoods for their quality of living and the standards within the neighborhoods.

**Brad Spires, representing Nevada Association of Realtors:**

I appeared in 1999 before this Committee when the bill first came forward. Our concerns then are the same today. In the last 15 or 20 years the majority of the State has enacted CC&Rs. Some areas not governed by these are in Douglas County and certain areas in Lyon County and in Carson City. The compromise we asked for and received in 1999 was to not talk about how good manufactured housing is or how affordable it is to have a mobile converted to real property. I sell manufactured home property in Topaz Ranch Estates (TRE) on an ongoing basis. I have a listing in Dayton, and it is a mobile attached to real property. It is great usage, affordable, meets a need, and does a fine job. We are talking about the areas in Nevada where there are no CC&Rs.

We are talking about developed communities having stick-built homes with vacant lots still available for purchase. Any manufactured home could be moved there with a change of legislation. It could be a 1997 mobile presently parked in TRE and now, suddenly, in Gardnerville and next to \$500,000 homes. We did not believe in 1999 it was good usage of community planning and we still do not.

We support the five-year limit. Manufactured housing has come a long way and it does, in fact, have an area that it serves. We do not disagree with the affordability; we do not disagree with anything else in the bill, but we still believe the five years agreed upon in 1999 will protect those neighborhoods that do not have CC&Rs. They have remaining lots with developed communities around them. This, then is the sum total of our discussion, and we still would like to see the five years.



**Chair Kirkpatrick:**

I would rather see a nice, newer manufactured home that is taken care of rather than one like mine which is not taken care of. I also struggle with this issue after sitting on the interim committee for affordable housing and do not want to segregate people.

My neighbor's house is worth about \$350,000, but across the street, the houses are worth \$80,000. I think there must be a balance somehow. Whether the balance is the age of a manufactured home or whether it results from standards the local government can set, I do not care how much money you make or what kind of house you live in. In my perfect dream, I would have some grandparents, their kids, and the grandkids all living within three blocks of each other, and we could have some real core family values. I am trying to be in the middle, but I think the argument for not wanting a manufactured home in a \$500,000 neighborhood needs a bit better argument.

**Assemblywoman Womack:**

If it is the date, the 1996 model, what date would be acceptable to the real estate community?

**Jenny Welsh:**

If we could take out the 1996 date and put in a term of years, it would be something we could work with. We are more than willing to work with the sponsor of the bill and do that.

**Assemblyman Claborn:**

Sir, were you talking about a mobile home or was it a manufactured home that was moved that the FHA would not appraise or give a loan on because it was moved? I misunderstood you.

**Charles Kitchen:**

It was a manufactured home, because it was built after 1977. It came from the manufacturer in 1979. It was put into a mobile home park as a manufactured home. It was later moved and converted to real property, but it is a manufactured home. The issue with FHA and HUD is not that it was or was not a manufactured home, it was the fact that they do not fund when a home has been moved.

**Assemblyman Claborn:**

I have a couple of double-wide mobile homes. Are they what you are calling a manufactured home now?

**Charles Kitchen:**

Prior to June 1977, the federal government did not have federal guidelines across the country. Starting in June 1977, all homes had to be built to federal standards, and that is why we do not call them mobile homes. They are manufactured homes since June 1977.

**Assemblyman Claborn:**

Can the older ones built prior to 1977 still be converted into real property?

**Charles Kitchen:**

Yes, sir. You certainly can convert them.

**Assemblyman Beers:**

This recent discussion brought up another question. Does HUD financing apply just to manufactured and mobile homes or does it also apply to stick-built homes that may have been moved?

**Charles Kitchen:**

Sir, I cannot really speak to that. I have never dealt with this. There are not a lot of stick-built homes being moved. I can only speak to manufactured homes and the experiences I have had.

**Brad Spires:**

Yes, sir, it does also apply. When you take a stick-built home and move that home, you must move it according to county code. It must be put back on a foundation, and it is looked at as a stick-built home on the new lot. We have had that happen in Douglas County a half dozen times. There are a couple on Tilman [Douglas County] moved four years ago that were older, stick-built homes, and they were brought in, but they were not allowed to be put in "as is." They were required to be brought up to current county code and then were assessed as stick-built homes with the current code.

