

**MINUTES OF THE
SENATE COMMITTEE ON GOVERNMENT AFFAIRS**

**Seventy-fourth Session
March 14, 2007**

The Senate Committee on Government Affairs was called to order by Chair Warren B. Hardy II at 1:37 p.m. on Wednesday, March 14, 2007, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412E, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Warren B. Hardy II, Chair
Senator Bob Beers, Vice Chair
Senator William J. Raggio
Senator Randolph J. Townsend
Senator Dina Titus
Senator Terry Care
Senator John J. Lee

STAFF MEMBERS PRESENT:

Eileen O'Grady, Committee Counsel
Michael J. Stewart, Committee Policy Analyst
Olivia Lodato, Committee Secretary

OTHERS PRESENT:

Keith L. Lee, National Shooting Sports Foundation
Lawrence G. Keane, National Shooting Sports Foundation
Donald M. Turner, Clark County Shooting Park, Department of Parks and Recreation, Clark County
John Cahill
Susan Wohlbrandt
Charles Musser
Michael Reese
Salvatore Mercadante
Joe O. Luby III

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Dolores McNamara, Silver State Shooting Sport Association
Arthur Dixon
William White
Bruce Thompson
J. L. Rhodes
Sam McGuire, Special Legal Services, Incorporated
Janine Hansen, Independent American Party; Nevada Eagle Forum
David K. Schumann, Nevada Committee for Full Statehood
Brian Bunin
Raymond J. Flynn, Las Vegas Metropolitan Police Department
Joseph Chronister, North Las Vegas Police Department
Jeffrey Stilson, City of Henderson Police Department
Frank Adams, Nevada Sheriffs' and Chiefs' Association
David F. Kallas, Las Vegas Police Protective Association Civilian Employees,
Incorporated; Southern Nevada Conference of Police and Sheriffs
Danny Thompson, Nevada State American Federation of Labor and Congress of
Industrial Organizations

Senator Hardy opened the meeting with a discussion of Senate Bill (S.B.) 92.

SENATE BILL 92: Revises the applicability of certain provisions pertaining to the regulation of firearms by local governments. (BDR S-45)

Senator Lee read an opening statement regarding S.B. 92 ([Exhibit C](#)). He said there was always debate concerning gun ownership. He said S.B. 92 was known as preemption law. He said A.B. No. 147 of the 65th Session combined all licensing of firearms in Nevada in one uniform law. Clark County negotiated a carve out in the bill allowing Clark County to maintain all previous ordinances and regulations. Senator Lee stated that another problem with the Clark County carve out required anyone with a concealed weapon permit from another part of the state immediately register a handgun with the sheriff or chief of police's office. He said police discretion was commonly used to selectively enforce requirements of the law. Senator Lee stated one set of laws for all citizens of Nevada was better for everyone. He quoted Clark County Code 12.04.200 regarding registration of firearms [Exhibit C](#), page 7. Senator Lee summarized his testimony saying S.B. 92 removed the Clark County carve out and provided uniform law for the state.

Senator Raggio said he was a member of the National Rifle Association (NRA) and believed in the right to bear arms. He said in 1989, when the bill was originally passed, there was a great deal of bitter discussion before arriving at the agreement currently in law.

Chair Hardy said he worked with Senator Lee and law enforcement personnel on the bill. He stated law enforcement concerns will ultimately be resolved.

Keith L. Lee, National Shooting Sports Foundation, supported S.B. 92. He introduced Mr. Larry Keane. He said Mr. Keane's remarks had been given to the Committee and requested they be part of the record.

Lawrence G. Keane, National Shooting Sports Foundation, explained his organization supported S.B. 92. Mr. Keane read his testimony ([Exhibit D](#)) to the Committee for the record:

The National Shooting Sports Foundation is the trade association for the firearm, ammunition, hunting and recreational shooting sports industry. As Keith explained, my name is Lawrence Keane. I'm the senior vice president and general counsel for the National Shooting Sports Foundation. We own the SHOT Show which stands for the Shooting, Hunting and Outdoor Trade Show which is held regularly in Las Vegas. The SHOT Show is currently the largest trade show in the world for firearms and ammunition products. It's the 27th largest trade show in North America, and yet amazingly, it remains one of the 50 fastest-growing trade shows in the United States. In 2006, the SHOT Show drew over 41,000 people to Las Vegas who spent in excess of \$50 million just on lodging and meals during the four days of the show. This past year in 2007, the SHOT Show was held at the Orange County Convention Center in Orlando, which continues to actively court the SHOT Show. The 2007 Orlando SHOT Show shattered all records for attendance and exhibit space for the show. It was our most successful SHOT Show ever.

