

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

**Seventy-Seventh Session
May 7, 2013**

The Committee on Government Affairs was called to order by Chairwoman Teresa Benitez-Thompson at 8:36 a.m. on Tuesday, May 7, 2013, 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 nelis.leg.state.nv.us/77th2013. 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 Teresa Benitez-Thompson, Chairwoman
Assemblywoman Dina Neal, Vice Chairwoman
Assemblyman Elliot T. Anderson
Assemblywoman Irene Bustamante Adams
Assemblyman Skip Daly
Assemblyman John Ellison
Assemblyman James W. Healey
Assemblyman Pete Livermore
Assemblyman Harvey J. Munford
Assemblyman James Oscarson
Assemblyman Lynn D. Stewart
Assemblywoman Heidi Swank
Assemblywoman Melissa Woodbury

COMMITTEE MEMBERS ABSENT:

Assemblywoman Peggy Pierce (excused)



GUEST LEGISLATORS PRESENT:

Senator Joseph (Joe) P. Hardy, M.D., Clark County Senatorial District
No. 12

Senator Tick Segerblom, Clark County Senatorial District No. 3

STAFF MEMBERS PRESENT:

Jennifer Ruedy, Committee Policy Analyst

Jim Penrose, Committee Counsel

John Budden, Committee Secretary

Olivia Lloyd, Committee Assistant

OTHERS PRESENT:

Chuck Callaway, representing Las Vegas Metropolitan Police Department

Chris Perry, Director, Department of Public Safety

Eric Spratley, Lieutenant, Washoe County Sheriff's Office:

Robert Roshak, representing Nevada Sheriffs' and Chiefs' Association

Ronald P. Dreher, representing Police Officers Research Association of
Nevada

Kirk Hooten, representing Las Vegas Police Protective Association

Paul Villa, representing Police Officers Research Association of Nevada;
and Reno Police Protective Association

Priscilla Maloney, representing American Federation of State, County and
Municipal Employees, AFL—CIO, Local 4041

Leonard Cardinale, representing North Las Vegas Police Supervisors
Association, Inc.

Ron Cuzze, representing Nevada State Law Enforcement Officers'
Association

Cadence Matijevich, representing City of Reno

Pamela Del Porto, Inspector General, Department of Corrections

Jackie Muth, Lieutenant, Commander, Office of Professional
Responsibility, Department of Public Safety

Allen Veil, Sheriff, Lyon County; representing Nevada Sheriffs' and
Chiefs' Association

Jason Trevino, Deputy Chief of Police, Washoe County School District
Police Department

Jonathan Boucher, Sergeant, Henderson Police Department

Tim Shattler, Deputy Chief, Department of Detention and Enforcement,
City of Las Vegas

Chairwoman Benitez-Thompson:

[Roll was taken and housekeeping matters were explained.] We have two different bills that we will be hearing today. We have Senate Bill 144 (1st Reprint), and Senate Bill 284 (1st Reprint). We are going to start with Senate Bill 284 (1st Reprint). We will welcome the bill sponsor, Senator Hardy.

Senate Bill 284 (1st Reprint): Makes various changes concerning investigations of motor vehicle accidents. (BDR 23-107)

Senator Joseph (Joe) P. Hardy, M.D., Clark County Senatorial District No. 12:

Senate Bill 284 (1st Reprint) is designed for some transparency in the cause or the involvement of accidents, predominately where a fatality is involved. If a law enforcement agency in a county, in Washoe County or Clark County for instance, adopts policies and procedures governing the investigation of a motor vehicle accident in which a peace officer employed by the law enforcement agency is involved, and if such a motor vehicle accident results in a fatal injury, the policies and procedures must require the investigation to be conducted by a law enforcement agency other than the agency that employs the peace officer involved in the accident except under the following circumstances: (1) another law enforcement agency does not have comparable equipment and personnel to investigate the accident at least as effectively as the law enforcement agency that employs the peace officer involved in the motor vehicle accident; (2) another law enforcement agency is unavailable to investigate the motor vehicle accident; or (3) investigation of the motor vehicle accident by another law enforcement agency would delay the initiation, such that the accident scene and preservation and collection of evidence may be jeopardized by such a delay.

The policies and procedures may allow for cooperation between law enforcement agencies and agencies in other jurisdictions for the investigation of accidents. I would be happy to answer any questions or have other people who know what they are doing come to the table and so testify.

Assemblywoman Neal:

My question is on page 2, section 1, lines 3 through 5, where the language states, "the motor vehicle accident must be investigated by a law enforcement agency other than the law enforcement agency that employs the peace officer" What was the background to that? Was there a situation where they were not accurately investigating? What was going on where we need to swap out agencies?

Senator Hardy:

Much of the problem that I think we have with law enforcement is not with law enforcement itself, but with the perception that law enforcement is struggling with at times. I cannot say that there have been evil deeds done by any agency so much as, for instance, a constituent said to me, "Why is it that someone is investigating their own accident?" There are opportunities for them to actually investigate their own accident because they have an independent major accident investigation team. There are ways they can do this and that is why the language was written in such a way as it still gives them an opportunity, in the event another law enforcement agency does not have comparable equipment and personnel, to ensure the integrity of the accident scene. It is a transparency thing and a perception thing. It is to allow them to work together, and quite frankly, you will probably hear testimony that they already do work together and have opportunity to cooperate.

Assemblyman Ellison:

Thank you for the bill, Senator Hardy. I do have a question. Is this not policy? Right now, if there is an accident involving a family member, or whatever, another agency picks it up anyway. That is pretty standard practice. Most times, after an incident with a sheriff's deputy and his wife, another agency actually does the investigation. Is that not common practice now?

Senator Hardy:

Assemblyman Ellison, I think there are opportunities for them to do that. This would clarify those opportunities. I would let the law enforcement agencies come to the table because they can probably answer that better than I can.

Assemblyman Ellison:

I was a police commissioner for about ten years, and we were doing that continuously between the city and the county or the DEA or whoever. I do not know if this is just to clean that up or what. Maybe I am not seeing something. Thank you, Senator.

Assemblywoman Bustamante Adams:

Senator Hardy, can you tell me on an annual basis how many motor vehicle accidents occur involving a peace officer?

Senator Hardy:

It would be totally a guess. I will defer to the people who know. You will hear testimony from somebody who probably has that kind of knowledge. Thank you. Do I look like I know what I am doing up here?

Chairwoman Benitez-Thompson:

You are exuding confidence, sir.

Assemblyman Stewart:

I will save my question for someone who knows a little more. Thank you.

Chairwoman Benitez-Thompson:

You got bills over on that side?

