

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

**Seventy-Sixth Session
April 27, 2011**

The Committee on Government Affairs was called to order by Chair Marilyn K. Kirkpatrick at 9:01 a.m. on Wednesday, April 27, 2011, in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. Copies of the minutes, 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/76th2011/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 K. Kirkpatrick, Chair
Assemblywoman Irene Bustamante Adams, Vice Chair
Assemblyman Elliot T. Anderson
Assemblywoman Teresa Benitez-Thompson
Assemblyman John Ellison
Assemblywoman Lucy Flores
Assemblyman Ed A. Goedhart
Assemblyman Pete Livermore
Assemblyman Harvey J. Munford
Assemblywoman Dina Neal
Assemblywoman Peggy Pierce
Assemblyman Lynn D. Stewart
Assemblywoman Melissa Woodbury

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Senator Greg Brower, Washoe County Senatorial District No. 3

STAFF MEMBERS PRESENT:

Susan Scholley, Committee Policy Analyst
Cyndie Carter, Committee Manager
Cheryl Williams, Committee Secretary
Olivia Lloyd, Committee Assistant

OTHERS PRESENT:

Caleb Cage, Executive Director, Nevada Office of Veterans Services
Robert D. Acheson, Commander, Post 4, American Legion, Carson City,
Nevada
Jay Logue, Chief, Capitol Police Division, Nevada Department of Public
Safety

Chair Kirkpatrick:

The meeting is called to order. [Roll was taken. Rules and procedures were given.] For the Committee, on your desk you have the famous Ben Graham cookies. Mr. Graham has been providing these cookies for as long as I can remember. They are well under the \$2 limit so you are free to eat them as you see fit, or share them. At this time, we will open the hearing on Senate Bill 280. Senator Brower will present the bill.

Senate Bill 280: Revises provisions relating to the use of special fees collected from the issuance of certain veterans' license plates. (BDR 37-1063)

Senator Greg Brower, Washoe County Senatorial District No. 3:

With me is Mr. Caleb Cage, who heads our Nevada Office of Veteran Services. We appreciate the chance to be here on S.B. 280 today. Senate Bill 280 was requested by the Nevada Office of Veteran Services, and as a veteran myself, it is a privilege to be able to sponsor this bill and present it to you today. I want to thank all of the cosponsors of this bill, including Mr. Anderson of this Committee, who have agreed to help with this bill. With respect to Mr. Anderson and me, this is a great example of how the U.S. Navy-U.S. Marine Corps team can work together and be effective. I also want to thank all of the fellow veterans who are here today in support of this bill.

Essentially, this is a clean-up bill. The intention is to clean up some language in *Nevada Revised Statutes* (NRS) 417.145, and the idea is to ensure that the Gift Account for Veterans, which is the account that was established by virtue of the revenue generated from the various veterans' license plates that you see in Nevada, can be used for veterans' services in the way the Legislature intended when the fund was created. Currently, the language of the statute is

causing some confusion within the budget bureaucracy in the Department of Administration, which as Mr. Cage will explain, has caused uncertainty in his office in terms of how the money can be spent. The bill is intended to clean that up and clarify that issue. The bill had unanimous approval in the Senate, and we are hoping that we can get your favorable approval here as well.

Let me turn this over to Mr. Cage to talk about the details. Mr. Cage, if you do not know him and have not met him, heads up as Executive Director, the Nevada Office of Veteran Services. He is a graduate of Reed High School in northern Nevada, a graduate of the United States Military Academy at West Point, a veteran of Operation Iraqi Freedom, and the recipient of the Bronze Star. He is no longer on active duty with the United States Army. We are lucky to have him serving full time on behalf of all veterans in this state.

Caleb Cage, Executive Director, Nevada Office of Veterans Services:

Thank you, Senator Brower, for introducing this bill, for seeing it through, and fostering it through the process, and for that warm introduction. I would like to thank the members of the veterans' community and advocates and friends of the veterans' community here in support of this bill, as well.

Senate Bill 280 is a significant change for us, although it is only a slight change in wording of statute. I believe this will be the most important piece of legislation facing the Nevada Office of Veteran Services this session, because of what it will allow us to do. Simply stated, being allowed to use this account which was voluntarily generated by veterans for veterans, will allow us to increase services, ensure that the Nevada State Veterans Home in Boulder City is operating at an optimal capacity, and do more to reach out to returning veterans, even though our staff and budget are shrinking like every other state agency.

