

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

**Seventy-Eighth Session
March 11, 2015**

The Senate Committee on Government Affairs was called to order by Chair Pete Goicoechea at 1:05 p.m. on Wednesday, March 11, 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 Lipparelli
Senator David R. Parks
Senator Kelvin Atkinson

GUEST LEGISLATORS PRESENT:

Senator Aaron D. Ford, Senatorial District No. 11

STAFF MEMBERS PRESENT:

Jennifer Ruedy, Policy Analyst
Heidi Chlarson, Counsel
Suzanne Efford, Committee Secretary

OTHERS PRESENT:

Chuck Callaway, Las Vegas Metropolitan Police Department
Eric Spratley, Lieutenant, Washoe County Sheriff's Office
Vanessa Spinazola, American Civil Liberties Union of Nevada
Aaron Ford, Jr.
John Wagner, Independent American Party
Natasha Koch, Captain, Nevada Highway Patrol, Department of Public Safety
Janine Hansen, Nevada Families for Freedom
Vern Brooks

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Stan Olsen, Nevada Association of Public Safety Officers
Sean B. Sullivan, Deputy Public Defender, Public Defender's Office,
Washoe County
Steve Yeager, Office of the Public Defender, Clark County
Sister Sharif
Ron Dreher, Peace Officers Research Association of Nevada; Combined Law
Enforcement Associations of Nevada
Mike Cathcart, City of Henderson
Constance Brooks, Nevada System of Higher Education
Scott Gilles, City of Reno
Tom Robinson, Deputy Chief, Operations, Reno Police Department
Barry Smith, Executive Director, Nevada Press Association
Tom Grady, City of Fallon
Leonard Cardinale, North Las Vegas Police Supervisors Association; International
Union of Police Associations Local 56
Brian McAnallen, City of Las Vegas
Josh Reid, City of Henderson

Chair Goicoechea:

We will open the hearing with Senate Bill (S.B.) 111.

SENATE BILL 111: Providing for the use of portable event recording devices by
local law enforcement agencies in certain counties. (BDR 23-618)

Senator Aaron D. Ford (Senatorial District No. 11):

Earlier this month, a Salt Lake City police officer investigating a suspicious vehicle at a convenience store ended up shooting a man in the early hours of the morning. Both officers originally on the scene were wearing body cameras. These body cameras recorded the entire interaction between the police and the man ultimately shot. Having the benefit of the video from the body cameras, Salt Lake County's District Attorney was able to determine that the shooting was legally justified. The video I am about to show can be found at the following link: <<http://www.ksl.com/?nid=148&sid=31772096>> ([Exhibit C](#)).

In New Mexico, a state district attorney announced in January that two Albuquerque police officers would face murder charges for the 2014 killing of a 38-year-old mentally ill homeless man. The man was evidently camping illegally in the foothills outside of Albuquerque when police approached him. Video footage captured by body cameras worn by police officers on the scene

show the culmination of an hours-long standoff between police and the man. The video I am about to show can be found at the following link: <http://www.cnn.com/2015/01/02/us/albuquerque-police-murder-charges/> Exhibit C.

In Salt Lake City, body camera video absolved police of wrongdoing whereas in New Mexico, video is leading to the prosecution of police.

The reality is that when there is an interaction between police and the public, altercations sometimes occur. In the Salt Lake City and New Mexico cases, body camera videos aided in determining what happened during those altercations. Unfortunately, many altercations have occurred without video capturing the incidents.

Among the more notable is the shooting in Ferguson, Missouri. Just last week, there was another fatal shooting of an unarmed 19-year-old in Wisconsin. The week before that, officers in California shot and killed a homeless man. Although it is unknown whether the cops wore body cameras in the California shooting, there were certainly cameras around; just check the Internet.

Obviously, shootings are not the only incidents of interest captured by body cameras. There are more incidents captured that do not rise to the level of a shooting but have to do with excessive or warranted use of force. Additionally, it turns out that capturing evidence is just one beneficial result of body cameras.

In December 2014, researchers from the University of Cambridge Institute of Criminology in the United Kingdom published the results of the first full scientific study of the criminal experiment conducted in Rialto, California, on policing with body-worn cameras. The experiment showed that technology itself might be the most important factor in preventing escalation during public and police interactions. Whether the potential escalation is abusive behavior toward police or unnecessary use of force by police, the knowledge that events are being recorded creates self-awareness in all participants during police interactions. At any rate, the study found that body cameras decrease use of force by police.

Senate Bill 111, in its current iteration, provides for the use of body cameras by peace officers in certain counties. Section 1 of the bill requires that a county sheriff's office, a city police department or a metropolitan police department in

Clark and Washoe Counties adopt policies and procedures governing the use of "portable event recording devices," commonly referred to as body cameras.

These devices make an audio and visual recording of what occurs during an encounter between a member of the public and a peace officer while the officer is performing his or her duties. Once the required policies are adopted, section 1 provides that each of these agencies must require its officers to wear body cameras while on duty.

Most of the remaining sections of the bill provide exceptions from various provisions of law for police body cameras. For example, chapter 179 of the *Nevada Revised Statutes* (NRS) imposes limitations on the interception of certain communications including oral communication through an electronic, mechanical or other device.

Section 2 of the bill excludes a police body camera from the definition of an electronic, mechanical or other device, making these provisions inapplicable to the use of such a camera.

Other provisions of law make it a misdemeanor to engage in surreptitious electronic surveillance on State property, at a public school or on the campus of the Nevada System of Higher Education (NSHE) without the knowledge of the person being observed. Sections 3, 4 and 5 of the bill provide an exception to these provisions for the use of a body camera by a peace officer in accordance with section 1 of the bill.

Under section 7, the provisions for adopting policies governing the use of body cameras are effective upon passage and approval. Otherwise, it becomes fully effective on October 1.

I will be offering my own amendment that will expand the applicability of S.B. 111 to all peace officers, not just those in Clark and Washoe Counties. That has been communicated to the association that represents peace officers throughout the State. Senate Bill 111 will be amended to apply also to campus police, both at the NSHE and throughout our school districts. That too has been communicated to the appropriate individuals. The rationale comes from much discussion about what we do on campus, including campus carry. If we have those circumstances, that is more reason to make certain we have video that demonstrates encounters between individuals and police officers.

Chair Goicoechea:

Your proposed amendment extends the provisions of S.B. 111 to all agencies in Nevada.

Senator Ford:

I intend to amend it further to limit it to only those officers who interact daily with the public.

Senator Atkinson:

This bill is not a referendum against police officers. They do a fine job in Nevada. This provides protection for law enforcement and individuals who are being accosted.

I represent a community that does not have much faith in law enforcement because of the community's own actions, the way we operate and incidents throughout the years. Today is the day to make things better. I had conversations with people who may not agree with this, but every day something happens—and not just in Nevada.

We get videos that are not from law enforcement. Do we want to rely on individuals who submit videos to news outlets and others, or do we want to rely on video from a body camera on a police officer? It is better to get videos from law enforcement.

Senator Ford and I understand there is a financial component. As a Committee and as a legislative body, we must determine what that means.

Senator Ford and I discussed where we should start. Perhaps we should start with high crime times and that is easy for law enforcement to define. We need to move in this direction whether it is this Session or the next. This cannot continue to be put off. It is protection for law enforcement officers and our constituents.

Some people have the misunderstanding that I represent a largely African-American district. It is only 29 percent African-American; the rest of it is 41 percent Hispanic and 29 percent other. So I do like to brag that I probably have the most diverse district in the State, but it is hugely minority population. With that said, I do hope this bill gains the Committee support.

Chuck Callaway (Las Vegas Metropolitan Police Department):

We support S.B. 111 with the conceptual amendment ([Exhibit D](#)) I submitted on behalf of my agency.

It is evident from the videos we just saw that law enforcement agencies across the Country are moving toward the use of body-worn cameras. The cameras are important because they protect citizens and officers. Las Vegas Metropolitan Police Department (LVMPD) is conducting a body camera pilot program in which 200 officers are wearing cameras in the field. We have budgeted for another 500 cameras. By the end of next year, we should have 700 cameras on the street. We support body cameras for our officers. It builds trust and transparency within the community. There is no downside to officers wearing cameras.

Problem areas in the bill resulted in the proposed conceptual amendment, [Exhibit D](#). The 500 cameras we budgeted for next year are estimated to cost \$814,000. The cameras themselves are expensive, but most of the cost comes from data storage, infrastructure, secure cloud and other things associated with the camera equipment and technology.

As written, the bill contains a fiscal note. If we equip every commissioned officer in our agency, the fiscal note would be approximately \$9 million the first year with a recurring fiscal note of about \$6 million in the following years for data storage, infrastructure, equipping new officers and associated costs.

Law enforcement and the community agree, in general, that body cameras are the way to go. We can pave the road for success by moving in that direction through the conceptual amendment, [Exhibit D](#), which requires agencies to research and develop best practices, policies and procedures for using event-recording equipment or body-worn cameras.