Assemblyman Elliot Anderson:

Senator Hardy, good morning. I can see where this would not be hard to do in Clark County, but I was wondering about the other counties that are over 100,000 in population. I know for sure that includes Washoe County, but there are a few more in there. Would they have the various law enforcement agencies to make this happen? I am just wondering how many of these smaller counties would have more than one law enforcement agency.

Senator Hardy:

As I look at the counties, currently it is Washoe and Clark that are technically over 100,000. Yes, this would apply to them. The bottom line is that the Nevada Highway Patrol (NHP) usually has the teams and the expertise to do a lot of those accidents involving somebody who is not an officer under them. They usually do their own accidents with a special team, but I will again defer to them.

Chairwoman Benitez-Thompson:

At the bottom of section 1, on page 2, you imagine these agreements between agencies being set up just like memoranda of understanding between the two agencies for these investigative purposes.

Senator Hardy:

Yes.

Chairwoman Benitez-Thompson:

We have Assemblyman Anderson's question about the different counties this will affect, all those over 100,000. I think there might be a couple more than just Washoe County and Clark County, but it looks like we will get that information here shortly.

Are there additional questions? Seeing none, thank you very much, Senator. Will you be staying for the hearing? I know you have pressing business on the second floor, so if you have any last comments, feel free to make them now.

Senator Hardy:

There is no more pressing thing than to be with you.

Chairwoman Benitez-Thompson:

Thank you. We will go ahead and open up for testimony in support.

Chuck Callaway, representing Las Vegas Metropolitan Police Department:

We are here today in support of S.B. 284 (R1). In our agency, we have done a lot over the last couple of years with our safe driving campaign to reduce the number of accidents that involve our officers. Unfortunately, I do not have the exact number of accidents with me today, but I will get that information for the Committee as to how many accidents we have had year-to-date involving officers.

This bill in particular speaks specifically to fatal traffic accidents. We feel that there is a transparency issue that if our officers are involved in an accident where someone is killed, another agency should be part of that investigation to ensure the public trust and to ensure transparency. I did want to point out in the discussions I have had with Senator Hardy, this bill is not intended to include off-duty accidents. This is strictly meant to be for on-duty traffic accidents that result in a fatality. In addition, it would not prohibit a police agency from conducting their own concurrent investigation along with that other agency. When our officers are involved in accidents that result in death, there will undoubtedly be civil action against our agency. Therefore, it is important that the accident and the scene and all of the factors that led up to that accident are properly documented. With that, I would be happy to answer any questions.

Assemblyman Livermore:

My question is under the realm of typically what you see—high-speed chase, multiple cars. You probably have an existing policy. Does this add to that policy, or does this complicate your policy?

Chuck Callaway:

I believe this would complement that policy. Currently, we have a policy in place in our agency that we do not get involved in high-speed pursuit unless the risk of that person escaping outweighs the risk to the public of the pursuit. If we were chasing someone where the likelihood of their escape would result in significant danger to the public, and that person was killed, or a citizen was killed as a result of that pursuit, that would probably be investigated by our homicide detail. In addition, it would be investigated by our fatal detail. Then, we would more than welcome an outside agency to come in and assist us in conducting that investigation and looking at all of the facts.

Assemblyman Livermore:

Does it matter what road jurisdiction it is in? If it is a state or federal highway or a local Clark County road, does that make any difference?

Chuck Callaway:

Yes. If the accident were to occur on the freeway, such as Interstate 15 or Interstate 95, then that would be the jurisdiction of the highway patrol anyway. They would be the primary agency responsible for conducting that investigation.

Assemblyman Stewart:

Mr. Callaway, on page 2, starting with line 7 where it talks about comparable equipment, can you compare your Las Vegas Metropolitan Police Department (Metro) versus NHP versus Las Vegas or Henderson? Is there comparable equipment to investigate an accident? Is it about the same? Or, is yours more sophisticated?

Chuck Callaway:

I believe that our training in regard to fatal accidents is top of the line. I believe it is equal to that of the NHP. I cannot speak for North Las Vegas or Boulder City or the other agencies. I know the one area the NHP definitely has higher training than we do is in the realm of commercial vehicles. However, when it comes to fatal accidents, I believe that our training is equal to that of the Nevada Highway Patrol.

Assemblyman Stewart:

Do you have special equipment that you use? Can you talk about that?

Chuck Callaway:

Yes, there is special equipment that is used. I am not an expert in exactly what equipment is used. The Nevada Highway Patrol could probably talk better to the specifics of the equipment.

Assemblyman Daly:

Just for clarification for me, I think the bill meets and solves a need. However, you already have this. Is it policy? Or, is it in statute, as well? For other investigations, I know that the requirement, as far as I have always heard, if there is an officer-involved shooting, a different jurisdiction investigates. Does that part of it apply to even the smaller counties? Are we just taking a baby-step here for the two larger counties? Can you just give me a little more insight there?

Chuck Callaway:

First of all, in regard to policy, it is not currently in statute, but we do have a very thorough policy in regard to vehicle accidents involving our officers. Those investigations are done by a traffic supervisor who responds even at very minor accidents. A traffic supervisor will come out and investigate the accident. If the officer is at fault for the accident, he will receive a citation. Then that report will be submitted. The details surrounding that accident will go to an accident review board, and that board will look at the specifics to determine if the officer violated policy, or if there is negligence on the part of the officer. Then, based on the officer's driving history, the severity of the accident, and the severity of injuries, the accident review board will make a determination on what discipline, if any, that officer receives. We do have a thorough process in place.

Now, if we had an accident that was somewhat controversial, where a citizen was killed or an officer was killed, we would definitely look at the need to ask for the assistance of an outside agency such as NHP to assist us with that investigation. We do have memoranda of understanding (MOU) with other agencies where we will assist them if need be, not only in traffic accidents, but in a variety of things, whether it is SWAT operations, or whatnot. We work very closely with the other law enforcement agencies in Clark County. If they need our assistance, or if we need their assistance, we are always open to help, or be helped.

Chris Perry, Director, Department of Public Safety:

Mr. Callaway has been very thorough in his testimony to you today. This really is about transparency. It is about the issues that we get on a regular basis. When one of our officers is involved in a crash, I get telephone calls from people asking, "Why would you do your own wreck?" Obviously, there are some circumstances where we would. However, in most cases, I believe that Senator Hardy's bill covers what we lack in established policy.

As Mr. Callaway told you, most of us already have agreements that parallel what is in this bill. This codifies it and places it in our lap to make sure that it is done in a fashion that is acceptable to the people whom we serve. That is really what we are here about. With that, I will now accept questions.