The adjustment we wish to make today with S.B. 280 is to change the current statute to read that the license plate gift account money can be used in support of outreach programs or services, for veterans and their families, or both, as determined by the executive director. This is a change from the current language which says "outreach and services," which has caused significant interpretation problems as we have tried to use these significant funds to serve veterans in this state. While this seems small, we believe that it will support the original intent of the statute. We asked the Attorney General to address this issue last year in an Attorney General's Opinion. The Office of the Attorney General issued an opinion on March 3, 2011 ([Exhibit C](#)), and the Office of the Attorney General agreed with the language as we suggested it should be interpreted at the time, and that it was to be for outreach "or" services to veterans, and allowed us to proceed as such. We still keep running into the

same problems and need to have the language changed to “or” services, so we can bifurcate those two possible uses and proceed as we intended. We believe this will increase both our potential outreach and services to veterans. We keep running into brick walls.

In the past, we have purchased vans for statewide American disabled veterans' organizations. We have sponsored events such as the Women's Veterans Summit, the Global War on Terrorism Veterans Conference, the Veterans Writing Project, and other outreach events. We have provided for mobile veterans service officers throughout the state using the mobile outreach vehicle that serves Nevada's rural veterans. We built our brand and our online presence to better appeal to all generations, and we intend to continue to do so, but it is slow going right now, and we believe that S.B. 280 will correct that. Madam Chair, I will now take any questions you might have. [[Exhibit D](#), testimony provided by Caleb Cage.]

Assemblyman Ellison:

Thank you for the presentation. I wholeheartedly support this bill. I was concerned and somewhat confused when I first read this. My first thought was about where the money from the license plates went. Currently, I have the “United We Stand” license plate on my vehicles, representing the veterans' families. Is that money perhaps not going to the right people?

Caleb Cage:

Currently the money is all going to where it needs to go. In fact, an administrative assistant in our office is tracking down the last few license plates, motorcycle license plates that might not be directed to where they need to be. The problem is we have a pot of money sitting there, ready to be used, and we cannot use it. The money is being collected, and the Department of Motor Vehicles is doing what it needs to do in order to direct it to us. We have been unable to address that to move it forward.

Chair Kirkpatrick:

Is it correct that this program has been in place only since 2007?

Caleb Cage:

I skipped the history with respect to the timeline. It started in 1999. I believe it was changed to the format that we are currently pursuing in 2007.

Assemblyman Anderson:

To clarify for everyone on the Committee, what we are doing is saying this can be used for actual services to help veterans and not just going out and finding veterans. Is that what we are talking about in this bill?

Caleb Cage:

Yes. We currently can get approval for things that are clearly outreach-related. We have run into brick walls and barriers on what outreach is. We believe that outreach is not what those who can approve this at higher levels necessarily believe it is. To us outreach is bringing veterans into the fold, showing veterans what services the state and federal government offers, bringing them into the different veterans' services organizations throughout the state, which is one of the things with which the statute also charges us. It also has an element in the statute to provide services as well, and that is one place where we have been held up. If we want to do something that is specifically a service, of course, it would have an outreach element, because we are doing it for veterans. The service component of this language seems to be unclear, and that is what we are trying to clear up with this.

Senator Brower:

The way I see this, and when Mr. Cage brought this to me, we immediately agreed the fix was not only necessary but should be easy. It is the classic bureaucratic problem where the Legislature creates a program and uses certain language to do so, and then someone in the Department of Administration does not think the language is clear enough. Mr. Cage's office goes to the Office of the Attorney General for an opinion, and the Attorney General agrees that the legislative intent is exactly what Mr. Cage's office thinks it is. Our goal is to avoid Mr. Cage having to go to the Attorney General every time he wants clarification. This would accomplish that goal. It is simply bureaucratic confusion the Legislature could fix.

Chair Kirkpatrick:

Are there any further questions? Is there anyone else you want to come up and testify? I do not have anyone signed in to testify.

Senator Brower:

I do not think there is. As you can see, we have quite a bit of support from the veterans' community as we had on the Senate side and we appreciate that. I think that tells the Committee just how important this is to our fellow veterans.

Chair Kirkpatrick:

Is there anybody who would like to testify in support of this bill? Please come forward. I would like to say to the servicemen and servicewomen, on behalf of the Committee, that we do appreciate and support your efforts and your commitment to protecting our country.