The SHOT Show is scheduled to return to the Las Vegas Convention Center in 2008; and beginning in 2009, the National Shooting Sports Foundation plans to bring the SHOT Show to the Sands Convention Facility that is being expanded and renovated for an extended run. The 2008 SHOT Show will draw in excess of

43,000 attendees including exhibitors to the show, well over 2,000 exhibiting companies and will occupy about 675,000-square feet of exhibit space. The SHOT Show has a tremendous economic impact on the host city, and for the 2008 Shot Show, we estimate it will generate \$70 million in tourism dollars to the economy of the state, particularly to Las Vegas and Clark County.

There is, however, a "sword of Damocles" hanging over the SHOT Show that threatens and imperils NSSF's ability to continue to bring the SHOT Show to Las Vegas. The "sword" is Clark County Code Section 12.04.200 that requires the preregistration with law enforcement of any "gun, pistol, revolver, or other firearm capable of being concealed" before that firearm can be lawfully brought into and possessed in Clark County.

The Convention Center and the Sands are both in the unincorporated area of Clark County. SHOT Show exhibitors must comply with this law or they face arrest and criminal prosecution. The code section is very broad, and it applies to every one of the tens of thousand of firearms that are on display at the SHOT Show every year. We are extremely concerned that if the SHOT Show is held in the Las Vegas Convention Center in 2008, and presumably in the Sands for many years to come, virtually all of the 25,000 exhibitors representing 1,900 to 2,000 companies that come to the show will be committing a crime and subject to immediate arrest and prosecution for displaying firearms that have to be preregistered. NSSF, frankly, is also concerned that the Shot Show has potential criminal liability exposure under some sort of theory of aiding and abetting an offense by an exhibitor.

I am sure I think we can all agree that preregistration of tens of thousands of firearms that are on display at the SHOT Show is totally infeasible and unworkable. Any attempt to do so would impose a significant strain on the Clark County Sheriff Department's budget, perhaps to the breaking point, would consume thousands of man-hours every year that the show is in Las Vegas—which is most. Preregistration, as required by the ordinance, would be a major, costly, time-consuming inconvenience to our exhibitors and attendees.

Preregistering these firearms does not advance public safety. In fact, I would argue it would diminish public safety by wasting tax dollars and man-hours that would be better spent actually fighting crime.

We are also concerned that thousands of attendees who drive to the SHOT Show when it's in Las Vegas, who carry firearms for personal protection, will be unaware that they, too, are also committing a crime by coming into the county with a firearm that they have not first preregistered before they cross the county line.

NSSF feels it has an obligation to our exhibitors and attendees to take into consideration this ordinance when deciding whether or not we can, in good conscience, continue to bring the SHOT Show to Las Vegas knowing full well that many of our exhibitors and attendees will unknowingly be placing themselves in legal jeopardy.

Now in fairness to the Clark County Sheriff's office, we are not aware of any instance in which an attendee or exhibitor was prosecuted under this ordinance. However, the Sheriff cannot immunize a violation of the law, cannot provide "blanket immunity" to the SHOT Show attendees and exhibitors or create an exception to the ordinance that is not there. And past history is no defense to a future prosecution.

This is why the National Shooting Sports Foundation supports S.B. 92. Because only state legislation, it seems, can fully remove the threat posed by Clark County. We are interested in seeing the sword tethered and removing the sword of Damocles that hangs over the Shot Show. Thank you for your time.

Senator Care said he read all the material submitted. He enumerated the testimony he was interested in hearing: 1. The basis for two 1965 ordinances; 2. Whether the basis exists today; 3. Whether the ordinances are being enforced selectively; 4. The legal basis for selective enforcement of the ordinances. He said the ordinances did not make any reference to exemptions. Senator Care's fifth question concerned amending the ordinance to codify the exemptions.

Mr. Keane said he agreed there was no exemption in the statute.

Chair Hardy said Senator Care had articulated the issues surrounding the bill. He said the county code conflicted with A.B. No. 147 of the 65th Session. He said the question remained how enforcement occurred.

Mr. Lee said the NSSF had concerns with a citation or arrest for violating the code and someone bringing action challenging the constitutionality of the application of the statute.

Senator Care said he wanted to hear testimony on the constitutionality of selective enforcement.

Mr. Keane said there was a problem with the gun show participants attempting to comply with the ordinance as it is written.

Senator Titus asked Mr. Keane how his organization had chosen Las Vegas for their shows if the ordinance was a serious problem.