Chairwoman Benitez-Thompson:

Are there any questions? [There were none.]

Eric Spratley, Lieutenant, Washoe County Sheriff's Office:

We mirror the operating procedures of the Department of Public Safety and Metro, and we, therefore, support this bill as they do.

Robert Roshak, representing Nevada Sheriffs' and Chiefs' Association:

We are also in support of this bill.

Chairwoman Benitez-Thompson:

Are there any questions, Committee members? Seeing none, and seeing no one signed in to speak in Clark County, we will move to opposition. Seeing none, I will open it up for comments in neutral. Is there anyone wishing to put anything on the legislative record in neutral? Seeing none, Senator Hardy, would you like to make any closing comments?

Senator Hardy:

Thank you very much.

Chairwoman Benitez-Thompson:

Thank you. We will go ahead and close the hearing on S.B. 284 (R1). We are going to open the hearing on Senate Bill 144 (1st Reprint). Before we start, I want to say a couple of things. First, I have a bill hearing in the Senate Judiciary Committee, so I will be gone for about 15 minutes, hopefully. If it is longer than that, things are not going well. During that time, my Vice Chairwoman, Assemblywoman Neal, is going to be running the meeting. We do have an amendment from the bill sponsors up on the Nevada Electronic Legislative Information System (NELIS). The amendment is what we are going to be addressing today. Therefore, for the purposes of the hearing, I want to make sure that we are keeping all of our comments and testimony on the amended language only. With that being said, let us take a quick recess here so we can allow for Senator Segerblom to come on down. We will take a quick five-minute recess, and we will start the hearing at nine. [The Committee recessed until 9:01 a.m.]

We will come back from recess. I am here. Senator Segerblom has been so kind as to hold my bill hearing in his committee until we finish this one, or at least until we get close enough that we can both step out. Thank you so much. I appreciate that.

With that being said, I will go ahead and open the hearing on Senate Bill 144 (1st Reprint). We have the bill sponsor, Senator Segerblom, here before us, along with Mr. Hooten, and Mr. Dreher. The microphone is yours, sir.

Senate Bill 144 (1st Reprint): Revises provisions governing the investigation of peace officers. (BDR 23-100)

Senator Tick Segerblom, Clark County Senatorial District No. 3:

Senate Bill 144 (1st Reprint) has seen many iterations, and we are basically down to an amended version at this point. Essentially, it deals with what a police officer is able to get access to under *Nevada Revised Statutes* (NRS) Chapter 289. We have taken that part out, so that, under the amendment, all we are doing is clarifying the issue of when an officer who is being questioned has a right to a representative. If you have gotten calls or contacts about videos and everything like that, we are proposing to take that part out of the bill. It is a very simple bill, and Mr. Hooten can explain it in greater detail. Also, with your permission, Madam Chair, I will go back to my committee and wait for you to come because we are going to start with your two bills. [Senator Segerblom referenced but did not present ([Exhibit D](#)).]

Chairwoman Benitez-Thompson:

Thank you so much. I can head over whenever. I have a very competent Vice Chairwoman. I will get this rolling and then I will be down. I will not hold up your committee business. Thank you so much for your comments, Senator. We have Mr. Hooten and Mr. Dreher here, so whoever would like to, please proceed.

Ronald P. Dreher, representing Police Officers Research Association of Nevada:

We are here today to ask for your support of S.B. 144 (R1), with the amendment that we have prepared ([Exhibit C](#)). As Senator Segerblom stated, we have completely eliminated section 1 and returned to current language on NRS 289.060. Having said that, we do that in the spirit of cooperation. We have amended those sections to remove any opposition that existed when we were on the Senate side. We are trying to move the bill because of the issue that originally started this bill. The genesis of S.B. 144 (R1), which Mr. Kirk Hooten, from the Las Vegas Police Protective Association, will address, is the real issue that brought the bill forward. He will go into why we need that part that deals with the representative of choice. If there are any questions, I will be more than happy to answer them.

Chairwoman Benitez-Thompson:

Thank you. Let us go over to Mr. Hooten, and you can walk us through section 2 of the bill and talk to us about the need for it.

Kirk Hooten, representing Las Vegas Police Protective Association:

We have come full circle on this bill. Originally, the genesis of S.B. 144 (R1) was to address the words "of the peace officer's choosing" as contained in section 2 [referred to prepared testimony ([Exhibit E](#))]. Unfortunately, my association is involved in litigation that has now risen all the way to the Supreme Court over the meaning of those words. We had a member who

believed that the words "of the peace officer's choosing" were commanding and obligatory. An example would be if the member felt that they wanted Assemblyman Daly, that statute bound Assemblyman Daly to appear on his behalf. It would seem like common sense, but unfortunately, we have risen through every level to the Supreme Court. We wanted to address that.

The changes that you see in section 2 do not add any additional provisions that are not currently present. It is essentially wordsmithing to address those simple words: "of the peace officer's choosing." That is the genesis of the bill, and what we have come full circle to land on. I am happy to take any questions.

Assemblyman Livermore:

My question goes to, as you described in section 2 in the Legislative Counsel's Digest, where it says, "This bill provides that a peace officer who is the subject of such an investigation" is afforded these rights. Are these rights afforded to the rest of the public as well? Or are these rights expressly afforded to peace officers?

Kirk Hooten:

I guess if we are going to use a parallel to the justice system, then yes, somebody in the public would be afforded the right to representation in their judicial proceeding, whether that be a trial or anything outside of that. I would say, if you would use a parallel, yes. In this specific instance we are dealing with internal procedures of the police department or the agency in question.

Assemblyman Livermore:

How many times has an event occurred in the past year that this might apply to?

Kirk Hooten:

Specifically for my association, as I mentioned, we are involved in detailed litigation, and that is the genesis of the language change. We are just trying to avoid subsequent interpretations by any number of members, which would include roughly 7,000 members of the police associations across the state. I believe Mr. Dreher would like to comment on that as well, if that is okay with you, sir.

Assemblyman Livermore:

That is fine. Have there been multiple events, or just a few?

Ron Dreher:

Every single time we go in to represent an officer, or every time an officer is noticed of an investigation, any time a public employee is noticed of

an investigation, by law under several Supreme Court statutes, including NRS Chapter 289, the individual has the right to the representative of their choice. Every time I have gone in to represent somebody, every time they are noticed, they are given that admonishment. They have a right to the representation of their choice. What happened was, as Kirk Hooten talked about, there was an individual who said, "Well, the representative of my choice is X."

Assemblyman Livermore:

Mr. Dreher, that is not the question. The question is, how many times has this policy been needed? Have you had two hearings? Have you had 22 hearings? Have you had 42 hearings? How many times has this process been applied?

