

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

**Seventy-Eighth Session
May 8, 2015**

The Senate Committee on Government Affairs was called to order by Chair Pete Goicoechea at 1:13 p.m. on Friday, May 8, 2015, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Pete Goicoechea, Chair
Senator Joe P. Hardy, Vice Chair
Senator Mark A. Lipparelli
Senator David R. Parks
Senator Kelvin Atkinson

GUEST LEGISLATORS PRESENT:

Assemblyman Ira Hansen, Assembly District No. 32
Assemblyman Harvey J. Munford, Assembly District No. 6

STAFF MEMBERS PRESENT:

Jennifer Ruedy, Policy Analyst
Heidi Chlarson, Counsel
Nate Hauger, Committee Secretary

OTHERS PRESENT:

Brian O'Callaghan, Las Vegas Metropolitan Police Department
Bob Roshak, Nevada Sheriffs' and Chiefs' Association
Mike Cathcart, City of Henderson
Ron Dreher, Peace Officers Research Association of Nevada
Janine Hansen, State President, Nevada Families for Freedom
Jeff Fontaine, Nevada Association of Counties
Richard Brengman

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Kay Scherer, Deputy Director, State Department of Conservation and Natural Resources
Bob Roper, State Forester Firewarden, Division of Forestry, State Department of Conservation and Natural Resources
Pete Anderson
Richard "Hank" James, Deputy Director, Nevada Rural Electric Association
Chris Theisen, Deputy Fire Staff, Humboldt-Toiyabe National Forest, U.S. Forest Service
Jan Schade, Wildfire Support Group
Clay Fitch, CEO, Wells Rural Electric Company; Executive Director, Nevada Rural Electric Association
Steve Walker, Lyon County; Douglas County; Storey County; Eureka County
Andrew Zaninovich, Nevada Conservation League
Jeff Fontaine, Nevada Association of Counties
Alex Tanchek, Nevada Cattlemen's Association
Cliff Gardner

Chair Goicoechea:

We will begin the meeting on Assembly Bill (A.B.) 162.

ASSEMBLY BILL 162 (1st Reprint): Revises provisions governing the use of portable event recording devices by law enforcement. (BDR 23-443)

Assemblyman Harvey J. Munford (Assembly District No. 6):

This Committee heard S.B. 111 which is similar to this bill.

SENATE BILL 111: Provides for the use of portable event recording devices by peace officers. (BDR 23-618)

Assembly Bill 162 was amended by the Assembly to be enabling and to limit the use of cameras to uniformed peace officers. This bill is not an attack on law enforcement. Clark County Sheriff Joseph Lombardo supports body-worn cameras for officers. Members of law enforcement and the public support this concept to help restore the trust between law enforcement and the community.

The call for body cameras follows several high-profile killings by members of law enforcement, including the police shooting of Michael Brown in Ferguson, Missouri, in August 2014, and most recently, the questionable death of Freddie Gray, who died as a result of alleged police brutality while in custody in

Baltimore, Maryland. These are isolated incidents resulting in massive public protests in many cities across the nation. They have caused racial tensions to escalate and result in untold public property damage. The citizens of our State want and deserve to have transparency in their government. The use of body cameras by police officers will build a more trusting relationship between law enforcement and the diverse communities they patrol.

The U.S. Department of Justice, Office of Community Oriented Policing Services, did a study that shows the possible benefits of camera use. In Rialto, California, the police department ran a study between February 2012 and July 2013 finding that citizen complaints against police dropped 88 percent compared to the year before the cameras were used in 2011. The use of force by police officers fell 60 percent after use of personal recording devices began.

This is not an indictment of law enforcement. Nevada has great police. This bill would improve officers' performance in the field. Use of body cameras will allow the public and law enforcement agencies to view the same footage of questionable situations. I have submitted written testimony ([Exhibit C](#)).

Chair Goicoechea:

The bill says law enforcement agencies may require uniformed officers to wear a portable event recording device. Is this bill strictly enabling?

