

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

**Eightieth Session
March 13, 2019**

The Committee on Government Affairs was called to order by Chair Edgar Flores at 8:33 a.m. on Wednesday, March 13, 2019, in Room 4100 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 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/80th2019.

COMMITTEE MEMBERS PRESENT:

Assemblyman Edgar Flores, Chair
Assemblyman William McCurdy II, Vice Chair
Assemblyman Alex Assefa
Assemblywoman Shannon Bilbray-Axelrod
Assemblyman Richard Carrillo
Assemblywoman Bea Duran
Assemblyman John Ellison
Assemblywoman Michelle Gorelow
Assemblyman Gregory T. Hafen II
Assemblywoman Melissa Hardy
Assemblyman Glen Leavitt
Assemblywoman Susie Martinez
Assemblywoman Connie Munk

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Assemblywoman Sandra Jauregui, Assembly District No. 41

STAFF MEMBERS PRESENT:

Jered McDonald, Committee Policy Analyst
Geigy Stringer, Committee Secretary
Alexandra Medina, Committee Assistant

Minutes ID: 476



OTHERS PRESENT:

Aaron Ford, Attorney General
Jessica Adair, Chief of Staff, Office of the Attorney General
Christine Jones Brady, Second Assistant Attorney General, Office of the Attorney General
Richard P. McCann, Executive Director, Nevada Association of Public Safety Officers, CWA-Local 9110, AFL-CIO
Dale Liebherr, Chief, Capitol Police Division, Department of Public Safety
Thomas D. Dunn, District Vice President, Professional Fire Fighters of Nevada
Matthew Kaplan, President, Nevada Highway Patrol Association

Chair Flores:

[Roll was called. Committee rules and protocol were explained.] This morning we have a presentation and a bill hearing. We are going to take it as it appears on the agenda. Mr. Attorney General Ford, I appreciate your blessing us with your presence. This Committee has not always had the opportunity to have our Attorney General appear. In fact, last session we were very disappointed that he did not show up. I appreciate your having the respect for the Committee and blessing us with your presence.

Aaron Ford, Attorney General:

It is great to be here. Not only am I here, I have many important members of my office with me, and I will introduce them in due course. Thank you so much for the opportunity to provide an overview of the Office of the Attorney General. Our office consists of 352 dedicated and hardworking individuals who are committed to enforcing Nevada law and upholding justice for the protection and benefit of all of our residents. My senior management team is as follows: Caroline Bateman—she is down there in Las Vegas, waving; my Second Assistant Attorney General is Christine Jones Brady, who is to my far left; my Solicitor General is Heidi Parry Stern, who is there on the right [in Las Vegas], waving; my General Counsel is Rachel Anderson, who is also down south, waving for us; and my Chief of Staff, Jessica Adair, is to my left—many of you already know her. I have to my right, everybody's boss, including mine, my executive assistant, Jan Riherd. We also have everybody's other boss sitting here, Vicki Beavers—she works in our office as well. I wanted to bring them to meet you. Many of you will have conversations with these individuals on different topics, and I wanted you to be able to put some faces with their names. You will see brief bios of several of the individuals whom I just introduced to you attached to the document that we presented to this committee for consideration ([Exhibit C](#)).

As the state's chief law enforcement officer, the Attorney General represents the people of Nevada before state and federal trials and appellate courts in both criminal and civil matters. We serve as the legal counsel to state officers, the state departments, most of our state boards and commissions, and we assist the 17 district attorneys of the state. Our office is comprised

of several divisions with specific assignments related to the Attorney General's statutory responsibilities. The office's administration division is responsible for the administrative matters pertaining to the office, including personnel and fiscal matters, information technology, grant administration, constituent services, and media relations.

After I was inaugurated on January 7, 2019, we had an all-hands-on-deck meeting on Tuesday, January 8. At that meeting, I introduced myself to everyone in our offices. We all got together in our respective offices and, over videoconference, I introduced myself. One of the things I said to everyone in attendance was that, at the Nevada Attorney General's Office, our job is justice. That is defined as broadly as you can expect. In our office, we have several divisions of the Office of the Attorney General (OAG) that are dedicated to one of the most sacred responsibilities of this office: seeking justice for victims of crime, protecting vulnerable Nevadans, and simply treating all people—all people—with dignity and respect.

