

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

**Seventy-Ninth Session
May 2, 2017**

The Committee on Government Affairs was called to order by Chairman Edgar Flores at 8:34 a.m. on Tuesday, May 2, 2017, in Room 4100 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/79th2017.

COMMITTEE MEMBERS PRESENT:

Assemblyman Edgar Flores, Chairman
Assemblywoman Dina Neal, Vice Chairwoman
Assemblywoman Shannon Bilbray-Axelrod
Assemblyman Chris Brooks
Assemblyman Richard Carrillo
Assemblyman Skip Daly
Assemblyman John Ellison
Assemblywoman Amber Joiner
Assemblyman Al Kramer
Assemblyman Jim Marchant
Assemblyman Richard McArthur
Assemblyman William McCurdy II
Assemblywoman Daniele Monroe-Moreno
Assemblywoman Melissa Woodbury

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Senator Moises (Mo) Denis, Senate District No. 2



STAFF MEMBERS PRESENT:

Jered McDonald, Committee Policy Analyst
Jim Penrose, Committee Counsel
Lori McCleary, Committee Secretary
Cheryl Williams, Committee Assistant

OTHERS PRESENT:

Earl Mitchell, Constable, Henderson Constable's Office, Clark County
A.J. Delap, Government Liaison, Office of Intergovernmental Services, Las Vegas
Metropolitan Police Department
Stephen H. Silberkraus, Private Citizen, Las Vegas, Nevada
Bonnie McDaniel, Private Citizen, North Las Vegas, Nevada
Helen Foley, representing Nevada Assisted Living Association
John Fudenberg, Coroner, Office of the Coroner/Medical Examiner, Clark County
Mark Regan, Assistant Fire Marshal, North Lake Tahoe Fire Protection District; and
representing Northern Nevada Fire Chiefs
Terry Taylor, Region II Representative, Fire Captain/Inspector, East Fork Fire
Protection District; and representing Fire Prevention Association of Nevada
Bart J. Chambers, Chief, State Fire Marshal Division, Department of Public Safety
David Cherry, Communications and Intergovernmental Relations Manager,
City of Henderson
Kathy Clewett, Senior Analyst and Grant Manager, Office of the City Manager,
City of Sparks
Brian McAnallen, Government Affairs Manager, Office of Administrative Services,
City of Las Vegas
Thomas D. Dunn, District Vice President, Professional Fire Fighters of Nevada
Ben Graham, Government Relations Advisor, Administrative Office of the Courts
Kim Kampling, Justice Court Administrator and Deputy Clerk, Las Vegas Township
Justice Court
Melissa Saragosa, Judge, Department Four, Las Vegas Township Justice Court
John T. Jones, Jr., Chief Deputy District Attorney, Legislative Liaison, Clark County
District Attorney, and representing the Nevada District Attorneys Association
Sean B. Sullivan, Deputy Public Defender, Washoe County Public Defender's Office
Andres Moses, Staff Attorney, Eighth Judicial District Court
John J. Piro, Deputy Public Defender, Clark County Public Defender's Office
David A. Dawley, Assessor, Carson City Assessor's Office; and Vice President,
Nevada Assessors' Association
Scott W. Anderson, Chief Deputy, Office of the Secretary of State
April Sanborn, Services Manager III, Division of Management Services and
Programs, Department of Motor Vehicles

Chairman Flores:

[Roll was called. Committee rules and protocol were explained.] We are going to take the agenda out of order. We will hear Senate Bill 250 (1st Reprint) first. We will then hear Senate Bill 477 (1st Reprint), and Senate Bill 79 (1st Reprint) will be last. I will open the hearing on Senate Bill 250 (1st Reprint) and welcome Senator Denis, who will present the bill.

Senate Bill 250 (1st Reprint): Revises the certification requirements for constables in certain townships. (BDR 20-947)

Senator Moises (Mo) Denis, Senate District No. 2:

As a brief background to the bill, constables in Nevada were created by statute around the time of statehood in 1864. The Legislature gave county commissions the authority to create townships and constables, and provide for the election of constables. The 2003 Legislature enacted Assembly Bill 114 of the 72nd Session to Chapter 377 of the *Statutes of Nevada* 2003 to add the following qualifications to *Nevada Revised Statutes* (NRS) 258.005, subsection 1, paragraphs (a) and (b) for a person to be eligible for the office of constable: "(a) Will have attained the age of 21 years on the date he or she would take office if so elected or appointed; and (b) Is a qualified elector." The 2003 Legislature, in a separate bill, Assembly Bill 55 of the 72nd Session, added a third requisite qualification that a constable not have been convicted of a felony.

Largely in response to a well-publicized problem with the Las Vegas Township Constable's Office, the 2013 Legislature enacted Assembly Bill 223 of the 77th Session (*Statutes of Nevada* 2013, Chapter 485) which made many changes relative to constables, including the authorization of a constable, subject to approval by the board of county commissioners, to appoint clerical and operational staff that do not have the powers of peace officers and may not possess a weapon or carry a concealed firearm while performing their duties for the constable; and a requirement that certain constables be certified by the Peace Officers' Standards and Training (POST) Commission as a category I or II peace officer within one year of taking his or her position. The POST Commission may grant a six-month extension of this requirement. As all of you know, the Clark County Board of Commissioners voted on March 19, 2013, to abolish the Las Vegas Township Constable's Office in 2015.

The POST Commission requirement added in 2013 was further revised by the 2015 Legislature by the enactment of Senate Bill 285 of the 78th Session (Chapter 438, *Statutes of Nevada* 2015). *Nevada Revised Statutes* 258.007 requires "Each constable of a township whose population is 100,000 or more and which is located in a county whose population is 700,000 or more, and each constable of a township whose population is 250,000 or more and which is located in a county whose population is less than 700,000, shall become certified by the Peace Officers' Standards and Training Commission as a category II peace officer within 1 year" Senate Bill 250 (1st Reprint) repeals the certification requirement for such constables.

This measure would apply to 3 of the 11 townships in Clark County—Henderson, Las Vegas, and North Las Vegas Townships—and the Reno Township. However, Reno does not have a constable, and the Clark County Board of Commissioners abolished the Las Vegas Township Constable's Office. This bill essentially impacts the constables in the North Las Vegas and Henderson Townships.

Senate Bill 250 (1st Reprint), as amended by the Senate, instead requires a person who seeks election or appointment to the office of constable in a township in which a city is located whose population is 220,000 or more complete certain certification, or successfully complete a federal law enforcement training program that is approved by the POST Commission before he or she declares or accepts candidacy for the office or accepts appointment to the office. Finally, the bill removes the requirement that the chief of police of the city authorize and consent to a constable's power as a peace officer when the constable is acting in an incorporated city, and the sheriff of the county authorize and consent to a constable's power as a peace officer when the constable is acting in an area that is not within the limits of an incorporated city. Section 4 of the bill makes the measure effective on July 1, 2017. There is no fiscal impact to the bill.

Frankly, the constable in a large urban area is an administrator overseeing clerical and administrative staff and deputy constables who go out into the field. While it may make sense for the deputy constables to be POST-certified, it does not make sense for the constable. It is an overly burdensome requirement that serves no purpose, as we have seen in the North Las Vegas Township where Constable Robert Eliason has held the elected office since January 2015 without POST certification and without any problems.

That concludes my presentation. I am happy to answer any questions.

Chairman Flores:

Senator Denis, could you walk us through the type of training received through POST certification? Does any of that training carry over to any of the duties that a constable has now? Without the POST certification, how are we ensuring they get that type of training or knowledge they receive through POST certification? I have received two emails with concerns. What does POST certification give individuals? What tools can it put in their bag, and of those tools that come with POST certification, how many of those translate to the duties of a constable? Your answer may be none, or your answer may be two or three, but individuals can receive those tools through a different mechanism without having to put someone through the POST certification.

Senator Denis:

I am not an expert on POST and I have not been through POST, so I do not know all the things they do. I will tell you, as I have done the research, POST certification is training for criminal issues. I think all of the duties of a constable are actually civil matters. In addition to the POST certification, a constable can also complete a federal law enforcement training program. There really is no specific training that is just for constables. Most of the training that goes on is for police officers. Keep in mind, this is something that was just added to the

constable's duties. Before, they did not even have that. Over the last two sessions, there have been different things added. Part of that was in response to some issues the county had with the Las Vegas constable. Things were put in place that impacted other constables. I brought up the issue of Robert Eliason, who has had the constable position since 2015. He has been able to fulfill his duties. All of his deputies are POST-certified. I am sure others will testify and can explain specific details.

Assemblyman McCurdy:

Why are we going to require the deputy constables to have POST certification and not the constable?

Senator Denis:

As a constable in a larger area, such as Mr. Eliason in North Las Vegas, he spends almost all of his time doing administrative work. I am not sure how many deputy constables he has doing all the work. It is my understanding Mr. Eliason only has to go out in very rare instances. He is basically spending his time as an administrator. We are currently requiring a constable to be POST-certified, which is criminal training instead of civil training. Mr. Eliason is using more administrative skills than any other skills. We do not require this of constables in smaller jurisdictions, only the larger ones where there are actually deputy constables. If a smaller jurisdiction does have a constable, that person basically does everything. I am trying to make it fair.

Assemblyman Carrillo:

The bill has a population cap of 220,000 or more. I am not sure if Henderson requires their constable to be POST-certified at this point. As of 2015, Henderson's population was 285,000. Would this mean Henderson would not require their constable to be POST-certified?

Senator Denis:

Section 1.3, subsection 1, paragraph (c) states, "If the person is seeking election or appointment to office of constable in a township in which is located a city whose population is 220,000 or more before the time of his or her declaration of candidacy" "Before the time of his or her declaration of candidacy" is the change. Currently, the constable has up to a year to complete the POST certification. This bill is only for the townships with a population less than 220,000.