**Assemblyman Stewart:**

I thought this would be an easy bill, but there are no easy bills as I have found out in seven weeks. I can appreciate your situation. We have people in my neighborhood in Henderson who have put their life savings into a home and bought it for \$189,000. Those homes are now worth \$400,000 or \$450,000, not because they are rich but because they bought at the right time.

We just had a house that burned down in our neighborhood. We do not have a homeowners' association, and it is possible that a manufactured home could be brought in and built on that site. The price of the neighboring homes could, then, go down in value, and then those grandparents could find the home they

thought was worth \$450,000 would now be worth maybe half that. There are no easy problems, and there are no easy solutions. It is not just rich, snobby folk who might be affected. Ordinary folk who made a good investment at the right time can also be affected. Is there anything else besides the date to modify this and satisfy your concerns?

**Brad Spires:**

The gentleman in the back mentioned local control. Zoning certainly should be controlled and modified locally. You opened a whole other issue and it becomes very complex. As the bill is written now, we can certainly support a newer manufactured home being built in a neighborhood. The dilemma is about an older manufactured home being brought in and placed on a vacant lot in an older area that concerns us, and that might happen.

**Chair Kirkpatrick:**

We will close the hearing on A.B. 358 and invite Assemblyman Horne in and open the hearing on Assembly Bill 301.

**Assembly Bill 301: Revises the qualifications for the office of county sheriff. (BDR 20-539)**

**Assemblyman William Horne, Assembly District No. 34:**

Assembly Bill 301 basically provides qualifications to run for sheriff. In section 1 of the bill, paragraph (c), the amendment is adding, "On or after January 1, 2010, he meets the requirements set forth in subsection 2 or 3, as applicable." The criteria demands at least ten years of consecutive service or employment as a peace officer—as that term is defined in NRS 289.010—as either a law enforcement officer for an agency of the United States, as a law enforcement officer of another state or political subdivision thereof, or in any combination of the positions described in subparagraphs (1) and (2). This also breaks it down by county population so that in a county with a population of 100,000 or more, the person needs to be certified as a category I peace officer, and in counties with less than 100,000 in population, the person must be certified as at least a category II peace officer. These qualifications are stated in paragraph 3 on the last page of the bill.

In statute, a category I peace officer has unrestricted duties and is not otherwise listed as category II or III. Think of the Metro officers, the Washoe County Sheriff, the Reno Police Department, and so on. Category II officers are bailiffs in the court, constables, Transportation Security Administration (TSA) inspectors, parole and probation officers, and so on. A category III officer primarily is an officer with duties of correctional services.

People ask me if I sponsored the bill because of the recent elections for sheriff in Clark County. The answer is yes. Watching it [the election] unfold highlighted for me there were no applicable qualifications set in statute if running for sheriff. I believe the sheriff is a very important position, particularly at this time. I am not a law enforcement officer, but this is what I see. I grew up in Las Vegas, and I remember when the State had a population of about 300,000. We now have over 2 million people in southern Nevada. That growth will not wane anytime soon. With this growth come all the complexities associated with becoming a medium or large city—crime, public safety, and homeland security matters and issues. This does not apply only to Clark County. It applies throughout the State.

The Homeland Security Commission, I know, is coordinating efforts with all our law enforcement agencies across the State in case of a terrorist act. It is important that the person sitting at the top, the sheriff, has all the appropriate qualifications for running that ship. We are no longer “Mayberry.” Television character Andy Taylor was in another time when everybody knew him, he was a good guy, he had a good head on his shoulders, and he did not carry a gun. We are not there anymore. We are long past that stage. We need a person in that position, man or woman, to have the requisite training, experience, and understanding to run that important department. That is why I sponsored this bill, and I do not think the standards are onerous when requiring ten years experience.