I am going to talk about a few of our divisions. I am not going to read everything on the paper here—it is there for your perusal as you see fit, but I do want to touch on our divisions.

Our Criminal Prosecution Division is led by Chief Michael Kovac [page 2, ([Exhibit D](#))]. That division prosecutes insurance fraud, workers compensation fraud, securities fraud, mortgage fraud, sex trafficking, cybercrime, public integrity cases, and crimes that occur in Department of Corrections facilities, as well as financial fraud, including instances of financial fraud and elder exploitation. I am going to highlight a few other statistics. Over the past year alone, this division:

1. Obtained felony guilty pleas from four defendants in the state's largest-ever elder exploitation case.
2. Obtained a felony guilty plea in a multimillion-dollar securities fraud case.
3. Filed charges against another defendant who perpetrated another multimillion-dollar securities scam.
4. Obtained felony guilty pleas from ten defendants in the largest multidefendant prosecution in the history of our office, which was the prosecution of 24 different defendants with 68 felony counts in an insurance fraud case that is still being prosecuted.
5. Is actively working several cases regarding "sovereign citizens."

I want to mention "sovereign citizens" to you specifically, so that people have a better understanding of this threat. Sovereign citizens—I will leave it to you to look it up—I learned about them in March or February of last year when I attended a law enforcement summit. The previous Attorney General, Adam Laxalt, instituted law enforcement summits that I will continue in my capacity as Attorney General. It is a good opportunity not only for law enforcement agencies from all across the state, but also the federal government, to get together and talk about best practices. A Federal Bureau of Investigation agent stood before us and let us know that the single largest threat to Nevada was not terrorism in the sense that

you would think, but domestic terrorism from sovereign citizens in our state. It is important for everyone on this Committee to understand that, because our office is going to have a focus on protecting Nevadans from sovereign citizens and ensuring that we are able to tamp down on the sovereign citizen movement that is so negatively affecting not only our state but also other states throughout our country.

Our Post-Conviction Division is run by Chief Heather Procter [page 3]. The Post-Conviction Division handles petitions for habeas corpus in state and federal courts. This division is also responsible for representing the state in death penalty cases. By the end of 2018—this is important—that unit was handling 113 federal habeas cases and 1,181 state habeas cases—a very, very busy unit there.

The Medicaid Fraud Control Division, which is run by Chief Mark Kemberling, does what you might imagine. It works in the area of Medicaid fraud control [page 3]. That division has opened 105 investigations and closed 110 investigations in the past biennium. It has also successfully prosecuted 25 criminal cases involving fraudulent activities by companies scamming the Medicaid system. In the process, the division has recovered \$1.2 million for fiscal year 2017 and \$8.2 million for fiscal year 2018. This is a very important unit for us, and we are proud of that unit.

At the meeting that we had on Day 2 of my job, I shared with the people in attendance that I would have particular areas of focus. Every Attorney General brings his or her own area of focus to the office. Catherine Cortez Masto, our current Senator, when she was Attorney General brought the focus on sex trafficking. She also brought the focus of cracking down on mortgage foreclosure. Immediate past-Attorney General Adam Laxalt focused heavily on seniors and on guardianship and on the Office of Military Legal Assistance. I am going to be continuing that office as well. I shared my "three Cs." One of those Cs—I will get to the other two as we continue this discussion—is consumer protection; to ensure that every consumer in our state has the protection, but even more than the protection, the education and the awareness necessary to help protect themselves.

We have the Consumer Protection Division that is run by Chief Ernest Figueroa [page 3]. They diligently work to protect Nevada consumers from economic harm. This statutorily created division has four primary areas of focus: (1) advocating for ratepayers before the Public Utilities Commission of Nevada and the Federal Energy Regulatory Commission to ensure ratepayers receive reliable utility services at reasonable costs; (2) protecting consumers from being injured or deceived through enforcement of the Nevada Deceptive Trade Practices Act; (3) preventing unfair marketing through enforcement of the Unfair Trade Practices Act and federal antitrust laws; and finally, (4) administering the Home Again: Nevada Homeowner Relief Program.