Assemblyman Carrillo:

I am talking about current law. The individual running for the constable position did not have to be POST-certified, but he knew going in that he needed to be POST-certified. I am trying to understand the logistics.

Senator Denis:

The way the current law is, if I was running for constable today, I would know that I needed to have POST certification, depending on what city I was in. This bill states that if I am going to run for constable, then I have to have had POST certification before running, if I am in a city whose population is 220,000 or more.

Assemblyman Carrillo:

I am under the assumption that the constable in North Las Vegas is POST-certified now.

Senator Denis:

The constable in North Las Vegas is not currently POST-certified. He has received an extension.

Assemblyman Carrillo:

When he first filed to run for constable, did he know he needed to get the POST certification?

Senator Denis:

I cannot speak for him, so I do not know. Keep in mind, the law was changed in the 2015 Session, right around the same time he would have been running for constable. I do not know for sure at what point he knew he needed POST certification. By changing the law now, we will know exactly what needs to happen ahead of time because the individuals would have to be POST-certified prior to running, rather than get into the position and realize they cannot be certified. The change makes that more clear.

Assemblyman Carrillo:

If this bill passes, anyone from here on out would not have to worry about being POST-certified. Is that correct?

Senator Denis:

They would have to worry about it if they were in a township with a population of 220,000 or more. They would have to be POST-certified before they ran for office. If the population is less than 220,000, then they would not be required to be POST-certified.

Chairman Flores:

As a point of clarification, what is the population in North Las Vegas now?

Senator Denis:

I do not know what the current population is.

Chairman Flores:

Are they above 220,000?

Senator Denis:

For purposes of the Legislature, they use the last census figures, which was 218,000.

Chairman Flores:

North Las Vegas would not be in the scope of the bill. Is that correct?

Senator Denis:

The North Las Vegas constable would fall under the 220,000 population cap.

Assemblywoman Monroe-Moreno:

I have a statement and a few questions. Unlike our Chairman, I have received numerous emails about this bill prior to being elected and after being elected to this position. It is the common assumption of our citizens that the constables, marshals, police officers, and all other law enforcement officers in North Las Vegas and in Nevada go through some type of formalized training. Correct me if I am wrong, but prior to Mr. Eliason being elected as constable of North Las Vegas, the position was previously held by former police officers who were POST-certified. Is that correct?

Senator Denis:

I do not know the history of the North Las Vegas constable. I will tell you that POST certification was not required. It was in 2013 that the requirement was added to all constables. In 2015, it was changed to the larger cities. Up until that time, they were not required to be POST-certified.

Assemblywoman Monroe-Moreno:

When Mr. Eliason ran for the position, he ran knowing, since he did not have police experience, he would have to become POST-certified. Is that correct?

Senator Denis:

I cannot speak for him, so I do not know.

Assemblywoman Monroe-Moreno:

How do we justify having someone who is not POST-certified supervise and manage deputies who are POST-certified? Although their job is primarily civil action, oftentimes they are faced with situations that turn criminal where they have to effect an arrest. The manager would have fewer qualifications to do his job than the people he is managing. How would we justify that?

Senator Denis:

My understanding is the constable's office handles civil matters. If there are any issues related to criminal matters, they are supposed to call the police. If persons with civil responsibilities are conducting criminal investigations currently, that is a concern. Mr. Eliason has been in the position for a couple of years. If there was an issue, it would have come up by now.

Assemblywoman Monroe-Moreno:

Although you may not know of an issue that has come up, some issue could have come up. If there were an issue with his deputies in the field that would require backup and Mr. Eliason is not POST-certified and cannot carry a weapon in the field, his officers in the field would have to wait for a police officer who might be busy on another call. Could he go out and back up the employees he manages?

Senator Denis:

I do not know how they currently do that. They are supposed to wait for police officers. They are not supposed to be doing criminal matters.

Assemblywoman Monroe-Moreno:

I appreciate that, but coming from a law enforcement background myself, sometimes an officer cannot wait for backup. Situations happen outside of the scope of the job. A constable could serve a civil warrant for an eviction to an exfelon. That civil case suddenly and immediately turns into a criminal proceeding. The closest backup may be his supervisor, not a police officer. I appreciate your bringing the bill, but I have some issues with it.

Chairman Flores:

I do anticipate us having an opportunity to talk to law enforcement. At some point, we will have someone from Henderson talk about how they operate their constable's office. Are there any further questions from the Committee?

Assemblywoman Woodbury:

My question and concern is exactly the same as Assemblywoman Monroe-Moreno. I can wait for someone from law enforcement to answer her question. You said a constable's job is "mostly" administrative. I am sure they have contact with the public and can make arrests. I think they can be in potentially dangerous situations. They also supervise employees who are POST-certified. When law enforcement testifies, I hope we can get that question answered. I agree with Assemblywoman Monroe-Moreno 100 percent. There are huge concerns with constables not being POST-certified.

Assemblyman Ellison:

How many constables are in Nevada?

Senator Denis:

I do not know how many are in the rural areas. I know we currently have constables in North Las Vegas and Henderson. Las Vegas could have one, but they abolished the position. Most rural areas do not have constables; they use the sheriff.

Assemblyman Ellison:

Being that the constables are not POST-certified, do their duties allow them to carry a weapon?

Senator Denis:

I believe most constables carry a weapon.

Assemblyman Ellison:

I do not know of any constables in this area anymore. There used to be one at Tahoe a long time ago, but I do not think they have one anymore. You said the constable could be appointed or elected. Is that correct?

Senator Denis:

They are elected, but in section 1.7, the bill removes the requirement that the chief of police of the city authorize and consent to a constable's power as a peace officer when the constable is acting in an incorporated city and the sheriff of the county authorize and consent to a constable's power. Currently, the sheriff has to give the constable peace officer's power.

Chairman Flores:

I am aware we have some people in the audience from the Henderson Constable's Office. At some point, I will ask them to come up to break down some of the duties and how the day-to-day operations work.

Assemblyman Kramer:

Are constables on the law enforcement side of the Public Employees' Retirement System (PERS), or are they regular employees?

Senator Denis:

I do not know.

Assemblyman Daly:

My question is about the deleted language in section 1.7 on page 4 beginning on line 16. What problem are we trying to solve by deleting that language? Have there been some issues?

Senator Denis:

I think the Las Vegas Metropolitan Police Department (Metro) can answer that question better. I do not know the specifics. I think it is one additional duty they have to do that they really do not need to do.

Chairman Flores:

I think many of our questions will go to law enforcement and the constable's office itself.

Assemblyman McCurdy:

We are referencing the current North Las Vegas constable during this conversation. I am concerned about the direction this bill may be taking. When I was first elected to the Assembly, I was required to have training. I knew in order for me to become an assemblyman, I had to take the training and successfully complete it. Correct me if I am wrong, but I feel as though this bill is before us because someone did not stay in compliance with what he was supposed to do. That is concerning to me. Is that what we are doing here?

Senator Denis:

We are fixing several things when it comes to constables. In your example, you run for office and have to take the training after you are elected. If you are elected and cannot pass the test, then you cannot fulfill the duties. You do not know that until you take the test. This bill is cleaning that up and saying individuals have to be POST-certified before the election. What this bill does is, moving forward, we will not have the issue of someone getting elected who cannot pass POST certification.

Chairman Flores:

Could I have law enforcement and the Henderson Constable's Office join the conversation?

Earl Mitchell, Constable, Henderson Constable's Office, Clark County:

I would like to thank you for allowing me to speak in support of the amended S.B. 250 (R1). I would also like to thank Senator Denis for introducing this legislation. I have been in law enforcement for over 30 years, all in Henderson. I am a graduate of the Metro Police Academy and a category I POST-certified peace officer. This bill is a bipartisan collaboration with support across the board from Clark County rural and urban constables. This bill will promote higher qualifications and standards for the professionalism of the office, which is encouraged and supported by the POST Commission, Chuck Callaway of Metro, retired police executive and former Senator Stan Olsen, and every citizen I have spoken with about this bill. I believe you will find that this bill will enhance the professionalism of constable offices across the state with no fiscal impact. I do urge your support.

If I may, I would like to address some of the questions that have been asked by Committee members. Chairman Flores had asked about POST certification and the duties. The POST certification is a basic requirement. A lot of what constables learn in POST we do apply throughout our career. It is not just administrative, but it certainly can be. For example, the sheriff of Clark County is a category I peace officer, but that position is probably strictly administrative. I am not saying the sheriff of Clark County could not go out into the field. If you look at the sheriff in Esmeralda County, he may go out on patrol duty. The same is true for constables. In Henderson, probably 80 to 85 percent of what we do is civil. About 15 or 20 percent can turn into criminal situations. Having POST requirements and continuing education required by POST throughout the years helps to fulfill the duties of the position.

Assemblyman McCurdy had concerns about the lack of training. In that regard, training is certainly important. We do have rural constables who are not going to have the same duties as constables in the city. I am in support of continuing education. Currently, there are no requirements for constables in some of the smaller areas to have POST certification. However, the law has always been convoluted regarding POST certification, and to be a peace officer, individuals need to have POST certification. Could this job be done as an administrator? Yes. I really cannot speak specifically about North Las Vegas, but this much I do know: Constable Eliason does have retired police chiefs from North Las Vegas as his deputies. In my opinion and through my career in law enforcement, I am familiar with these former police chiefs. In my opinion, as far as backup, North Las Vegas is in good hands. In Henderson, I do go out in the field. We have had criminal situations in my 23 years in office. We have had shootings, drug labs, et cetera. My category I has served me well in being able to supervise in that regard.

