

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

**Seventy-Fourth Session
April 12, 2007**

The Committee on Government Affairs was called to order by Chair Marilyn K. Kirkpatrick at 8:06 a.m., on Thursday, April 12, 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/. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: 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 Settlemeyer
Assemblyman Lynn D. Stewart
Assemblywoman RoseMary Womack

GUEST LEGISLATORS PRESENT:

Assemblywoman Valerie Weber, Assembly District No. 5



STAFF MEMBERS PRESENT:

Amber Joiner, Committee Policy Analyst

Scott McKenna, Committee Counsel

Rachelle Myrick, Committee Secretary

OTHERS PRESENT:

John Cahill, Private Citizen, Henderson, Nevada

Art Dixon, Private Citizen, Las Vegas, Nevada

Marcia Nicholson, Private Citizen, Las Vegas, Nevada

Janine Hansen, Nevada Eagle Forum

Lynn Chapman, Vice President, Nevada Families

David Schumann, Vice Chairman, the Nevada Committee for
Full Statehood

John Wagner, The Burke Consortium

Sheila Ward, Private Citizen, Carson City, Nevada

J. L. Rhodes, Private Citizen, Fallon, Nevada

Gary Wolff, Nevada State Law Enforcement Officers' Association

Charles Musser, Private Citizen, Boulder City, Nevada

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

Tim Kuzanek, Lieutenant, Washoe County Sheriffs' Office

Raymond Flynn, Assistant Sheriff, Las Vegas Metropolitan Police
Department

Vinson Guthreau, Nevada Association of Counties

David Kallas, Las Vegas Police Protective Association, and
Southern Nevada Conference of Police and Sheriffs

[Meeting called to order and roll called at 8:06 a.m.]

Chair Kirkpatrick:

We will start with the work session.

First we have some bills we need to rerefer to Ways and Means with no recommendation.

Assembly Bill 486 is the veterans' services bill. It is changing the definition of "veterans."

Assembly Bill 486: Revises various provisions relating to veterans. (BDR 0-638)

ASSEMBLYMAN BEERS MOVED TO REREFER
ASSEMBLY BILL 486 WITHOUT RECOMMENDATION TO WAYS
AND MEANS.

ASSEMBLYMAN BOBZIEN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

The next bill, Assembly Bill 598, concerns theme parks.

Assembly Bill 598: Authorizes the creation of tax increment areas in certain cities for theme park projects. (BDR 22-1457)

ASSEMBLYMAN BEERS MOVED TO REREFER
ASSEMBLY BILL 598 WITHOUT RECOMMENDATION TO WAYS
AND MEANS.

ASSEMBLYMAN BOBZIEN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

[Work session.]

Amber Joiner, Committee Policy Analyst:

The first bill in your work session document is Assembly Bill 12.

Assembly Bill 12: Revises certain provisions relating to State Public Works Board. (BDR 28-193)

Assembly Bill 12 changes the composition of the State Public Works Board to a five-member body consisting of the Governor, Lieutenant Governor, State Treasurer, and two members appointed by the Governor. This measure also designates the Governor as the chair and grants the Governor the power to appoint and remove the manager of the board and to approve the appointment of certain deputies by the manager.

There is one amendment to this measure. Assemblyman Parks presented it during the original hearing. The handout he gave at the hearing is in your work session document ([Exhibit C](#)).

There has been one modification to replace the current Public Works Board with a manager appointed by, responsible to, and serving at the pleasure of the Governor ([Exhibit C](#)).

Additionally, it would require a two-step process to receive funding for large capital improvements and establish a subcommittee of the Interim Finance Committee (IFC) to review and approve changes in capital improvement project scopes and funding that occur during the interim period between legislative sessions. It would place in regulation the threshold of when projects must receive IFC approval. It would require the Public Works manager to generate periodic project status reports on an exception basis.

In the original hearing I believe the choice was between 30, 60, or 90 days. I do not know if that has been agreed upon.

Finally, it would implement by regulation the optional use of privatized construction project management.

There was no testimony in opposition to this measure.

ASSEMBLYWOMAN PARNELL MOVED TO AMEND AND DO PASS
AS AMENDED ASSEMBLY BILL 12.

ASSEMBLYMAN BOBZIEN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Kirkpatrick:

The next bill is Assembly Bill 348.

Assembly Bill 348: Revises the boundaries and composition of the Elko Convention and Visitors Authority. (BDR S-422)

Amber Joiner, Committee Policy Analyst:

Assembly Bill 348 revises the boundaries of the Elko Convention and Visitors Authority. It was heard on April 11, 2007, and sponsored by Assemblyman Carpenter.

The amendment changes the area described by census blocks to a written description of the precinct areas ([Exhibit D](#)).

There was no testimony in opposition to this measure.

Chair Kirkpatrick:

Do I have a motion on the floor?

ASSEMBLYMAN GOICOECHEA MOVED TO AMEND AND DO PASS AS AMENDED ASSEMBLY BILL 348.

ASSEMBLYMAN STEWART SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Amber Joiner:

Assembly Bill 415 is the next bill in your work session document.