The bill requires that all commissioned officers wear body cameras. That means that I, sitting here today, would wear a body camera. That is not the intent. We request an amendment that requires officers in uniform who routinely interact with the public be required to wear a body camera. It would not include detectives, vice officers or officers at a desk doing administrative duty but would include patrol officers, traffic officers, officers handling 911 calls, and officers handling calls for service and traffic stops.

Public record requests are another issue for law enforcement agencies across the Country. An article from *The Seattle Times* says that costly public-records requests threaten Seattle Police Department's (SPD) plan for body cameras. The SPD was receiving 7,000 requests a month for body camera footage. Some of those requests were blanket requests for every car stop video or every 911-call video involving a body camera.

My amendment would prohibit blanket requests. Requests must be related to a specific incident. An individual stopped by a police officer who has a complaint because force was used or the officer was discourteous, can request the video related to the incident. The media can request videos or information related to a specific incident and, if there is a criminal case, attorneys can get copies of videos.

Because body camera technology is still new, properly redacting footage is an issue. We use the Taser Axon Flex camera system. We have a contract and licensing agreement for our cameras through Taser. Redacting someone's face or information from the camera footage is done frame-by-frame. There are approximately 30 frames per second, so to redact someone's face in each frame in a 20-minute video is time-consuming and potentially resource-intensive. Taser is working toward improving that technology, but it takes time.

Another issue is videos may contain sensitive or confidential information involving juveniles, a potential assault victim or someone in the video in the background not necessarily involved in the incident. In those cases, we request a clause that allows for inspection rather than release of a video. If a request is made for such a video, the individual could come into the office, inspect and review the video on our premises, but we would not release a copy. There have been cases in which body camera footage unintentionally ended up on YouTube. The victim of a crime would be victimized again. We request that the Committee consider those.

With new technology, there is potential for malfunction. In addition, police officers are human. When an officer gets out of a vehicle rapidly, he or she may forget to turn the camera on. He or she may think it is turned on but it is not.

Police work is not always black and white. Sometimes it is gray and there may be instances when the police officer needs to turn the camera off. For example, a drive-by shooting occurs and a police officer is at the scene moments

afterwards with his or her camera on. Someone saw the crime, but the person does not want to talk to the officer with the camera on because the person does not want to be on film. The officer should be authorized, in the best interest of the case and justice in the community, to turn that camera off. Obviously, if the officer is interviewing a child who is a victim of sexual assault or something of that nature, the officer should turn the video equipment off.

If the camera malfunctions, the officer forgets to turn it on or a decision is made to turn the camera off, the officer or agency should be presumed innocent unless facts or circumstances point to wrongdoing. Because there is no video available, it should not be assumed that the officer was hiding something or doing something wrong.

Senator Lipparelli:

What does "on duty" mean?

Mr. Callaway:

We are often asked when an officer is technically on or off duty. That can be a gray area. For example, if I am off duty in a restaurant and someone walks in and starts robbing the restaurant and I take action, the moment I start to take action I am technically on duty. My official time or tour of duty begins when I start my shift and ends when I log off.

Are you questioning when an officer is required to wear a body camera? In my opinion, it would be during the officer's normal tour of duty, which is when he or she logs on at the beginning of the shift and when he or she logs off at the end of the shift.

Senator Lipparelli:

That was my question. Is the camera on for the duration of the shift or is it turned on when there is interaction with the public? If the camera is not on for the duration of the shift, would the policies and procedures dictate when it should be turned on and off?

Mr. Callaway:

Yes, absolutely. I misunderstood your question. I was referring to when the officer is required to wear the camera. Our detailed policy on the use of body cameras tells the officer when to turn the camera on and when to turn it off. The camera has a battery life, so it cannot be on the whole shift. We would not

really want that anyway. If the officer is on slow patrol in the patrol car or having coffee, we do not want needless video which would affect data storage and the associated costs. Our policy states that when the officer stops a vehicle, arrives on a call or steps out of the vehicle to interact with a citizen, the camera is turned on. When the event is completed, the camera is turned off.

Senator Atkinson:

Does the camera have a mechanism to turn on and off on its own, or are you relying on the police officer to turn it on and off?

Mr. Callaway:

Our camera system has to be turned on and off by the officer. It does not do it automatically. Some of the dashboard cameras in the cars will turn on automatically when the siren is turned on or the vehicle reaches a certain speed. Body-worn cameras are not like that.

Senator Atkinson:

That is a problem for me because if a police officer forgets to turn the camera back on and something immediately happens after it is turned off, then where are we? I can see that going haywire.

Mr. Callaway:

In 2011, we put a team together when LVMPD decided to research body cameras. The team tested a number of different models and types of cameras. Some worked better than others. Some had better video definition and some had less video quality. As a result, we decided to go with the Taser camera. I am not sure if any body-worn cameras have the technology to come on and turn off by themselves. Most technology requires the officer to turn it on and off.

Our policy clearly states when the officer is to turn the camera on and when he or she is to turn it off. We review any incidents when an officer states he or she forgot to turn the camera on. If there is a violation of our policy and a pattern of routinely not turning the camera on, that is a case when discipline or an investigation by the agency occurs.

Senator Atkinson:

That is fine; however, from the union side, who is supposed to protect officers in situations like that? If that happens too often, it becomes a matter of discipline. Unless you tell me otherwise, that is a huge problem. Our law

enforcement officers do a good job. I have not had a bad experience. However, things happen and people have bad days. If an officer has a bad day and forgets to turn the camera back on, we could have a situation.

Senator Hardy:

Who can review or edit the video? What happens to the officer if he or she uses the camera when not authorized to do so? What does this bill do for you that you cannot do now?

Mr. Callaway:

At the end of an officer's shift, the camera is placed into a docking station that downloads the video into the system. Video can be accessed in many ways. If a complaint is filed with internal affairs against the officer, then internal affairs could request that video. A supervisor could request the video if circumstances led him or her to believe that wrongdoing occurred. A section in our policy prohibits the supervisor from just randomly fishing through data to see if an officer did or did not do something.

Video can be accessed if the camera captured an event such as an officer-involved shooting or the use of force. In the case of use of force, we have a force investigation team (FIT), and a critical incident review team (CIRT). The CIRT team does an internal policy investigation, and the FIT team does a criminal investigation. They work independently of each other. Each of those units would obtain copies of the video for the units specific investigations.

We have set up a video and project management section. That section has authority over the video, requests for data and redaction of data or video.

Senator Hardy:

Can the officer who takes the videos access them? Does someone sit at a monitor somewhere and review all the videos, or is it only when there is a question about what happened?

Mr. Callaway:

No one goes through hours of video just to review them. If something occurs, such as a complaint or an incident, then the video is reviewed.

Senator Hardy:

What does this bill do for you that you are not already doing?

Mr. Callaway:

The concept of the bill is good. Agencies are moving toward body cameras. My concern is that we lack funding to roll them out to the entire agency.

In 2011, because this is new technology, our working group researched the different camera styles for one year. Some of you heard the stories in the news a year ago about LVMPD's failed radio system. We had gotten involved in a purported radio system that cost our agency and taxpayers nearly \$40 million. The same thing applies with this technology. We do not want to jump into contracts with a company and have the equipment not do what it is supposed to. Not only have you spent money up front for the equipment, but you have also lost money disposing the old infrastructure and bringing in new infrastructure and new equipment. This process should be done slowly. The fiscal note is a concern, not only for LVMPD but for other agencies as well.

Senator Hardy:

What does this do for you that you are not doing already?

Mr. Callaway:

It codifies in the law the intent to get cameras on our officers in order to build trust within the community. To me, that is most important because it will show that we want to build trust and transparency.

Senator Hardy:

You are doing that now.

Mr. Callaway:

Yes.

Senator Lipparelli:

Which generation of technology are we in for the body cameras? Is someone creating best practices?

Mr. Callaway:

The technology is new. I am not a camera expert and I definitely am not an expert on the body camera industry. I have been to a number of conventions where Taser representatives spoke about their products. Products are constantly evolving. I do not know the product generation, but the technology is new compared to other technologies such as radio.

The dashboard cameras have been around for quite a while, but the view is limited to what is in front of the car. They do not move around; they do not go into residences or buildings with you as the body camera does. However, this technology is evolving.

Senator Goicoechea:

How many cameras do you have in place?

Mr. Callaway:

We have deployed 200 cameras on officers, and we have 400 officers involved in the pilot program. The purpose of the study is to determine if cameras change the behavior of officers. There are officers in the study without cameras and officers wearing cameras. A comparison will be made at the end.

Under a requirement worked out with our labor groups, officers hired after July 2013 are required to wear cameras. The 500 cameras we have budgeted for this next fiscal year would be deployed to those new officers or prior hire officers who volunteer.

Senator Goicoechea:

However, looking at the bill with the effective date of October 1, you would have to be well beyond the pilot program and with the proposed amendment, it would become statewide. My concern is that you are already there and you have the intent. How many active officers do you have?