Chairwoman Benitez-Thompson:

I guess maybe what we should seek is clarification. Assemblyman Livermore, do you mean since the changes this Committee made to the NRS two years ago?

Assemblyman Livermore:

Yes, Madam Chair, how many times this may have been applied.

Chairwoman Benitez-Thompson:

Okay. So, we are just looking with the current statute from two years ago. So, during this last interim, if you could give him a good figure, as best you can, as to how many times this section 2 has been problematic.

Ron Dreher:

I can only say every time. So, you are looking at, if there are five officers a day that are noticed, they have that ability to get the representative of their choice. We have not had these problems in the north. The officers have gotten the representative of their choice without any problem whatsoever.

It is a matter of semantics. In section 2 of the bill, we are just trying to clarify how that happens, and who can decide who gets the representative and who that person is. If I try to put a number on it, for instance, if I do five representations a day, it would be five a day times 365, or however many we do. So, it is such an abstract number, Assemblyman Livermore, that it is hard to say, but it is every single time.

Chairwoman Benitez-Thompson:

So, it sounds like, for northern Nevada, it is not so much of an issue. At least, there are no known instances.

Assemblyman Livermore:

I am asking this question because I want to know if it is significant enough to change the law. That is my question. I understand the policy. I understand that you gentlemen both thought this out, but I think there is no significance here. What are we addressing? It has not happened.

Kirk Hooten:

I think I understand your question, and I can answer it definitively. I think what you are getting at is that this was borne out of one instance. I can hit that directly; there is no need to dodge that. What I believe is the key incident here is the language itself, if we were not to prevail at the Supreme Court, could open it up for thousands of subsequent cases or incidents where that could be applied through the interpretation. That is the genesis of it, and that is what we are addressing. Certainly your question is directed to what are we addressing here? It is certainly litigation out of one person's incident.

[Chairwoman Benitez-Thompson left the room. Vice Chairwoman Neal assumed the chair (at 9:10 a.m.).]

Assemblyman Elliot Anderson:

I actually have more of a comment. I did want to say for the record that I do believe that it is important when you have language that is not clear and is subject to a couple of different interpretations, it does behoove us to try to fix it. If not, we are discharging every single bit of our power to the judiciary, and I do not think any of us should do that.

Assemblywoman Swank:

I am not a lawyer, but I have a question about getting rid of this: "of the peace officer's choosing." I am wondering, who chooses? Also, is it possible, because it seems almost that the language leaves it open, that these representatives could be assigned by someone who is not the employer? If it could be some other third party, that might not be in the best interest of the police officer. Could you clarify that?

Kirk Hooten:

We worked significantly with the Legislative Counsel Bureau (LCB) to try and find the language for that provision that worked. What we landed on was: "who may not be chosen by the employer." I think we landed on that because the officer who is involved in the internal investigation utilizes someone internally, whether it be the association or someone of their trust; we did not want it to be where it could be assigned. I think it still affords them the opportunity to get who they want, but it removes the commanding,

obligatory language. Moreover, it eliminates the opportunity for it to be assigned by the governing entity.

Assemblyman Healey:

I have a quick clarification question. In regard to being able to view video prior to, the language is being struck. Is that correct?

Ron Dreher:

That is correct.

Assemblyman Daly:

For clarification on the language you have, "may not be chosen by the employer," for instance, if you have a union that you want to represent, they may have several agents that they would send to you. So, the guy gets to choose the union, but who they send, is that where you are trying to have some flexibility? Also, the one incident that you had, someone said, "I want F. Lee Bailey to be my representative," but he may not ever appear. I do not think he is still alive, actually. So, in that situation, he gets to choose, but it cannot happen. So is there a time limit set somewhere that this person has to appear? I know that, in the private sector, we have Weingarten rights under the union protocols that they can insist on union representation if they are going to be questioned and if there might be disciplinary action. They do not have to wait forever; there are time limits, and there are exceptions to that. I did not know if you had something similar, or if a time limit might help.

Ron Dreher:

That is correct. Weingarten rights apply to law enforcement as well, but in the State of Nevada, under NRS Chapter 289, they have a 48-hour notice provision. That is usually what is done. The person gets noticed within 48 hours. At that point, they establish where and when the meeting will take place, and how many representatives will show up.

Assemblyman Daly:

So there is not really an opportunity where you can say, "I want this guy," and that guy could be Donald Duck, and if Donald Duck does not show up, then you would proceed, because his guy is not there to represent him, and that is on the officer, or whoever it is. Is that how it works?

Ron Dreher:

That is kind of how it works. Normally, there is cooperation. I have never had an instance where there has not been cooperation. They allow, after the 48 hours, plenty of time for both sides to mutually get their representatives present. We did make some changes last session regarding witnesses.

The first representative, for example, would have an opportunity to be there pretty quick. The second representative was put on hold if they could not get there in a reasonable amount of time.

Vice Chairwoman Neal:

Are there any additional questions? Seeing none, we will shift into support.

**Paul Villa, representing Police Officers Research Association of Nevada; and
Reno Police Protective Association:**

I respectfully ask for your support on S.B. 144 (R1) as amended.

**Priscilla Maloney, representing American Federation of State, County and
Municipal Employees, AFL—CIO, Local 4041:**

I have support as my official position, but I wanted to add some additional comments because I think there is some confusion. *Nevada Revised Statutes* Chapter 284 covers all state employees. *Nevada Revised Statutes* Chapter 289 is what we call the police officers' bill of rights. Whereas, just as in the federal *Constitution*, a state can always have a little bit more protection, but they cannot have less than the federal *Constitution*, NRS Chapter 289 has more detail about a police officer's rights in an internal administrative investigation for disciplinary purposes. That is what we are talking about here. There are some analogies to the criminal justice system. It is true; there is the right to call witnesses, cross-examine witnesses, and to have a full fact hearing on the matter.

The amendment to NRS Chapter 289 ([Exhibit C](#)) simply clarifies that the employer cannot choose the representative. Assemblyman Livermore asked anecdotally, "Has this happened?" Yes, it has happened in my—I hesitate to use the word—"practice" because it is not a law practice, it is a labor representation practice. However, NRS Chapter 284 has a provision where everybody gets a 48-hour notice, as does NRS Chapter 289, that they are going to be scheduled for an interview. The employee who is going to be interviewed, whether they are the target of the investigation or a witness to the investigation, has the right to have an employee representative of his choosing and/or an attorney present.