Robert D. Acheson, Commander, Post 4, American Legion, Carson City, Nevada:

Last night, as I was contemplating what this bill means, and knowing the desperate straits in which Nevada finds itself, I know that when it comes to fixing the General Fund budget they will take every dime they can find, wherever they can find it. The amount of money this bill involves, if you put it in the General Fund, would be so small you could not find it. However, if that fund is added to the Nevada Office of Veteran Services, it is a huge number. I would like to illustrate a couple of ways in which that money is used. Within the last year, our particular American Legion Post had several cases involving people who came to us and who needed money immediately in order to salvage their lives. We do not have funds like that, so we referred them to the Nevada Office of Veteran Services. That is where some of this money goes. When the people in desperate straits file with other associations it can sometimes take six to eight weeks before they receive help. What this bill seeks to do is take the money set aside from sale of the veterans' plates and put it to the use of veterans; and not allow a loophole to sift it off to the General Fund. If you talk with your constituents directly and explain this, I am sure that at least 85 percent of them would tell you to get this fixed.

Chair Kirkpatrick:

Thank you, Mr. Acheson and thank you for your service. Seeing no questions from the Committee, is there anybody else who would like to come forward and testify in support of S.B. 280? [There was no one.] Is there anybody who is in opposition to S.B. 280? [There was no one.] Is there anybody who is neutral on S.B. 280? [There was no one.] Senator Brower, do you have any last comments?

Senator Brower:

No. I would like to say thank you very much, to you and the Committee. I do not know what this Committee's practice is with respect to bills that have no opposition, whether a motion is in order today, or not. I will defer to the Chair on that, of course. We certainly would appreciate a swift passage and a trip to the floor for this bill, so we can get it signed as soon as possible.

Chair Kirkpatrick:

Thank you. Senator Brower, just to clarify, we have a policy of deciding on bills during a work session. We will have about six bills in our work session, probably next Friday, and we will let you know how it goes.

Senator Brower:

Thank you, Madam Chair.

Chair Kirkpatrick:

We will close the hearing on S.B. 280. We will now open the hearing on Senate Bill 9.

Senate Bill 9: Revises the functions and responsibilities of the Capitol Police Division of the Department of Public Safety. (BDR 27-462)

Jay Logue, Chief, Capitol Police Division, Nevada Department of Public Safety:

Good morning, Madam Chair and Committee Members. I am speaking to you on Senate Bill 9, which would revise some of the functions and responsibilities of the Capitol Police Division of the Department of Public Safety. [Read from prepared testimony ([Exhibit E](#)).]

Assemblywoman Pierce:

It seems odd to me that this has been this way for a long time. Did something happen recently that made you suddenly realize things needed to be changed?

Jay Logue:

There has been a growth in population and an increase in crimes. The increase in law enforcement calls outside of Carson City has placed more burdens on the counties, which slow down our opportunities to investigate a crime. An opinion was released in 2011 by the Office of Attorney General to a question from then Director Kirkland that related specifically to Capitol Police jurisdiction. The question to the Office of the Attorney General was, "What is the authority and jurisdiction of the Capitol Police Division, on and off state property?" The opinion from the Office of the Attorney General was, "The Capitol Police Division has broad law enforcement authority, limited to the jurisdiction of state property." What I am asking is to allow our officers to conduct follow-up investigations for smaller crimes for which we have capability with our limited resources. Examples are purse-snatching, theft of state property, and those types of things. I cannot answer why it was not addressed in the past.

Assemblyman Goedhart:

I was going to echo the question of my colleague and ask if a particular incident brought this to light. Is the current range and scope of your jurisdiction inadequate? To put it into an everyday situation, for example, if you saw someone on state property across the street break into a car and steal one of these laptops, are you saying you could chase that person off state property following the crime, but you could not do an investigation of that crime. You would have to hand it off to another agency. Is that correct?

Jay Logue:

We would not even be able to pursue that person under the current *Nevada Revised Statutes*.

Assemblyman Goedhart:

Even in the actual commission of a crime?

Jay Logue:

Yes. We would contact the local agency to help us out with that investigation.

Assemblywoman Neal:

Why was the scope limited in the beginning? You mentioned population increase. Where was that population increase?

Jay Logue:

That was one of many examples I gave. The Capitol Police started out as security officers and janitors, and then we gained more and more authority to provide proper law enforcement and security for the Executive and Judicial Branches of Nevada state government, or to whomever is on our properties. More and more of these crimes are occurring, and those entities come to us each time something occurs. We feel we need to have the authorization and jurisdiction to proceed properly. We are fully trained Category I officers, the same as any other peace officer within the Department of Public Safety. We feel that within the limitations our small department has, we can follow up on some of these crimes, and we would appreciate your help to give us that authority.

Assemblywoman Neal:

Since this is about jurisdiction, how do the sheriffs and city police feel about the enlargement of your jurisdiction to deal with the issues that come across the street into what has historically been their province?