Assemblyman Carrillo had some questions about the population and POST certifications being required in Henderson. Currently, the way the law is, the Henderson constable has to be POST-certified within 18 months. However, as I stated, I was already POST-certified to begin with.

Regarding the population, understand North Las Vegas will fall under the 220,000 population cap. At what point, I do not know, but they will fall under the cap, which will certainly enhance the professionalism and the higher qualifications for that office.

Assemblywoman Monroe-Moreno, I thank you for your service. I understand you are a retired peace officer. Can constables enforce criminal law? Yes, we can. Assemblywoman Woodbury had questions about the position's duties being mostly administrative. That is up to the constable. It can be mostly administrative. For me, I am very hands-on. These days, I am mostly administrative, but I do go out into the field when I need to.

Assemblyman Ellison asked how many constables are in Nevada. Currently, there are 17 in the state. There are three constables in the north in Mineral County, Incline Village, and Gardnerville. There are 14 constables in Clark County. Technically, the constable's office in Las Vegas is managed by Metro and is still there. It is similar to the Clark County Sheriff's Civil Process Section, but it is no longer an elected position. There are 13 elected constables in Clark County, and the vast majority are rural constables.

Assemblyman Kramer had a question about constables being on the law enforcement side of PERS. The constables are, but the deputies are not. For Henderson, North Las Vegas, and Las Vegas, the vast majority of the deputies are retired police officers and currently collect PERS benefits. I do not think the constables would fall under the law enforcement aspect of PERS because I think that essentially requires a first responder-type police officer or sheriff. That would need to be verified with PERS.

Assemblyman Daly had a question about permission of the police chiefs and sheriffs being taken out of the current statute. As far as I know, there is no other elected position where the duties are based on the permission of another elected official. Under statute, we are considered peace officers. If individuals do not have a POST certificate, by statute they are restricted to the township. If individuals do have a POST certificate, they can expand beyond the township. The deletion was submitted by me because, as I stated, permission from a justice of the peace or a municipal court judge is not needed to do the job, or for that matter, for an attorney general or the district attorney for them to do their job. I would submit to you, why should constables need the permission of a sheriff or police chief to be able to do the job? That is why I put that requirement in the bill. If a constable is not POST-certified, then it is my understanding they are supposed to be restricted to their township.

I am open to further questions. I hope I have answered the questions that have been posed so far.

Chairman Flores:

I appreciate your joining the conversation and addressing a lot of the questions that were brought up. Are there any questions specifically for Constable Mitchell?

Assemblyman McCurdy:

You said there have been situations where your POST certification training had come in handy. Is that correct?

Earl Mitchell:

Yes, it has.

Assemblyman McCurdy:

Would you say it is beneficial to keep that training for constables as well?

Earl Mitchell:

I would certainly support that. However, how do you eat a pie? One slice at a time. My point is, yes, as a 30-year law enforcement professional, all here in Nevada, would I like to see every individual in the state in a law enforcement uniform be POST-certified? There are approximately 100 peace officer positions in Nevada that are POST-certified, including branding inspectors, fire marshals, et cetera. There are also areas, such as our rural areas and townships in Clark County, that do not require the POST certification. They would be restricted to their township. Even though a person is not POST-certified, he can still have continuing education, which I would encourage anyone to do. Certainly, if individuals are POST-certified, it is required to have continuing education. Yes, I am in support, but I look at this as not throwing the baby out with the bathwater. We are making some inroads here. I know the line has been drawn at the 220,000 population. Where North Las Vegas is on that, I am not qualified to say. They will fall under that, and then the qualifications will be mandated. I ask you to look at that aspect.

Assemblyman McCurdy:

Have you ever made an arrest?

Earl Mitchell:

Absolutely. In my 31 years in law enforcement, 23 years as the Henderson Constable, the arrests are in the hundreds, I would imagine. In fact, one of my deputies had an arrest a few weeks ago. I am working on submitting a case to the district attorney where a threat was made to one of my deputies recently. If the district attorney issues an arrest warrant, we will make the arrest. It is not common as constable, but the situation can arise.

Assemblyman McCurdy:

I do not know if you have this answer, but do you know if the North Las Vegas constable would have to make an arrest or has made an arrest in the past?

Earl Mitchell:

I do not have the answer to that question. I know there have been some situations where the head of a law enforcement agency is an administrator and does not have peace officer powers. In fact, I believe that was the case in the Boulder City Police Department. This much I do know about North Las Vegas: he has some very good, qualified deputies who work for him. If I were the constable in North Las Vegas in an administrative position, the deputies would be making the arrests. The constable would not have to. If Constable Eliason is in an administrative position, then I would not imagine he is out in the field. Everyone has the right to make a citizen's arrest. If he was out in the field for whatever reason and an arrest had to be made, he could make a citizen's arrest.

Assemblywoman Monroe-Moreno:

I would like to clarify something you just said. Did you say you believe that if a constable goes out in the field, it would be best that constable be formally trained and certified?

Earl Mitchell:

That is correct. As I stated, I am a 30-year professional. Do I believe constables should be certified? Yes. However, I understand the legislative process. I understand it is one step at a time. I think it would be a setback if this bill were voted down. When you look at the major requirements, it covers Las Vegas, Henderson, and Reno. Currently, Reno does not have a constable, but they may in the future. North Las Vegas will fall under the population cap eventually. I would ask that you look at that aspect as opposed to voting against the bill.

A comment was made earlier that currently for constables in the larger urban townships, they have up to a year and a half to be certified if they are not certified when they are elected. However, when we hire the deputies, they have to be certified the moment we hire them. In fact, I think we are the only law enforcement agency that has that requirement. Every other agency has up to a year and a half when they hire a deputy, police officer recruit, corrections officer, et cetera, to put them through the academy. But we have that requirement, which I am not against as far as the deputies. I certainly do not think, in that

sense, the deputies have more authority than the constable. I would like to see that tightened up. As I stated, eventually North Las Vegas will fall under the population cap. This is a huge gain, and I think you can understand and respect that as a retired corrections officer yourself. We need to start somewhere. I am asking that you look at that aspect rather than throwing out the entire bill.

Assemblywoman Monroe-Moreno:

I do appreciate that. There are some good parts to this bill that I would not want to throw out. However, I truly do believe the constable should be formally trained. I believe most of the constables in North Las Vegas, prior to the one we have now, were former police officers with years of training. I appreciate the fact that the deputies who work under him are former police chiefs. However, I do believe the person at the top of that agency needs to have the same amount of training and/or experience to hold that position. I agree with you. We need to keep the good parts of the bill and perhaps amend those parts that need to be tightened up.

Assemblywoman Neal:

On page 4, lines 16 through 23, where it removes the requirements of consent, do we already have a situation where the sheriff is giving consent for a constable to function? That is what I am confused about. Henderson does not have a sheriff; they have a chief of police. We are really only talking about the City of Las Vegas. I am trying to get an understanding of how this consent process works.

A.J. Delap, Government Liaison, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department:

At this point, as far as Las Vegas and unincorporated Clark County are concerned, Metro provides those constable services. That is the extent of my knowledge of the details involving that. As far as the authorization through Henderson or North Las Vegas, I am not sure about their procedure. Under current law, without the strike out in the bill, there is a level of authorization that would be required from the police chief to the best of my knowledge.

I would like to add, the Las Vegas Metropolitan Police Department is neutral on this measure with the amendment.

Assemblywoman Neal:

In the unincorporated part of the county where Metro is engaging in some level of responsibility, do you know offhand the additional costs incurred by that activity?

A.J. Delap:

I do not have the hard numbers committed to memory. The services provided by the constables are civil. There are forms of payment received for conducting those operations. There is a positive cash flow to this type of civil work. As far as whether that puts us in the black or the red, I am not sure where we fall. I do know they cover many of their costs through their operations. That is the extent of my knowledge on the budget.

Chairman Flores:

I will open the hearing for those wishing to testify in support of S.B. 250 (R1).

Stephen H. Silberkraus, Private Citizen, Las Vegas, Nevada:

I believe Constable Mitchell has made a very compelling case. It is not often you hear an elected official coming forward to say they would like to be held to a higher standard. As such, I will keep my remarks brief. I am in full support of this bill, and I hope the Committee will support it as well.

Earl Mitchell:

I would like to respond to Assemblywoman Neal's question about the authorization from chiefs and sheriffs. Under Sheriff Gillespie, I did have some authorization to operate outside of the Henderson Township. That was actually prior to the inclusion of the part of the law that is being deleted in section 1.7 of the bill. Another reason why I believe that part of the law should be struck is it adds to the liability of chiefs and sheriffs for the constable's office if they have to give authorization for a constable to operate. That is something for you to consider. As Mr. Delap stated, I am under an enterprise fund, just as the Las Vegas Constable's Office under Metro is. It saves the taxpayers of Clark County tax dollars. I am not using any tax dollars, and the office is self-funded as an enterprise fund. I am sure you all understand how that operates. It does save the county money. The statutes do say that in the counties without a constable, the sheriff would assume those duties. It is certainly my opinion that if the constables did not exist, it would actually cost the counties money. Constables do serve a purpose if administering the job properly. It does not cost the taxpayers anything. I hope that answers your question.

Assemblywoman Neal:

What were the authorizations you were given to do outside the city?

Earl Mitchell:

That was to serve certain processes, such as writs and whatnot. It was of a civil nature.

Assemblywoman Neal:

If this consent is removed, would you make your own decisions about what you do and where you do it? Could you enlarge the scope of your duties without permission?