That brings me to section 1, paragraph 1, where it says he will be at least 21 years old. With ten years experience required, it cannot happen. Obviously that must be stricken from the language and add ten years experience and Peace Officers Standards of Training (P.O.S.T.) instruction. A candidate does not have to be with Metro. Somebody may be retired from the Federal Bureau of Investigation or another of the federal agencies, living in Las Vegas, and wants to be the sheriff. He would have the qualifications to do that. I think this is good public policy.

Sitting to my right is Dave Kallas, and he will provide more detail about why he supports, as a law enforcement officer, requiring appropriate qualifications and training to be the sheriff. I will be happy to answer any questions.

**David Kallas, Director of Governmental Affairs, Las Vegas Police Protective Association Metro, Inc., and Southern Nevada Conference of Police and Sheriffs:**

I am here in support of A.B. 301. I would like to clarify for the record that prior to this coming out in bill form, I had no conversations with Assemblyman Horne. Quite frankly, not being familiar with the prior statute, I think this is a

commonsense approach for an issue of such magnitude. We cannot understate it.

I have been with the Las Vegas Metropolitan Police Department (Metro) as an officer for, in August, 28 years. Internally, because of our growth, we have had to make adjustments regarding where we put people based on their experience. A year after I became a police officer, I was made a field training officer and given the responsibility for training the new officers upon their graduation from the academy. At the time I believed I was more than capable to do the job. Upon reflection, I believe I did not have sufficient experience as an officer to train the new officers in all they must do. Metro, too, has come to that same conclusion during its growing stages.

You could become a first line supervisor or a sergeant, 15 or so years ago, with 4 years of experience. Metro now realizes officers, even after four years, are not yet ready to supervise other officers. Now, Metro has extended the eligibility period to six years of service to test for line supervision. An officer cannot become a sergeant without six years of experience, cannot become a lieutenant without eight years of experience, and cannot become a captain without nine or ten years of service.

With this philosophy and the inherent training from years of service and experience, it only makes sense to require this for sheriff. Metro employs 5,000-plus employees and is responsible for anywhere between 1.4 million and 1.6 million lives. Experience is necessary to run this operation appropriately and for maintaining and ensuring the people who live and visit our community are in a safe environment. We strongly support the passage of A.B. 301.

**Assemblyman Claborn:**

Mr. Horne, your bill has a good concept, but what scares me is that another legislator sitting in your seat might next year or the year after recommend anybody running for the state Assembly must have specific qualifications and requirements—either a lawyer or not a lawyer and so on. Such stipulations scare me to death. There is an open law allowing us to vote for anybody. I wish you would think about that a little bit.

**Assemblyman Horne:**

I have thought about it when posing these specific qualifications for an elected office. Many people can and want to run for legislative office. However, there are certain positions that require unique qualifications, and I believe sheriff is one of them.

As an Assemblyman from District 34, I sit as a member of a citizen's legislature. There is an important reason for this. We want all walks of life to come and help fashion the laws of our State. I do not want to sit within a Legislature that has only lawyers or only doctors or only ranchers. I like the diversity we have in our legislative body.

That being said, I do not want the baker or candlestick maker running our law enforcement agencies. I want law enforcement officers with the requisite experience to run them. I want them to understand the complexities of our cities and its crimes. I want them to understand the crimes of yesterday and the crimes we might see tomorrow as a result of experience working in the field.

If you talk to many of our veteran law enforcement officers they will tell you of the crimes of today and yesterday and they will also acknowledge trends toward the crimes of tomorrow. The experience gained from riding in a squad car, being a front line supervisor, and moving up through the ranks gives that edge. You will not have that experience if you are only 21 years old and running for sheriff because you are a very popular guy in the county. Certainly experience and requisite qualifications are necessary when coordinating with other counties and federal agencies for homeland security.

**Assemblyman Claborn:**

You are absolutely right. For certain positions, that is what it should be. But there are other positions, such as game wardens or those checking you at the airport against terrorists. Would they need the same qualifications? I can see things snowballing.