Mr. Callaway:

In the testimony I had given on Assembly Bill (A.B.) 162, I estimated that we have 1,700 officers who are wearing uniforms and interacting with the public. They are patrol and traffic officers. This morning I received an official number. About 1,200 officers in uniform, traffic and patrol would be required, under my conceptual amendment, Exhibit D, to wear the camera. We have approximately 4,000 employees. If the bill were to pass as written, every commissioned officer would be required to wear a body camera.

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

Senator Goicoechea:

Under your existing program, over half of your patrol officers would be wearing body cameras.

Mr. Callaway:

Yes.

Chair Goicoechea:

It sounds to me that you are already headed in that direction. My concern is that if we mandate this, it is expensive, especially for the smaller jurisdictions. Maybe we have not gotten to that threshold where we have the optimum camera or optimum system that works well for everyone. I understand the concern, but it is going forward. Maybe we do not need to put this in statute but make sure we can get everyone focused and moving ahead.

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

We support S.B. 111 with the proposed conceptual amendment, [Exhibit D](#), from LVMPD. We agree with everything that Chuck Callaway said.

However, we need to work out good, model policies for the deployment of body cameras on our officers. We hear arguments and discussions about when the cameras should be on. Should they be on all the time? Should officers be allowed to turn them off?

I just read something from Missouri that in order to do the recording, one of the parties must consent. It is being challenged there because consent is not consent by an officer if it is mandated by an agency. It is merely following directions and policy. Therefore, if the officer is taken out of the equation for giving consent, and unless the person being recorded consents, you have surreptitious recording in violation of *Nevada Revised Statute* 200.650 that is a felony on the part of the officer. We are working through these concerns and nuances in the law with our sister agencies, Reno, Sparks and University of Nevada, Reno (UNR), as a region, to create good, model policies. We are ensuring we get a good product and have a great storage method to use the taxpayer resources entrusted to us in the best way possible.

We are taking baby steps. We have one or two cameras in the field. No real official testing or data storage is going on. Just know that our local agencies and we are on board and moving in that direction.

Senator Atkinson:

Mr. Chair, are you suggesting that since they are already headed in that direction, we do not need to do anything?

Senator Goicoechea:

My position is that we are headed in the right direction. Washoe County brought some issues forward; therefore, we have to clean up the language in the bill to make sure we do not need consent. Washoe County might be slower than LVMPD, but half of Washoe County officers will be wearing body cameras by the end of the year when this bill takes effect. Mandates become what they are, mandates. If this is expanded statewide, be prepared to raise taxes in the smaller counties because they cannot afford this.

Lieutenant Spratley:

It becomes very problematic across the Country because the Commander-in-Chief, President Barack Obama, allocated \$75 million for body cameras for law enforcement nationwide. It seems like a big chunk of money, but with LVMPD costs, our fiscal impact and the other agencies' costs, we are probably approaching \$20 million in Nevada to implement this.

The technology is available; however, we cannot even get cameras to test to develop a good system because everybody is following nationwide events.

Chair Goicoechea:

That is one of my concerns. We are talking about mandating this by October 1, but where do we get the money?

Senator Hardy:

How many body cameras do you have in Washoe County, how many are you going to need and what is the cost? The bill affects Washoe and Clark Counties. Are you asking for State money?

Lieutenant Spratley:

We will need some money. As the bill is written, the initial cost to equip all 422 sworn peace officers, including jail deputies, at the Washoe County Sheriff's Office, is \$1.017 million. That is \$895 a camera plus yearly data storage or cloud storage at \$79 a camera. It adds up quickly. However, equipping only those 100 officers who deal with the public on a regular basis would decrease the cost by \$680,000.

Senator Hardy:

Are you asking for \$500,000 from the State just for Washoe County?

Lieutenant Spratley:

Yes; however, it excludes Reno, Sparks, UNR or any other local jurisdictions in Washoe County. As written, the bill only applies to Washoe and Clark Counties, but Senator Ford wants to extend it statewide.

Senator Hardy:

Is that just for the Washoe County Sheriff's Office?

Lieutenant Spratley:

Yes.

Senator Atkinson:

Did you say that President Obama allocated \$70 million?

Lieutenant Spratley:

It is \$74 million or \$75 million.

Senator Atkinson:

How does a state access those funds?

Lieutenant Spratley:

We are not sure how to access the funds. We are trying to fund Homeland Security, too. The funds have not made it through the legal hoops at the Washington, D.C., level yet.

Senator Atkinson:

If the President has allocated money for body cameras, there has to be a mechanism whereby states and law enforcement can apply for grants to access some of the money.

Have we looked into applying for any grants to get our share of that \$74 million?

Lieutenant Spratley:

We have an amazing grant manager at the Washoe County Sheriff's Office. The second that becomes available to us, we are going to get our information there to get some of that money.

Chair Goicoechea:

You said that would meet the Washoe County Sheriff's Office needs, but every law enforcement agency in a county with a population over 100,000 must comply.

Lieutenant Spratley:

That is correct. That would be every peace officer, marshal, Reno police, Sparks police and University police in Washoe County.

Chair Goicoechea:

The number would be significantly higher in Washoe County.

Lieutenant Spratley:

Yes.

Vanessa Spinazola (American Civil Liberties Union of Nevada):

I support S.B. 111. A statewide bill is necessary as defined in the amendments we are proposing ([Exhibit E](#)) because policies should be outlined at the local level as explained in my letter ([Exhibit F](#)).

The American Civil Liberties Union (ACLU) supports police body cameras; however, if they are not controlled, the result could be much unregulated data on citizens. With coming technology such as facial recognition and voice recognition, if we do not have retention policies or limits, stored or retained data could be potentially detrimental to the people involved on the other side of that video camera. Our amendments, [Exhibit E](#), include guidance for local municipalities to develop these types of policies. This is actually in line with what the LVMPD suggested.

We agree only uniformed police officers should wear cameras. We are concerned about undercover operations and other scenarios in which wearing a camera could affect the outcome.

Local municipalities should develop policies dealing with when cameras are activated. We agree that they should be activated by the officer at the beginning and the end of an interaction with an individual. We want to protect the privacy of police officers. Not all of the conversations between an officer and his or her partner during a 10-hour shift should be uploaded to a database maintained by the government. That affects the privacy of those police officers.

Our last suggestion deals with establishing disciplinary rules. If officers routinely do not turn their cameras on and off as required, strong disciplinary policies should serve as a deterrent and encourage officers to comply.

The civilian who is on the other side of the camera should decide if the camera is turned on or off. Crime victims, witnesses who wish to report anonymously and people in private residences should tell a police officer to turn off the camera. If that is recorded on the camera, the police officer then has the information to exonerate himself or herself from any complaints later, because the civilian on the other side of the camera asked for the camera to be turned off.

We are particularly concerned about private residences. Police officers serve search warrants at homes where individuals who are not under any suspicion may answer the door or be sitting in the living room. They should not be caught on camera if they choose not to be because this data is uploaded and kept by the government for a period.

Retention periods are also addressed in our proposed amendment, [Exhibit E](#). Not all cameras will capture useful information. In fact, most of the information is going to have no value whatsoever. If something is not flagged for any sort of value, it should be retained by the government for a limited time. The LVMPD has 60 days, which is too long. It should only be available for a few weeks.

That should also handle the public request problem. These public records should not be limited at all. The purpose of these cameras is for accountability. The public should be able to see that. If most of the useless footage is dispensed with after 3 weeks, it will not be available to the public. The flagged videos contain incidents such as officer misconduct. That should definitely be retained for a longer period. If the police officer involved in an incident wants the video retained, it should be retained for a longer period. If there is a complaint filed by a civilian, that should be retained for a longer period.

One officer misconduct situation not caught on camera could result in a multimillion-dollar lawsuit, the cost of which would cover all of the cameras that we buy. In the interest of prevention and not causing problems at the front end, it is a worthwhile investment.

In addition, the implementation should be extended to allow more time to develop policies and find money in law enforcement budgets.

Senator Lipparelli:

Is it your position that what is recorded on these devices and retained is subject to a public records request?

Ms. Spinazola:

Yes.

Senator Lipparelli:

Knowing there is a small window of time, would more people request more information? If an allegation is made 1 or 2 weeks after the incident and the data only exists for a short time, then it is more likely that people would have very broad requests in order to capture something that comes up 60 days or 90 days or 1 year later. If it were deemed a public document, that would lead to widespread requests. I do not know if that is good or bad. But is this a public document or not?

Ms. Spinazola:

It is a public document. I understand that there is an opportunity to inspect the video in the office, so it would not be in public and possibly transferred around. That might be a good compromise to protect against excessive public records requests.

This is still about the privacy of the person on the other side of the camera. It is about police misconduct when an incident involves two people, but if it is simply an officer watching the crowd in front of the Attorney General's Office, seeing who is on the other side of the camera does not necessarily have police accountability or public records value.

Retaining data for extensive periods of time increases costs, whereas retaining data of nonessential public value for less time would significantly lower costs.

Senator Hardy:

Could an officer be captured by the partner's body camera and not know that he or she is being captured? If an officer is doing nefarious things and does not know the partner is recording him or her, that is a sneaky way of being wired. Is there a red button or a click when the camera is on? Are you concerned at all about partners trapping partners?