Earl Mitchell:

My duties would not be increased at all with or without that aspect. For me, it has never been an issue. When I sought the authorization from Sheriff Gillespie at the time, it was out of respect and professionalism. I believe at that time this part of the law was not in place. As I peruse the law under NRS Chapter 258 and various other statutes that affect the service of what constables do, it is very convoluted. I was dotting my i's and crossing my t's at the time. It has not been an issue for me whatsoever. I do think it could potentially be a liability.

There could be a situation that arises between a sheriff, a chief, and a constable somewhere in the state if there were issues where that sheriff or chief did not want to grant the constable the authorization to operate. It would be in conflict with the law. It could raise some liability concerns. My purpose in removing that language was to clean it up. As I stated before, to my knowledge, there are no other elected positions in the state that rely on the permission of other elected officials to do their job.

Chairman Flores:

Is there anyone else wishing to testify in support of S.B. 250 (R1)? [There was no one.]
Is there anyone wishing to testify in opposition to the bill?

Bonnie McDaniel, Private Citizen, North Las Vegas, Nevada:

I am speaking not only for myself, but on behalf of all of my family who live in North Las Vegas. I sent all the Committee members an email last night. I would support this bill in taking out some of the restrictions. However, for this one gentleman who was elected constable to have a year and a half and never get his POST certification is absolutely wrong. The constable in North Las Vegas has known for a year and a half that he needed to have POST certification. He has not done this. He has arbitrarily, on his own, decided he does not want to take the POST training. He needs to not have the training and not have his job. The city council should go back, as ordered by the law in North Las Vegas, and appoint someone new to the position. This bill should be stuck on a secretary's desk, stuck in the round file, or voted no simply for those reasons. You need to vote that all constables need to have the POST training, just as is written in their rules and regulations and in our *Nevada Constitution*. It does not matter if it is a big town, a little town, a township, or whatever. Every constable needs to have the training, as is written, before they ever get elected or are appointed.

Chairman Flores:

Is there anyone else wishing to testify in opposition? [There was no one.] Is there anyone wishing to testify in the neutral position? [There was no one.] Are there any closing remarks from the sponsor?

Senator Denis:

I do wish to respond. If this bill was just about Constable Eliason, I would not have brought this bill. There were some issues that have been brought up about who needs to be trained and who does not. The law has been changed over the last few years and made very specific about certain things but not everything. The law does not require every constable to have this training. I appreciate Constable Mitchell from Henderson working to try to make this bill better. Moving forward, this would ensure that anyone running for constable would have that POST training prior to running. We would then not have this issue.

Comments have been made about the constable in North Las Vegas refusing to do the POST certification. I do not believe that is correct. I think he has attempted the certification. Regardless of that, moving forward, we have amended this to be a good bill so moving forward we do not have this confusion. Anyone wanting to run for constable in the future in a city whose population is more than 220,000 would have to have POST certification. The comment was made that all constables should have that requirement. It would still not fix some of the issues in the smaller townships that would not be required to have the training. At least in the bigger cities, they would.

I would hope training could be done in the future for constables that actually pertains to what they do. I think they are required to have some training that perhaps they will never use. If we are going to have training, I think we should also have training that would be useful for the constables. In its current form, I think it is a good bill. We need to do the best we can and look at this as something that moves us forward on the issue. I appreciate the opportunity. I know there are a lot of questions and concerns, but I hope this is not just about one individual. I think this is a much bigger issue.

Chairman Flores:

I would like to ask Assemblyman McCurdy, Assemblywoman Monroe-Moreno, and Assemblywoman Woodbury to work alongside Senator Denis. All three of them brought up a few questions, and I think there are some issues that they would be interested in working alongside you to resolve, perhaps through an amendment. It is your bill, but it would be a conversation we would appreciate you having with them.

I will close the hearing on Senate Bill 250 (1st Reprint). I will open the hearing for Senate Bill 477 (1st Reprint).

Senate Bill 477 (1st Reprint): Enacts provisions relating to residential establishments for persons with disabilities. (BDR 22-146)

Helen Foley, representing Nevada Assisted Living Association:

Senator Hardy was hoping to be here, but he is in another committee presenting a bill. This bill was an outgrowth of the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs. What the bill does is allows for the appropriate sprinkler systems in these residential facilities. The facilities are those that are ten beds and under, and many of them are in neighborhoods throughout the communities of Nevada. They provide living primarily for seniors who are vulnerable in some fashion. They might have dementia, Alzheimer's disease, or may simply be frail and need someone to be with them full-time.

There are many different options for seniors. They can have people come into their homes and take care of them through different agencies. They may just have a friend who checks in on them from time to time. However, a very popular option for many seniors is to be in homes within neighborhoods. From the exterior of the homes, you do not even know they

are a residential facility for groups licensed under *Nevada Revised Statutes* (NRS) Chapter 449. There is no signage at all on the outside of the buildings. There are very stringent laws and requirements through the *Nevada Administrative Code* that provide for the safety for all of these individuals. In fact, Nevada has some of the most stringent laws in the nation dealing with the care of this vulnerable population.

For the last 20 years, there have been residential sprinklers in these homes because some of these individuals are in wheelchairs or are simply feeble and are difficult to get out of a facility. For extra fire safety, there are those sprinklers. In addition to that, they are also all monitored with fire alarm systems, they have fire extinguishers, and they also have a one-to-six staffing ratio. There are very few staffing ratios that are required in medical facilities, but within residential facilities for group homes, it is one to six. If there are any Alzheimer or dementia patients, someone has to be awake at night full-time just in case anything should happen.

In the late 1990s, Senator Kathy Augustine introduced a bill that restricted the distance between these different facilities. She felt in her older neighborhood in southern Nevada that there were too many of them. A bill was passed that restricted the distance between facilities to 1,500 feet.

The federal government came down on the state of Nevada. The United States District Court for the District of Nevada said the provisions of the federal Fair Housing Amendments Act [42 U.S.C. §§ 3601 et seq.] preempt NRS 278.0238 to 278.02388 [*Nevada Fair Housing Center, Inc. v. Clark County*, 565 F.Supp. 2d 1178 (D. Nev. 2008)] Senator Cegavske and Senator Hardy introduced Senate Bill 233 of the 77th Session in an attempt to correct the problem. Unfortunately, when they attempted to correct the problem to get rid of one section of the law that dealt with the distance requirement, they got rid of the whole section of law.

Up until that time, residential facilities for groups were considered single-family residences. With that, the fire sprinklers and everything else that came along with it were residential. Senate Bill 477 (1st Reprint) attempts to put back into law NRS 278.02386, stating that if there are fewer than 11 residents, it is considered a single-family residence.

One other issue in this bill that is very important—although the State Fire Marshal Division of the Department of Public Safety and local fire departments felt the policy really was for residential sprinklers—is it came into question whether or not these facilities could have residential sprinklers or would be mandated to have commercial sprinklers. None of these facilities have been forced to have commercial sprinklers, but it was certainly the intent of the Department of Health and Human Services as well as the fire marshals to have this corrected legislatively.

When this bill came before the Senate, everything was fine, and then the county had many concerns because they needed some modifications to the bill. I have been working closely with John Fudenberg and Rob Warhola from the Clark County District Attorney's Office. Mr. Fudenberg has also been working with the Clark County fire departments and zoning staff and has come up with an amendment ([Exhibit C](#)) that we find very acceptable, and it will satisfy our needs.

You have probably been contacted by several different fire departments over the last couple of days. You see there are an awful lot of them in the building. The Clark County fire departments and cities are all in support of Clark County's amendment. However, other issues were raised. The fire departments from northern Nevada felt that it might tie their hands in a situation where a commercial fire system is required. I am not sure what all those situations are, but one situation is when one of these residential homes is a long distance away from a fire station. They would like to remove the term "residential fire sprinkler system" in section 16 of the bill and replace it with "fire sprinkler system." I would like Mr. Fudenberg to come forward and propose his amendment.

In the spirit of compromise and to assure all of us that residential facilities for groups, after the passage of this bill, would not be mandated to have commercial sprinkler systems (that is only under a few particular situations) we can support the amendment that Mr. Fudenberg is going to propose with the deletion of the word "residential" in section 16. That does not mean the fire sprinkler system has to be commercial. It can be what the Chief of the State Fire Marshal Division, along with the city codes and federal codes, would dictate for that purpose.

I started out by saying Nevada has some of the strictest laws in the nation. We are very proud of that. Our residents have not been harmed by fires. However, that is not the case with many of the group homes in Nevada. There are unlicensed group homes, supported living arrangement group homes, and community-based living arrangements, and none of those have fire sprinkler requirements. That, at some point, should be looked at. With our people, as I said, the staffing ratio is one to six, and there are staff members on the premises at all times. In many of these other facilities, there may be mentally ill individuals who receive some day treatment and then are in the homes by themselves at night with no supervision at all and with no fire sprinklers.

I thank the county for working closely with us. I also thank the State Fire Marshal, along with the other fire departments and fire fighter unions for taking a real interest in this and making sure these homes are safe for the general public and certainly for the most vulnerable among us.

Chairman Flores:

The amendment ([Exhibit C](#)) was uploaded to the Nevada Electronic Legislative Information System just recently. For clarification, those signed in to testify in opposition with the amendment will now be in support. Is that correct?

Helen Foley:

I would like for them to speak for themselves. I am not sure. I am sure some of them will testify in neutral as well, but I am sure they will all have comments.

Chairman Flores:

I will open the hearing for questions from the Committee on the bill itself, knowing representatives from the fire departments will be testifying and we will have an opportunity to have a conversation with them.