Assembly Bill 415: Authorizes the financing of projects by a local government through the issuance of commercial paper. (BDR 30-1067)

Amber Joiner, Committee Policy Analyst:

Assembly Bill 415 amends the Local Government Securities Law to authorize the issuance of municipal securities in the form of commercial paper to fund the cost of any project or to refinance any commercial paper or other securities previously issued.

It was heard on April 2, 2007, and sponsored by Assemblyman Hardy.

There was one amendment proposed during the hearing. This amendment would make it clear that the time limits of six years for general obligation debt and ten years for special obligation debt apply only to commercial paper programs that are allowed to reset or roll over. It also clarifies that one-time commercial paper programs would not be impacted by this measure ([Exhibit E](#)).

There was no testimony in opposition to this measure.

Chair Kirkpatrick:

Do I have a motion on the floor?

ASSEMBLYMAN BEERS MOVED TO AMEND AND DO PASS AS AMENDED ASSEMBLY BILL 415.

ASSEMBLYMAN BOBZIEN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

The next bill is Assembly Bill 445.

**Assembly Bill 445: Revises provisions regarding state personnel.
(BDR 23-1048)**

Amber Joiner, Committee Policy Analyst:

Assembly Bill 445 provides that the decisions of the Employee-Management Committee are binding and authorizes the committee to petition a court to enforce its binding decisions. This bill also adds the occupational group of positions requiring certification by the Peace Officers' Standards and Training Commission to the index the Department of Personnel maintains that contains all positions in the classified service of the State.

This was sponsored by Assemblyman Parks and heard on April 5, 2007.

There was one amendment proposed during the original hearing. Page 3, line 5 adds the provision that the employee as well as the Employee-Management Committee may petition a court of competent jurisdiction for the enforcement of the binding decisions ([Exhibit F](#)). This concept was proposed by Assemblyman Parks.

Chair Kirkpatrick:

Do I have a motion on the floor?

ASSEMBLYWOMAN WOMACK MOVED TO AMEND AND DO
PASS AS AMENDED ASSEMBLY BILL 445.

ASSEMBLYWOMAN PARNELL SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Amber Joiner, Committee Policy Analyst:

The next bill is Assembly Bill 447.

**Assembly Bill 447: Creates an advisory bistate commission to study and make recommendations concerning various environmental and land-use issues.
(BDR 22-914)**

Assembly Bill 447 creates an advisory bistate commission to study various environmental and land-use issues that are common to the areas of Clark County, Nevada; Inyo County, California; and San Bernardino County, California.

The advisory commission will also make recommendations to certain governing bodies ([Exhibit G](#)).

The measure was sponsored by Assemblyman Mortensen and heard on March 29, 2007.

There were several amendments proposed. The first would add Nye County, Nevada, to the list of counties participating in the commission. That would require the change in the proposed commission's name since tri-county would no longer be appropriate with four counties participating.

This concept was proposed by Laura Billman of Nye County, Liz Warren, and Assemblyman Mortensen.

The second proposed amendment would change the composition of the commission to include eight members, including county commissioners and county supervisors.

This concept was proposed by Liz Warren and Assemblyman Mortensen.

The third amendment would modify the qualifications of members to include knowledge of energy, the environment, land use, transportation, water, or wildlife.

This concept was proposed by Liz Warren and Assemblyman Mortensen.

Chair Kirkpatrick:

Do I have a motion on the floor?

ASSEMBLYMAN BOBZIEN MOVED TO AMEND AND DO PASS AS
AMENDED AND REREFER TO WAYS AND MEANS
ASSEMBLY BILL 447.

ASSEMBLYMAN GOICOCHEA SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Kirkpatrick:

Our next bill is Assembly Bill 462.

Assembly Bill 462: Revises provisions relating to the sale or lease of real property by governmental entities. (BDR 26-901)

Amber Joiner, Committee Policy Analyst:

Assembly Bill 462 changes from two to one the number of appraisals that the state land registrar, the board of county commissioners of each county, and the governing body of each incorporated city must obtain when selling or leasing any real property if such an entity holds a public hearing to review the appraisal. It also requires that property sold or leased to a public utility for a public purpose and property sold or leased to the State or another governmental entity are exempt from the requirement for an appraisal and that they be sold or leased upon sealed bids followed by oral offers. This measure also requires that a person wishing to purchase real property from a county or city by auction must deposit with the board of county commissioners or governing body an amount sufficient to pay the costs.

There is a mock-up in your work session document containing the following seven conceptual amendments ([Exhibit H](#)).

The first amendment would retain the requirement that the State, counties, and cities must obtain two independent appraisals of real property before they sell or lease the property but provides that in lieu of obtaining the second appraisal, the governing body may conduct a full public hearing concerning the fair market value of the property.

This amendment was proposed by Assemblywoman Kirkpatrick.

The second amendment would add a new section that authorizes a governing body to convey real property to the State or an agency of the State without charge if the property is to be used for a public purpose.

This amendment was proposed by Assemblywoman Kirkpatrick and State Land Registrar, Pam Wilcox.