So, there is some confusion here. Anecdotally, I think the problem that arises, Assemblyman Livermore, in your particular question, is people maybe get the written notice, which is required by NRS 284.387, they panic, and maybe they get on the phone because they are not sure what this is about. Should they hire an attorney? How serious is it? Again, the original genesis of this bill was to give them more access to the discovery against them immediately from the get-go, so they know what this is about. They get very little on that notice.

It may say, you were charged with insubordination or you were charged with neglect of duty. That is all they know in that 48-hour window. So, what the person does is perhaps wait until the 48 hours is close to up, and say, "Okay, I want a labor representative or an attorney there." Then the employer says, "Well, we have this scheduled. We are going forward. You are entitled to have somebody 'of your choosing.'" That is already in NRS Chapters 284, and 289. But then they say, "You have not arranged for somebody? Well, we are going to go get an employee from down the hall."

Whether that person is from management, a coworker, or what have you, they go forward. Because by law, and what we are talking about, Assemblyman Daly, is Weingarten rights. It is Weingarten rights, as the private sector unions understand them, but codified in NRS Chapter 284 and NRS Chapter 289, which basically say that if an employee is asked to come to a meeting with management that is disciplinary or likely to lead to disciplinary action, they have certain rights. That is what we are talking about.

Anecdotally, I am currently in a situation—I do not want to say too much about it because the matter is ongoing—where the employee was asked to come, not yet given the formal notice, but asked to come. Sometimes that happens. It is likely to lead to discipline, and most agencies are very good about making sure they do the written notice pursuant to NRS 284.387. However, sometimes, if the employee's perception is that this is going to be disciplinary, or this is going to lead to discipline, they assert their right to have their representative, and/or their attorney, there. That is when the problem becomes, "Well, wait a minute, we do not have anybody onsite," or "You have not acted fast in the 48 hours, and now we want to get Joe from down the hall, or management down the hall, to come in and be your witness."

That is inappropriate and is not in the spirit of Weingarten, and that is what Weingarten protects. I can tell you that most of the agencies have been very cooperative. When I get a copy of the 48-hour notice, for instance, and if I cannot make it that day, a person is requested. I want AFSCME Local 4041 to represent me. Most of the agencies have been terrific about rescheduling it to a time when I can get there. That is an overview of the process we are talking about, and why this is needed.

Assemblyman Livermore:

I appreciate that, but NRS Chapter 284 is not the subject that we are addressing today. We are addressing NRS Chapter 289.

Priscilla Maloney:

But they work together, Assemblyman.

Assemblyman Livermore:

This is what this bill addresses. It embeds it that way, and if the language exists in NRS Chapter 284, I think all statutes could apply to most issues, whether they be labor, or otherwise. I think that only drives back down to the significance of why are we proposing to modify NRS Chapter 289. As you just stated, it exists already, and it is common practice. I do not see any problem with that. In fact, I recognize that as standard protocol. Anyway, I appreciate your comments on the record because it just drives my point more significantly, that it exists already in statute. Thank you.

Priscilla Maloney:

I appreciate your point of view. In other words, if this happens once in a blue moon, as it were, that the employer says, "Well, hey, you did not get your representative here," or "We did not have time to drop the notice because we do not know if it is disciplinary, but maybe it could be likely to lead to discipline. So, we will just get Joe down the hall." I am saying that happens more often than it should, and even one time is too many. Thank you.

Vice Chairwoman Neal:

I have a quick question. In your testimony, did you state that the language "of the peace officer's choosing" was a part of common practice or a part of existing statute?

Priscilla Maloney:

I am sure Mr. Dreher or Mr. Cardinale might jump in here. That language exists in both NRS Chapter 284 and NRS Chapter 289. Weingarten is captured in both those places.

Vice Chairwoman Neal:

Here is my question. What, then, is the effect in the actual amendment of the strikeout language?

Priscilla Maloney:

I will let Mr. Dreher respond to that, Madam Vice Chair.

Ron Dreher:

Are you talking about section 2, and the issue of dealing with a representative?

Vice Chairwoman Neal:

Yes.

Ron Dreher:

The reason for that is because of the current litigation that the Police Protective Association (PPA) is going through with an individual. Clarifying the issue of who has the right to select the representative, current language in Weingarten, all over the United States, has been the representative of your choice. It does not matter what law you are looking at, whether it is NRS Chapter 284, or NRS Chapter 289, or the other laws that we have throughout the United States, that law, we have always thought, was pretty clear: the representative of your choice. Unfortunately, what happened in the litigation is, it was not clear enough to have an employee say, "I want X representative," and they said, "No. We cannot give you X representative; not of your choice." So, that is the reason the language was changed through the Legislative Counsel Bureau (LCB), and we had to come up with something that would satisfy the language in Las Vegas, with the problems they were going through, so they put in there, "May not be chosen by an employer." We still want the individual person, the principal of the investigation, the subject of the investigation, the witness to the investigation, to get the representative of his choice. However, we had to come back and say, "How are we going to define that? How are we going to change that to compensate the PPA down south, to explain once and for all who gets to decide how this representative is chosen?"

As long as management is not choosing the representative, and we have codified it in law, which is what we are trying to do, then we have satisfied the concerns of that litigation that is now proceeding to the Supreme Court. That is really the basis. I am hoping I answered your question, but that is the reason for it.

Vice Chairwoman Neal:

What I am confused about is the strikeout, because I was reading NRS 289.080 where that language exists. Does the strikeout in the amendment then strike it out in the actual statute? Because that is what you say you are amending in section 2. So, if we are taking that out, but yet the case was built upon this statute as it reads, which says clearly, "may upon request have two representatives of the peace officer's choosing," then what are we doing to the case? Because if it was based upon the existing law before this bill, then you need to leave that language alone.

Ron Dreher:

Madam Vice Chair, let me have Kirk Hooten explain and talk to that specific issue that they are going through, if that is okay.

Vice Chairwoman Neal:

Yes, go ahead. Then I will open it up to other people because that is what is confusing to me, because if that is happening, there is a problem.

Kirk Hooten:

I think I understand what your question is. That matter is ongoing. We were trying to proactively address that. I do not believe that language, "of the officer's choosing" is contained in NRS Chapter 284, so I want to address that issue. I just searched it on there, and I could be wrong, and someone can come up and correct me. However, I think I understand what reference you are talking about—this language change in existing litigation.

Vice Chairwoman Neal:

Mr. Penrose, I need you to clarify something in section 2. Now, section 2 does not discuss NRS Chapter 284 at all. It discusses NRS 289.080 and NRS 289.057. So, what is the effect of the strikeout?

Jim Penrose, Committee Counsel:

Is your question related to the propriety of changing language that is involved in current litigation?