Assemblywoman Neal:

I have a question about section 7, subsection 1 regarding "single-family residence." I know what you are trying to do with the fire sprinklers, but there was a situation in my district where there was a battle over a drug and alcohol rehabilitation facility. The residents did not want the facility. There was an ordinance and a discussion, and it was a long battle for the rural part of my district who did not want this particular facility to be in the space. The zoning was adjusted to allow this halfway house for alcohol and drug users to be in their district. The residents did not like it. It was my understanding at the time that there was not a clear definition of "single-family residence." You seem to be including it in your definition, which gives me pause for concern. If someone wanted to add another type of facility to their neighborhood or area, the law would be a wide open door unless we make it more clear. I want you to speak to that a little bit.

Helen Foley:

For group homes federally, they are considered single-family residences. That was the law in NRS 278.02386. When Senator Cegavske and Senator Hardy introduced Senate Bill 233 of the 77th Session to take care of the conflict with the federal laws, it was inadvertently taken out of the law. That is the federal standard and what all communities have to abide by. Senator Augustine attempted to provide distances between the facilities. However, it is against federal law to discriminate whether they can be there or not.

Assemblywoman Bilbray-Axelrod:

I am a little confused with the amendment ([Exhibit C](#)) and what you said about striking out "residential" in section 16. "Residential" is not struck out in the amendment.

Helen Foley:

We decided about ten minutes before the hearing to strike the word "residential." The county and all of the local governments in Clark County are supporting the Clark County amendment. There were several other fire departments, as well as the State Fire Marshal, who preferred to have the word "residential" taken out. If the facility is in a residential area, the most appropriate sprinkler system for the area would be residential. At least that is what they have promised. Hopefully, you will ask that question of them.

Chairman Flores:

Seeing no further questions from the Committee, I will open the hearing for those wishing to testify in support of the bill.

John Fudenberg, Coroner, Office of the Coroner/Medical Examiner, Clark County:

Clark County is neutral on the bill, but we support the bill as amended. I do not know if now is the appropriate time, but I thought it would be better to start with me walking through the amendment ([Exhibit C](#)). I would like to address Assemblywoman Bilbray-Axelrod's question. We left the word "residential" in the amendment. However, we had a conversation this morning with the State Fire Marshal, and they preferred having the word "residential" deleted. We also support that. If you would like, Chairman Flores, I would be happy to walk through the amendment.

I would like to thank Ms. Foley for working with us on this language, and we have offered the friendly amendment. I will start with section 5. We have deleted the population cap, and I believe the State Fire Marshal and other fire officials will testify in support of the population cap being removed. However, I would like them to speak to that. The bill will include other jurisdictions now that the population cap has been deleted. That does not affect Clark County necessarily, so either way we are okay with the deletion.

In section 7, subsection 1, paragraph (a), the reason we added "fewer than 11" makes this bill consistent with other parts of the statutes and code and was recommended by our district attorney's office.

I have already spoken to section 16, but we have left the word "residential" in. As Ms. Foley stated, we do support removing that word, as that is the wish of the State Fire Marshal and other fire officials who will testify after me. That is it for the amendment, and I am happy to answer any questions the Committee may have.

Assemblyman Daly:

I have a question about the "fewer than 11" language in section 7, subsection 1, paragraph (a). You said you wanted to make that consistent with other parts of your code. Do those other parts of the code deal with fire sprinklers or not? When you say "fewer than 11," you may as well say "all." If there were more than 11, the facility would be in another category based on your definition. Basically, all of the facilities have to have some type of fire sprinkler. That is not what was in the bill before. The other codes may have a reason to say "fewer than 11," but this is separate and specific. There have to be fire sprinklers even if there are no people with disabilities. That would be the case the way I am reading the amendment, and I do not think that was the original intent of the bill.

John Fudenberg:

I do not have enough information to answer that question. I can tell you, they felt very strongly about that language maintaining consistency. I do not know exactly which code or statute that language would be consistent with. I can certainly get that information and let you know.

Assemblyman Daly:

I understand the consistency, but it may be for a different application than what we are talking about here. If you go with "fewer than 11," basically it has to be all the facilities whether there are people who cannot get out under their own power or not. Similarly, on the other side regarding "residential," I know Ms. Foley said if it is in a residential area and it is considered a residential structure, the residential fire sprinklers would be used anyway. Who is making that decision? Is that the county code officer or the State Fire Marshal? What you testified to may or may not happen. Someone arbitrarily decided it should be this way. Who is making the decision on whether a residential or higher level of sprinkler system would have to go in?

John Fudenberg:

I am going to have to defer to the fire officials for that question. Ms. Foley just pointed out that it makes it consistent in NRS Chapter 449, and that is what they are referring to. I hope you can interpret that better than I can.

Assemblyman Daly:

I understand, but there are different applications for different things. "Fewer than 11" has to have a licensed professional in the building. It is different than having a fire sprinkler.

Assemblywoman Neal:

Is there anything that the county has now in terms of zoning that limits what can be community housing versus residential housing? What does the county have in place now, or does the county have anything in place?

John Fudenberg:

I do not know, but I can get those details and get back to you later this afternoon.

Assemblywoman Neal:

I cannot give up this issue. I was looking up zoning practices and when they are exclusionary and some U.S. Supreme Court decisions where they have made the delineation between residential and community, and the fine line between a discriminatory act and the proper zoning distances. I really need that question answered for myself. I cannot accept that there is a federal law [Fair Housing Amendments Act] that prevents discrimination when I know there has been zoning activity that has tried to prevent close relationships between that type of housing. I do need that answer.

Chairman Flores:

Mr. Penrose, could you talk about the sprinkler requirement, and if you see any issues with fair housing, could you identify them?

Jim Penrose, Committee Counsel:

My question is related to the sprinkler requirement being applied across the board to all facilities of this type, regardless of the need in a particular facility for a sprinkler system. It seems to me you may be creating the kind of potential discrimination argument that gave rise to the federal court decision. The bill, as amended, is intended to have the sprinkler requirement apply only in a case where there are people in the facility who would have difficulty perceiving danger or moving to safety in the event of a fire. It seems to me that is likely defensible under the federal court decision [*Nevada Fair Housing Center*]. However, if you have the sprinkler requirement apply across the board, it seems to me you are opening yourselves up to an argument. Have you vetted this issue with the folks who brought the federal lawsuit?

John Fudenberg:

Our representative from the Clark County District Attorney's office has, but he is not available for testimony this morning. He did speak to someone who is apparently the expert on the Federal Housing Administration of the U.S. Department of Housing and Urban Development and is comfortable with our amendment. I can bring that topic back up to him to make sure he understands what that means.

Chairman Flores:

Once you have an opportunity to speak with your representative, please get back to the entire Committee so we can all have the information.

Assemblyman Ellison:

Would this law be for any and all existing facilities or new facilities only?

John Fudenberg:

I would have to defer to the fire officials. I believe it is for any and all, but I would like to have someone else answer that question.

Assemblyman Ellison:

I am thinking about those facilities with high-vaulted ceilings. That would create a problem. I would like to get that answered if I could.

Assemblyman Carrillo:

How extensive are the fire sprinkler systems that would be required in these homes? Are they wired to a system where the fire department is notified of a fire, or do the sprinklers just start spraying when a fire is detected? I know in a building there is a panel and the fire sprinkler is wired to the smoke detectors and flow switches.

Mark Regan, Assistant Fire Marshal, North Lake Tahoe Fire Protection District; and representing Northern Nevada Fire Chiefs:

There are different types of sprinkler systems that would be installed into these facilities, depending on the type of facility. We have a residential sprinkler system, which is a National Fire Protection Association (NFPA) 13R system or a 13D system. The difference between

a 13R and a 13D for residents is the required fire flow requirements. These are sprinkler systems that are installed in residential homes now. These would be the same type of systems that are required in new houses in certain parts of the state. These would be required in all existing residences that are licensed through the State of Nevada. The NFPA 13R system is a commercial system. By striking out the word "residential" in the amendment, it leaves the authority to the fire department in the jurisdiction of the facility.

It is already in the current fire code and state regulations on specifying what residents at what time would receive what type of sprinkler system. Some of the facilities would be able to have an NFPA 13D system, which is the lower standard sprinkler system. It is still an excellent system and designed to allow people to evacuate to a safe location in case of a fire. An NFPA 13R system is designed the same way for evacuation of the residents. The NFPA 13 systems are designed to protect the escape route, but also protect the structure at the same time, giving people more time to evacuate.

All of these systems will activate off a flow switch, which would activate a bell, smoke detectors, or signaling devices in the residence. These types of occupancies are required to have a fire alarm system, so at the same time the system would be notifying the fire department. I hope that answers your question.

Assemblyman Carrillo:

Yes, it does. In commercial buildings, the fire marshal will do an inspection of the system to make sure everything is functioning. Will that still be taking place in residential applications as well?

Mark Regan:

In the residential and NFPA 13R systems, they are still required to have a yearly inspection. The NFPA 13 systems are still required to have a company certified through the State Fire Marshal Division to test and certify the systems. The NFPA 13D system is not required to be tested by a company certified by the State Fire Marshal Division. I believe the policies and regulations through the Department of Health and Human Services (DHHS) require NFPA 13D systems to be tested and serviced. These requirements are not through the current fire code, but through DHHS policies and procedures on licensing.

Assemblyman Kramer:

As I read the amendment ([Exhibit C](#)) in section 16, subsection 1, which is language proposed to be deleted, it says the only time a fire sprinkler system is needed is if there are three or more people who need help getting out of the building in case of fire. Would one of you please clarify that a residential home would not necessarily have to have a fire system unless there were three or more people needing help getting out?

Mark Regan:

Certain facilities will be required to have sprinkler systems, depending on the type of facility and the type of occupancy. The fire code would specify what type of sprinkler system would be required, which may be an NFPA 13E, NFPA 13R, or NFPA 13.