Mr. Keane said the NSSF was not aware of the problem until they supported the shooting park. He said the NSSF was not aware of any prosecutions, but said they cannot tell visitors to ignore the law. He added a prosecution for an attendee of the SHOT Show would destroy the show.

Senator Titus asked how long the SHOT Show had been in Las Vegas. Mr. Keane replied he did not know the first year the show was in Las Vegas.

Senator Titus asked Mr. Keane where the show would be staged if not in Las Vegas. He replied Orlando, Florida, was actively courting the SHOT Show.

Chair Hardy disclosed he was a member of the NRA. He said he carried firearms into other jurisdictions, and he wanted to obey the law.

Donald M. Turner, Clark County Shooting Park, Department of Parks and Recreation, Clark County, said the Shooting Park, when completed, was destined to be the largest public shooting park in the world ([Exhibit E](#)). Mr. Turner said the ingress to the park was through North Las Vegas and egress was in the City of Las Vegas. He said the ultimate challenge for the Park was providing safe firearms recreation while not creating law enforcement problems

or circumstances that caused patrons of the park to violate the laws in the service area.

John Cahill testified he was a Clark County instructor for Nevada Concealed Carry Weapon permits (CCW). He said the current Clark County codes regarding handgun registration were antiquated. Mr. Cahill said he forwarded an e-mail to the Committee ([Exhibit F](#)). He said most instructors in the other 16 counties in Nevada were unaware the permits they issued were not valid in Clark County after 24 hours. Mr. Cahill urged passage of S.B. 92 and the standardization of all firearm regulations under *Nevada Revised Statutes* (NRS).

Susan Wohlbrandt said she had 13 years experience in crime prevention training, self-defense training and defending the Second Amendment. She was opposed to the registration of handguns in Clark County. She urged a vote in favor of S.B. 92 with no amendments.

Senator Care said the bill would strike down two Clark County ordinances from 1965. He asked Ms. Wohlbrandt if she knew anybody who was cited or charged under either of the Clark County ordinances. She replied a request had been submitted to Las Vegas Metropolitan Police Department, but she had not received a response.

Chair Hardy asked the remaining testifiers to condense their testimony due to time limitations. He said if they agreed with previous testimony to state their agreement.

Charles Musser said he faxed his testimony ([Exhibit G](#)) to the Committee and would eliminate oral testimony on the parts of the document addressed earlier. He said laws needed uniformity in all the counties in Nevada. Mr. Musser urged passage of S.B. 92 without amendments.

Chair Hardy asked all testifiers in Las Vegas in support of the bill to come forward.

Michael Reese said he was an event promoter for the Shooting Park and was concerned about his rights to promote and market the park. He said residents of Clark County had to go to a shooting park and were not allowed to shoot firearms in the County. He said the laws in Clark County needed to be brought

up to date. He said Clark County should be treated like all the other counties. Mr. Reese urged passage of S.B. 92 without amendments.

Salvatore Mercadante testified he lost his registration cards for two pistols and needed new cards. He said the registrations were not computerized because they were from 1979 or 1980. He said he doubted the police department had the capability of registering all the handguns of shooters coming into Clark County for shooting events at the Park.

Joe O. Luby III read his testimony to the Committee. He said his testimony ([Exhibit H](#)) had been covered in earlier testimony. He said he was a former police officer in a state other than Nevada. He said S.B. 92 eliminated patchwork gun laws between the communities in Clark County.

Dolores McNamara said she was president of the Silver State Shooting Sport Association (SSSSA). She said she had a junior shooting program at Nellis Air Force Base. She said in 1996, she had 40 handguns she had to register with the police department. She said the police wanted her to register the guns two at a time. She said she supported S.B. 92.

Senator Beers disclosed he was a member of the NRA, the SSSSA and volunteered at the junior shooting program.

Arthur Dixon said he had been involved with the Shooting Park since 1998. He urged the Committee to vote in favor of S.B. 92.

William White said he was past president and present member of the Sun City Summerlin Shooting Club. He said his organization urged passage of S.B. 92 without amendments.

Bruce Thompson, Chair, African-American Coalition for the Republican Party of Clark County, said his organization supported S.B. 92.

Chair Hardy thanked the testifiers from Las Vegas and requested the testifiers in Carson City not reiterate previous testimony except to agree.

J. L. Rhodes said he was from Fallon in Churchill County. He said he agreed with the previous testimony and appreciated S.B. 92 being brought forward to the Committee. He urged support of the bill by the Committee.