Vice Chairwoman Neal:

Yes. Does the strikeout take it out of the statute? If we push this forward, will that phrase no longer be in the statute?

Jim Penrose:

Well, the answer to that question is yes. Striking that language would eliminate it from the statute. In terms of the propriety of changing the language when there is pending litigation, there is really no issue there. In fact, I would expect that one party or the other to the case would, if this bill becomes law, cite the change as evidence of what the law was always intended to be.

I did have a question, though, just for clarification, if I may.

Vice Chairwoman Neal:

Okay, go ahead.

Jim Penrose:

I guess my question is, is the effect of the change intended to address the issue of an employer picking the representative? Or, is it intended to address the issue of an employee being able to pick someone who is, for example, other than a union representative?

Kirk Hooten:

The desired change, from our perspective, is to address the language that we are currently fighting that is somewhat commanding, or obligatory, to anyone in the entire spectrum. As noted earlier, if they wanted F. Lee Bailey, and they said, "I want F. Lee Bailey," they believe that there is certain language in the NRS that would oblige or command F. Lee Bailey to appear on their behalf. That is what we are trying to address. The language "not chosen by the employer" was to avoid an unintended consequence that would allow the employer to assign, which has been problematic for other entities involved in this.

Jim Penrose:

If the employee says, "I want F. Lee Bailey," how does this change resolve that issue? What if F. Lee Bailey is not being chosen by the employer, and the employee says, "I have a right to be represented by somebody who is not chosen by my employer, and I choose F. Lee Bailey"?

Kirk Hooten:

Well, I do not believe that "of the officer's choosing," and I certainly cannot go head-to-head with you on interpretations, I am not going to even attempt that. What we did with LCB working through this was find something that would solve both of those issues. I believe that "of the officer's choosing" was somewhat commanding, and this, the way it reads, is not.

Assemblyman Elliot Anderson:

Mr. Hooten, I am assuming it is public record now because it is probably briefed, and it is filed in the case. Could you provide to me, and to whoever else wants it, the brief of the person that is asserting the argument against PPA? In this instance, I just want to feel out the argument for myself and see what they are trying to do with the statute as it is currently written.

Kirk Hooten:

Yes, I will.

Assemblyman Oscarson:

In follow-up to your remarks, Madam Vice Chair, I also am concerned about changing legislation when there is pending litigation. That is problematic for me in a lot of ways because if it erases the statute as it is, that is problematic in many ways for me, I think.

Vice Chairwoman Neal:

Do you have a comment to that? I mean, here is my issue. Then, I am going to leave this alone. Neither the bill nor the amendment has an effective date,

which makes the effective date, I believe, October. I have no idea when this case is coming about, or when it is going to come into existence, but knowing that this bill could become effective in October—I have no idea of the longevity—to me, that gives me pause for concern because if it becomes effective, and it is in the middle of, or before, is actually adjudicated, what, then? Are we running into a situation? Because, to me, that is not prospective. I did not recognize until just now that there was not an effective date on the bill. I am just leery, and I am not accusing, but sometimes when we get into this part of the session, games are afoot.

Kirk Hooten:

I certainly understand your concerns. We have prevailed at every level. We just have one final step at the Supreme Court. Frankly, we anticipated to have a decision by now. We submitted this request early on in the summer before the session came about, as kind of a fallback position, and I certainly submit to this Committee to do what they feel is appropriate. I understand your concerns, and your legal counsel has voiced some concerns as well. So, I would certainly defer to the Committee and your will and go from there. I submitted it in an attempt to avoid potential problems in the future.

Vice Chairwoman Neal:

Okay, thank you. I do not know if I even want to go any further with this one.

Assemblyman Elliot Anderson:

This is a question for Mr. Penrose. Can you brief the Committee on the retroactivity provisions of any new rules that are passed for litigation that is pending? I would appreciate that. If it is going to be retroactive, can we not just simply write a transitory section to say this rule does not apply to any pending litigation? I mean, it certainly does not seem like if there is litigation going that we should not potentially clear up something. So, if you could comment on that, Mr. Penrose, I would appreciate it.

Jim Penrose:

I am sorry. I was having a sidebar conversation. Did you want to know if we could add transitory language that makes it clear that the change is not intended to affect any pending case?

Assemblyman Elliot Anderson:

That is correct. A transitory section disclaiming retroactivity; in other words, it would not apply to any pending litigation; I think that is the phrase the judiciary uses when they talk about new rules and whether they apply to cases or not.

Jim Penrose:

Yes, you could include that transitory language.

Vice Chairwoman Neal:

Okay, great. Are there any additional comments?

Leonard Cardinale, representing North Las Vegas Police Supervisors Association, Inc.:

I will be brief. We are here in support of this bill with the amendment. I will answer any questions, but it sounds like everything has been taken care of.

Vice Chairwoman Neal:

Does the Committee have any questions? Seeing none, we will shift into neutral. Is there anybody signed in as neutral? Seeing none, we will open up to opposition. Okay, we will take Las Vegas opposition. You are not in support, are you?

Ron Cuzze, representing Nevada State Law Enforcement Officers' Association:

Everybody in Las Vegas was originally signed in as opposition. We did not have this amendment. So, on the sign-in sheet that you got, I believe every one of us signed in as opposition, but we will clarify on the record, if you will allow us to do so.

Vice Chairwoman Neal:

Okay, so does that now shift you into neutral versus opposition? Or, does that put you in support?

Ron Cuzze:

Basically in support.

Vice Chairwoman Neal:

You can take the seats and I will not shift into opposition if you have something in support that you want to say.

Ron Cuzze:

We were in opposition until we received this amendment. Taking out the parts in section 1 clarified our concerns. However, I would like to address something that has been brought up several times. Our association represents peace officers in 22 of the 24 state law enforcement agencies. The concern about NRS Chapter 284, I believe, can become a nonconcern because, for the state folks it is very easy, through the personnel commission, to regulate versus legislate. We can offer to the personnel commission, for approval by the Legislative Commission, an amendment to the *Nevada Administrative Code*

Chapter 284 to mirror the language in NRS Chapter 289. I know there was some concern, but I think there is a way around that so it will not affect the state people. I am open for questions, if you have any.

Vice Chairwoman Neal:

Are there any questions from the Committee? Seeing none, are there any additional folks in Las Vegas who want to come to the table who have something in support? I will take that long pause as a "No," and we will come back up to Carson City, and then we will shift to opposition.