The third amendment would add a new section that provides that if the State, the county, or a city fails to comply with the relevant provision of *Nevada Revised Statutes* (NRS) governing sales and leases of real property, any change in land use of that property may not take place for five years after failure to comply.

This amendment was proposed by Assemblywoman Kirkpatrick.

The fourth amendment would add a new section that exempts county airports in counties with populations less than 50,000. This amendment was proposed by Lee Thompson.

The fifth amendment would exempt certain properties from the provisions of NRS Chapter 333, which relates to State Purchasing. It would exempt this from the appraisal requirements. It would also allow the reduction to one independent appraisal with the approval of the Legislature's Interim Finance Committee (IFC) after discussion of the fair market value of the land. This amendment was proposed by Pam Wilcox.

The sixth amendment would exempt the provisions of Chapter 333 in NRS from the provisions of NRS 321.007, which relate to the sale procedures for public lands. This amendment was proposed by Pam Wilcox.

The seventh amendment would add a new section to allow local governments to lease real property to certain nonprofit organizations in accordance with certain terms. This amendment was proposed by Assemblywoman Kirkpatrick with certain additional refinements proposed by Pam Wilcox.

There was no testimony in opposition to this measure.

Chair Kirkpatrick:

Do I have a motion on the floor?

ASSEMBLYWOMAN PIERCE MOVED TO AMEND AND DO PASS
AS AMENDED ASSEMBLY BILL 462.

ASSEMBLYMAN STEWART SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

The next bill is Assembly Bill 470.

Assembly Bill 470: Prohibits the Governor or any other state officer or employee from binding the State to the requirements of an international trade agreement without authorization by the Legislature. (BDR 19-1280)

Amber Joiner, Committee Policy Analyst:

Assembly Bill 470 prohibits the Governor or any other state officer or employee from binding the State to the requirements of an international trade agreement without the authorization of the Legislature. This measure also invalidates the requirements of an international trade agreement that the Governor or any other State officer or employee has consented to prior to the effective date of this act. This bill was heard on April 10, 2007, and was sponsored by Assemblywoman Pierce.

There were no amendments proposed for this measure and there was no testimony in opposition ([Exhibit I](#)).

Chair Kirkpatrick:

Is there any discussion?

Assemblyman Goicoechea:

I am concerned about whether or not we can pass a law that would undo anything the Executive Branch has already done.

Assemblywoman Pierce:

It is important to remember the Executive Branch does ask us periodically if we want to be bound to these agreements. The Executive Branch sent us letters asking us, so they have engaged us in this process.

Assemblyman Goicoechea:

I understand that periodically the Executive Branch asks, but we are putting it in statute. It undoes everything. I do not know if we can do that.

Assemblywoman Pierce:

We have gotten letters; Mr. Smith has replied to them and disengaged us from some trade agreements. All this bill says is that decision should not be Mr. Smith's. It should be ours.

I do not think we are changing a procedure or an action that this State has taken. What we are doing is saying that the people in this building should be the ones making that decision.

Assemblyman Goicoechea:

This measure invalidates the requirements of any international trade agreement the Governor or any other State officer or employee has consented to prior to the effective date of this act. I do not know if we can go that far back against the Executive Branch.

Assemblywoman Pierce:

These trade agreements since the North American Free Trade Agreement (NAFTA) have broken new ground, and maybe it is time that we have this discussion not just in this State but in this country.

Assemblyman Goicoechea:

I agree with you, but the bottom line is we have a separation of powers.

Chair Kirkpatrick:

We will move this to tomorrow's work session and have Scott McKenna clarify some things.

Assemblyman Goicoechea:

I talked to Mr. McKenna earlier in search of the answer.

Assemblywoman Pierce:

I recognize this is an issue we have not tackled before.

Chair Kirkpatrick:

I think it is a good bill, and we are moving in the right direction.

The next bill is Assembly Bill 600.

Assembly Bill 600: Revises provisions concerning the protection of certain personal identifying information. (BDR 19-774)

Amber Joiner, Committee Policy Analyst:

Assembly Bill 600 makes consistent the provisions that protect personal information from disclosure by public entities on documents by protecting personal information both on the entity's Web site and on documents submitted to the entity. This measure also provides that the last four digits of a Social Security number are not personal information; provides immunity to certain officers and employees of governmental agencies regarding disclosure of personal information; provides that a person may request the redaction of information on certain documents; removes the requirement of the inclusion of a Social Security number on certificates of marriage and forms for divorces and annulments; allows the inspection and copying of certain records by family members; and authorizes the use of the last four digits of a Social Security number in judgments.

There were several amendments proposed ([Exhibit J](#)). The first three were proposed in writing at the original hearing. The fourth one was proposed verbally during the hearing. These were all proposed by Alan Glover, Carson City Recorder.

The first amendment would require a person who requests that a governmental agency remove from any document personal information about the person must give the document number and/or book and page, the type of document, and the date the document was submitted to the agency.

The second amendment is to provide that a county recorder may allow inspection and copying of records containing personal information about a deceased or incapacitated person by a widow or widower, parent, sibling, child, spouse, guardian, or personal representative of the person.