Jay Logue:

I recently spoke with Chief Deputy Ray Saylo with the Carson City Sheriff's Office, which has primary jurisdiction outside of state property, and he told me that Sheriff Furlong's only concern would be if Capitol Police began issuing citations for speeding, which is not what we are asking for.

Assemblyman Livermore:

Generally, most agencies and departments cooperate through a mutual aid package. Does that exist within your department with other jurisdictions? Does it exist within Carson City and Washoe County, or surrounding areas?

Jay Logue:

We have one with the Legislative Police. Our boundaries are defined. If you step 100 feet into the Capitol Plaza, you are in the Capitol Police's jurisdiction; if you are within 50 feet, you are in the Legislative Police's jurisdiction. Outside those state properties, we do have a memorandum of understanding with the Carson City Sheriff's Office for that support. We are not asking for full police powers, but the ability to go out and investigate some of the crimes that are occurring, so that with the time lapse that exists, we have a better opportunity to solve the crime within our means. Going back to Assemblywoman Neal's question, we also have the agreement with the Carson City Sheriff's Office when we do investigate anything, we do contact the Sheriff's Office and advise them of our actions, in case they have a similar ongoing investigation with the same person.

Assemblywoman Benitez-Thompson:

I need to clarify whether you are looking for the ability to conduct your activities and investigation within the Carson City area? As I read the language it is any state property, so it could be anywhere in the state. Are you actually looking for statewide jurisdiction whenever it involves state property, or just greater jurisdiction within the capital city?

Jay Logue:

Our authority lies within those properties that are under the control of the Chief of Buildings and Grounds. There are a limited number of buildings and grounds under that chief's control. It is not every state property. In Las Vegas, the Grant Sawyer Office Building and two other office buildings are under our control, which is the limit of our jurisdiction in the Las Vegas area. The only other area we have officers is in Carson City and that covers the capitol complex area, and approximately 27 other properties that lie within Carson City itself.

Assemblywoman Benitez-Thompson:

Then it would be a statewide jurisdiction. You are allowed to conduct any investigation on or off state property, pursuant to section 1, subsection 2, and subparagraph (b). You gave the example of Comma Coffee and you said, yes. They are not considered legislative.

Jay Logue:

No. They are off property.

Assemblywoman Benitez-Thompson:

They are off property.

Jay Logue:

The only thing we are concerned with is if the crime occurred on state property. If a crime occurred, we would be able to follow up.

Assemblywoman Benitez-Thompson:

If the crime occurred on state property, no matter where that property is?

Jay Logue:

Yes.

Chair Kirkpatrick:

We have seen many bills from both the Office of the Governor and leadership in both houses that seek to consolidate all of the inventories of the state properties, which could be quite a bit and which could include state lands. For example, at Jean State Prison, there are 85,000 square feet of land. There are 200 acres in the north. Would this give you the ability to go to all of those properties? I am concerned about whether this changes your category. Are you considered a Category I, or a Category II police officer?

Jay Logue:

To answer the first part of your question, we only have jurisdiction for buildings and properties that are under the Chief of Buildings and Grounds, which is a very limited amount.

Assemblywoman Benitez-Thompson:

However, I know for sure within the Governor's budget that there is also the ability to move all of those properties under the buildings chief, so that everything will be condensed into one spot.

Jay Logue:

This is new to me. I could not answer that question. For example, the Department of Employment, Training and Rehabilitation (DETR) is approximately 200 yards to the east of the Legislative Building. That is a state-owned building, but it is not under the jurisdiction or the authority of buildings and grounds. We have no authority at the DETR facility.

Chair Kirkpatrick:

I am looking at the long term, if those other bills pass. Does it change your category?

Jay Logue:

No, Ma'am. We are Category I.

Assemblyman Anderson:

To clarify what the Chair is saying, she is saying there are going to be more buildings under that jurisdiction when the 76th Session is finished. You are saying that you will be stationed at the Grant Sawyer Building, at the Capitol Building, and the Legislative Police will still be at the Legislature. You will not be stationed at all of these buildings, whether or not they are added, correct? We are talking about property that is within view of your officers, correct? Is that your intent?

Jay Logue:

That is correct. We are not looking to expand personnel-wise or to more facilities. There is a statute that allows for those buildings for which Capitol Police are not available, which are not under the authority of the Division of Buildings and Grounds to go out and contact security if they deem it necessary. Some of those facilities are doing that now.

Assemblyman Ellison:

You are going to be restricted to the area you will be covering. You will not be investigating all over the city. What about when you do find a break-in, and you complete the background, do you use the Reno police, or someone else, to take it to court, or will you be doing that?