**Assemblyman Goicoechea:**

Mr. Horne, I disagree with you. There are still "Mayberrys" in the state of Nevada. I do agree that in urban areas with populations of 100,000 or more—and in Clark County especially where there are 1 million people or more—there is little contact between a candidate and the voters, and there is a need for such qualifications. Within Nevada and in my district, there are at least three sheriffs who did not meet these required qualifications at their first elections. They now meet them because they have been reelected so many times because they are good, quality people who have stepped up to do the job. Sheriff Unger in Lander County just ran again for his second term, and he is doing a great job. He had no law enforcement background whatsoever. He had been a fireman, and he is just a good, commonsense guy. As we talk about the counties with populations over 100,000 and those with less than 100,000 people, I would ask you to consider relaxing the criteria for those under 100,000 in population.

In a number of the areas with a limited population, there would be nobody running. If Mr. Kallas moves and decides to run for sheriff in Esmeralda or Lander County, with his Metro background he would certainly meet the proposed criteria when longtime residents do not. I wonder, would these counties be better served with a local as sheriff or with someone from the outside who meets the criteria? I think you must let the voters make that decision. About ten years ago, Pershing County elected a hotel manager to be their sheriff. It did not go well and they recalled him. That is how it works in rural Nevada. They throw you out.

I do agree with the P.O.S.T. requirement. We have sheriffs serving without a P.O.S.T. certification, and I think you must put that requirement in place. There must be a point when a sheriff has to become P.O.S.T. basic certified, whether he is elected or appointed, and I think there should be that level of training. I do not agree that a sheriff, even in Mayberry, can be the sheriff without packing a gun and knowing how and when to use it. I would like to work with you and see if we can soften it up for communities under 100,000 in population.

**Assemblyman Horne:**

This bill would not affect the sheriffs currently serving, and if they come up for reelection, it will not mean that they are no longer eligible. They would be grandfathered in. I would be more than happy to work with you. The deputies serving would be certified during this period of years and would eventually meet the criteria. You would still have your local person there to step up and fill the void.

**Assemblyman Goicoechea:**

In some cases, perhaps, but the bill is a little restrictive. We have a local boy working for Metro now. I think he has eight years of service. He wants to get into the highway patrol academy and come back north. Under these criteria he could not return and be the sheriff. He probably has better training than many serving in northern Nevada today.

**Assemblyman Stewart:**

I am not representing Mayberry, and I have the same opinion that you do, Mr. Horne. I voted for Doug Gillespie largely because of his experience and the inexperience of others. I also think we must consider the thousands who did vote for Mr. Airola and respect their right to do so.

**Assemblyman Settelmeyer:**

Mr. Horne, what about an amendment or a qualification that allows putting a name on the ballot when only one person comes forward but does not meet the qualifications?

**Assemblyman Horne:**

I assume we are talking about our beloved Mayberry towns in Nevada. I do not anticipate that ever happening in Washoe or Clark Counties.

**Assemblywoman Womack:**

When that sheriff's position in Clark County came up, there were about 17 people who filed for the job. I really support the need for some criteria for candidates running for sheriff. I support your bill, Mr. Horne.

**Chair Kirkpatrick:**

In our larger cities, especially if the community focuses on tourism and because hundreds of thousands of people visit our State, it is important to require specific qualifications. The sheriff is the number one guy expected to react on a dime. Without maturity and experience, it is sometimes difficult to handle such pressure. Age and work history make a difference. If we do not begin today and have requirements for sheriff, the backbone of Nevada's economy, tourism, will have serious problems in the future.

**David Kallas:**

I just want to address some of Assemblyman Claborn's concerns and ask the Committee to understand the unique situation in Clark County. Our two largest adjoining municipalities, Henderson and North Las Vegas, appoint their chief of police. Certainly, when those bodies look at the qualifications of their sheriff they are concerned about experience. That is what we are looking at, also. In 1973 we combined the Sheriff's Office and the City of Las Vegas Police Department. We took away the chief and created an elected sheriff's position. They could not foresee the issues that we must deal with today. I would ask the Committee to consider the same standards that are at least required in North Las Vegas, Henderson, and other jurisdictions throughout the State. Look at the qualifications they require of the candidates elected or appointed as their chief of police. Basically, the sheriff is the chief of police in Las Vegas. We want these requirements so we can get the best of the best.