The third amendment would delete Section 6, which requires redaction of pre-2007 documents by 2017. Currently the law requires the redaction of those documents by 2017, and this would delete that requirement.

The fourth amendment would modify the effective date in certain portions of the bill to January 1, 2008, in order to allow a reasonable amount of time to implement the new provisions.

There was no testimony in opposition to this measure.

Assemblyman Goicoechea:

There are a couple of amendments that will probably work and a couple that will not.

I am concerned because we are going to authorize the use of the last four digits of the Social Security number on judgments. It is going to take time to meet that provision. It is unrealistic to consider a January 1, 2008, effective date to have that in place. Am I correct in understanding it must be in place by that effective date?

Amendment two would allow for personal information about a deceased person to be accessible to a widow, parent, sibling, child, or spouse. That makes sense to me.

Chair Kirkpatrick:

You do not like letting them have until January 1, 2008, or do you think they need longer?

Assemblyman Goicoechea:

It says to modify it to the effective date of January 1, 2008. This pertains to going back and incorporating the last four digits of Social Security numbers on judgments.

Your spouse or whoever should be able to review your records.

I do not think amendment three will work.

I do not think it is realistic to ask a person who is coming in to have his personal information removed to have the numbers of all the documents, et cetera. That would be very unrealistic.

I would like to make a motion that we amend and do pass with amendments two and four.

Assemblyman Stewart:

Could we modify amendment one to say the person coming in must identify the document, not necessarily where it is, but just the document that he wants changed. That would help the clerk without requiring the person to know specifically where it is. If the documents were electronically recorded, then it would cause a lot of grief.

Chair Kirkpatrick:

You may not know if there is a lien with your Social Security number on it. You may not know if there is a trust you inherited. I would not be in favor of that.

Assemblyman Stewart:

I was thinking of pre-computer records.

Assemblyman Goicoechea:

That is the law today. They have to go back and purge all of the records whether you know what the document is or not. I realize it is not going to be much of a benefit to have someone walk in and say I want this document purged, and technically they have to do it for everyone in the county.

ASSEMBLYMAN GOICOECHEA MOVED TO AMEND AND DO
PASS AS AMENDED ASSEMBLY BILL 600.

ASSEMBLYWOMAN PARNELL SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Kirkpatrick:

We will move on to Assembly Bill 95.

Assembly Bill 95: Makes various changes concerning the confiscation of firearms during an emergency or a disaster. (BDR 36-294)

Assemblywoman Valerie Weber, Clark County Assembly District No. 5:

Almost two years ago at 6:10 a.m. on August 29, 2005, Hurricane Katrina slammed into the Louisiana/Mississippi coastline. It was the costliest and one of the deadliest hurricanes in U.S. history. There were 1,836 people who lost their lives in the storm and subsequent flooding. Eighty percent of those lives were from Louisiana alone. The storm was responsible for over \$81 billion in damage. Eighty percent of the City of New Orleans was flooded for weeks. Over 200,000 people were evacuated.

Nongovernmental organizations were the first on the ground, followed by the National Guard. We all remember the criticism of the federal, state, and local governments due to the widespread lack of recovery and rescue that went on during the time. As a result, there was an investigation by Congress and the resignation of the Federal Emergency Management Agency (FEMA) director.

We all remember the media accounts of looting, carjacking, and murder. Remember the famous Danziger bridge incident? Help did arrive but it was slow. It was painful for all of us to watch.

On the other hand, there were citizens who stayed. They were law-abiding citizens protecting their families and property. Just when these people needed guns to protect their families, since there was no police protection at the time, the New Orleans police superintendent ordered the confiscation of firearms allegedly under the state emergency powers law. There are 33 states that have these laws. Quote: "No one will be able to be armed. Guns will be taken. Only law enforcement will be allowed to have guns."

What happened subsequent to those statements is what we do not want to have happen here in Nevada. Let us view the video and what they said happened ([Exhibit K](#)).

[Viewed video.]

Assembly Bill 95 does two things. The emergency powers conferred to the Governor and others will not impose restrictions upon those who legally possess firearms. It is to make sure that no state officials can disarm our law-abiding citizens.

The second item is if there is a violation in that area, the citizen can seek relief as stated in Section 8 of the bill.

Because of what happened in New Orleans in the aftermath of Katrina, 13 states have enacted legislation in the area of emergency firearms protection

bills, including most of the Gulf Coast states. Ten states have pending legislation this session, including our State.

The people of the State of Nevada have spoken. We have heard from over 389 people on the legislative opinion poll. There have been numerous phone calls and emails in support from the north, south, and rural areas, and across all party lines. It is the seventh highest bill in volume of opinion this session.

The people who have sent in their comments are people who understand this issue, such as retired police officers, and the importance of this legislation for their families, businesses, and for the protection of their liberties.

Assemblyman Christensen:

This is a great bill. I sponsored it because I believe in it.

Assemblywoman Weber:

There is an amendment that is coming ([Exhibit L](#)).