Cadence Matijevich, representing City of Reno:

We do very much appreciate the amendment ([Exhibit C](#)) that was brought forward this morning. It did address our most serious concerns with the provisions of this bill. However, we do still have concerns with section 2, particularly with the item that Assemblyman Daly, I believe, was trying to address with his question. We understand the intent behind what is attempted to be fixed here, and we are not necessarily opposed to that. Our concern is that with this fix, we now may be creating a new problem, that being because subsection (a) of section 2 would now read, "may not be precluded from having a representative." That would require that there be a representative present. Then, it says that they "may, upon request, have two representatives who may not be chosen by the employer." If one of those two representatives is not available, if either of them is not available, these procedures may be delayed in perpetuity. There are no provisions in here that allow for timing if there was a need to expedite. That is our concern. Certainly, if there are going to be amendments to the language to try and address the circumstances that are bringing this forward, we are not opposed to that, but we believe that this new language may, in fact, have some unintended consequences, and we have concern with that.

Vice Chairwoman Neal:

I just have a quick question, because when I was reading the original bill and the amended bill, section 2 actually did not change. So, you would have been opposed to the bill as is and as amended?

Cadence Matijevich:

Yes, Madam Vice Chair. We have been opposed to the bill throughout its metamorphosis during this process. Again, our most significant concerns were removed with the proposed amendment ([Exhibit C](#)) this morning. However, we do still have some concerns. Again, those concerns are not necessarily with the policy and what they are trying to achieve, but with the language by which they are trying to achieve it.

Pamela Del Porto, Inspector General, Department of Corrections:

We have had concerns with this bill from its inception. As Priscilla Maloney was trying to describe, the state of Nevada peace officers are also under the guidance of *Nevada Revised Statutes*, not NAC Chapter 284, but NRS Chapter 284. In NRS 284.387, the language specifically reads, "or other representative of the employee's choosing." [Referred to prepared testimony ([Exhibit F](#)).] So then, there is a conflict between the amended language, or what they are trying to amend in NRS Chapter 289, and the current law under NRS Chapter 284. So as a State of Nevada employer, what do I do?

Additionally, in the last legislative session, language was added under section 2 that the investigative process, or judicative process, and everything in relation to that investigation, had to be completed within 90 days. What we have run into with the State of Nevada, is that if we have an accused employee, or a witness, once they are served, the 90-day clock starts. It does not sound like much, but we have a lot to do in 90 days. So, now, if there is confusion, or if there are issues with the representation on who can, or who should not, or who must, then we are adding to the possibility of delays in the investigative process. Additionally, I just want to add a comment that if there was one lawsuit, and the Las Vegas PPA is prevailing, why are we going to change a law that may impact another law that is not addressed?

Vice Chairwoman Neal:

Does the Committee have any questions? I have a quick question. Can you give us a little more education on the overlay of NRS Chapter 284 and when it is triggered by NRS Chapter 289?

Pamela Del Porto:

That is a very good question. How we choose to treat administrative investigations for the Department of Corrections (NDOC) is we will afford the rights under NRS Chapter 289 to all employees, because there are in fact more rights. So, we will give the notice and we will provide more detail than is required under NRS Chapter 284. The bottom line is NRS Chapter 284 says "employee's choosing." The minute we hand them a notice that says here is the date and time of your interrogation because you are accused of A, B, C, and D, that starts the 90-day clock. In the 90-day time frame, what we have to do is complete the investigation. Then it goes to an adjudication with an independent reviewer of the facts and information.

Also, under NRS Chapter 284, that was changed again, any dismissal, suspension, or demotion has to go for review to the Attorney General's Office and then come back to NDOC for us to serve that employee. Whether they are

a peace officer, or a nonpeace officer, we treat them as the same because NRS is the underlying factor. That is how the Department chooses to do it.

Assemblyman Elliot Anderson:

I am wondering about the overlay as well. But, is not the general rule about statutes that you go from specific to general? Is not the peace officer chapter a bit more specific than NDOC in terms of peace officers, since it is the chapter for peace officers?

Pamela Del Porto:

We have staff members. Some associate wardens are peace officers. Some caseworkers are peace officers. Therefore, we cannot presume that just because somebody is not in a uniform that they are not a peace officer, according to the Peace Officers' Standards and Training (POST) requirements. That is why we choose to give them the notice and treat the investigation, if I answered that correctly.

Assemblyman Elliot Anderson:

I always thought it was pretty clear it was a peace officer. We have statutes that detail it explicitly as category 1, 2, and 3. We have considered a number of those bills this session. I am confused as to why it is not easier to figure out who is a peace officer versus who is not a peace officer.

Pamela Del Porto:

Again, we can have caseworkers, and it does not preclude them from being a former correctional officer. In fact, we have a correctional officer that promoted and then took a caseworker position, which is in street clothes. Unless you knew who the person was, you could not tell he was a peace officer. Now he is promoted to a camp lieutenant, and that tells me that, yes, he is a peace officer. However, unless we specifically research to say, "Associate Warden ABC, are you a peace officer by the statutes?", it can be hard to tell, because if they keep up their 24-hour yearly training, then they can maintain the peace officer status.

Vice Chairwoman Neal:

Are there any additional questions? I have one question. They are going to keep the rights in NRS Chapter 284 to choose, and then in NRS Chapter 289, if they are a peace officer they would no longer have that actual right associated with it. So, here is my question. When we have the instance of a peace officer or an employee choosing their representative, what then, is the problem we are looking at? What can we see in the future that is going to come into existence? I am trying to get an idea of the problem that we will have a year from now, or two years from now, having the statutes read differently.

Pamela Del Porto:

What I would do, quite honestly, is whether a peace officer or not, I am going to give them their choice under NRS Chapter 284.

Assemblyman Livermore:

Madam Vice Chair, I would like to direct this to Legal counsel, if I may. Who decides what statute trumps what statute? Is there a precedence for that?

Jim Penrose, Committee Counsel:

Let me begin by saying one would look initially to the particular language of NRS Chapters 284 and 289 to determine which is applicable in a particular case. I am not infinitely familiar with the exact language that we are talking about. Mr. Anderson was correct. If you are dealing with an employee who is a peace officer, and was being investigated for a conduct that involved his activity as a peace officer, to the extent you had two statutes that were applicable, NRS Chapters 284 and 289, are potentially applicable to him, you would apply the more specific statute. The provisions in NRS Chapter 289 would trump those in NRS Chapter 284.

Assemblyman Livermore:

So, in essence, what it does is it puts a peace officer at a different level than another citizen that may be afforded union representation in the public process of the hearing.

Jim Penrose:

Potentially, that is correct. That may, in fact, be the case under existing law, regardless of this bill.