**Assemblyman Horne:**

I have a brief comment in response to Mr. Stewart's concerns for the electorate having the right to choose and vote. It is not unique to require qualifications for specific positions. We want our district court judges and our Supreme Court justices to be lawyers. We could put anybody we wanted on the ballot for those positions, but there is a reason for their qualifications. This bill is not groundbreaking.

**Chair Kirkpatrick:**

Is there anybody who would like to speak in favor of A.B. 301?



**Ronald Dreher, representing the Peace Officers Research Association of Nevada:**

I speak in favor of A.B. 301 for reasons already discussed. First, we have House Resolution 218 (HR 218), a 2004 federal bill that says you must have so many years of experience to possess a firearm for the rest of your life. Peace officers are the nation's first responders, and there are laws and regulations throughout the United States for such critical types of issues. The sheriff's position throughout Nevada is crucial, even in the rural counties. I know in Storey County the sheriff is not P.O.S.T.-certified and does not have a law enforcement background but was elected by the people.

Years ago, this Legislature passed NRS 202 that requires at least ten years of honorable service, upon retirement, to carry a firearm. This legislation and the P.O.S.T. Commission support three or four types of P.O.S.T. certificates. A basic type is when you first come on the police force and go through training, an intermediate certificate takes another five years, an advanced certificate takes a little bit longer, and then a management certificate which requires experience as a supervisor. I want you all to understand that a sheriff's responsibilities are not only administrative but legal, and the liabilities assumed are crucial. Assemblyman Horne's bill recognizes the need for experience when assuming such a big position, and it is about time we all recognized it.

Every day throughout the United States there is a new issue or an officer-involved shooting or a child abduction. The sheriff must be prepared to consider such critical issues. I will not beat a dead horse, but I ask you to support A.B. 301 as written.

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

I am speaking on behalf of our 17 elected sheriffs. The office of sheriff has a very long history of service to the government and to the people. It goes back to Alfred the Great of England in 1500 A.D. In America we made it an elected position. Times have changed. We, as Mr. Goicoechea said, do have some "Mayberrys," but even they have changed. This is my thirty-eighth year in Nevada law enforcement, and I have seen a tremendous change during these years. We have 12 chiefs of police in the state of Nevada, and they all were required to have experience. Even in our smaller communities, such as Carlin, Winnemucca, Yerington, and Lovelock, their chiefs also had experience prior to becoming the chief of police.

Out of the 17 sheriffs I mentioned, there are 2 sheriffs not supporting this bill. They believe there must be a citizen's right to elect sheriffs. We have had occasions when elected sheriffs went their whole term without carrying a weapon and without having peace officer authority. That is an issue with us [Sheriffs' and Chiefs' Association.]

We do support A.B. 301. We understand the smaller communities and their concerns, but the majority of the sheriffs, even Sheriff Unger in Lander County, went through the basic P.O.S.T. Academy. I respect that.

Just as other elected positions have specific requirements, the complexity of law enforcement mandates the sheriff must have a certain level of training and experience to protect and serve the citizens of our communities.

**Assemblyman Claborn:**

You must have these qualifications to apply for a job as a law enforcement officer. In a general election, anybody choosing to run must be treated the same. I agree the bill has good concepts, but I am referring to the other point, the guaranteed right to run for office in a general election with or without qualifications. I do not want to portray myself as discriminating against anybody in the state of Nevada, so I cannot support this bill.

**Assemblyman Goicoechea:**

I am looking for the middle ground on this bill. I truly believe if you are elected sheriff you must have at least basic P.O.S.T. instruction. The probability of getting law enforcement training between the election and the taking of office is slim to none. The bottom line is that a criterion is established by requiring a sheriff to be P.O.S.T.-certified. If you require ten years of experience of law enforcement, you limit who can run. Some good, quality, young police officers may not be eligible.