Chair Kirkpatrick:

I did some checking with the National Rifle Association (NRA). This bill is similar to Arizona's laws. Is that correct, Ms. Weber?

Assemblywoman Weber:

Yes.

Chair Kirkpatrick

Is there anyone who would like to speak in favor of A.B. 95?

John Cahill, Private Citizen, Henderson, Nevada:

I am in support of this bill.

We have the right to possess our firearms in our state Constitution.

I live in Henderson where a pretty good guy is our chief of police. He is a local guy. I knew he was not going to be taking away anyone's guns in an emergency. Then I saw part of the documentary you just presented, and I thought about what might happen in southern Nevada if we had an emergency and were faced with a situation like they had in New Orleans. Those people are going to do their job as they see it. Citizens' rights in an emergency situation are not going to receive attention.

When I had a look at the documentary and the uncut news film of some of the things that happened down there, it changed my attitude.

This is a necessary bill and I support it.

Art Dixon, Private Citizen, Las Vegas, Nevada:

I support this bill.

Marcia Nicholson, Private Citizen, Las Vegas, Nevada:

I am 63 years old, live alone, and have always followed the laws of the land. I feel absolutely safe because I have the Second Amendment on my side.

When I saw this happen in New Orleans I got scared, especially seeing them go after women.

In times of crisis, the criminal is very clever. If this law does not pass, people who have a criminal mindset can prey on people like me, knock on doors while wearing uniforms, or claim they work for any organization or private company to confiscate guns.

This is an extremely important bill that needs to be passed. A message needs to be sent to the criminal mindset. You cannot prey on American citizens in times of crisis. The people will know that is unjust. I will feel safe as a single woman living alone.

Janine Hansen, Nevada Eagle Forum:

On page 2, line 8 it says "do not include authority to confiscate or authorize the confiscation of a firearm from a person." When you go to the amendment that will be brought forward, I would like to point out a couple of things ([Exhibit L](#)). I have also handed out a copy of part of the Nevada Constitution ([Exhibit M](#)), which is one of the best with regards to the right to keep and bear arms because it says every citizen has the right to keep and bear arms for security and defense.

In the amendment it says "pursuant to the Second Amendment of the United States Constitution" and "Article 1, Section 11 of the Nevada Constitution." It is a good thing to make the reference to those. If you look down later in that paragraph it says "shall not construe to allow imposition of additional restrictions on the lawful possession," et cetera.

Clark County has gun registration, and unless Senator Lee's bill passes, which removes gun registration in Clark County, I would be opposed to this particular amendment. What it would do is make gun registration operative.

In Clark County I have a concealed carry permit. I renewed it recently but my concealed carry permit would not be any good in Clark County because of the

gun registration law. I have some concerns about the language. We know that in other nations, gun registration has always preceded gun confiscation.

The chief reason that America has remained a free country is the widespread private ownership of firearms. The principal purpose of the Second Amendment was to maintain freedom from government. James Madison said, "Americans have the advantage of being armed unlike citizens of other countries where the governments are afraid to trust the people with firearms." Patrick Henry said, "The great objective is that every man be armed. Everyone who is able may have a gun." George Mason said, "To disarm the people is the best and most effectual way to enslave them." Richard Henry Lee said, "To preserve liberty it is essential that the whole body of people always possess arms and be taught alike, especially when young, how to use them."

I am in favor of the bill. I like the original language, which says specifically the police are not authorized to confiscate guns. That is an important statement that is lost in the amendment.

Lynn Chapman, Vice President, Nevada Families:

I gave you a cartoon that was put out by gun owners ([Exhibit N](#)). Texas State Representative Suzanna Gratia-Hupp said, "How a politician stands on the Second Amendment tells you whether he or she views you as an individual, as a trustworthy and productive citizen, or as part of an unruly crowd that needs to be lorded over, controlled, supervised, and taken care of."

Senator David Vitter of Louisiana, citing the U.S. constitutional right to bear arms, said that during an emergency people should be allowed to hold on to their legally possessed firearms to defend their lives and property at a time when telephone lines and cell phones are not working and they cannot reach out to law enforcement. He also said that a declaration or state of emergency in and of itself does not give anyone the right to confiscate guns. Local law enforcement officers should not trump the Constitution.

Eric Pratt is the director for Gun Owners of America. He talked about New Orleans and how the confiscations did not make the people of New Orleans any safer. Privately owned firearms were the only thing that prevented good people from becoming victims in the aftermath of Hurricane Katrina. Few policemen were to be found anywhere in the city.

There have been many stories of self-defense where stranded survivors were able to use firearms to protect what little they had against the criminal thugs who had been released from the prisons. The people were operating within their legal rights. The law authorizes a citizen's arrest for a felony, and in a

1964 case a Louisiana court held that shooting a property thief in the spine was a legitimate citizen's arrest. After the hurricane, there were prominent stories of citizens legitimately defending their property.

David Schumann, Vice Chairman, the Nevada Committee for Full Statehood:

I am here to support the original version of this bill.

I watched the video when this originally happened and thought very smugly that this could not happen in Nevada. Power tends to corrupt and absolute power corrupts absolutely.

