

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

**Seventy-Eighth Session
April 13, 2015**

The Senate Committee on Government Affairs was called to order by Chair Pete Goicoechea at 3 p.m. on Monday, April 13, 2015, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E 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:

Assemblyman Randy Kirner, Assembly District No. 26

STAFF MEMBERS PRESENT:

Jennifer Ruedy, Policy Analyst
Heidi Chlarson, Counsel
Darlene Velicki, Committee Secretary

OTHERS PRESENT:

Marsha Berkbighler, Chair, Board of Commissioners, Washoe County; Chair,
Board of Fire Commissioners, Washoe County
Bob Lucey, Commissioner, Board of Commissioners, Washoe County
Charles Moore, Fire Chief, Truckee Meadows Fire Protection District and Sierra
Fire Protection District
Tom Daly
Dean Buell, Lieutenant, Commander, Training Division, Department of Public
Safety

Chair Goicoechea:

We will hear Assembly Bill (A.B.) 333 first. We heard Senate Bill 318 last week, which is a duplicate bill.

ASSEMBLY BILL 333: Provides for the consolidation of certain fire protection districts in certain counties. (BDR 42-650)

SENATE BILL 318: Provides for the consolidation of certain fire protection districts in certain counties. (BDR 42-833)

Assemblyman Randy Kirner (Assembly District No. 26):

I bring A.B. 333 before you. It recognizes that Washoe County has one fire chief, one Board of Fire Commissioners and one union, but it has two sets of books. This bill simply melds two sets of books into one. They will not have two meetings, one for the Truckee Meadows Fire Protection District and one for the Sierra Fire Protection District. It will save Washoe County \$100,000 to \$125,000 a year in accounting costs.

Chair Goicoechea:

The two bills were originally identical. Were there any substantive changes to the two from the original drafting?

Assemblyman Kirner:

They are identical as far as I know, but I have not seen the Senate bill.

Chair Goicoechea:

It appears that they are identical.

Marsha Berkbiger (Chair, Board of Commissioners, Washoe County; Chair, Board of Fire Commissioners, Washoe County):

We have been working for several years to stop auditing and preparing books for two fire departments, when we functionally have only one fire department.

Bob Lucey (Commissioner, Board of Commissioners, Washoe County):

This bill impacts District 2, my district. It is a fiscally sound decision that would eliminate redundancy. This is the most efficient way to move forward so our County can operate more cost-effectively.

Charles Moore (Fire Chief, Truckee Meadows Fire Protection District and Sierra Fire Protection District):

This bill allows the Board of Fire Commissioners to administratively consolidate Truckee Meadows Fire Protection District and Sierra Fire Protection District ([Exhibit C](#)). They now operate as one through an interlocal agreement. This bill ensures that tax abatements stay in place with no inadvertent tax increase for anyone in the Sierra Fire Protection District once the Truckee Meadows Fire Protection District overlays its boundary. It allows the Wildland Fire Emergency Fund to increase from \$1 million to \$1.5 million. This fund is now limited by statute. We need these funds to suppress emergency wildland fires.

Tom Daly:

I am speaking for myself and dozens of the other residents and taxpayers who have worked for the past 7 years to establish a unified and affordable fire department to serve our communities ([Exhibit D](#)). We support A.B. 333.

Chair Goicoechea:

I will close A.B. 333 and open the hearing on A.B. 58.

ASSEMBLY BILL 58: Provides the powers of peace officer to all sworn personnel of the Department of Public Safety. (BDR 23-355)

Dean Buell, Lieutenant (Commander, Training Division, Department of Public Safety):

I have provided a copy of my testimony today ([Exhibit E](#)). Assembly Bill 58 cleans up wording in section 1, subsection 1, paragraph (d) of *Nevada Revised Statute* (NRS) 289.270. This wording causes the inadvertent exclusion of peace officers from two divisions within the Department of Public Safety (DPS). It is in conflict with NRS 480 and NRS 617. *Nevada Revised Statute* 617.135, titled "Police officer defined," includes in subsection 4, "A chief, supervisor, investigator or training officer of the Training Division of the Department of Public Safety," and in subsection 5, "A chief or investigator of an office of the Department of Public Safety that conducts internal investigations of employees of the Department of Public Safety"

Nevada Revised Statutes 480 defines the divisions of the DPS, functions and responsibilities of the divisions, and general duties and powers of the director. *Nevada Revised Statute* 289.270, subsection 1, paragraph (d) defines DPS sworn personnel as members whose principal duty is to enforce one or more

laws of the State. However, when DPS sworn personnel are assigned to the Training Division or the Office of Professional Responsibility (OPR), the principal duty of these officers is not to enforce one or more laws of the State. The principal duty of the Training Division is to provide training to the employees of the Department, whereas the principal duty of the OPR is to conduct administrative investigations. Therefore, the wording in NRS 280.270 needs to be broader and more general to include all sworn DPS personnel. Regardless of their primary duties, these officers are still responsible for enforcing the laws as needed.

Officers working in the Training Division or the OPR are transferred in from sworn DPS divisions. These assignments typically last approximately 2 years, after which officers are returned to operational divisions. This procedure is consistent with practices in other law enforcement agencies. The bill is a housekeeping action. The positions referenced are legislatively funded and filled with full category I DPS peace officers. No additional benefits or authorities are being sought, rather the intent is to maintain consistency between NRS 480 and NRS 617 and to remove any conflicting language contained in NRS 289.

The recommended and simplified wording describing all sworn personnel of the DPS captures the proper model. It is important to understand that there is not any fiscal impact associated with this bill. I emphasize that there are no additional benefits or authorities granted by this bill.

Senator Lipparelli:

Given that NRS 289.270 subsection 1, paragraph (d) incurs dramatically broad changes, does it make someone a peace officer who is not qualified?

Lieutenant Buell:

No. Everyone now has to be a category I peace officer. This bill would not give any authority to anyone who is not already a category I peace officer.

Senator Lipparelli:

Does the change address people who move out of the direct enforcement roles into these other areas? What are they losing if the statute stays the way it is?

Lieutenant Buell:

We would have a conflict that could open something up. If one of our training officers, who is considered a sworn person, or an OPR officer gets into a situation where he or she is enforcing the laws, NRS 617 and NRS 289 conflict. One statute says that it covers officers assigned to the Training Division and OPR, and the other says that the officer must enforce one or more laws of the State of Nevada. The focus of both the Training Division and OPR is not to enforce one or more laws of the State of Nevada. It is to train personnel and to conduct administrative investigations.

Senator Lipparelli:

Does that not make sense because you are all category I anyway?

Lieutenant Buell:

That is correct.

Senator Lipparelli:

That answers my question.

Chair Goicoechea:

It is my understanding that there could be a challenge if you were assigned to the Training Division and you were called to respond to a law enforcement incident. There would be a gray area because you were assigned to the Training Division or to a school and you technically were not supposed to respond to an incident. Everybody is a category I and a POST-certified officer.

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Chair Goicoechea:

The Committee meeting is adjourned at 3:15 p.m.

RESPECTFULLY SUBMITTED:

Darlene Velicki,
Committee Secretary

APPROVED BY:

Senator Pete Goicoechea, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit		Witness or Agency	Description
	A	1		Agenda
	B	2		Attendance Roster
A.B. 333	C	1	Charles Moore	Map-Truckee Meadows and Sierra Fire District Boundaries
A.B. 333	D	3	Tom Daly	Statement in Support
A.B. 58	E	3	Dean Buell	Testimony