Ms. Spinazola:

The units look different, so some may have that red button and some may not. That is why it is important that the officers be in uniform. That makes a public statement. A no-discretion policy says as soon as officers interact with civilians, the camera is on. His or her partner should also be aware of that fact.

If it is just two partners sitting in a car and there is no civilian interaction happening, theoretically, by policy, the camera should not be on. Something like that could be dealt with in the disciplinary policies. Each individual department decides how to deal with that situation.

Senator Hardy:

Do you think there could be mischief and accusations if data is deleted the week before or the week after a complaint is filed? If the data is automatically deleted before it gets downstairs to the vault or upstairs to the cloud, there could be a lawsuit because the data cannot be retrieved.

Ms. Spinazola:

Are you talking about missing data when a civilian makes a complaint? There are methods of backup such as police logs and partners. There will be other ways to weed out complaints. The officer would have been interacting with a civilian at a given time, so that is limited. If that happens, other circumstantial evidence or witnesses would be brought in to go through the complaint. The camera is just simply another witness to an event. It is like having a third person there to see what is happening. It will not solve all problems. It is just an additional form of evidence.

Aaron Ford, Jr.:

My comfort in my home is worth more than the problems I anticipate will be brought up, such as fiscal or convenience. I should not be afraid to walk home from my neighbor's house after dark. Think about me and how I feel if the issues discussed stop me from feeling safe in my home.

To respond to what you said about how this is already proceeding so we do not really need the bill: Not all people have it, so it is definitely necessary for us to do something about it.

Also getting something by October 1 would help me know that when I am interacting with an officer, he or she will likely behave better. But I do not really know that if it is not regulated. I know that on October 1, I will be safer and if not safer, then at least if something happens, what is reported is the truth. I do not know that unless something happens.

Senator Atkinson:

Mr. Ford, Jr., brought up two good points. One is that we can sit here as a legislative body and hope that we continue down this road, but we could hit a pitfall and need the money for something else. We then are slowed down and this does not become a reality. It is not a good argument to delay something we all know is important and valuable to the citizens we represent because we are already headed down this road.

There is something happening every day. Body cameras are another set of eyes. Just because we are headed down this road does not mean we should do nothing. We say that about many things in this body. We need to put some teeth in what we are doing. This young man is right; he should feel safe outside of his home.

John Wagner (Independent American Party):

I support the concept of this bill, but I am concerned about the money. What concerns me about these cameras is that the battery is built-in and when the battery runs down, the camera is thrown away. I do not understand that. You can always change a battery. Are people afraid someone is going to tamper with the camera? The camera has built-in time code generation so it has a continuous time of day that superimposes over the video. If there is a break in the video, then you know someone turned the camera off or pulled the battery.

Redacting video is a simple procedure that can be done now. Television stations have done it. You just run it into a video switcher. You can get an inexpensive video switcher and then you have a joystick positioned over the face and just rerecord it because, obviously, you are not going to redact the original.

Natasha Koch (Captain, Nevada Highway Patrol, Department of Public Safety):

The Nevada Highway Patrol (NHP) has in-car video cameras in the cars of lieutenants and those below that rank. We believe in the technology because it is useful in all aspects of police work. Our biggest concern is because of the fiscal note we might have to give up the in-car video in order to go to body cameras. We are doing research to find a camera that can synchronize with both in-car and body cameras so when an officer leaves the vehicle, the body camera and the in-car camera turn on.

Senator Atkinson:

Are you watching and applying for grants?

Captain Koch:

Yes, we are watching that as well.

Janine Hansen (Nevada Families for Freedom):

In Rialto, California, police officers have been wearing body cameras for quite some time. After the first year the cameras were introduced, the use of force by police officers reportedly declined by 60 percent and complaints from citizens against law enforcement decreased 88 percent.

One of the benefits of body cameras is the cameras can create a greater atmosphere of trust and cooperation between citizens and police. When some of the people who had made complaints against police learned they were on film, they did not complain after that. They withdrew their complaints. Therefore, it goes both ways. That is important.

We have the same privacy concerns as the ACLU. We understand that there is an unfunded mandate and problems with funding. However, it is positive for Nevada and will be beneficial to police, to innocent people and to help convict criminals.

Vern Brooks:

I support the concept of this bill. Given the nature of this, I realize there are logistical challenges and fiscal concerns. This is uniquely in the ACLU's wheelhouse to balance some of those concerns, specifically the logistical challenges, against the greater public good. The changes the ACLU has suggested are good ones. The nature of this bill is to the mutual benefit of the public and the police.

The officers who are against this bill are the ones who need it. It is imperative to create an atmosphere of trust between the public and police officers. This bill goes a long way toward improving that.

Stan Olsen (Nevada Association of Public Safety Officers):

The Nevada Association of Public Safety Officers supports the concept of S.B. 111. The LVMPD proposed good amendments, and we support many of them.

Our major concerns are with rural counties and the period. It is not feasible for rural counties to fund this, to buy the body cameras and follow State laws on the bid process by October 1.

Finances are the biggest issue. It is something that will benefit an officer more than it will not benefit an officer. Occurring slowly and mandating it within this time period is not feasible.

Sean B. Sullivan (Deputy Public Defender, Public Defender's Office, Washoe County):

We support the concept of this bill.

Steve Yeager (Office of the Public Defender, Clark County):

The body camera footage will streamline the justice system. I had a DUI case recently in which the officer doing the field sobriety test had a body camera. It was enlightening to make an analysis of the case and my client's state of being. It stood out more than just reading a report. This is usually a benefit for resolving cases quickly and, for that reason, we support this bill.

Senator Lipparelli:

In your position as a public defender, what is your comfort level for retaining the videos? Would it be your standard practice to request the video for each case?

Mr. Yeager:

When I get a case, I ask the district attorney if there is footage from this case. The difficulty is that cases are not always filed right away. For example, on a DUI where there is a blood draw, there might be a delay of up to 6 months. In instances where officers submit a request for prosecution to the prosecutor's officer, perhaps there could be an exception in the policy to make sure any video footage is retained until the resolution of the case. I would not favor

automatic destruction for all cases in 30 or 60 days because that is not how cases go through the system.

Senator Lipparelli:

Would you demand retention of the video in each case?

Mr. Yeager:

In all cases assigned to me to be prosecuted, I would request that the footage be retained through the pendency of the case.

Chair Goicoechea:

A defense attorney might not get the case for 60 days only to learn that the footage had been destroyed in 3 weeks. That just will not work. If you have it, you might as well store it.

Sister Sharif:

My concern is the oversight and selection of the needed equipment. This is coming of age, and we need this as protection. Let us be concerned about the people who are making the decisions so we will not run into what other cities did—spend \$40 million and then have to spend another \$30 million. A transparent process should be provided.

I would like to see Nevada and this Committee create a process to bring in new and fresh ideas from people who have worked on ground zero for over 30 or 40 years to help create policies and bring the trust that we share across this Country.

Ron Dreher (Peace Officers Research Association of Nevada; Combined Law Enforcement Associations of Nevada):

We are neutral on the bill because of the issues that have been raised and the prospective costs; however, we support the concept.

The City of Reno was instrumental in bringing forward surreptitious recording because it provides evidence that what was said actually happened. I have seen it used and misused. One of the issues with any kind of video recording is when it is turned on and off.

One drawback of the bill is that it might require an officer to write a report every time the camera comes on. If so, no problem, because that is what we do.

The proposed amendments submitted by Chuck Callaway and Clark County are good, but we have some problems with them that can be worked out. From the law enforcement perspective, I have concerns with the ACLU conditions. We are for transparency. Once you turn that video on, it has to stay on. If it is turned off, public defenders and defense attorneys come to us and ask why it was turned off. What are you trying to hide?

The concept of the bill is awesome. The evolutionary process of a body camera bill is going to happen. We know it is underway and that is a good thing. However, it cannot only be in Reno, Sparks and Washoe County. It has to be in Eureka County and other places. An individual murdered Nevada Highway Patrol Officer Carlos Borland near Lovelock. If that camera had been on, we would have captured that individual immediately.

As you saw in Senator Ford's presentation, there were two different sets of footage where the cameras provided evidence that clears officers in one instance and probably convicts officers in the other. The use is awesome. The transparency is needed. We support it in that concept, but I do not know how you get past the costs. We will help you in any way we can to do it.

Chair Goicoechea:

You have to be realistic. You are not going to get this done in 6 months.

Mike Cathcart (City of Henderson):

We had several of the same concerns that the LVMPD addressed in the conceptual amendment, [Exhibit D](#). We are neutral on S.B. 111. Our concerns are timing to develop policies, limiting this to uniformed officers, weighing privacy concerns for the public and officers, and handling record requests.

We have had in-car cameras since 2010 so we have policies in place for using them. We have begun looking at the technology for the body cameras, but we are not there yet as far as getting ready to do a pilot program.

Questions came up about grant funding. We have a strong grant program, and we will be looking at any funds that might be available.