Next, I will talk about a very important division that is integrated throughout the entirety of the OAG, our Investigations Division [page 4, [Exhibit D](#)]. That division is run by Chief Rod Swanson. It consists of approximately 50 sworn peace officers, 8 compliance investigators, and 9 professional support staff. Our investigators work directly with our

prosecutors and local and federal law enforcement partners to investigate a wide array of criminal activity associated with complex financial fraud, elder financial exploitation, public integrity, technology crimes, human trafficking, opioid provider abuse, missing and exploited children, and terrorism. I am happy to announce that in regards to missing and exploited children, we had a good finding—we recovered a child Thursday or Friday of last week. I get goose bumps thinking about it. We really have a lot of important work going on in our office, and I am very proud of our investigative unit for being able to recover that child.

One of the things that I heard before I took this office was that most folks understood this office to be the top law enforcement officer, the top prosecutor, and that is true. You have heard me talk about some of those things we do, but honestly, the larger amount of work we do is civil in nature, not criminal—not in the criminal courts. In that regard, one of the things that we do is represent our state.

We represent all constitutional officers and the agencies in our state Executive Branch [page 5]. In addition, we provide legal advice and representation to the boards and commissions that enforce statutory provisions regulating various industries, occupations, and professions for the protection and benefit of the public. The attorneys within these divisions have a broad range of experience and expertise, including in the fields of state and local taxation, government finance, business law, regulatory law, election law, employment law, constitutional law, and civil litigation. I will give you a brief overview of some of those divisions.

The chief of our Gaming Division, a very important division in our state, is a fabulous attorney named Darlene Caruso [page 5]. Our staff in the Gaming Division advises the Nevada Gaming Commission, the Nevada Gaming Control Board, the Nevada Athletic Commission, and the Gaming Policy Committee. In addition to providing daily legal advice, staff also represent the board and commission at monthly public meetings. Litigation in this division includes disciplinary actions brought against gaming licensees for violations of gaming regulations and statutes, disputes regarding the proper payment of taxes and fees, hearings on the surrender of gaming licenses for nonpayment of taxes, and actions to add people to the list of excluded persons.

We also have a division called the Boards and Open Government Division, which is run by Chief Greg Ott [page 5]. The Boards and Open Government Division provides counsel to all *Nevada Revised Statutes* (NRS) Title 54 occupational licensing boards on administrative law and procedure, administrative rulemaking, the law of licensure, and the Open Meeting Law. Deputies in the division attend meetings of the boards and commissions, as well as serve as prosecutor and board counsel in disciplinary proceedings against licensees. That staff also provides training and legal advice regarding the Open Meeting Law and Nevada's Public Records Act to ensure transparency in state and local government.

Our Government and Natural Resources Division is another very important division [page 6]. It is handling our plutonium litigation that many of you are familiar with right now. It is run by Chief Wayne Howle. The Government and Natural Resources Division serves client agencies and officials responsible for providing core government infrastructure, such as the Controller, the Division of Human Resources Management, the Department of Administration, the Department of Employment, Training and Rehabilitation, the Nevada National Guard, the Nevada Indian Commission, as well as Public Employees' Retirement System. This division also serves agencies responsible for managing and protecting the state's natural resources and environment, such as the Department of Conservation and Natural Resources, the Division of Environmental Protection, the Department of Wildlife, and the Agency for Nuclear Projects, as well as others.

Next, Chief Linda Anderson runs our Health and Human Services Division [page 6]. That staff serves as counsel to the Department of Health and Human Services (DHHS) and its many divisions. Our office advises DHHS on some of the most critical matters to Nevada, which include services at its Division of Health Care Finance and Policy, which is Medicaid; Welfare and Supportive Services; Public and Behavioral Health; as well as Aging and Disability Services and the Division of Child and Family Services.

Another very important unit that works with all our other units in our state is the Personnel Division, which is run by Chief Cameron Vandenberg out of our Reno office [page 6]. The Personnel Division advises Executive Branch departments, divisions, and agencies on all aspects of employment law, including administrative hearings regarding involuntary transfers and the reasonableness of dismissals and demotions, and other aspects of employment law.

Our Public Safety Division is run by Chief Randy Gilmer [page 7]. That division advises the Department of Corrections as well as provides representation on all inmate-related litigation. This is a very, very busy unit. Inmates sue all the time, so this division has a very big workload that includes property issues as well as constitutional claims. Staff in this division participate in the Inmate Mediation Program, as well as any of the alternative dispute programs that we may make available for the inmates.