Jay Logue:

If our officers are conducting the investigation, and completing the reports, they would be the ones who are going to court and testify. To the Committee, we are looking for those crimes that occur locally within our scope. We are not looking at anything further out. We are a small division of officers, but we are asking for the ability to investigate the crimes that occur on our properties, within reason.

Assemblyman Ellison:

That makes sense because of the limited resources. My biggest concern was to make sure it did not create another division within a division. It looks like you addressed all of those concerns.

Assemblywoman Bustamante Adams:

I appreciate your testimony. Going back to a question that my colleague Assemblywoman Neal asked about speaking to other individuals in different jurisdictions, you mentioned you spoke to the people in the north. Did you ask anyone with authority in the Grant Sawyer Building how he or she felt about this bill?

Jay Logue:

No, Ma'am. I have not. Again, many of the peace officers within the Department of Public Safety already have statewide peace powers. Most law enforcement officers in this state have statewide peace powers. We are not asking for more than that.

Chair Kirkpatrick:

I do not want to have happen what we have seen with the school district police. The school district police have the ability to do all of this, and now the local police department will not show up because it is now a school district issue. What happens in between is that the consumer becomes confused about who is handling his problem. When they are in a crisis and need assistance, they do not want to have to worry about which agency to call. We should find out how that would work in practice, as far as the investigation goes. I will give you my own example. I live on a major thoroughfare, Decatur Boulevard. One-half of Decatur belongs to North Las Vegas and one-half of Decatur belongs to Las Vegas. When there is a traffic accident, you might as well call somebody in California to come help you, because the Las Vegas departments are disputing who is going to show up. We need to have something on the record as to how that will work.

Jay Logue:

We have a small number of facilities for which the Capitol Police are responsible. Those agencies are aware that Capitol Police do have the jurisdiction on their properties, and do call us when crimes are occurring, or if they have concern with any safety or security issue for their personnel.

Chair Kirkpatrick:

Mr. Stewart has one last question.

Assemblyman Stewart:

Do you have officers assigned anywhere in the south besides the Grant Sawyer Building?

Jay Logue:

No, sir. We do not. We have eight officers assigned to the Grant Sawyer Office facility.

Chair Kirkpatrick:

Is there anybody who would like to testify in support of S.B. 9? [There was no one.] Is there anybody who is neutral on S.B. 9? [There was no one.] Is there anybody who is in opposition to S.B. 9? [There was no one.] I will call Ms. Edwards and see how the long-term plan is set out. Do you have any further comments?

Jay Logue:

No, Ma'am. I appreciate everyone's questions to help clarify this. It is a very muddled jurisdictional thing with which we, as Capitol Police, even have problems sometimes.

Chair Kirkpatrick:

At this time, we will close the hearing on S.B. 9. You probably have heard that it has been my policy for the last two sessions not to send it out and to give us time to think about it and ask questions. Is there any public comment? Is there anything from the Committee?

I have a couple of items for the Committee. Tomorrow, we will be hearing only one Government Affairs bill, Senate Bill 192, but my understanding is when it was heard in the Senate it took a few hours, which is why I picked only one bill for tomorrow. We will also be having a joint hearing on Taxation with the Senate tomorrow, which will start promptly at 1 p.m., in Room 4100. I have spoken with your respective chairs. The Assembly Committee on Natural Resources, Agriculture and Mining will start at 2:30 p.m., and the Assembly Committee on Legislative Operations has excused a few of us. This time the Assembly is chairing, so we could start if they are late, because they are always late. We do not have to wait for their Chair to show. There will be some documents we will be going over on local government revenues. We will not have fiscal staff there, because they are preparing for the State of Nevada Economic Forum. We may not be able to answer all of your questions, but if you want to give them to me ahead of time, I can see if we can get some of the

answers for you. If there is nothing else, we will see today on the floor how many bills Government Affairs will do. We are adjourned [at 9:39 a.m.].

RESPECTFULLY SUBMITTED:

Cheryl Williams
Committee Secretary

Jean Bennett
Transcribing Secretary

APPROVED BY:

Assemblywoman Marilyn K. Kirkpatrick, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Government Affairs

Date: April 27, 2011

Time of Meeting: 9:01 a.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
S.B. 280	C	Caleb Cage, Nevada Office of Veterans Services	Attorney General's Opinion, 3/3/2011
S.B. 280	D	Caleb Cage, Nevada Office of Veterans Services	Written Testimony
S.B. 9	E	Jay Logue, Chief Capitol Police	Prepared Testimony