Assemblyman Kramer:

I do not think you answered my question. My question is, can there be a residential care facility without a fire sprinkler system? Are you saying yes or no?

Mark Regan:

I cannot answer that question right now for the entire state. I can get back to you with that answer.

Chairman Flores:

If there is anyone who does have an answer to Assemblyman Kramer's question, I would appreciate if you would respond as you come up to testify. Is there any further testimony in support of the bill?

Terry Taylor, Region II Representative, Fire Captain/Inspector, East Fork Fire Protection District; and representing Fire Prevention Association of Nevada:

Our position is the change in the language created a hole in protection for a certain number of residences that would have nonambulatory persons. It is our belief that by removing the word "residential" in section 16, that would allow the applicable codes to do what they are supposed to do in the planning of these types of occupancies in the course of licensing and licensing inspections. Whatever is appropriate for the classification of the patients would be what triggers the type of sprinkler system that would have to go into the facility. I hope that answers Assemblyman Kramer's question.

Assemblyman Kramer:

What you are saying is this: before, the law said if there was a residential facility, it had to have a residential fire sprinkler system; whereas now, in some cases it may require more than a residential fire sprinkler system, but it still has to have a fire sprinkler system. You are taking out the word "residential" to include that some may need to have more than a residential fire system. Is that correct?

Terry Taylor:

Yes. That is exactly what we believe.

Mark Regan:

We did sign in as opposed to the way the bill is worded, but after meeting with Clark County and Ms. Foley, we would support the bill with the Clark County amendment as long as the word "residential" is removed in section 16.

Assemblywoman Neal:

Based on the conversation you were just having with Assemblyman Kramer, in the bill, and even in the amendment, when I look at section 7, subsection 2, no one has struck out the language that says, ". . . residential care shall not be deemed to be a home that is operated on a commercial basis" However, what I am not clear about is the way your definition works is there would be a commercial application of how the sprinklers are applied. Did I hear that right?

Terry Taylor:

Yes, you did.

Assemblywoman Neal:

Those two provisions seem to be in conflict, because if it is not going to be deemed a home that is operated on a commercial basis but you are going to apply standards that would be applied to a commercial-type residence, then we need to clean up the language.

Terry Taylor:

The issue arises with the size of the house and the number of persons inside the house. The great majority of these facilities that we have in my area are basically five or six people. That is what I am seeing when I am out and about. However, if an individual wished to buy a larger home and create a situation where there would be more people, then it may require a commercially-rated sprinkler system to provide protection for the extra occupants. That was why we left that language alone in the amendment. There are different definitions of commercial that are in play here. From our standpoint, we are looking at what the fire code requires, which is a commercial NFPA 13 system, which has its own criteria. The fire code is also changed every three years. That was one of our discussions with Ms. Foley. We were trying to avoid a situation where we might have to come back to the Legislature to be able to adopt changes from the fire code that might be beneficial to group homes or might be detrimental. We could just be doing what we have been doing administratively.

Assemblywoman Neal:

Is that without any kind of zoning adjustments or requirements?

Terry Taylor:

That is correct. The letter I sent to all members of the Committee indicates we have no dog in the hunt as it relates to zoning. Our concern is our ability to rescue the persons in the facility in case of a fire or other emergency, and to ensure the persons inside these facilities are protected and able to escape whether they are ambulatory or nonambulatory.

Chairman Flores:

Is there anyone else wishing to testify in support of S.B. 477 (R1)? [There was no one.] Is there anyone wishing to testify in opposition to the bill, with the amendment that has been suggested and adopted by the sponsor? [There was no one.] Is there anyone wishing to testify in the neutral position?

To be clear, Chief Chambers, are you in the neutral position per the amendment ([Exhibit C](#)) as adopted by the sponsor removing the word "residential" from section 16?

Bart J. Chambers, Chief, State Fire Marshal Division, Department of Public Safety:

That is correct. We are testifying neutral, but we are in support of the amended verbiage of the bill to remove "residential." Some of the concerns we initially had have been addressed this morning. One of the concerns we collectively still have are those facilities that are currently being utilized without the appropriate fire protection systems in place.

I believe some of the questions Assemblyman Kramer had I may be able to answer. In regard to sprinkler systems in the facilities, whether it is a drug and alcohol rehabilitation facility, a halfway house, or a board and care facility, the type of sprinkler system required is based upon use and construction. There could be a simple residential sprinkler system, but it is used based on the construction. That is under the current codes in Nevada as well as the regulatory requirements for these facilities.

**David Cherry, Communications and Intergovernmental Relations Manager,
City of Henderson:**

The City of Henderson is here to testify in the neutral position on the bill. We do support the proposed amendment from Clark County, as well as the additional deletion of the word "residential" in section 16. I just want to say we appreciate the willingness of the bill sponsor to address the concerns of the City of Henderson through this amendment. In addition to the safety of the residents who live in these group homes, the amended bill language will help in maintaining consistency with the state and the International Code Council for residential occupancies. That was important to us and the reason we had originally been opposed. We are no longer opposed and are now neutral because of those changes made in the amendment.

**Kathy Clewett, Senior Analyst and Grant Manager, Office of the City Manager,
City of Sparks:**

I would like to say ditto. There is no way I could say that any better.

**Brian McAnallen, Government Affairs Manager, Office of Administrative Services,
City of Las Vegas:**

I would echo the comments of my colleague from the City of Henderson, Mr. Cherry. We had some of the same concerns with the original bill. The amendment addressed some of our initial concerns, and now the language in the amendment from Clark County in section 7, subsection 1, paragraph (a) of "fewer than 11" and removing the word "residential" from section 16 moves in the right direction.

Assemblywoman Neal had some questions about the zoning issues related to this overall challenge. I think that is one of the issues that put us in a neutral category. We do have specific ordinances related to community residences, which include family community residences and traditional community residences in the transitional capacity. We have individual care family homes and ordinances related to individual care group homes and individual care centers. We have a variety of ordinances that address many of these group home-type categories. As it is described, there are many triggers for where and how those fire sprinkler systems could be located and where they are zoned for. Of course, there is the federal requirement that prohibits discrimination on those categories using the Fair Housing Act. It is quite an overlay when trying to do planning and zoning for these specific residences. I do not know if that answered your question, but we do have a variety of ordinances that address the issues.

Assemblywoman Neal:

Thank you for that. With the amendment, how will it now work? Give me a practical application. For me, once the word "residential" is removed, what does that leave the definition to be? I understand we cannot treat things differently, but within the zoning, tell me about the effect of this language for the City of Las Vegas and how you would do zoning now if this bill passes with the amendment.

Brian McAnallen:

I think that is the million-dollar question. As I am looking at all of our departments reviewing this bill, the fire officials have signed off on how this bill has moved through the process, but they were originally opposed to it. The building safety department has signed off as issues have been addressed going through the process, and they are neutral. Our planning department is still concerned, and concerned for the exact question you are asking. I do not know that we have an answer, but obviously, if this bill is passed, we are going to have to figure it out.

Assemblywoman Neal:

I would definitely like to know sooner than later. I do not want to vote on something when it is unknown to me what the effect is. That is not okay with me. I understand the intent, but I always at least like to know or have foreseeable knowledge about what the application of the law will be.

Thomas D. Dunn, District Vice President, Professional Fire Fighters of Nevada:

We signed in as neutral for this bill, but after talking with all the parties involved, including Clark County, the State Fire Marshal, and Ms. Foley, we are in support of the bill with the proposed amendment and with the removal of "residential" in section 16. Moving forward, we are willing to work with all parties involved to address any concerns the Committee may have.

Chairman Flores:

Is there anyone else wishing to testify in the neutral position? [There was no one.] Does the sponsor of the bill have any closing remarks?

Helen Foley:

It is always dangerous to talk about something without full information, but I am going to attempt to address Assemblywoman Neal's question. Before the first hearing for this bill, I was unaware that the county had reached some type of settlement agreement with the Nevada Fair Housing Center. It had to do with distance requirements, but it is not the 1,500 feet. It is something much smaller. Rob Warhola with the Clark County District Attorney's Office can provide us with the information. I know Mr. Fudenberg is going to ask him to have that information presented to you, and we can pass it along to all of the Committee members this afternoon about what the agreement was. There are requirements about some type of distance between these facilities. This bill does not change what that settlement agreement was in Clark County, but we will provide that agreement to you this afternoon.

I thank you all for being attentive on this issue. I especially thank Clark County and all the fire departments statewide for working with us on this bill. There are tens of thousands of senior citizens who live in these facilities. I would say that 90 percent of them are private pay; they are not Medicaid. If they were forced out of these facilities, they would be forced to become destitute and then we would have to find someplace else for them. They are a very important part of our aging culture in Nevada, and these people have wonderful lives because of the communal atmosphere, rather than living in institutions. I certainly appreciate all of you working with us in finding some resolutions to the issue of fire safety.

Chairman Flores:

For the purpose of clarity, could you reaffirm that the sprinkler requirements are intended to apply to existing buildings?

Helen Foley:

Yes. All the facilities currently have residential fire sprinklers. It was called into question whether or not they would be forced to have commercial fire sprinklers. We want to make sure that option of residential fire sprinklers within residential facilities and in residential neighborhoods becomes the standard.

Chairman Flores:

Thank you for your presentation. I will ask you to please work with Assemblywoman Neal, Assemblyman Daly, and Assemblyman Kramer moving forward to ensure we are all in the same place.

Helen Foley:

I pledge to do so.

[Submitted but not discussed was [\(Exhibit D\)](#).]

Chairman Flores:

I will close the hearing on Senate Bill 477 (1st Reprint). I will open the hearing on Senate Bill 79 (1st Reprint).