Another division, run by Chief Dennis Gallagher, is the Transportation Division, which advises the Department of Transportation Board of Directors and the many divisions of the Department of Transportation (NDOT) in all actions, proceedings, and hearings related to NDOT [page 7]. Staff in this division provide counsel on many complex transportation matters, including one many of you from southern Nevada would know about, Project NEON.

The Business and Taxation Division is run by Chief David Pope [page 7]. That division provides daily legal advice to the Department of Taxation and the Department of Business and Industry. It represents divisions including Real Estate, Mortgage Lending, Insurance, Financial Institutions, and the Taxicab Authority, among others.

You have met my Solicitor General, Heidi Parry Stern. Her office governs all of the appeals that we have to our appellate courts but also all the complex litigation that we have [page 7]. We have a Complex Litigation Division that is within her purview; it is unique in that it oversees all appeals, regardless of substantive matter, before the Nevada Court of Appeals, the Nevada Supreme Court, and the U.S. Ninth Circuit Court of Appeals. The Complex Litigation Division has a very intense and experienced litigation team. The Solicitor General also coordinates with solicitors general in other states on lawsuits.

Another area that I would like to focus on is serving all Nevadans who are out here [page 8, [\(Exhibit D\)](#)]. The OAG is more than the largest law firm in the state. It represents a constitutional office elected by the people of Nevada to serve and protect our state. As such, our office employs a wide variety of professionals to accomplish its missions. We have an Administrative Division which helps us with that.

You may have seen my post on Facebook or Twitter recently—the fact that we are opening up the Services-Training-Officers-Prosecutor and Sexual Assault Services Provider grants. We have many other grants out there. Our Grants Division controls all of them [page 8]. Speaking of violence, Nicole O'Banion is our Domestic Violence Ombudsman, a very important position. When I was elected, I told her she would have a very important role in our administration. We have ramped up what she is doing to help us combat domestic violence and find ways to bring redress to those whom it negatively affects.

We also have the Office of Military Legal Assistance [page 9]. This is again an initiative that former Attorney General Laxalt brought into the office and that I have decided to continue. Our Acting Director is Ryan McDonald. We met with him yesterday. He has some great plans for that office, and we are proud to be working with our veterans in that arena.

As the Attorney General, I am a member of several different committees [page 10]. The *Nevada Constitution* and the *Nevada Revised Statutes* provide that I am to be a member of the State Board of Examiners; the State Board of Prison Commissioners; the State Board of Pardons Commissioners; the Executive Branch Audit Committee; the Advisory Commission on the Administration of Justice; the Nevada Council for the Prevention of Domestic Violence; the Substance Abuse Working Group; the Advisory Council for Prosecuting Attorneys; the Technological Crime Advisory Board; and the newly created Governor's Task Force on Sexual Harassment and Discrimination Law and Policy; we had our first meeting two Fridays ago, a very important committee. As you know, instituting the task force was the first official act of Governor Steve Sisolak right after being inaugurated. I followed him to his office where he signed the Executive Order creating this task force and appointing me the chair. We are taking this very seriously.

I will talk about the future initiatives of our office. As I have indicated, every Attorney General brings his or her own perspective as to how the statutory functions of our office are to be implemented and how we are to protect and improve the lives of Nevadans.

As Attorney General, I will bring a renewed focus to three Cs. I have given you one of them, consumer protection. The other two are these: civil rights, or constitutional rights as sometimes people understand it, and criminal justice reform. The OAG already has a statutorily created Bureau of Consumer Protection, as I have already indicated, filled with talented and hardworking people. I plan on leveraging our resources with multistate partners through the National Association of Attorneys General and other local partners to help stop scammers from preying on Nevadans. An important component of protecting consumers is education. We have been engaged in that. On Valentine's Day, I was on the phone with AARP and its members here in Nevada for a tele-town hall where I discussed with them these things called “romance scams.” If you are unfamiliar, these are companionship scams. Oftentimes, seniors, especially those who have recently lost a loved one such as their spouse, are preyed upon by individuals because they know that these seniors are seeking companionship—not necessarily romantic relations, but companionship. They are sometimes targeted via Facebook, Twitter, or other social media and someone says, I will be your friend, I will come visit you, but I am having some issues right now; can you send me some money? Can you send me the money so I can buy a plane ticket? Then, obviously, the money is taken, never to be seen again. We had a conversation educating them about that. Last week was Consumer Protection Week across the nation. All attorneys general were determined to talk to our respective constituents about consumer protection, discuss some of the frauds that are out there, and on Friday, I was on Nevada Public Radio—go back and check out the podcast—talking about this exact issue. That is one of the issues, as an example.