The bill's criteria are too restrictive. I would like, however, to see the counties with less than 100,000 in population require the sheriff be P.O.S.T. certified. It would ensure a law enforcement background, but it also opens the requirements.

**Chair Kirkpatrick:**

We do have some others who would like to speak in opposition to this bill.

**Janine Hansen, Executive Director, Nevada Committee for Full Statehood:**

I have been the Executive Director for the Nevada Committee for Full Statehood since 2002. This issue regarding the sheriff is of grave importance to the Statehood Committee, which was organized around the issue of the Bureau of Land Management (BLM) confiscating cattle in some of our rural communities. The parties involved include Ben Colvin in Esmeralda County, Raymond Yowell in Elko, the Dann sisters in Eureka, and previous to that the Hages.

The real first-line defense against the cattle seizures by the federal government was the local sheriff. In all of those cases, Justice Tony DeMeo has stopped

the confiscating in his county and Nye County. The local sheriff could have insisted that the federal government go through him in order to do that. Assemblyman Carpenter got a bill passed last session which essentially put the kibosh on a lot of that by requiring the federal government to have a court order before it could confiscate those cattle. It is an extremely important issue that the local sheriff be responsive to the local people.

The history of the sheriff is one of representing the people. I handed out a statement ([Exhibit F](#)) by my son, Zachary Triggs, who ran for sheriff in Elko County. There were seven people on the ballot in Elko County this last election. I think six of them had law enforcement experience. The sheriff who was the incumbent was defeated because of perceived corruption in his particular office. Not him particularly, but some of the people in there.

One of the reasons it is important to maintain an open election for sheriff is because whether a person has law enforcement experience or not, as with the sheriff in Elko County who had many years of experience, corruption and abuse can be inherent in that particular office. It is extremely important that the people be allowed to elect a sheriff who would be responsive to them and protect them from corruption and abuse in that particular office. That power lies at the ballot box. With the greater restrictions, it lessens the opportunity for competition in that sheriff's office. One of the things I found in going to the debates for sheriff in Elko County was that most of the candidates had law enforcement background, and the people did have the opportunity to make a choice and to decide how much experience they wanted. I think it is important to maintain the opportunity and to trust the people when electing their own sheriff.

Of course every sheriff may hire experienced, professional law enforcement, to advise and help him. We had a bill in the Senate which would have made Postal Inspectors able to arrest people on misdemeanors and on felonies. Maybe they have experience, but that may not be what the local community really wants.

Although we recognize some of the concerns that have been brought forward today, we would certainly encourage you to leave this as an option open to the people so they can choose their own sheriffs. If there are problems of abuse of police power or if there are problems of corruption, then the people have power at the ballot box and are not restricted to only those in lock-step with the police.

Oftentimes I find myself in many of these hearings, not because I oppose the police but because I have concerns about police power. Remember, they control the power of the government, and we must maintain that in check if we

are to protect the rights of the people. The elected sheriff helps us maintain and defend the rights of the people. If you severely limit this right, as this bill does, I think you will lose that important element of elected sheriffs.

**Merritt Yockum, representing the Independent American Party:**

I am sure this bill was drafted with good intentions. However, good intentions sometimes have unanticipated consequences. I fear this bill may lead to somewhat of a cadre of elites who are out of touch with the people who are fully qualified to determine who their sheriff should be and not the Legislature.

**Patrick Sanderson, Private Citizen, Sparks:**

Today I come before you as a citizen of the state of Nevada. I was born and raised in Mineral County, Hawthorne, Nevada. In all due respect to the people bringing this bill forth, if you go to a small county and try to tell someone that they have to accumulate ten years of service, I will tell you what will happen. In Carson City, if you look at the records, sheriffs have seldom been reelected. Why? I will tell you why. The people are fed up with them. To work ten consecutive years in the sheriff's office in a small county could be impossible. The sheriff will hire new people, sort of like a governor or a president when he comes to office. In small counties, there are very few law enforcement agencies to work for. It sounds great and I want qualified people as sheriff, but it does not happen that way in the small counties.