Senate Bill 79 (1st Reprint): Revises provisions concerning the confidentiality of certain personal information of certain persons and entities. (BDR 20-400)

Ben Graham, Government Relations Advisor, Administrative Office of the Courts:

I am here on behalf of the primary sponsor, the Nevada Supreme Court, for Senate Bill 79 (1st Reprint), which deals with confidentiality for certain people. In years gone by, if people wanted to assure themselves and their family of some sense of anonymity, they could request an unlisted phone number. Their name, address, and phone number would no longer be available by simply looking through the directory or calling information. Mr. Chairman and members, I do not have to tell you that times have changed.

Threats, stalking, shooting into a judge's office window, shooting into their home and where they take their family are not just problems in other jurisdictions, they are problems here in Nevada as well. Nearly everyone involved in the criminal justice system will find their names on criminal complaints, subpoenas, judgments of conviction, and the list goes on and on. Fortunately, the vast majority of people who end up on the wrong end of the law get the message and make the decision not to get involved in a negative fashion again. Unfortunately, there are a dangerous few who are determined to wreak havoc on people doing their jobs or victims trying to put their lives back together.

I have been a defense attorney and a prosecutor. Interestingly enough, a number of criminal defendants soon forget the district attorney who presented the case leading to their conviction, but some do not and harbor a long festering anger against the prosecutor. As a prosecutor, I would frequently talk to inmates getting ready for release to advise them of pitfalls to avoid when they get out of prison. They frequently expressed extreme displeasure for their public defender. The defendants' paperwork has the name of the judge who signed the sentencing order, the court clerk, and others who processed the documents. In a number of cases, these people become targets.

In many ways, victims of domestic violence suffer the most. Their dreams, their hopes, their family, and their bodies have, in many ways, been shattered. They hope and pray that once the person who victimized them has been held to answer, they can put the past aside and try to build new dreams, hopes, and families. They truly need as much protection to conceal their personal information as possible. The days of unlisted phone numbers are gone. The protections offered in this legislation are not a cure-all, but it does the best we can do at this time to deter the anger being revisited upon them.

There have been efforts in the past, and some of the individuals in this bill have had certain protections. I want to express sincere thanks to the Office of the Secretary of State, the recorders, the Department of Motor Vehicles (DMV), and others who have helped to put this legislation together. In Las Vegas, the people who initially asked this bill to be brought are Judge Saragosa and Kim Kampling from the Las Vegas Township Justice Court. With the Chairman's permission, I would like to turn it over to them at this time. I will remain here and be available for any questions.

Kim Kampling, Justice Court Administrator and Deputy Clerk, Las Vegas Township Justice Court:

I would like to walk through a summary of the bill. The current existing law keeps personal information confidential for judges and justices of the peace, peace officers or retired peace officers, and their spouses or minor children. That is only in the county assessor's office. This bill would expand the people who would be protected and also the different departments that would be required to keep the information confidential. The bill would add the county recorder, the Office of the Secretary of State, the city clerk, and the DMV.

The DMV would not be a confidential designation, but the parties would be able to add an alternate address so anyone who got the information would not know the actual home address. It would also include court administrators, court executive officers, appointed hearing masters, and domestic partners of those people. In addition, this bill adds nonprofit entities that maintain a confidential location for the purpose of providing shelter to victims of domestic violence.

I have a couple of personal stories I would like to share with you. I came from the court system in California before working in Las Vegas. There was an employee who was terminated. As you know, people are generally not terminated overnight. This employee knew it was coming and, while she worked and was being disciplined, she looked up my personal home address in the DMV database that all court employees had access to and used for their daily work. After she was terminated, she showed up at my house and threatened me for terminating her.

Currently, in my job in Las Vegas, I receive at least five letters daily from the inmates at the Clark County Detention Center talking about how they are going to visit me when they get out, how they are going to send their friends to visit me now, some even want to send candy and flowers. Being a victim in California and now dealing with that every day, it affects my work and my personal life. I feel my personal home address, my personal email, and personal phone number should not be public information so I can do my job appropriately.

To my knowledge, now that the bill has been amended a few times, there is no fiscal note. We have reached consensus with all of the entities involved, and we have been working very well together.

Melissa Saragosa, Judge, Department Four, Las Vegas Township Justice Court:

I want to talk very briefly about a couple of parts of the bill. What I hear sometimes is the idea of a transparent government. I would like to state that the Las Vegas Township Justice Court, and I would like to think I speak for the judiciary overall, are in favor of a transparent government. However, our personal addresses, personal phone numbers, and personal email addresses really have nothing to do with transparency. I cannot think of a legitimate need that any member of the public would have to come to my personal home or call me at home to address an issue they may be having with my job. They have access to us during the duty day, and I think that is an appropriate time to address any issues.

I think when there are compelling governmental interests involved, then legislation is appropriate. This is an issue of the safety and security of individuals with employment that may put them at risk to others. Judges sign orders all the time. One side or the other is not happy about the decision. Whether it is an eviction order that disrupts someone's home or a denial or granting of a temporary protective order, each of these decisions carries with it a party who is sometimes upset with the end result. We get phone calls, we get letters, and we get threats that come in a variety of forms all the time, whether it is in the courtroom or out of the courtroom.

I would like to share a story that ties in with what Mr. Graham was saying a moment ago. I, too, was a prosecutor with the Clark County District Attorney's Office before I took the bench. One of my most memorable cases involved an individual who did exactly what Mr. Graham spoke of. He had an abusive relationship with the victim in this case. She fled from Oregon to Las Vegas to get away from the abusive relationship. She changed everything she had down here and kept what she could as confidential as she could. Evidence revealed that over about a two-year period of time he hunted her. The paper trail revealed all kinds of searches on the Internet where he was able to hunt her down. He came to Las Vegas and shot her. She still has a bullet in her neck. It was over ten years ago that I prosecuted that case. Because of what happened during the course of the trial, I was concerned about my personal safety. When he was sent to prison, I added myself to the list to be notified when a parole hearing came up.

When I moved to become a member of the bench, I was notified a parole hearing was set. Personally, regardless of my position as a judge, I was concerned for my safety and I wanted to be able to speak, but I wanted to make sure it was appropriate. I requested an advisory opinion from the Standing Committee on Judicial Ethics and was told I could not speak. Because of my current role as a judge, I was not allowed to advocate on my own behalf for my personal safety. I think that is one of those things this bill can assist with in some areas by keeping some information confidential. I was surprised by the advisory opinion, but I have not spoken at the hearings and have moved on. I did want to highlight that is one of the risks that judges have. We are silenced in some manner because of our role and we do not want to give the appearance of an advocate, even when trying to advocate for ourselves.

I think this bill is one that has to weigh the public's interest in knowing the personal information—address, phone number, and the like—of a person who is protected by the bill and their reason or need to gain that information, versus the individual safety of people whose employment may put them at risk for retaliation. I would suggest that the scales weigh heavily in favor of the protection this bill offers, especially when the access of the public to these same employees during the duty hours at the place of employment is not affected in the slightest. I thank you for your time, and I am free to answer any questions.

Assemblywoman Neal:

I have a general question. I am not trying to diminish what is going on with your situation, but what makes you more at risk than us as legislators who put our personal information out there? I know for a fact this session a legislator's life was threatened and his house broken into. When I grew up, my mom had a stalker because of my dad's legislative work. I am trying to figure out what makes you more at risk than us. We put our home address out there, and anyone can come to our house, find our phone number, or find our children. I am confused because I do not think we are included in this bill.

Ben Graham:

Assemblywoman Neal and others, you know I have a personal fondness for you, but from the standpoint of the difference, maybe only two or three times a session do you put somebody in jail or on death row. What we find within the judiciary particularly and within the domestic violence situations, there are dozens of people a day who judges sentence to jail or prison. Dozens is probably conservative. I know a number of legislators who do not put their legislator license plates on their cars specifically because they may be targeted. The problem I see when people run for governor, state senator, et cetera, they represent all of the people. Hopefully, it will be few and far between that individuals will threaten you, and we can take care of that, unlike the judges who daily see dozens and dozens of people who are real scary in many cases. I am not taking exception with you and I understand, but that is the difference.

Assemblyman Kramer:

I have a couple of questions, and one is similar to what Assemblywoman Neal said about who is covered. To me, I know police officers can have their names taken off the assessor's role, can have different addresses through DMV, and that sort of thing, but I do not think they are able to get the broad confidentiality you are speaking of here. For them, it is by request. I am looking at the Carson City Assessor sitting in the audience, and I am sure he has many angry people who want to get at him for having jacked up their property taxes. There are other people, such as code enforcement officials on more of the business side, who could be affected. The question is, where do we draw the line? You seem to be drawing it here, but it seems there have been other inroads on that before.

I notice in the bill that it talks about recorders and what they can have in recorder records. If someone sells a house, a title company needs to be involved. How does someone sell a house if their information is confidential from the assessor's office? I am sure you have probably worked this out and everyone is happy with it. I am sure you have covered voter registration, but I think there has been the ability to block the address on that all along. I can understand if the name is still there but the address is blocked. If someone does not pay their property tax and goes to sell the home, these things are noticed in the newspaper. Part of it is addressed in the bill, but I am not sure the noticing of who is delinquent on taxes is addressed. The question of whether everything has been covered, and I am sure you tried, but what happens when one slips through? Is someone going to be held accountable for having let some information slip? I have some questions, and I do not know that what I can read in this bill addresses all of them.