Constance Brooks (Nevada System of Higher Education):

Senator Ford alluded to a forthcoming amendment that would include the Nevada System of Higher Education law enforcement officers. We respectfully request the opportunity to provide analyses on the fiscal impact and the operational impact. We look forward to working with the bill's sponsors as we provide those analyses. Otherwise, we are neutral.

Scott Gilles (City of Reno):

The City of Reno is neutral on the bill.

Tom Robinson (Deputy Chief, Operations, Reno Police Department):

There are some challenges, including financial, that concern the Reno Police Department (RPD). The financial concern is not just related to the purchase of the cameras. We also need infrastructure support, such as storage, hard drives, whatever that entails, and whether it is the cloud or actual servers on site. We would need additional staff on site to go through each of the requests that come in, to scrub the video and to make it presentable to the community or the requester.

Another issue is the presidential initiative to introduce the body cameras and the anticipated grants. One of the challenges is that matching contributions are required from individual agencies to obtain a grant. The entire additional budget given to the RPD is committed to officers and employees. In 2009, we had 383 police officers and are down to 300. We are slowly getting back to the number of personnel we need to patrol our community safely.

We appreciate the bill and the amendments from the ACLU and the LVMPD. This is a worthwhile initiative. We need some time to work out the bugs and make sure it is robust and worthwhile for everyone.

Mr. Gilles:

The federal government is not yet accepting grant applications, but we are looking into it.

Senator Atkinson:

Has anyone talked to the federal government or done research to see when or if the grant applications will be accepted? Going back to what Mr. Robinson said about costs and officers, we do not have numbers and we have not been able to talk about grants. Everyone talks about numbers in an effort to slow this

down. However, if we are to do this, maybe someone could give us hard numbers about each agency because I am not familiar with the outlying counties and how they operate. We are figuring out how to help. The President's grant will help if we get on top of it.

Mr. Robinson:

I do not mean to imply that we are slowing it down. I do not want it to look like we have our hands out. I want you to be aware of some of the challenges faced by the RPD.

Chair Goicoechea:

We all appreciate that, and I am sure the bill's sponsor, as he addresses and works through the bill, has to consider those. The bill says policies will be in place by October 1. That probably cannot happen. Given the testimony, I do not know how we get there, but we will work on it.

Barry Smith (Executive Director, Nevada Press Association):

We support the concept of S. B. 111. My concern is the retention and access of public records. In what I have read about the body camera issues nationwide, the No. 1 recommendation is to sort through as many of the loose ends as you can before the cameras are in place because the problems that crop up can be more difficult to deal with after the fact.

Senator Hardy:

Do you hear or see problems with the mischief that does or could take place with erasing videos just before the 6 months, 90 days or whatever it takes a case to come before the court?

Mr. Smith:

There are definite problems with videos being available, erased or refused. One jurisdiction said videos are personnel records and not covered under the jurisdiction's policy. That is why regulatory and local jurisdiction policy issues need to be resolved in statute.

At the other end, there are blanket requests for massive amounts of video that shut down a system. Therefore, there are extremes at both ends.

Senator Hardy:

You are for it, so you are probably bringing an amendment or something that you could recommend as regulation that would facilitate this.

Mr. Smith:

I would be willing to do that to help resolve any of the issues that I can.

Tom Grady (City of Fallon):

In section 6 of the bill, NRS 354.599 has been used by the Legal Division for years to say to local governments and to committees that this is not an unfunded mandate. I would caution you about putting that in the bill.

Everyone wonders where they are to get the money to fund this. The State and local governments need to step up. The October 1 date is not a reality. Everyone agrees with the bill. This would help everyone, but it is not fair to tell local governments this is your problem, not ours.

Leonard Cardinale (North Las Vegas Police Supervisors Association; International Union of Police Associations Local 56):

We are neutral on the bill. Mr. Callaway did an excellent job of providing some conceptual amendments, [Exhibit D](#). We still have questions, so we would like to participate in the work session.

Our agency was provided with 60 cameras for a pilot program that is just in the analysis phase. I worked with the City of North Las Vegas and the police department to get an exact number of what it might cost to do a full body-camera program. We have about 260 sworn officers, but not all are uniformed. The cost was somewhere between \$1.5 million and \$2 million to get the program up and running and another \$1 million a year to keep it running.

The police department is probably going to get a budget cut again. North Las Vegas does not have much capital. We did not want to talk about funding, but I want to provide some perspective from a smaller agency that is completely on board with the concept of wearing body cameras. The logistics and storage would probably take a three- or four-person team to administer the program properly. We do not have any extra personnel either in support staff or in the commission. It would be difficult, but we are supportive of the amendments.

Senator Ford:

It is clear to me that there is agreement on policy, but the provenance of policy committees is obviously policy, not finances. Ultimately, I urge this Committee not to allow the financial aspects to kill this bill. My request is that it passes out of this Committee and be referred to the Senate Committee on Finance where we can talk about the money issues.

One of the issues raised was when to turn the cameras on and off. A BuzzFeed report on Denver's pilot program came out yesterday. Analysts found that during the 6-month pilot program for body cameras, a group of Denver police officers failed to record about three-quarters of the use-of-force incidents in which they were involved. That is a problem. The officers did not record the incidents because encounters escalated too quickly to activate them, there were equipment malfunctions or not enough cameras to go around. Ultimately, there are issues to address on the logistical side of things and how to make it happen.

Senator Hardy asked what this bill does that LVMPD is not already doing. Intent is one thing. Actuality is something different. The intent to move forward is perfectly fine, but this will require that beyond intent, this will be addressed in the future. One thousand two hundred officers will be required to wear body cameras, half of which have them now. I want the other half to have them. That is what this bill does. Beyond being a pilot program, it becomes a mandatory program.

I also heard questions about the implementation date. I understand, and we can work that out. That is a policy issue, which is separate from the finance component. Therefore, I am happy to talk to whoever is interested in talking about implementing this if October 1 is too soon. It sounds as though it is.

Many people testifying had not spoken to Senator Atkinson or me about the bill. I encourage anyone who has questions or concerns about the bill or who wants to make changes to see me. I am happy to consider the amendments, and Senator Atkinson agrees with that idea.

I did not put my son up to come here and speak. In fact, I told him do not think you have to go talk. He said I was not making him do this. He did it because he wanted to. Something resonated with me when he said he has the right to feel safe. He watches the news like the rest of us. He knows what is happening in Ferguson, New York, Albuquerque and California. He has the right to feel safe,

and we have the ability to help him feel safe. I am asking you to exercise your authority as members of this Committee to pass this bill out after a work session, and then let us move forward to see if we can help him and others feel safe in this community.

Chair Goicoechea:

We will see if we can find an implementation date that is more realistic.

I will close the hearing on S.B. 111 and move into the work session with S.B. 11.

SENATE BILL 11: Grants power to local governments to perform certain acts or duties which are not prohibited or limited by statute. (BDR 20-284)

Jennifer Ruedy (Policy Analyst):

I will summarize S.B. 11 as provided in the work session document ([Exhibit G](#)).

That is a summary of the bill as introduced and heard on February 9 by this Committee. There have been several proposed amendments. The proposed amendment under consideration is Proposed Amendment 9762. If you look at section 7, lines 28 and 29 of Proposed Amendment 9762, page G2 of [Exhibit G](#), language was added stating a board of county commissioners is not allowed to "impose a new service charge or user fee that the county was not imposing before the effective date of this act that is greater than the actual cost of providing the services." Language was also added in [Exhibit G](#) to Proposed Amendment 9762 on page G2, section 7, lines 33, 34 and 35, "Except as expressly granted by statute or as necessarily or fairly implied in or incident to powers expressly granted in statute, the county may not regulate conduct that is regulated by a Federal or state agency." That same language occurs in different sections of the bill related to counties in NRS 244, to cities in NRS 266 and to incorporated cities in NRS 268.

In addition, the effective date was changed with this mock-up from July 1 to "upon passage and approval."

Chair Goicoechea:

It has been 1 month since we heard S.B. 11 in this Committee. There has been much back-and-forth dialogue. This is functional home rule, not fiscal home rule. It does not take away any of the powers already held. It is just moving forward.

I am not sure what I am hearing from the cities. The last I heard, they were all on board. There have been a flurry of emails back and forth, but I have not had anyone oppose the bill.

Brian McAnallen (City of Las Vegas):

The direction from the City Attorney's Office is that section 7, subsection 2, "Except as expressly granted by statute or as necessarily or fairly implied in or incident to powers expressly granted in statute, the city [county] may not regulate conduct that is regulated by a Federal or state agency" is still concerning. The addition of "Federal" is new in this most recent mock-up. It is of concern for our City Attorney's Office.

The federal government to some degree regulates almost all business. We will have some challenges with that at the city level. The City Attorney's Office is concerned about future lawsuits on implementation if this bill goes forward.

Many of the jointly regulated areas deal with things such as air pollution, water pollution, roadways, building regulated codes, Occupational Safety and Health Administration, garbage disposal and others. There is a fear that this language may create problems. Understanding where you are going, we propose there may be a better way to get there. We have offered language in the past, which has not been accepted for some reason.