Sam McGuire, Special Legal Services, Incorporated, said he was an active-duty military police officer but was testifying as a private citizen. He said certified police officers were able to carry their firearms in all 50 states without reregistration, except in Clark County. He said he strongly supported S.B. 92. He said he wanted to stay within the limits of the law, but it was difficult for people coming into the state through Las Vegas. Mr. McGuire asked the Committee to pass S.B. 92.

Janine Hansen said she was representing the Independent American Party and Nevada Eagle Forum. She stated she was also a member of Gun Owners of America, Nevada Rifle and Pistol Association, and her husband was a member of the NRA. She said guns were the great equalizer for women. She said she had a CCW permit. She said the Nevada State Constitution provided specifically that guns were for self-protection. She said the citizens of Clark County deserved the same opportunity for self-defense as the people in the rest of the state. Ms. Hansen submitted an article supporting gun ownership ([Exhibit I](#)). She said she strongly supported S.B. 92.

David K. Schumann, Nevada Committee for Full Statehood, testified in favor of S.B. 92. He said he was unaware of the exception in Clark County concerning concealed weapons permits. He said his organization supported S.B. 92 without amendments.

Brian Bunin said his statement contained his support of S.B. 92 ([Exhibit J](#)). He said he also had a CCW permit. Mr. Bunin reiterated his support of the bill.

Senator Care said he wanted to know the basis for two ordinances from 1965. He said he needed to know if the original basis for the ordinances was still necessary today.

Chair Hardy said he spoke to law enforcement personnel and they acknowledged most gun owners were in violation, but the law was not enforced. Chair Hardy stated respectful gun owners wanted to obey the laws.

Chair Hardy asked for testimony in opposition or concerns to S.B. 92.

Raymond J. Flynn, Assistant Sheriff, Las Vegas Metropolitan Police Department, said Las Vegas Metropolitan Police Department (Metro) had concerns regarding S.B. 92. He said the concerns directly related to gun registration. Metro was not

against concealed weapons permits or gun ownership. He said the registration of handguns was an additional tool for officers. He said the background on the ordinance showed it was used as an enforcement tool. He said there were 589,441 handguns registered in the Metro database. He said support for gun registration in Clark County provided assistance for people who had their guns stolen. He said Clark County was dealing with gang crime, street violence and violent street crimes. He said gun registration assisted the Metro tracking gun stores that illegally provided guns for gang members. The history of a firearm helped in the investigation of homicides. Sheriff Flynn said Metro recovered thousands of registered stolen weapons every year and returned them to the rightful owners. Sheriff Flynn said in 2006, there were 201 arrests for the possession of unregistered firearms, and in 2005, there were 174 arrests. He said the law was operating under opinions. He said the Legislative Counsel Bureau (LCB) opinion of 1989 said the Clark County registration ordinance did not apply to nonresidents in possession of a handgun or firearm prior to coming to Clark County. The LCB opinion also specifically addressed target and match shooters in the area for more than 24 hours and said the ordinance did not apply to them. He said Metro's legal advisors issued an opinion stating NRS 202.350, subsection 3 pre-empted the Clark County gun registration. He said Metro researched all arrests for the past two years and found no target shooter from out of state, any gun collector or vendor coming for a show, or any person with a CCW permit from outside the county arrested for the gun ordinances. He said the ordinances helped protect the public by assisting the police in fighting the problem of gang-related shootings and other gun-related crimes.

Senator Care asked Mr. Flynn if arrests were made under ordinances he referred to earlier. Sheriff Flynn said arrests were under ordinance 12.04.110 and none under 12.04.200. Senator Care said 12.04.200 referred to registration of firearms capable of concealment. He asked if any citations had occurred in Clark County in the previous two years. Sheriff Flynn said there were no arrests under 12.04.200.

Senator Care asked if S.B. 92 was removing an ordinance that had been on the books for 42 years but had no arrests.

Chair Hardy said he was correct. He said the conflict in the ordinances needed to be cleaned up. Senator Care said the application of the ordinance had the

potential to charge a selective class of individuals. He added, since there were no arrests for two years, it appeared it was not an issue.

Chair Hardy said the previous testimony stated there were no arrests of otherwise law-abiding individuals, but 201 arrests had occurred.

Senator Care asked when discretion was applied in enforcing the ordinances.

Sheriff Flynn said all misdemeanors were discretionary except for a few, such as domestic violence. He said officers utilized discretion every day. He said gang members prided themselves on admitting they were gang members. He said the police would be more apt to make an arrest for an unregistered firearm with a gang member than of a middle-class, African-American woman driving home late at night with an unregistered gun in the glove compartment. He said police exercised discretion all the time.