Section 9 of the original bill deals harshly with people who violate our Second Amendment rights. That is the correct disincentive you need because these people do not seem to understand there are limits to their power.

This original bill helps keep civilization intact. The suggested amended language in Section 9 is poor and the bill should stay as it is and not be amended.

John Wagner, The Burke Consortium:

I have been evacuated from my home twice. The first time was in Sacramento when 500-pound bombs went off in a Roseville train yard. I talked to people who practically met the looters as they were going out of their houses and the looters were going in. I thought we might get evacuated, so my standing order to my wife and kids was, "I will grab the guns, you grab the dog, et cetera, and we are out of here in a matter of minutes." I also got caught in the Waterfall Fire and had to evacuate. The first things in the car were the guns because I was not going to return to my house and get shot at with my own gun.

Sheila Ward, Private Citizen, Carson City, Nevada:

I support this bill.

J. L. Rhodes, Private Citizen, Fallon, Nevada:

I support this bill.

Gary Wolff, Nevada State Law Enforcement Officers' Association:

I have weapons in my house. They are for the protection of my wife and I. I am a huge believer of the civil rights of all of our citizens. These are rights given to us by our founding fathers.

I also believe only law-abiding citizens should have weapons.

I support this bill.

Charles Musser, Private Citizen, Boulder City, Nevada:

I support this bill in its original form.

We need the protection of weapons in our homes for when the system breaks down or if there is a national disaster. We need to be able to defend ourselves and our families.

Chair Kirkpatrick:

Is there anyone else who would like to speak in favor of A.B. 95? [There were none.]

Is there anyone who would like to speak as neutral on A.B. 95? [There were none.]

Is there anyone who is opposed to A.B. 95?

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

I signed in as opposed to this bill because we have some issues with the language. We do not have any opposition to the intent of the bill. The Nevada Sheriffs' and Chiefs' Association took an oath to protect and defend the Constitution and the laws of United States and the constitutional laws of the State of Nevada. We take the Second Amendment seriously.

I spoke with Assemblywoman Weber a couple of times about the language and she directed me to the State of Arizona, which recently passed a similar bill. An issue we have with the bill is the punitive language in Sections 9 and 10 that takes an officer who makes a decision in the field and holds him to a Class B felony. That is reserved for the most violent criminals in the State of Nevada. It also holds him to termination from his job.

I presented an amendment to Assemblywoman Weber ([Exhibit L](#)). On the second page of the amendment it takes out lines 6 through 17 and replaces them with language from the Arizona bill. It refers to Article 1, Section 11 of the *Nevada Constitution*, which gives us the right to have weapons for our personal security. It leaves in the ability for the citizens to have redress if a weapon is taken from them under Section 3 rather than Section 10. It eliminates Sections 9 and 10 completely.

We would support the concept of this with our proposed amendment.

Tim Kuzanek, Lieutenant, Washoe County Sheriff's Office:

I echo the concerns of Frank Adams with regard to Sections 9 and 10. I would not support the original wording.

Raymond Flynn, Assistant Sheriff, Las Vegas Metropolitan Police Department:

I believe in the intention of this bill. It is unfortunate that 17,000 police departments are now painted with a broad brush because of the actions of two police departments in Louisiana.

At the Las Vegas Metropolitan Police Department, we have deployed to national disasters in Oklahoma City, Oklahoma, the terrorist attack on the World Trade Center, and two deployments to the Hurricane Katrina area. I am proud to say that I was part of those deployments. We never considered nor did we take part in the confiscation of firearms.

We have dealt with fires, floods, and two riots in Clark County. There has never been any evidence we have confiscated weapons from law-abiding citizens.

We have concerns with Sections 9 and 10. We feel they are overly punitive. We would support the bill as amended.

Assemblyman Stewart:

You are concerned about removing Sections 9 and 10. If an officer acted improperly and did the things shown on the film, you have procedures that would penalize and punish him. The victim would also have the right to go to the courts, correct?

Frank Adams:

You are correct. We have policies and procedures for internal investigations. Even in emergency situations, our officers have to abide by the rules and regulations of each organization.

There are criminal issues that could be brought against such officers. There are internal policies. There are also civil remedies through the courts by the citizens.

Assemblyman Stewart:

I would like to go on record as supporting the bill as amended.

Assemblyman Settlemeyer:

Do you feel that an officer should still be working for a police department if he has done things such as in the video?

Raymond Flynn:

If that were to occur in our agency, I would bring charges against that officer.

Assemblyman Settelmeyer:

Do you think he should still be employed?

Raymond Flynn:

No.

Assemblyman Goicoechea:

My biggest concern with your amendment is when we remove Sections 9 and 10, responsibility falls back to the Governor. He is the one that is going to compensate for whatever occurred. There has to be some recourse back to the offending officer. I am not saying it should be a felony or he should automatically lose his job, but there has to be some type of prosecution in place. Then there has to be very harsh repercussions at the point he is convicted.

Frank Adams:

There are existing laws in place to punish an officer if he has made a mistake. A harsh penalty in the law would give the officer second thoughts about whether or not to take the gun. If he takes the gun, is he going to be prosecuted as a felon and lose his job? These things will be running through his mind.