**Jackie Muth, Lieutenant, Commander, Office of Professional Responsibility,
Department of Public Safety:**

For clarification purposes, before I make my brief statement, I would like to make notification to Committee that my father sits on this Committee, Assemblyman Livermore. So for purposes of identification for that, the Department of Public Safety also opposes S.B. 144 (R1). We mirror the objections that have previously been stated. Additionally, we would like to add one point. We do not believe that the consideration regarding one case pending litigation currently justifies changing the language in this statute at this time. We believe that the process should take its place, and currently, with the very rare exception when these cases occur, that the appellate process that is currently in place can be utilized. Therefore, we do not need to change existing language until we have further clarification on legalities. Thank you.

Vice Chairwoman Neal:

Are there any questions? [There were none.] Assemblyman Livermore, did you have a question?

Assemblyman Livermore:

No. I am not going to question her. I will get in trouble.

Robert Roshak, representing Nevada Sheriffs' and Chiefs' Association:

First off, we would like to thank the bill sponsor for the amendment removing section 1, which was very problematic. The Association still has concerns with changing the language. Basically, in information I have received from the rural counties, they just do not understand why it needs to be changed. They do not see an issue. If there is a court case pending, it should work its way through the system, and let it go at that. They also have concerns that the way this is written, if someone cannot find a representative, they have no option to be able to supply an independent person on their own, or to recommend. They are feeling that it is just leaving the officer hanging out, which could potentially happen. Thank you.

Allen Veil, Sheriff, Lyon County, representing Nevada Sheriffs' and Chiefs' Association:

I am also president of the Nevada Sheriffs' and Chiefs' Association. We, too, would like to echo Mr. Roshak and other speakers in opposition of S.B. 144 (R1) for the same reasons given previously. We do not recognize a need for another change in NRS Chapter 289, which has undergone many changes in the last few years. Although we do understand Las Vegas PPA's concern over the existing wording, we do not feel that a change in NRS is warranted at this time. We are concerned about the unintended consequences. Thank you.

Vice Chairwoman Neal:

Just for me, for clarification on the record, in the original bill, "of the peace officer's choosing" was struck out, as well as in the amendment. Ultimately, we had a problem with the original and the amended version. Is that right?

Alan Veil:

That is correct.

Assemblyman Healey:

I need a little clarification because I am a little confused now. Based on what is current law, and what was in the original versus what is in the amended version, in NRS 289.080, in terms of representation, what is the current law?

Alan Veil:

The current law says, and if you would like me to read that, during an investigation, "the subject of an investigation conducted pursuant to NRS 289.057 may upon request have two representatives of the peace officer's choosing present with the peace officer during any phase of the interrogation or hearing related to the investigation, including without limitation a lawyer, representative of a labor union or another peace officer." To my knowledge, in my experience of 30 some years, and then also speaking with my colleagues, I am not aware of the employer ever choosing a representative for a subject employee.

Assemblyman Healey:

Thank you for that clarification. In the event that, for the employee choosing their representatives, there are not two readily available of their choosing, what happens with the process?

Alan Veil:

We work with the employee, with their representatives, with the peace officers' association to either delay, or, we even would recommend, because of staffing issues, that there is another available labor representative working in that area. So, it would be a recommendation, but not a choosing. Many times we have delayed a hearing for 24, 48, 72 hours, or even a week for special requests. Basically, we want to get the facts. Even though these things need to be done in a timely manner, hurrying is not always in our best interest.

Chuck Callaway:

I signed in as opposed to the bill in its original form. The amendment brings me much closer to the realm of neutrality. I spoke with Mr. Hooten prior to the legislative session, and he had expressed the desire to correct this issue that is before the Supreme Court through some legislative means. I discussed that with some folks in my agency, and at the time they were not opposed to that idea. However, when the bill came out, it had a lot in it that went beyond that. As I said, this amended version brings me closer to being okay with it. However, discussions I have had today with my colleagues and law enforcement and the folks from the state still give me a degree of concern to keep me in the realm of opposition. Thank you.

[Chairwoman Benitez-Thompson reassumed the Chair (at 9:54 a.m.).]

Chairwoman Benitez-Thompson:

Are there questions for Mr. Callaway? Seeing none, thank you for your testimony.

Eric Spratley, representing Nevada Sheriffs' and Chiefs' Association:

I echo the comments of my colleague from Metro. I am here in opposition to this bill.

Chairwoman Benitez-Thompson:

Are there any questions? Seeing none, thank you. Is there additional testimony in opposition, either from Carson City or Clark County?

Jason Trevino, Deputy Chief of Police, Washoe County School District Police Department:

Many of the things have already been said, and we would agree that, from our perspective, some of the things were cleared up today. It would bring us a little closer to neutral, but we would still remain in opposition to this bill as it currently is because we feel it raises some additional questions in the future.

Chairwoman Benitez-Thompson:

Are there any questions? Seeing none, thank you. Let us go down to Clark County. Good morning. Just go ahead and state your name for the record, and we will get your comments.

Jonathan Boucher, Sergeant, Henderson Police Department:

Originally, I do not believe we took a stance on section 2. Our major concern was with section 1, but after the comments today, we wanted to concur with our opposition to section 2 as well.

Tim Shattler, Deputy Chief, Department of Detention and Enforcement, City of Las Vegas:

We would just like to concur with all of the comments in opposition as well.

Chairwoman Benitez-Thompson:

Thank you very much. Is there any additional testimony in opposition? Seeing none, we will move to neutral. Are there comments in neutral for the record? Seeing none, let us invite the bill sponsor back up for closing comments.

Kirk Hooten:

I do not have any closing comments. I appreciate your time and consideration. I did not expect that this last section would take so long, and take so much of your time, but all the questions and views are certainly warranted for this issue. Thank you.

Chairwoman Benitez-Thompson:

Thank you. With that, we will go ahead and close the hearing on S.B. 144 (R1). I will open up the microphones for public comment. Seeing none, we will go ahead and adjourn this meeting of Government Affairs [at 9:59 a.m.].

RESPECTFULLY SUBMITTED:

John Budden
Committee Secretary

APPROVED BY:

Assemblywoman Teresa Benitez-Thompson, Chairwoman

DATE: _____

EXHIBITS

Committee Name: Committee on Government Affairs

Date: May 7, 2013

Time of Meeting: 8:36 a.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
S.B. 144 (R1)	C	Ron Dreher / PORAN	Amendment
S.B. 144 (R1)	D	Senator Segerblom	PowerPoint Presentation
S.B. 144 (R1)	E	Kirk Hooten / PPA	Prepared Testimony
S.B. 144 (R1)	F	Pamela Del Porto / NVDOC	Prepared Testimony