Another sacred responsibility of our office is the protection of rights afforded by the *United States Constitution* and the *Nevada Constitution*. Some communities have little trust—if any trust at all—in the government. Some have trust and some need to have their trust augmented. In my view, our job is to ensure that we can establish, where necessary, and augment, when appropriate, the level of trust between the citizens and residents that we are charged with protecting, and the federal and state governments. Whether it is the First Amendment or the Twenty-Seventh, our office will vigorously defend the constitutional rights of all Nevadans, as well as rights afforded to us in our own state constitution. That may sometimes include joining lawsuits against the federal government. For example, our office recently joined a lawsuit to prevent the current presidential administration from allowing private sector companies to deny insurance coverage for contraception—that is a constitutional issue that we are determined to support. I am pleased to say that we, in fact, prevailed in that particular injunction.

The final C is criminal justice issues and reform. As the state's top law enforcement officer, I will work with local jurisdictions, community partners, state agencies—and you—to take a critical look at how we can improve our criminal justice system so that it is a better service to public safety. It is clear—it is entirely clear—that simply incarcerating people will not keep Nevada safer. We must use the criminal justice system to rehabilitate offenders so that they may rejoin society as productive members. We should also take a victim-centered approach, however, and incorporate restorative justice as much as possible to allow victims to help in this regard. We must recognize how socioeconomic factors and mental health

intersect with our criminal justice system. For example, I will be using my office to support innovative programs to divert nonviolent offenders and those suffering from mental health conditions out of jails and into treatment. We can look to local jurisdictions as examples for such innovative approaches, as here in Carson City under Sheriff Furlong.

With that, I say thank you very much, Mr. Chair, and I tender myself to you for questions.

Chair Flores:

Thank you, Mr. Attorney General. I see that you are very wise in surrounding yourself with very powerful women—it speaks very highly of you. Thank you all for helping him be able to do his job so effectively. We look forward to working alongside all of you. Members, who would like to open with a question?

Assemblyman Hafen:

Mr. Ford, it is good to see you. I really appreciate your being here, and I appreciate everything that you have done. I have always respected you. You said that it is your job to protect all people in Nevada and you have always done that. When you have come out to Pahrump and talked to the people, you have been very respectful. I really appreciate that. Even if we are on different sides of the issues at times, you have been very respectful and have always tried to look out for the best of all the people.

I want to touch on the rural communities and in protecting the *Constitution*. Some of the rural communities have now come out and said that Senate Bill 143 is unconstitutional and have actually passed resolutions to that effect, or the sheriffs have regarded it as unenforceable. Could you touch on that today?

Aaron Ford:

Assemblyman Hafen, thank you so much for the kind words. I appreciate those words. The feelings are mutual in that regard.

I will briefly touch on those comments. The truth of the matter is, this issue is not quite ripe yet. The legislation goes into effect on January 2 of next year. My intent is, between now and then, to have a conversation with our district attorneys and our sheriffs and chiefs to ensure that we have a good understanding about the way forward in this regard. The only people who can make a determination as to the constitutionality of this legislation are on the Supreme Court over here [Carson City] and on the district courts that report to it. No sheriff, no county commission, no attorney general, can make that determination. That is it. I fully believe that that legislation is constitutional, and I am prepared and willing to defend it in the courts if we are subjected to litigation over the matter. What I will remind people, however, is that in 2015 a law was passed under Republican leadership that prohibits counties and municipalities—it is called the preemption doctrine—from enacting any legislation that conflicts with state legislation regarding guns [Senate Bill 175 of the 78th Session]. That is a friendly reminder to anyone out there thinking to undermine S.B. 143. Again, I am bound

to uphold the laws of this state, including the preemption doctrine that is currently on the books. Those are a couple of thoughts that I will provide you at this juncture, but I do look forward to working with our sheriffs and chiefs and district attorneys (DAs) in our rural counties and all counties, going forth, to ensure the best way forward on this issue.