Assemblyman Munford:

Yes.

Brian O'Callaghan (Las Vegas Metropolitan Police Department):

We are a part of a study on the effects of body camera usage. We are using 200 body cameras and, as a control factor for the study, 200 of our officers are not using body cameras. Either next year or the following year, we have budgeted for 500 more cameras. If we did not have the permissiveness from this bill, the first year would probably cost about \$9 million and \$6 million after that. The 500 cameras we have budgeted for will cost at least \$800,000. We support this bill.

Bob Roshak (Nevada Sheriffs' and Chiefs' Association):

We support this bill. The enabling language allows the rural agencies that are having financial difficulties to work toward using body cameras in the future. Some rural agencies already have body cameras, but others are studying the

costs. The sheriffs have talked to the companies that sell them dashboard cameras, and there is technology that ties information from a body camera to the dashboard cameras which would limit costs. Lieutenant Eric Spratley from Washoe County is also in favor of this bill.

Mike Cathcart (City of Henderson):

We support A.B. 162. Technology is important for law enforcement. We already have dashboard cameras in all of our vehicles. It cost \$2 million to purchase and put the cameras in cars. We began using them in 2010. The permissive nature of this bill will allow us to keep our dashboard cameras and use body cameras that work with our dashboard cameras so we can avoid having two sets of videos. This is the future of law enforcement.

Ron Dreher (Peace Officers Research Association of Nevada):

We support this bill for the reasons others have stated.

Janine Hansen (State President, Nevada Families for Freedom):

We support this bill. Assemblyman Munson mentioned the study done in Rialto, California, where body cameras reduced citizen complaints by 88 percent and reduced the use of force by police by 60 percent. Policeone.com news reported that police body cameras reduce unfounded complaints against police by citizens. There was an instance where a man brandished a shotgun and later claimed not to have been armed when the Lake Havasu, Arizona, police drew their weapons and demanded he drop his gun. The man threatened to file a complaint, but when the officers informed him the entire event was recorded on video, he chose not to complain.

This bill would keep police and citizens on their best behavior. It is important to have positive relationships between the police and the community.

The ACLU also supports this bill.

Jeff Fontaine (Nevada Association of Counties):

We support A.B. 162. We like that this bill is enabling. This is especially important for the rural counties. Our board supports the use of body cameras. Rural counties with limited budgets need to prioritize other needs, and this bill would allow them to wait until it is feasible to implement police body cameras.

Richard Brengman:

I am neutral on this bill because it does not mention allowing citizens to wear a body camera. After some incidents in the past, I began carrying an audio recording device. I have been threatened for turning it on. Roadside sobriety tests are manipulated by police. About 2 percent of police officers are bad and the other officers let it slide. This bill will not fix that problem.

Assemblyman Munford:

This has been the easiest bill to move that I have ever worked on.

Chair Goicoechea:

I will now close the hearing on A.B. 162 and open the hearing on A.B. 163.

ASSEMBLY BILL 163 (1st Reprint): Provides for the creation of rangeland fire protection associations. (BDR 42-43)

Assemblyman Ira Hansen (Assembly District No. 32):

Nevada has vast areas of public land. One of the biggest threats to public land is wildfire. Nevada has hundreds of wildfires each year that destroy private property and valuable habitat and resources. In recent years, some fires have covered millions of acres.

To control these fires, it is important to transport people and equipment to the fire quickly. Most public land in Nevada is managed by the Bureau of Land Management (BLM). The BLM does what it can to put out fires, but that is often not enough. In the past, the BLM relied on and benefitted heavily from local volunteer groups made up of ranchers and other concerned individuals to provide initial fire response. Groups such as the Wildfire Support Group from Winnemucca partnered with the BLM and the Division of Forestry to provide initial fire response. I provided written testimony ([Exhibit D](#)) explaining how rangeland protection associations, which A.B. 163 provides for, can help minimize wildland fires.