There ought to be some action taken against the officers if they violate the law, but there are already laws on the books that cover that. There are also policies and procedures in place now.

Assemblyman Goicoechea:

The bottom line is it should not be a felony. What about if it was a misdemeanor? If you are convicted of a misdemeanor, would that trigger an internal affairs investigation?

Frank Adams:

Our internal affairs department would be looking at it well before the conviction of a misdemeanor for an officer's actions. Confiscation of weapons is not within the policies of the department. If the law is passed as amended, it would be a state policy. If he does confiscate a weapon in violation of the state policy, he would be subject to any other procedures against him that currently exist. It would be a violation of department policy if he confiscated a weapon without the proper authority.

There are times when an officer is going to take a weapon into custody, but if there is a state policy that says no confiscation, that becomes a department

policy. If he violates that, he violates department policy and is subject to sanctions.

Assemblyman Goicoechea:

We are putting a statute in place and then we are going to allow the punitive penalty to be established by the policy of the department. Let us go ahead and put something in the book that says it will be at least a gross misdemeanor or something like that.

Frank Adams:

I looked at all of the other pending statutes, and I am not aware of any other state that has put a punitive violation against the officers in the field under this situation.

Assemblyman Goicoechea:

I do feel there has to be some type of connection between the statute and a penalty.

Assemblyman Bobzien:

I would like to see this move forward with the amendment.

Assemblyman Beers:

The amendment is a stride forward using baby steps.

Administrations change and we do not know if we are going to have people with the integrity not to do what the police in New Orleans did. We have to have something that applies personal responsibility for an action. We cannot pass the buck up the line until it gets to the Governor. I do not like the idea of a felony. I do not even like the idea of a misdemeanor, but I believe a good, harsh civil penalty would need to be applied.

I do not like the line in the amendment that says "this chapter shall not be construed to allow the imposition of additional restrictions on lawful possession." That is language essentially saying that we do not care under certain times of crisis what the Constitution says. We need to take the bulk of the original and do some reductions, but we have to make sure that personal responsibility for an action is in the law.

Assemblywoman Parnell:

It is interesting for me to listen to the gentlemen on the Committee because I am leaning towards the original language.

Assemblyman Claborn:

I would like to go on record as saying I support the second amendment presented.

This bill is an important piece of legislation.

Chair Kirkpatrick:

I do not want to see this become a partisan issue on whether the amendment passes or the original bill passes. The importance of this bill needs unified action.

I have Mr. McKenna researching other states that have passed similar laws.

Is there anyone else in opposition to A.B. 95?

Vinson Guthreau, Nevada Association of Counties:

I am here to convey the message that the Nevada Association of Counties (NACO) supports the bill with the amendment.

David Kallas, Las Vegas Police Protective Association and Southern Nevada Conference of Police and Sheriffs:

The concern I have is based on some of the statements that have been made on the punitive action taken against an officer.

We have had our own share of problems in Clark County in the 1990s when we had the Rodney King riots. We had people getting killed, looting, and destruction. Every single officer in the department was mobilized for a one-week period. The furthest thing from our minds was the idea of going into citizens' homes and taking their guns away, even though there were those of us intending to protect the lives of citizens who were shot at. Our job was not to go to armed citizens' doorways, knock on their doors, and take away their guns. Our job was to take the guns away from the bad guys.

If you implement a provision in the bill that imposes punitive action on an officer who is involved in a situation similar to what happened in New Orleans, who makes a split second decision, believing that in the best interest of the citizens he needs to confiscate a gun, it becomes problematic.

We have remedies in law right now. We have disciplinary measures that are taken by individual agencies. Some people question whether that would really occur. The last thing an officer wants to have is another officer in that department giving them a black eye. We are guilty by association.

Assemblywoman Weber:

The New Orleans Police Department was under orders to confiscate guns because of the emergency powers provision. These were not officers acting on their own.

As a result of the Rodney King riots in Las Vegas, city ordinances were put in place. One of them includes that during a time of emergency, gun stores are closed. Changes happen as a result of an emergency.

I heard concern in testimony about Sections 9 and 10. Other states have not brought that forward. I am amenable to the amendment.

It needed to be on the record that things change over time. Power structures are in place to do things that can affect law-abiding citizens.

Assemblywoman Parnell:

With the amendment to your original piece, do you think we would be safe from a situation in which law enforcement individuals would be ordered to do what happened in New Orleans?

Assemblywoman Weber:

That is a step forward that would protect an individual law-abiding citizen's rights.

Scott McKenna, Committee Counsel:

The only specific law I have been looking at so far is Florida House Bill 285, which passed and was enacted. By my reading of the provisions of that bill, it says the confiscation of firearms during a time of disaster or emergency is not permitted. It does not specify a particular penalty. It would appear to default to a basic misdemeanor.

Assemblyman Bobzien:

It is a default to a misdemeanor in terms of the person who did the confiscation?