I would hate to have somebody come to my county and run for sheriff who just came from California or came from Metro in Las Vegas or from wherever, just because they have the required qualifications. It is disgusting to think they could move to my county, start running a big city police office, and tell our people how they are going to do things. They are small counties—Mayberry or call them whatever you want—but this is the reality of rural Nevada. I do not want a sheriff coming in unless he is qualified and I decide to vote for him. By putting this language in the bill, you are saying the local boy, whom I trust, who grew up in the town, and who is a leader in the town, cannot be sheriff.

I agree a hundred percent, in the need for P.O.S.T. certification. You should add to A.B. 301 the sheriff "shall be required" to take the first P.O.S.T. certification class available after the election. I say no way to the ten-year requirement.

Douglas County, where I presently live, has a terrific sheriff. He has been reelected on his merits, but it was the citizens of Douglas County who reelected him. If another person came into Douglas County who we thought was better, we would have voted for him. I think you are taking away the rights of the people. When it comes to elections, we are going to take a look at who is

qualified and who is not qualified and we are going to say, "I like this person better because," no matter what it is. When you start taking away that right, it is not right. If you want to do it in Las Vegas, more power to you. I do not have a problem with that. If you want to do it in Washoe County, I do not have a problem with that, either. For the other 15 counties in the state of Nevada, I hope you take a look at the way this bill is written, take a look at what real politics is like, consider what would have to be done to get ten years of consecutive service, and think about that.

**Don Alt, representing the Nevada Livestock Association:**

I agree with the people who are for the bill. Part of the problem in rural Nevada is the lack of intestinal fortitude, and that is something that cannot be legislated.

We had a sheriff and a district attorney (DA) when the Bureau of Land Management (BLM) came to them and said they were going to confiscate cattle. The sheriff and the DA, instead of protecting the people's property, went fishing in Alaska. We then had to call a grand jury. We had to get petitions. There was an investigation and it went on and on. Later, through legislation, it was determined there had to be due process, with a court order from the proper jurisdiction, before private property could be taken. Assemblyman Carpenter wrote that bill, and it was passed through the Legislature.

We have the power of law enforcement, and we give it to the sheriff when we cast our vote. It is all set, of course, in the *United States Constitution*. I talked to Sheriff DeMeo [Nye County] this morning. He is very strict on constitutional law, and he protects the people. There are four ranchers in his county, and he protects them with his life. The federal government keeps knocking on his door wanting to put him out of business. He knows he is within his rights, and he is following the Constitution.

One thing that all the sheriffs should be required to study is constitutional law to ensure due process and not just hang up a poster in the post office.

The sheriffs, before they take office, should understand due process and it should be required before they take office.

**Assemblyman Horne:**

I have heard about corruption and abuse and, in that case, replace the corrupt officials with qualified people. The sheriff's primary function is to protect and serve. It is a law enforcement position. That is something to keep in mind.

Lastly, through my military service I qualified on multiple weapons. I also have been a security supervisor for a large complex. My first wife was a federal officer. I have a law degree and am pretty well-versed in our criminal statutes and I understand the Constitution fairly well. I also think I am trustworthy and I show some leadership skills. Who here thinks that I should run for sheriff? Thank you.

**Chair Kirkpatrick?**

I will close the public hearing on A.B. 301.

[The meeting was adjourned at 11:05a.m.]

RESPECTFULLY SUBMITTED:

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Mary Kay Doherty  
Committee Secretary

APPROVED BY:

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Assemblywoman Marilyn K. Kirkpatrick, Chair

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

**EXHIBITS**

**Committee Name:** Committee on Government Affairs

**Date:** March 21, 2007

**Time of Meeting:** 9:00 a.m.

<b>Bill</b>	<b>Exhibit</b>	<b>Witness / Agency</b>	<b>Description</b>
	A		Agenda
	B		Attendance Record
A.B. 298	C	Liz Sorenson	Amendment
A.B. 298	D	Phil Gervasi	Edited letter
A.B. 358	E	Susan Fisher	Pictures of Manufactured Homes
A.B. 301	F	Janine Hansen	Letter