Kay Scherer (Deputy Director, State Department of Conservation and Natural Resources):

We support this bill, and the Governor supports it, because this bill will help protect habitats. Wildfires are a threat to the survival of the greater sage grouse. This bill gives the State another tool to fight wildfires. I have submitted written testimony ([Exhibit E](#)).

Bob Roper (State Forester Firewarden, Division of Forestry, State Department of Conservation and Natural Resources):

Wildfires will get bigger during the drought. There are not enough resources to fight fires at the federal, state or local levels. We are asking the public to be part of the solution. This bill enables the public to help fight fires. I provided written testimony ([Exhibit F](#)).

Chair Goicoechea:

The bill is effective upon passage and approval for the purposes of adopting the regulations. I do not know how we will escape that.

Heidi Chlarson (Counsel):

The reason the effective date is delayed to January 1, 2016, is section 3.5 requires the State Forester Firewarden to adopt regulations, which is time-consuming. It would be difficult for regulations to be adopted and approved by the Legislative Commission prior to January 1.

Chair Goicoechea:

It says January 1, 2016, because of the time it takes to go through the process. We can change it so it is effective on passage and approval and the adoption of regulations, and the State Forester Firewarden would not have to wait until January 1, 2016, if all those steps were completed.

Assemblyman Hansen:

We could eliminate the January 1, 2016, date and have an emergency regulation drafted by the Legislative Counsel Bureau.

Chair Goicoechea:

I agree. A major component of this bill is support for the county commissioners. We need to address what an integral part the county commissions play in this; they sign agreements, cover liability and make equipment available. Could you have an association as a stand-alone without the county supporting it?

Mr. Roper:

The bill requires the county or the board of commissioners of the fire district to be fully supportive and endorse it.

Chair Goicoechea:

In most of the rural counties, the board of the fire district is also the board of county commissioners. Do all counties in the State have *Nevada Revised Statutes* (NRS) 474 county fire protection districts?

Assemblyman Hansen:

I do not know.

Chair Goicoechea:

I support the concept of this bill.

Mr. Roper:

Mel Hummel, the Chairman of the Wildfire Support Group, emailed me in support of the bill, and I want the email to be entered into the record ([Exhibit G](#)).

Pete Anderson:

I am a retired State Forester and serve on the National Strategic Committee for implementation of the National Cohesive Wildland Fire Management Strategy, but I am representing myself. I support A.B. 163. I submitted written testimony ([Exhibit H](#)).

Chair Goicoechea:

In the past, what was important in fighting fires was "initial attack." Many people left hayfields to fight fires. Since then, we became more safety-conscious and lost some speed in our response time. The people closest to the fire who have the most to lose also have the most to gain by responding to fight the fire.

Richard "Hank" James (Deputy Director, Nevada Rural Electric Association):

We support this bill. We submitted written testimony ([Exhibit I](#)).

Chair Goicoechea:

Do you anticipate that Wells Rural Electric Company would become a part of a number of these rural fire protection associations (RFPA)? Would they actually engage in that association and be trained? If you had a crew working north of Wells or Clover Valley or Pine Valley, do you anticipate you would be able to join with those people on the initial attack? You could belong to a wildland fire

protection association and be out of your jurisdiction in an adjacent county. I want to make sure there is mutual aid between counties.

Mr. James:

Our intent is to become members of the RFPAs that have power lines from our cooperatives and power districts in those boundaries. We would cooperate with trained crewmen without becoming an RFA. We would cooperate with all the agencies and the BLM.

Chair Goicoechea:

Do you anticipate you would have your employees be members, although it does not talk about A.B. 163 having red cards for incident qualification for the BLM. The bill talks about providing training, and you could be out on those fire lines and not be turned away. It will not be a certification; you will be under your RFA. I want to make sure you can function outside the RFA as long as you have the training.

Mr. James:

Clay Fitch can expand on the training and equipment we have.

Chair Goicoechea:

I want to make sure it fits in any jurisdiction.

Senator Hardy:

You are already fighting fires.

Mr. James:

We do fire suppression.

Senator Hardy:

Nothing in this bill will prevent you from continuing to do what you do.