Chair Goicoechea:

You have hit it on the head. We are already functioning under federal regulation. Therefore, there is nothing you can do to avoid a lawsuit. Nothing in S.B. 11 will avoid those conflicts. I also understand, from the other side, that we want to make sure that local governments do not apply regulations in places where they are beyond the scope. I feel comfortable at this point that this is as good a meld as we can get. We are not going to have a statute that protects from one thing, but not the other. We do not have time to draft that.

Senator Hardy:

Does section 7, subsection 2 apply to the county as well as the city?

Mr. McAnallen:

Correct.

Senator Hardy:

I had challenges with this too, but " ... implied in or incident to powers expressly granted in statute the county," in your case the city, "may not regulate conduct that is ... " and I would have said "... not already jointly regulated by a federal or state agency." So in other words, admit that you are already jointly regulating something. Would putting that in statute help you?

Mr. McAnallen:

It might, but I would have to talk to the City Attorney. I understand you are stepping in the right direction.

Senator Hardy:

If you already have a partnership with the federal government and state agencies, this would tacitly say you could continue doing that without stepping on their toes because you have a joint responsibility as opposed to regulation by the federal government. Does that mean new, last time or before? I would ask our legal people that question. Is that legalese to say that something is not already jointly regulated by a federal or state agency?

Heidi Chlarson (Counsel):

My understanding was that some of the parties who had been discussing this bill agreed to this language. The Committee can take whatever action it likes. It can change this language, add to it or take away from it. However, I cannot speak for every interested party on whether they would all agree on that change. We can certainly add language or take away as the Committee sees fit.

Senator Hardy:

I am not interested in every party being agreeable as much as is it legal to say "not already jointly regulated by a federal or state agency"?

Ms. Chlarson:

I misunderstood your question. That would be constitutionally defensible. Legally, I would have to get clarification on the intent of that change so we could make sure to draft that amendment clearly in the way you intend.

Chair Goicoechea:

It is clear "except as expressly granted." Is that clear enough for you? Either you have it or you do not. We continue to split the hairs, and everyone is looking for a little fudge factor. That is not the intent of the bill.

Mr. McAnallen:

I can only speak to the direction I was given by our City Attorney who is concerned about the language as written in this document. We all understand exactly where you are leading us and agree with finding a place of happy medium that does not allow us an unfettered opportunity to go out without oversight by the Legislature.

Chair Goicoechea:

Would the City Attorney be comfortable with something read into the record?

Mr. McAnallen:

That would help. I understand where Senator Hardy is with his language. That helps improve things.

Chair Goicoechea:

Do you want to read that into the record to the extent that Senator Hardy gives everyone enough comfort so we can move this bill today?

Senator Hardy:

Yes, but before I go into the actual reading, I drew an arrow from section 6, subsection 2—and then from your standpoint, from section 11 down to section 13. I drew an arrow linking section 5 to section 7 and section 11 to section 13 because it is critical for us to realize that it is linked: "... to the extent that the power is not expressly: denied by the Constitution of the State of Nevada; denied by the Constitution of the United States; denied by the laws of the State of Nevada; or granted to another entity." Therefore, when we go to section 7, section 13 or section 20, the same kind of thing appears.

That is the condition this is all working under, "the extent that the power is not expressly." Then you get down to section 7 or the other sections that I enumerated, "Except as expressly granted by statute or as necessarily or fairly implied in or incident to powers expressly granted in statute, the county may not regulate conduct that is not already jointly regulated by a Federal or state agency." That marries what you are doing already. It admits that the city or county is already jointly regulating something and that does not remove your opportunity to continue in that amicable relationship.

Chair Goicoechea:

If that is the case and truly what we are splitting hairs on, anything you can do to today, you can still do today. It is in place until the passage of the bill. If you have the legal authority to do something today, it is okay with the bill.

Senator Hardy:

I agree with that.

Chair Goicoechea:

Once the bill becomes effective, any new agreements may be impacted. At this point, anything you can do today, you can do in the future.

Senator Lipparelli:

Could someone give me a prototypical example of what a city or county could not regulate or make new service charges or fees for under this bill?

Chair Goicoechea:

They would not be able to impose a new service charge or a new tax without the blessing of this body. This is only functional; it is not fiscal. We need to maintain that thought. We want to make sure that we do not turn this loose and run away with new taxes and fees.

Senator Lipparelli:

In section 2, what does the language that Senator Hardy was trying to amend mean? What would be the prototypical example of an action already taken by a state or federal agency that cities and counties would be barred from doing?

Chair Goicoechea:

The big concern came from the trucking industry. The industry is regulated by a federal agency. This language would prohibit a city or county from imposing its own overweight standards. An example is the signs in every community that say no engine brakes. Federal and state laws allow engine brakes as long as they are muffled.

Senator Lipparelli:

In Proposed Amendment 9762, [Exhibit G](#), section 7, subsection 1, paragraph (e) says that this would not allow county commissioners to impose a new service charge or user fee, but the second part of the sentence says they can as long as it is equal to the cost of the service.

Ms. Chlarson:

The cities and counties want to charge fees that they were charging before the effective date of this bill, even if the amount of those charges or fees exceed the actual cost of providing the service. In addition, they want to continue assessing the service charges or user fees even if they were not expressly granted the authority to do so by statute.

Senator Lipparelli:

As written, a city or county could charge a new user fee or service charge as long as the fee is equal to or less than the cost of providing the service.

Ms. Chlarson:

Counties or cities need express authority granted in statute to charge a fee or a charge that they were not charging before the effective date of this act.

Chair Goicoechea:

It is the bill's intent that they could not impose a fee for service unless it is already in place. Most fees are. We allow the counties and cities to charge development fees. If you move beyond that, and I do not know what arena, you would have to come back to this body to get that approval.

Senator Hardy:

I concur with Senator Lipparelli when I look at the rest of that sentence "that the county was not imposing before." If you end the sentence there, then it is done, but if you continue the sentence to say "that is greater than the actual cost of providing services," then there is a service that the county wants to provide and that makes sense to provide. In order to provide that service, there is a charge which is not greater than the cost of the service, even though it is a new service charge or user fee.

Chair Goicoechea:

Would it be better to delete the "greater than?"

Senator Hardy:

If the intent is not to have a new service charge or fee, I would put a period after "user fee." Otherwise, the county was doing it before the effective date of this act. If you just put a period after "user fee," then it would be done. If the intent is not to let them charge a new user fee or service charge, then a period is after "fee." If the intent is to let the county charge a new service charge or

user fee that would be equal to or less than the cost, then you would include the rest of the sentence.

Chair Goicoechea:

I am comfortable with that, and I am sure everyone else in the room is too.

Ms. Chlarson:

You want the language to read, "impose a new service charge or user fee." From a drafting perspective, my only concern is making sure that what "new" means is clear in statute. Some of the additional language was provided to give a date in the statute as far as what "new" meant. If the Committee wanted to make it clear that whatever fees were being charged before this bill could take effect, the language would be "impose a new service charge or user fee that was not being imposed before the effective date of this act," and then take out the rest. However, I do not want to change your intent; I am reserving Legal Division's right to make drafting tweaks.

Chair Goicoechea:

I am trying to clear it up to the point that it will not be a new fee.

Josh Reid (City of Henderson):

Is the statute's intent that there will be no new fees whether authorized in statute or not? I am concerned because there are fees authorized in statute. Are we saying no new fees whether they are authorized or not?

Ms. Chlarson:

The intent that the Committee is considering changing is the language allowing cities and counties to impose fees that they were charging before the effective date of this act. After the effective date of this act, the authority to charge a fee would need to be expressly provided in statute.

Mr. Reid:

I want to clarify expressly provided in the statute. Would this language also prohibit modifying a fee, up or down, that already exists?

Ms. Chlarson:

That is difficult to answer in all cases. If an express grant of authority in statute exists, the fee would be limited to that amount. If a cap is set on the fee in

statute, the city or county would have the flexibility to charge an amount up to the cap.

I am not sure of the intent by the Committee on the issue brought up by Mr. Reid. If a fee is charged in a certain amount, I do not understand the Committee's intent as far as allowing the city or county to increase that fee without an express grant of statute. I would need more clarification from the Committee.

Senator Atkinson:

What guarantees are there that even though the fee exists, counties and cities will not get creative and increase the fees that are already set? I do not know where we are.

Chair Goicoechea:

The county has the right to impose the fee or it would not be in place. Because there is a mechanism to impose the fee, unless there is a statutory cap on it, raising it would be within the parameters.

Mr. Reid:

Using the recreation center as an example: The City of Henderson has done a fee study. We reviewed the cost of service for our parks and recreation, and it was suggested that nonresidents outside the jurisdiction should pay a higher price to use the City recreation centers than the residents. It appears that this language would prohibit us from doing that.

When we are dealing with fees, they need to be authorized when they affect business. Two years ago, the Legislature expanded the business impact statement, the information and analysis from the city, and the public notice regarding fees. The jurisdictions worked on this and expanded the business impact statements.