Scott McKenna:

The Florida law says the confiscation shall not take place. From that I am extrapolating that under Nevada law, if something is said to be prohibited, the default presumption is a misdemeanor if a greater penalty is not prescribed.

Assemblyman Bobzien:

If we were to pursue language that specified something less than a criminal penalty, such as an administrative penalty, would that override the possibility that someone could also be charged for a misdemeanor as an offender?

Scott McKenna:

I would have to give that further thought.

Assemblyman Goicoechea:

What I heard you say is that in the absence of any penalty in A.B. 95, a violation would automatically become a misdemeanor if we do not put anything else in there.

Scott McKenna:

Yes, that is how I would read it.

Assemblyman Goicoechea:

So we get to where we wanted to be in the first place.

Assemblywoman Weber:

Section 8 of the bill talks about the confiscation of a firearm. It is mentioned at least three times. In the language of the amendment, and based on what we heard on Florida House Bill 285, the key word seems to be confiscation. I am not sure if the amended language in Section 3 implies that confiscation is not part of that, but the word is not in there.

Assemblywoman Parnell:

The Carson City Leadership Class has attended this meeting.

Chair Kirkpatrick:

We can conceptually send something out because the deadline is tomorrow, or we can try to drag it out, but I do not believe Assemblywoman Weber would be able to get it out this session. That puts everyone on the task of working together.

I am going to recess the meeting.

[Meeting recessed at 9:51 a.m.]

[Meeting reconvened at 10:13 a.m.]

Chair Kirkpatrick:

Ms. Weber, do you have anything else for us?

Assemblywoman Weber:

There is consensus on the amendment that involves—if I could pass it back to your Committee with your permission. I believe they have it figured out.

Assemblyman Beers:

We have a consensus that it would be an Amend and Do Pass with the addition that in Section 3—

Chair Kirkpatrick:

Is this Section 3 in the amendment?

Assemblyman Beers:

Section 3 of the amendment is where you have crossed out to add back in the language of lines 10 through 13 after the words where the paragraph begins "pursuant to the Second Amendment." You go down to where the line says "this chapter shall not be construed to allow the" and then you would have lines 10 through 13 added back into that sentence at that point.

Chair Kirkpatrick:

Let me clarify this. Section 1 would stay as it is. Section 2 would stay as it is. Section 3 would start off with:

Pursuant to the Second Amendment to the United States Constitution and Section 11 of Article 1 of the Nevada Constitution, and notwithstanding the provision of this section or any other law, the emergency powers conferred upon the Governor and upon the executive heads or governing bodies of the political subdivision of the State by this chapter shall not be construed to allow the confiscation or authorize the confiscation of a firearm from a person unless the person is in unlawful possession of firearms or unlawfully carrying the firearms.

Assemblyman Beers:

Then the words "or the imposition of additional restrictions on the lawful possession, transfer, sale," et cetera.

Chair Kirkpatrick:

Is it clear with Legal what we are doing?

Scott McKenna:

Yes.

Chair Kirkpatrick:

Do we have a motion on the floor?

ASSEMBLYMAN BEERS MOVED TO AMEND AND DO PASS AS
AMENDED ASSEMBLY BILL 95.

ASSEMBLYMAN BOBZIEN SECONDED THE MOTION.

Is there any further discussion?

Assemblywoman Pierce:

That is the only change we are making to the amendment, and otherwise we are adopting the amendment?

Chair Kirkpatrick:

Correct.

MOTION PASSED UNANIMOUSLY.

There are several people who contacted me that did not get a chance to get on the bill because we were rushing to get the bills turned in. Do you mind if I submit a list on their behalf to the Chief Clerk's office?

Assemblywoman Weber:

Please do.

Chair Kirkpatrick:

Is there any public comment? [There was none.]

[Meeting adjourned at 10:17 a.m.]

RESPECTFULLY SUBMITTED:

Rachelle Myrick
Committee Secretary

APPROVED BY:

Assemblywoman Marilyn K. Kirkpatrick, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Government Affairs

Date: April 12, 2007

Time of Meeting: 8:00 a.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
AB 12	C	Amber Joiner, Committee Policy Analyst	Work session document
AB 348	D	Amber Joiner, Committee Policy Analyst	Work session document
AB 415	E	Amber Joiner, Committee Policy Analyst	Work session document
AB 445	F	Amber Joiner, Committee Policy Analyst	Work session document
AB 447	G	Amber Joiner, Committee Policy Analyst	Work session document
AB 462	H	Amber Joiner, Committee Policy Analyst	Work session document
AB 470	I	Amber Joiner, Committee Policy Analyst	Work session document
AB 600	J	Amber Joiner, Committee Policy Analyst	Work session document
AB 95	K	Assemblywoman Valerie Weber, Assembly District 5	DVD – New Orleans Press Conference Clips
AB 95	L	Frank Adams, Executive Director, Nevada Sheriffs' and Chiefs' Association	Proposed amendment
AB 95	M	Janine Hansen, Nevada Eagle forum	Sections 9 through 18 of the Constitution of the State of Nevada
AAB 95	N	Lynn Chapman, Vce President, Nevada Families	Cartoon