Mr. James:

That is correct.

Chair Goicoechea:

You fight fire now because you have equipment and have a red card with the federal agencies.

Mr. James:

That is correct.

Chris Theisen (Deputy Fire Staff, Humboldt-Toiyabe National Forest, U.S. Forest Service):

We support this bill. The Forest Service has identified funding to assist with the purchase of personal protective equipment and training.

Chair Goicoechea:

The expansion of any of these smaller rural areas is the key. They cannot afford to be there with their personal protective equipment on because they do not have them. Sometimes people are turned away, and they have expertise.

Jan Schade (Wildfire Support Group):

About 14 years ago, a group of people—mainly ranchers—teamed up with the BLM to help fight wildfires as the initial attack. The BLM trained and certified us as firefighters. Our group not only watches over our range, but our neighbors' ranges as well, consisting of about 2 million acres of coverage we watch over. This does not cost any tax money. When there are lightning threats, the ranchers already live in those areas. The Wildfire Support Group has responded to hundreds of wildfires and has reduced the spread in our area. We now find our efforts being challenged because there is no State law to support us. Each year, wildfire damage adds to the prior year's devastation of Nevada land with little to no recovery. It grows like a cancer. We are losing the battle of our State's loss of resources, and it continues to add up. Assembly Bill 163 will allow Nevadans to step up to win the battle against wildfires. Some of the resources being destroyed by fires are rangeland and wildlife habitats for mule deer and sage grouse.

Clay Fitch (CEO, Wells Rural Electric Company; Executive Director, Nevada Rural Electric Association):

We purchase our own fire equipment. The BLM trains our members to fight wildfires and inspects our equipment to make sure it is in good shape. We have joined as many associations as possible. We do not want the ability to be dispatched, but we are first responders and we could free up other people to be dispatched. When a fire starts, we would probably fall under the direction of the county or the BLM.

Chair Goicoechea:

If you were in a rangeland fire protection association, would the federal agencies be able to direct you? I do not think they want that. Most fires need to be extinguished within the first 24 hours

Mr. Fitch:

Being dispatched is not a major issue. We want to be a part of the initial attack.

Steve Walker (Lyon County; Douglas County; Storey County; Eureka County):

This bill is important. I fought fires when initial attack was the strategy. Growing up on the Idaho-Nevada border, we stopped many small fires using that strategy. Now there is higher liability than back then. This bill would help with that.

Andrew Zaninovich (Nevada Conservation League):

We support this bill.

Jeff Fontaine (Nevada Association of Counties):

We support A.B. 163. We like that the counties and fire districts would retain authority with regard to the training and operation of the RFPA. This bill is enabling for counties. It is a cooperative venture between the counties, the RFPA and the State Forester. There are some references to those kinds of agreements in this bill. There is also reference to ensuring adequacy in terms of liability insurance. There is the ability for the counties to delegate evaluations and inspections to the State Forester. There is enough flexibility to include the counties, the State Forester and the RFPA.

Chair Goicoechea:

The bill allows the State Forester to do inspections of equipment. If there is a group in Ruby Valley or wherever, and the board of county commissioners has to go there to do an inspection, politics might cause obstruction. Having the State Forester make the inspection would make it look cleaner and remove liability. I know how problematic it can be to tell an individual that his or her Cat is a piece of junk and you do not want it on the fire.

Alex Tanchek (Nevada Cattlemen's Association):

I am speaking for Neena Laxalt on behalf of the Nevada Cattlemen. We support this bill.

Cliff Gardner:

I am from the old school where we had a lot of freedom to protect our property. We had interest in our rural communities, and it worked well. If it had not been for the initiative of people who had fought fires their whole lives, the last three fires I helped fight would have been disasters. Government entities have a vested interest in having work. My interest is in protecting. I am skeptical of regulations. When the Founders created this Country, they wanted a country governed by laws, not man. Now we are getting more federal agencies and we are increasingly governed by man.