Senator Titus said she owned guns and had a concealed weapons permit. She said it was at least the third time an effort had been made to overturn the law. She said it was not a problem that suddenly needed to be addressed.

Joseph Chronister, Assistant Chief, North Las Vegas Police Department, said Sheriff Flynn had covered the majority of the issues. He added that in the City of North Las Vegas, citizen contacts were at 297,640 in 2006. He said the police department made 6,878 arrests. Chief Chronister stated 63 of the arrests were for possession of an unregistered firearm. He said a stolen firearm can often be returned to the owner because it was registered.

Chair Hardy asked if there were problems clarifying the law for people from another area who were in Clark County for a gun show or competition.

Chief Chronister said he had no problem with clarifying the current laws.

Chair Hardy said North Las Vegas had a unique ordinance concerning weapons in vehicles. He said it was his intent to change the ordinance to match all of Clark County.

Chief Chronister said the Municipal Code 9.32.040 in North Las Vegas, for "dangerous and deadly weapon in a vehicle," exempted anyone with a permitted firearm.

Jeffrey Stilson, Captain, City of Henderson Police Department, said he supported the statements of the previous speakers. He said he was not opposed to revisions for clarification. He said the City of Henderson's municipal codes were from 1954. He said from 2005 through March 13, Henderson Police Department made 64 arrests for unregistered firearms. Captain Stilson said 83 percent of the charges were for multiple violations, and 75 percent of the 83 percent were for violent crimes. He said he supported continuing the registration requirements, and he was open to clarification.

Frank Adams, Nevada Sheriffs' and Chiefs' Association, said he was representing the other 16 sheriffs and chiefs of police throughout the state. He said the other sheriff departments did not consider the Clark County ordinance an issue. He said there were differences in Clark County with the crime rate and population from the other counties.

David F. Kallas, Las Vegas Police Protective Association Civilian Employees, Incorporated; Southern Nevada Conference of Police and Sheriffs, said he represented approximately 3,500 police and corrections officers working in southern Nevada, excluding Boulder City and Mesquite. He said his organizations had concerns about S.B. 92. He agreed with testimony presented concerning inconsistencies in the law. Mr. Kallas said concern involved the inability to take an unregistered gun and then learn the weapon was used in a shooting later that evening. He addressed a statement made by a previous speaker regarding Sheriff Doug Gillespie. He said statements made earlier were misinterpreted. Sheriff Gillespie would not direct any member of his police department to go to a law-abiding citizen's house and require them to give up their guns. He said the statement referred to an abandoned residence where firearms were found. Mr. Kallas said the Sheriff stated he would expect officers to confiscate the weapons for safekeeping for the owners. Mr. Kallas stated his organizations were opposed to S.B. 92 in its current form, but agreed some amendments were needed to address the concerns raised by the other testifiers.

Chair Hardy asked if there was a regional or national ability to determine if a weapon was registered in another state.

Mr. Kallas said police departments did not have the ability to check registrations in other states. They had the ability to check a serial number to see if the gun was stolen. He said if the weapon was not registered in Clark County, they were unable to check the registration information.

Danny Thompson, Nevada State American Federation of Labor and Congress of Industrial Organizations, said in 1987 he was Chair of the Assembly Committee on Government Affairs. He said in 1985, a constituent told him Boulder City was going to outlaw bullets. He said in 1987, he introduced a pre-emption bill that pre-empted all local government in the State of Nevada from imposing any stricter gun control locally than the State Constitution provided. He said the bill was defeated. He said in 1989, he introduced the same bill in the form of A.B. No. 147 of the 65th Session which passed the Assembly and came to the Senate. He said the former Chair of the Senate Committee on Government Affairs agreed to pass the bill by grandfathering in Clark County. He said the agreement was accepted and the bill passed. He said the oldest long-running show in Las Vegas was a gun show. Mr. Thompson said there may be adjustments needed to address the problems brought before the Committee. He said he did not want to do away with gun registration in total in Nevada.

Chair Hardy asked if there were any further questions or testifiers on S.B. 92. He asked Senator Lee if he had any closing statements.

Senator Lee thanked the Committee and said things had changed in Clark County, often for the better. He said the bill was not complicated or Byzantine.

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Chair Hardy said his intention was to form an informal working group of Senator Lee and himself to review the testimony and information and return to the Committee with a recommendation. Chair Hardy asked if there was further business. As there was none, he adjourned the meeting at 3:29 p.m.

RESPECTFULLY SUBMITTED:

Olivia Lodato,
Committee Secretary

APPROVED BY:

Senator Warren B. Hardy II, Chair

DATE: _____