Ben Graham:

Over the years there have been false liens filed against all kinds of county officials. There have been various legal actions brought against many of you and many other people as well. We try to repair those a year at a time. As I said, this is not going to fix it all, but it will at least be a start. To address your issue of selling a house, if you look at section 8 of the bill, there are many exceptions which would allow the sale of a home. In fact, we worked with the group that represents title companies. Again, it is not perfect. The only other thing I can say is it is not automatic. A person has to file an affidavit with the court specifically stating

how and why they need this protection. As you note, there are district attorneys and public defenders and it only applies to category A felonies. Who gets shot and hurt more than anyone else in the law enforcement sector? Domestic violence victims. The bill is limited, but it is the best we can do at this stage. The exceptions are in the bill to hopefully cover what it would take to sell a home. We are working on it. The law enforcement community is ahead of the game on this issue with earlier protections, so we are catching up.

Assemblyman Daly:

My question is along the same lines of who is and who is not included in the bill. I know you are specifying the people who deal with the criminal justice system. However, many times on those same calls, there are people from the fire department who are also in the public safety sector. Is there any reason they are not included in the bill?

Ben Graham:

If we did not have a 120-day session, I suspect we would have a few more people added. Even today, others have asked why they were not included. What I have said over the years is we will be back in 18 months. We will work on it.

Assemblyman Kramer:

Do not get me wrong, I see the need for this bill. I also think anyone in an office who has information that might be considered confidential would try to keep it confidential in the spirit of things. I know there are now penalties if someone were to release confidential information. Sometimes there is not an easy way to segregate what is confidential and what is not. I am concerned that someone could get into the trap of having given out confidential information unintentionally. Not to say it is a minor issue, but I want to be a little cautious on the idea of prosecuting someone who gave out information they were not supposed to when it was not intentional. That is my concern for what it is worth.

Ben Graham:

Section 11 states, ". . . the person who makes the disclosure knows or reasonably should know that such disclosure will create a substantial risk of bodily harm to the person" There is a knowing aspect of that issue. I do not see this as so all-inclusive that there is going to be much of a problem. The *mens rea*, or evil intent, has to be there in that situation.

Judge Saragosa:

I just want to highlight that in section 4 of the bill what is identified as confidential information is very specific. I do not believe there would be a guessing game for any individual employee as to whether it was considered confidential information or not. It would be defined by statute.

Chairman Flores:

As a point of clarification, in section 11 it states ". . . the person who makes the disclosure is guilty of a misdemeanor." If I knew releasing certain information was going to get your legs broken, I am curious as to why you think that is a misdemeanor and not a more severe punishment. I am assuming it is because at that point you might try to tack on some conspiracy arguments or try to get me for a few additional crimes. Could you break down the logic as to how you got to the misdemeanor language?

Ben Graham:

I am not sure. Misdemeanor seems fairly appropriate unless something worse happens.

Chairman Flores:

I have seen language where the crime involved is a misdemeanor, but language was added that should substantial bodily harm result from the action, it should be treated as a more severe crime. It is your bill; I was just looking at that language.

Ben Graham:

In reading section 11, bodily harm has not happened, it is just that maybe it could. I think that is why it is a misdemeanor.

Assemblyman Ellison:

One of my bills this session was Assembly Bill 88, which was to address making some crimes hate crimes. We have officers we pay to protect us, so I tried to address everyone in that bill. The bill did not receive a hearing. If a crime was against an officer or someone from the courts, which were positions actually listed in the bill, it would be considered a hate crime. I think some of these crimes against public officials should be considered hate crimes.

Ben Graham:

If I get up to Elko, we can talk about it for next session.

Chairman Flores:

Are there any additional questions from the Committee? [There were none.] I will open the hearing for those who wish to testify in support of S.B. 79 (R1).

John T. Jones, Jr., Chief Deputy District Attorney, Legislative Liaison, Clark County District Attorney, and representing the Nevada District Attorneys Association:

I am not often in this Committee, so for those of you who do not know, the Nevada District Attorneys Association is composed of the 17 elected district attorneys in Nevada. Senate Bill 79 (1st Reprint) is an important bill that does a few things. One of the things it does is removes a current gap in the law with respect to who can request their information be removed from the county assessor's page. In Clark County, the assessor's office keeps detailed records of every property in Clark County. When people go on that website, they are literally two clicks away from finding out what property an individual owns. All they

need is a name. By way of background, every time a district attorney makes an appearance in court, they state their name and bar number for the record. When you have a name like John Jones, it is less of a concern, but there are people in our offices with unique names. In fact, there is a deputy in my office who shares a name with two other people in Nevada. All three of those individuals reside in the same household. It would not be difficult to track that deputy down.

Because of the ease in finding personal information with respect to our deputies and the sensitive nature of the work we do in the law enforcement community, the Legislature, in past sessions, has allowed other members of the law enforcement community, specifically judges and law enforcement officers, the ability to remove information from the assessor's roles. What we are doing is asking for public defenders and deputy district attorneys to be added to those protections.

A district attorney's interaction with defendants and defendants' families sometimes last years. In some instances, cases go on for a lengthy period of time, and in some instances, the district attorney is not necessarily a favorite of people in those households. From initial arraignment to preliminary hearing, the pretrial stages, plus potentially a few days of trial, it is common for a defendant to spend more time with a district attorney than a judge or law enforcement officer. A defendant's dealings with law enforcement officers is generally brief. Both deserve to be protected in every possible way. We are asking you to add prosecutors and district attorneys, as outlined in S.B. 79 (R1). We hope you will support this bill and, as always, we are willing to work with any of you on any concerns you may have.

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

I do agree with many of the comments, and I echo Mr. Jones' sentiments this morning. We are certainly grateful to be included in this bill in sections 6 and 22. This does create a level of parity for the district attorneys who are prosecuting these criminal matters and also for the public defenders who are defending these individuals. For that, we are sincerely grateful to be included in this measure. We believe it is an important measure.

I have been a public defender for 14 years. I would not say it is common to be threatened, but I have been threatened in the past. It is always very unpleasant and concerning for me and my family. We certainly support this measure, and we ask for your support.

Andres Moses, Staff Attorney, Eighth Judicial District Court:

On behalf of the 52 elected judges, 15 hearing masters, and our court administrator, I want to register our support for this bill. In response to Assemblyman Kramer's question about the title companies, we did work with them in the Senate. There is a provision in section 8, subsection 1, paragraph (h) that provides what they need.

John J. Piro, Deputy Public Defender, Clark County Public Defender's Office:

All the testimony I would have given has already been mentioned. I will be available for questions, should the Committee wish. We urge your support of this measure as well.

Chairman Flores:

Is there anyone else wishing to testify in support of S.B. 79 (R1)? [There was no one.]
Is there anyone wishing to testify in opposition to the bill?

David A. Dawley, Assessor, Carson City Assessor's Office; and Vice President, Nevada Assessors' Association:

While we appreciate exactly what law enforcement, judges, and judicial employees go through on a day-to-day basis to protect us, we do oppose this bill. The assessors are for an open and transparent government. The issue here is if we start taking properties off the roll, where is it going to end? We have always been in opposition to taking any information off the rolls because there are legal ways in which to hide the identity of the property owner. One of those is the creation of a trust, which does not tie any particular person to a piece of property.

I know the bill itself says it is just for the personal information, meaning the home address of the person, spouse, et cetera. However, neighbors want to know that all of their properties are being assessed fairly. If the address of the property is removed from the rolls, or it comes up filled with Xs, or it says confidential, to me that puts a bigger target on that particular property than if it were to be in the name of a trust. For an open and transparent government, we are opposed to this bill.

Chairman Flores:

Is there anyone else wishing to testify in opposition to the bill? [There was no one.] Is there anyone wishing to testify in the neutral position?

Scott W. Anderson, Chief Deputy, Office of the Secretary of State:

We come before the Committee in the neutral position. Generally, the Office of the Secretary of State complies with court orders regarding the expungement of information on the public record as necessary. We keep that information separately in an unredacted form for investigation purposes as necessary.

The one area we have a little concern with that the courts may want to address in their court orders is in regard to nonprofit entities that may be set up for the protection of others. Generally, our records will show the registered agent of those entities. If the registered agent happens to be the entity, we would just suggest that the court orders appoint a registered agent that is separate and where a service of process can still be sent to.

April Sanborn, Services Manager III, Division of Management Services and Programs, Department of Motor Vehicles:

The Department of Motor Vehicles is neutral on this bill. We do appreciate working with Mr. Graham and Ms. Kampling on clarification in the amendment that was presented on April 24, 2017, which removed any fiscal impact from the DMV.

Chairman Flores:

Is there anyone else wishing to testify in the neutral position? [There was no one.] Are there any closing remarks?

Ben Graham:

I appreciate the comments from the Carson City Assessor. This is going to be very limited in many ways. In Carson City, there have only been three to five people who have taken advantage of what already exists and what the Assessor's Office is already doing. It is not automatic. There needs to be an application and an order signed by the courts. We appreciate being here this morning, and we appreciate your help.

Chairman Flores:

I will close the hearing on S.B. 79 (R1). Is there anyone here for public comment? [There was no one.] Having no further business, this meeting is adjourned [at 11:02 a.m.].

RESPECTFULLY SUBMITTED:

Lori McCleary
Committee Secretary

APPROVED BY:

Assemblyman Edgar Flores, Chairman

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is a proposed amendment to Senate Bill 477 (1st Reprint), dated April 24, 2017, presented by John Fudenberg, Coroner, Office of the Coroner/Medical Examiner, Clark County.

[Exhibit D](#) is a document titled "#101 Wednesdays – NFPA 101 and the board and care fire problem," regarding Senate Bill 477 (1st Reprint), submitted by Eric Guevin, Fire Marshal, Tahoe-Douglas Fire Protection District, and Chair, State Board of Fire Services, State Fire Marshall Division, Department of Public Safety.