In Ruby Valley, there was a capable chief of the local firefighting district for years. He resigned because of the paperwork that is required now. Now you want to burden us with more paperwork. Eventually we will have to do what this body did regarding hunters and guides and riding on horses. Real people need to be protected from actions brought by the federal agencies and members of the public. I would like you to consider the language I presented in my proposed amendment ([Exhibit J](#)), which says, "Nothing in this act precludes persons living in rural communities from fighting rangeland wildfire using traditional methods for the purpose of protecting their homes and property, absent governmental licensing and oversight."

Chair Goicoechea:

It sounds like your proposed amendment would only pertain to your property. You have the right to protect your property, including livestock.

Ms. Hansen:

We support Mr. Gardner's proposed amendment. I live 10 miles outside Elko, in the sagebrush. In the last 10 years, we have had three fire threats within a mile to a mile-and-a-half from our home. We do not want to have to join a fire protection agency in order to protect our property.

Chair Goicoechea:

The counties or NRS 474 fire protection district boards play key roles in this. We are trying to determine how much authority the State Forester should have. I am tickled to death that you are going to do the inspection on the equipment and also provide the training. The Forester will also establish most of the regulations and has to develop them with 12 or 13 counties. Mr. Roper, would you see each jurisdiction having a different set of regulations and requirements, or three or four different sets given the geographic area and the fire threat?

Mr. Roper:

As we developed the enabling legislation, we began a parallel track of the regulations, which would be the agreements the RFPA would work under. That contains the nuts and bolts of the rules of engagement. A working group made up of members of the National Association of Counties, interested counties and other fire districts convened. We have a broad-based input level now. The State Forester has created the umbrella of the overarching regulations to administer the RFPA program. There is language in the bill allowing NRS 474 fire districts to adopt their own training standards. This bill satisfies your concerns.

Chair Goicoechea:

I agree. Two people or more can create a fire district.

Mr. Roper:

Correct.

Chair Goicoechea:

There can be many two-person associations, and it would be hard to make regulations fit all of them. They would petition their NRS 474 district or the board of county commissioners to get the status, then you would ensure there were regulations in place and whether they had enough training to meet the requirements in the regulations. And you would inspect their equipment.

Mr. Roper:

We would inspect it annually at the request of either the county or the NRS 474 district.

Chair Goicoechea:

If the association did not have the annual inspection, it probably would not be deemed as having been inspected.

Mr. Roper:

Correct. The agreement we drafted contains the 2-year review program. This is a new program, so we expect to see complications, and we want to be able to adjust it.

Chair Goicoechea:

That is a good idea. Decades ago we had a fire warden in every valley who had minimal equipment, and the volunteers were effective in containing fires.

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Mr. Roper:

The BLM has offered to provide staffing for training and personal protective equipment. We recently received a \$30,000 grant from the U.S. Forest Service as seed money to start the program.

Chair Goicoechea:

You have a good working relationship with the BLM, which is good. I am concerned that there will be a gradual tightening in the future such as we have seen over the last 20 years in what the requirements would be for the fire protection groups. There will be some conflicts.

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Chair Goicoechea:

The committee is adjourned at 2:16 p.m.

RESPECTFULLY SUBMITTED:

Nate Hauger,
Committee Secretary

APPROVED BY:

Senator Pete Goicoechea, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	1		Agenda
	B	5		Attendance Roster
A.B. 162	C	6	Assemblyman Harvey J. Munford	Written Testimony
A.B. 163	D	4	Assemblyman Ira Hansen	Written Testimony
A.B. 163	E	1	Kay Scherer / State Department of Conservation and Natural Resources	Written Testimony
A.B. 163	F	2	Bob Roper / Division of Forestry	Written Testimony
A.B. 163	G	1	Bob Roper / Division of Forestry	Email from Mel Hummel
A.B. 163	H	1	Pete Anderson	Written Testimony
A.B. 163	I	1	Clay Fitch / Nevada Rural Electric Association	Written Testimony
A.B. 163	J	1	Cliff Gardner	Proposed Amendment