It is confusing for the City of Henderson. Elected officials from the City have spoken in support of this bill. I am not sure why this is in a home-rule bill. This fee language limits existing operations and the ability to recoup costs. We want to support this, but that is a concern. We have been asking for this for some time. The clarification that if it is authorized in statute is helpful. However, we have some scenarios where this language could prevent us from keeping costs down for our residents.

Senator Goicoechea:

If you can do it today, this bill will not stop you. If you are comfortable where you are, this does nothing to either expand or diminish that.

Mr. Reid:

If that is clear.

Senator Lipparelli:

To clarify Proposed Amendment 9762, [Exhibit G](#), the language should be something akin to, "notwithstanding the restriction in paragraph (e), a county may increase its existing service charges or user fees to the extent it does not exceed the cost of providing the services."

Chair Goicoechea:

We started with that language and then it got problematic about who could charge what in creating the fee. The fee becomes relative.

Mr. Reid:

Section 17 deals with cities such as the City of Las Vegas and the City of Henderson that are created under NRS 268. Wherever the bill mentions "statute," if "or city charter" could be added, that would be a clarifying change. City charters are approved by the Legislature. I want to be clear. Sometimes the charters of cities are different and sometimes authority is granted in a charter that may be different from statute.

Chair Goicoechea:

You are going to have to repeat that for us.

Mr. Reid:

On the provisions that relate to cities created under NRS 268, cities with charters: In the various places where it mentions "statute," for example in section 17, subsection 2, paragraph (b), if you would add "or a city charter" after "statute." There is similar language in section 20, subsection 1. Charters are approved by the Legislature; sometimes in a city charter, authority granted to a city may be different from what is in statute. That would be a helpful clarifying comment for the cities created under charters.

To clarify further, section 20, subsection 1, paragraph (a), "political subdivision" should be changed to "governmental entity." The City of Henderson is

surrounded by Bureau of Land Management land and we enter into memorandums of understanding with federal government agencies. If that could be changed, it would be helpful. In addition, "business" should be changed to "private entity" because there are many different kinds of businesses, and entity should cover most of what we deal with and with which we have agreements.

Chair Goicoechea:

At the risk of losing where we have been, we should incorporate these changes into the bill. I want to make sure everyone is on board with those changes. We have to see this in writing.

We will hold S.B. 11 over until the next work session.

Ms. Chlarson:

Since we are going to bring this back, I understand the changes that Mr. Reid proposed to section 20 of the bill. However, the same language is also in two different sections of the bill. I want to clarify that the Committee's intent is that those changes be incorporated into the sections that relate to counties and cities that are incorporated pursuant to general law and not just the charter cities.

Chair Goicoechea:

When we get into general law, they are set by statute, not by charter.

Ms. Chlarson:

That piece about adding the language for a city's charter should only be in NRS 268. The other changes that Mr. Reid requested would be on line 44 of page G4 in Proposed Amendment 9762, [Exhibit G](#), changing the term "political subdivision" to "governmental entity" and changing the term "business" to "entity." I want clarification that those should also be made to apply to the relevant sections relating to counties and general law cities.

Chair Goicoechea:

I agree, the bill should be consistent.

Senator Hardy:

Would that change the words on page G3 of [Exhibit G](#), line 30, "between the city and another political subdivision"? Would that affect those on page G2 of [Exhibit G](#), line 26, "between the county and another political subdivision"?

Ms. Chlarson:

They do not have to change, but if the Committee wants the changes to be consistent, then I would incorporate those changes as well.

Senator Parks:

The charters and ordinances within all entities vary, sometimes extensively. I was once told that you could get into your car in Boulder City with a loaded weapon, drive from Boulder City through the City of Henderson, through Paradise and Winchester, into the City of Las Vegas on your way to North Las Vegas. However, the moment you arrive in North Las Vegas you would be required to remove the clip or to remove any rounds from the firearm. That demonstrates ordinances are extensively different in all of the entities. We are not messing with that in this bill as I understand it, or hope I understand.

Chair Goicoechea:

Right—and that is what I want to leave with everyone. This does nothing to change what you are doing today. It is only prospective.

We will move on to S.B. 118 in the work session.

SENATE BILL 118: Revises various provisions of the Charter of the City of Sparks. (BDR S-500)

Ms. Ruedy:

I will summarize S.B. 118 from the work session document ([Exhibit H](#)).

SENATOR LIPPARELLI MOVED TO DO PASS S.B. 118.

SENATOR PARKS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Goicoechea:

We will move on to S.B. 26 in the work session.

SENATE BILL 26: Revises provisions governing the collection of debts by the State Controller. (BDR 31-499)

Ms. Ruedy:

I will summarize S.B. 26 as contained in the work session document ([Exhibit I](#)).

One of the State Controller's concerns was the possibility that the debt assigned to the State Controller's Office would be so old that the debtor may have forgotten about it. In section 2 of Proposed Amendment 9653, [Exhibit I](#), there is new language intended to address the Committee's concerns about garnishing wages on old debt and not surprising the debtor. It gives the debtor another notice and opportunity to pay off or set up a payment plan.

In section 3 of Proposed Amendment 9653, [Exhibit I](#), if the debtor does not pay or set up a payment plan, the State Controller is then required to send another notice that the debtor is to be garnished. This provides additional notice at both those stops to address and give the debtor an opportunity to set up a payment plan to pay off the debt.

Section 3.5 of the bill covers the opportunity for the person to appeal the withholding of income and the format to do so; upon receipt of the appeal, the Controller must meet with the debtor in person. What the State Controller must offer the person at the meeting is listed on page 13 of Proposed Amendment 9653, [Exhibit I](#). The debtor can enter into an agreement with the State Controller to make a payment plan over the course of the next 12 months. The debtor can pay the debt in full or prove to the satisfaction of the State Controller that withholding income will cause him or her a financial hardship.

In section 4, the notice must be sent to the employer by the State Controller. In section 3.5, subsection 6, the State Controller shall send a notice by certified mail of his or her determination concerning the withholding appeal.

In section 4, the debtor can request the State Controller to calculate the amount of withholding. Section 5 details what the employer must do after receiving the notice.

The State Controller asked that the provisions in section 11.5 be added to the unemployment compensation chapter 612 of NRS to streamline the process of obtaining debtor information for the purpose of collecting State debt.

Chair Goicoechea:

In section 2, subsection 2, we have first class mail as the method of notification for the first notice. Should that be certified mail?

Ms. Chlarson:

The Proposed Amendment 9653, [Exhibit I](#), submitted by the Controller's Office was to have the notice sent by first class mail. It is certainly within the prerogative of the Committee to make a change if the members want to go forward with this amendment to the notice provisions and require that all notices be sent by certified mail.

Chair Goicoechea:

What is the pleasure of the Committee? If you are to garnish someone's check, the first notice should be sent certified mail even if it costs more money. Please make the amendment from first class mail to certified mail for the first notice.

SENATOR PARKS MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 26.

SENATOR HARDY SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Goicoechea:

The next bill in the work session is S.B. 47.

SENATE BILL 47: Makes various changes relating to the Consolidated Local Improvements Law. (BDR 22-421)

Ms. Ruedy:

I will summarize S.B. 47 as contained in the work session document ([Exhibit J](#)).

We received Proposed Amendment 9759 from the City of Henderson.

Mr. Reid:

In section 20, subsection 7 we need to add back the last sentence that was stricken, "If the ordinance does not authorize such a reduction... ." That has an important meaning. That is the first change.

Then subsection 7 should be combined with subsection 8. There should not be a subsection 8. Those were meant to be together.

Therefore, there are two changes in section 20, subsections 7 and 8. Restore the last sentence in subsection 7 in Proposed Amendment 9759, [Exhibit J](#), and then combine subsections 7 and 8 so there is no subsection 8.

Senator Hardy:

If you restore the last sentence, it should read "If the ordinance does not authorize such a reduction or waiver, the governing body may, by resolution, grant" Is that your intent with deleting subsection 8?

Mr. Reid:

Yes, that is our intention.

The next change in Proposed Amendment 9759, [Exhibit J](#), is in section 28, subsection 5, paragraph (b) line 17. We need to add "to" after "NRS 217.570 or."

Ms. Chlarson:

I will look at that. Line 16 on page J26 of [Exhibit J](#), begins "A certificate of sale of the property was issued to" That "to" was also meant to cover the municipality. I am happy to look at that and grammatically make sure that the "to" Mr. Reid is requesting should be added to the bill.

Mr. Reid:

I trust the grammatical judgment of the Legislative Counsel Bureau on this one.

The second addition is in the same paragraph, page J26 of [Exhibit J](#), line 21, where it says "pursuant to NRS 271.570." We would like you to add "or NRS 271.560."

One last change is on page J26 of [Exhibit J](#), line 24, after "amount owed." Strike "to the municipality," so it will say "amount owed within 20 days."

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Senator Hardy:

Could you read that sentence?

Mr. Reid:

It is in two places.

Chair Goicoechea:

We have it, "who purchased the property from the county pays any amount owed to the municipality."

Mr. Reid:

It should not say "to the municipality." Proposed Amendment 9759, [Exhibit J](#), lines 20 and 21 should say "amount owed pursuant to the certificate," and the same thing in line 24, page J26, "amount owed within 20 days."

SENATOR HARDY MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 47.

SENATOR ATKINSON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Goicoechea:

We will move on to S.B. 66 in the work session.

SENATE BILL 66: Revises provisions governing local governmental agreements for the development of land. (BDR 22-422)

Ms. Ruedy:

I will summarize S.B. 66 as contained in the work session document ([Exhibit K](#)).

Mr. Reid:

The City of Henderson has met with all parties who expressed reservations concerning the original bill and the proposed amendments presented at the last Committee meeting. We have met with the Southern Nevada Home Builders Association and other master developers and governments across the State. What is before you in Proposed Amendment 9760, [Exhibit K](#), is a win-win bill

for the governments and the development community. It clarifies what should be in a development agreement and how agreements are created and terminated.

The biggest changes are with how agreements are terminated. That is dealt with in sections 4 and 9 of Proposed Amendment 9760, [Exhibit K](#). The language in NRS 278.0205 allows a governing body to unilaterally cancel or amend a development agreement after a 24-month review of the development agreement. The statute does not give us much more. This bill creates a process around development agreement termination. When you look at the changes to section 9, development agreements can be terminated by mutual consent of the parties, meaning the government and the developer agree to mutually amend or terminate the agreement. If that is not possible, the governmental body can still unilaterally amend or cancel the agreement, but there is some due process surrounding that.

The government can only unilaterally cancel or amend an agreement if there has been a breach of the agreement and all applicable cure periods in the agreement have passed. As a protection for the nongovernment entity in these agreements, if there is not an applicable cure period, the government has to give the party who is in breach an additional 30 days to cure the breach. That was important to the development community. The City of Henderson normally allows 14 days in our agreements. It was a good compromise and change to the agreement.

Also in section 9, the other event that could cause the government to terminate or amend the agreement is in subsection 1, paragraph (b), subparagraph (2), where any event has occurred that demonstrates the party to the agreement or a successor in interest is unable to perform because of bankruptcy or insolvency. That is the fail-safe, for example, in the City of Henderson where there was no developer on the other side through a bankruptcy or insolvency. That is an important part to the agreement.

If there is a unilateral termination by the government, we go to section 4 of the bill which deals with the process the government must go through. A government that unilaterally amends or terminates a development agreement must hold a public hearing. This question was brought to us by the Committee when we last met about what kind of notice we give. The government entity has to give at least a 60-day notice to the other parties and the owners of record who are the property owners subject to the agreement. Then there is a

public hearing where everyone can get opinions on the record and the governing body makes a decision. This is an important addition to the process of terminating.

After some discussion, we have decided to ask that section 4, subsections 3 and 4 be deleted. Those sections allowed governments to amend agreements unilaterally in a way that certain parcels could be carved out. That caused many questions, and we determined that a governing body could get to the same place without these sections. For example, in the Inspirada Town Center where we have a bankrupt developer, of 13 landowners, two are litigating with each other. The process we would use to bring that development forward is to terminate their agreement and then start a new development agreement with the property owners who want to go forward. The property owners who do not want to go forward would be on hold until they decide they want to go forward with their property.

Chair Goicoechea:

We are comfortable. We just wanted to make sure that there were no grammatical changes. Do you have any changes along that line?

Mr. Reid:

We have no changes at this time.

Senator Lipparelli:

In section 4 of Proposed Amendment 9760, [Exhibit K](#), is it your proposal to strike subsections 3 and 4? Some but not all of subsection 4 was deleted.

Mr. Reid:

It was section 9, subsections 3 and 4 of Proposed Amendment 9760 on page K7 of [Exhibit K](#), lines 33 through 44.

SENATOR HARDY MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 66.

SENATOR LIPPARELLI SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Goicoechea:

We will move on to S.B. 70 in the work session.

SENATE BILL 70: Revises provisions governing meetings of public bodies.
(BDR 19-155)

Ms. Ruedy:

I will summarize S.B. 70 as contained in the work session document ([Exhibit L](#)).

On page L7 of Proposed Amendment 9571, [Exhibit L](#), lines 14, 15 and 16 clarify application of the statutes in instances where a public body is considering some action that is not necessarily adverse. As introduced, the bill appeared only to impact adverse actions such as appointing a person to an employment position.

On page L8 of Proposed Amendment 9751, [Exhibit L](#), lines 5 through 15 make it more user-friendly and allow public bodies already maintaining written documentation of compliance with posting requirements to continue in the same manner. It still encourages best practice and defines elements that should be included in the documentation. The Office of the Attorney General (AG) noted that this documentation could easily demonstrate compliance in the event of a complaint to the AG.

On page L10 of [Exhibit L](#), lines 33 through 36, Proposed Amendment 9751 allows more time for public bodies that meet semimonthly or weekly to comply without creating an undue burden. The language now says unless good cause is shown, a public body shall approve the minutes of a meeting not later than 45 days after the meeting or at the next meeting of the public body, whichever occurs later.

Page L12 of [Exhibit L](#), lines 21 through 25 clarify that documents obtainable from another source pursuant to a valid public records request do not become confidential simply because they are contained in the AG's investigative file.

Page L12 of [Exhibit L](#), lines 31 through 37 clarify that the work product of the AG remains confidential, but a complaint filed with the AG and any resulting findings of fact and conclusions of law are public record.

SENATOR LIPPARELLI MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 70.

SENATOR PARKS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Goicoechea:

We will move on to S.B. 147 in the work session.

SENATE BILL 147: Requires certain training for peace officers concerning dog behavior. (BDR 23-10)

Ms. Ruedy:

I will summarize S.B. 147 as contained in the work session document ([Exhibit M](#)).

Senator Parks provided statements from Nick Marano of Carson City and from the Department of Corrections (DOC) because of the fiscal notes put on the bill. The DOC was the largest. The DOC provided statements regarding the fiscal impact after consideration of the proposed amendment.

There were five agencies with fiscal notes, Carson City, Douglas County, Washoe County, Washoe County School District and the DOC. Most of them were small, but the DOC was large.

Carson City was asked if the proposed amendment removes the fiscal note or reduces it substantially, page M3, [Exhibit M](#). Their response was that it does remove the fiscal note.

The same question was posed to Scott Sisco of the DOC, who responded in the work session document on page M5, [Exhibit M](#).

Chair Goicoechea:

We are comfortable with that. The fiscal notes are insignificant, and we do not have to send the language to another committee.

SENATOR HARDY MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 147.

SENATOR ATKINSON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Goicoechea:

We will consider the final bill in the work session, S.B. 168.

SENATE BILL 168: Revises provisions relating to collective bargaining by local government employers. (BDR 23-602)

Ms. Ruedy:

I will summarize S.B. 168 as contained in the work session document ([Exhibit N](#)).

The Proposed Amendment 9739 contains three provisions. On page N3 of [Exhibit N](#), lines 6, 7 and 8, the following language was added, "Negotiations must begin not later than 21 days after the local government employer notifies the employee organization that a fiscal emergency exists."

There was some opposition to including special revenue. Language on page N4, lines 20 through 24, now deletes "or special revenue" and "that receives revenue from property taxes or the Local Government Tax Distribution Account" from the budgeting ending fund balance considered.

Then the third provision in Proposed Amendment 9739 changes the effective date.

Senator Atkinson:

Does this accept both amendments?

Chair Goicoechea:

No, only Proposed Amendment 9739.

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Senator Atkinson:

Does it include Mr. McAllister's proposed amendment, page N5 of [Exhibit N](#)?

Chair Goicoechea:

No, it does not. We are only dealing with Proposed Amendment 9739.

SENATOR LIPPARELLI MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 168 WITH PROPOSED AMENDMENT 9739.

SENATOR HARDY SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS ATKINSON AND PARKS VOTED
NO.)

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Chair Goicoechea:

The work session is closed and the Senate Committee on Government Affairs is adjourned at 4:01 p.m.

RESPECTFULLY SUBMITTED:

Suzanne Efford,
Committee Secretary

APPROVED BY:

Senator Pete Goicoechea, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit		Witness or Agency	Description
	A	1		Agenda
	B	8		Attendance Roster
S.B. 111	C	1	Senator Aaron D. Ford	Website Links
S.B. 111	D	2	Las Vegas Metropolitan Police Department	Conceptual Amendment
S.B. 111	E	5	American Civil Liberties Union of Nevada	Proposed Amendment
S.B. 111	F	5	Vanessa Spinazola	Letter
S.B. 11	G	7	Jennifer Ruedy	Work Session Document
S.B. 118	H	1	Jennifer Ruedy	Work Session Document
S.B. 26	I	12	Jennifer Ruedy	Work Session Document
S.B. 47	J	58	Jennifer Ruedy	Work Session Document
S.B. 66	K	29	Jennifer Ruedy	Work Session Document
S.B. 70	L	13	Jennifer Ruedy	Work Session Document
S.B. 147	M	6	Jennifer Ruedy	Work Session Document
S.B. 168	N	7	Jennifer Ruedy	Work Session Document