Assemblyman Hafen:

Thank you. I appreciate your reaching out to the sheriffs and the DAs to work with them to try to resolve their concerns and issues.

Assemblyman Carrillo:

Thank you very much for showing up today. It is nothing on you—it was that the previous Attorney General never showed up before our Committee last session. Thanks for taking the 500-foot walk from your office.

My question has to do with Marsy's Law and how it is going to affect our state from here on out. It passed last session [Senate Joint Resolution 17 of the 78th Session], and I do not think many voters really knew exactly what they were putting into the *Nevada Constitution*. Could you give us some input on how the Attorney General's Office is going to handle this?

Aaron Ford:

I am happy to be here. That is a very interesting question and it is a difficult one for us to answer at this juncture. All law enforcement offices across the state right now—not just our office—are trying to figure out the best way to implement Marsy's Law. Leading up to the passage of Marsy's Law, we stated as frequently as we could that we would look to other jurisdictions to try to avoid the pitfalls of implementation and to find best practices to make it happen using, again, a victim-centered approach. Marsy's Law seems to be somewhat consistent in that regard, so we are going to find the best way that we can. We do not have all the answers to that just yet. I do not know if my chief of staff wants to chime in on this more, but that is all that I have for you at this juncture.

Jessica Adair, Chief of Staff, Office of the Attorney General:

We are working with local DAs and law enforcement, as the Attorney General mentioned, about implementation. I think the Legislature is also an important component of that conversation. One aspect that is already existing within the Attorney General's Office is a program called VINE, which stands for Victim Information and Notification Everyday. That program is a web-based and text program that allows victims to access information about their offenders' locations if they are incarcerated in Nevada jails and also allows a victim to see whether a particular offender has been released from jail. That is going to be an important component as we look at the larger picture of implementing Marsy's Law. Right now, our Domestic Violence Ombudsman, Nicole O'Banion, is the manager of the VINE program. She is a staff of one in that division. We are looking to expand her staff and resources, because we believe that VINE will be an important component to Marsy's Law.

Christine Jones Brady, Second Assistant Attorney General, Office of the Attorney General:

Another thing that we are doing is, we are reinforcing the use of VINE or recommendation and outreach to victims in the cases that we are prosecuting. Consistent with policies and procedures, we are reinforcing the use of VINE, reaching out to victims, and incorporating their input as we move forward in various prosecutions. Moving forward, in addition to the Ombudsman, we may need to add more victims' advocates, if needed, to help support Marsy's Law.

Assemblyman Carrillo:

Mr. Attorney General, you mentioned sovereign citizens. Can you give an example of what you are seeing out there, so that we citizens, being out and about, can recognize one if we run across one? I have seen some YouTube videos on sovereign citizenship, and it can be a little scary.

Aaron Ford:

Let me offer you a few examples. Some are less scary than others, but just as potent. When I was your colleague in this building, we passed legislation to prohibit certain actions that the sovereign citizens were doing, which included, for example, filing liens against public officials in courts all over the state. You know what that would mean if you were going to try to get a loan, or a mortgage for a house, and the banker finds you have all these liens that purportedly show you owe \$100 million to a sovereign citizen. It creates a problem. They would do that against police officers, elected officials, and other public officials. We have tried to tamp down on that. I have heard of instances where a police officer may stop a sovereign citizen on a traffic violation and ask for identification (ID), but the sovereign citizen does not recognize the state's authority as a governing body and will not have an ID like ours or will present a special type of ID. It causes issues and problems. We heard as recently as the other day of sovereign citizens trying to provoke police arrests, seemingly unlawful police arrests from their perspective, relative to the exercise of their First Amendment rights; they are walking around filming people and provoking police officers. These are some of the activities that we are seeing out there. We just prosecuted some sovereign citizens who were engaged in fraud and financial fraud. Examples run the gamut from violent to nonviolent, all just as potent.

Assemblyman Leavitt:

What are your thoughts on the omnibus criminal justice reform bill [[Assembly Bill 236](#)]? Are you in support of it, or do you have any issues with it?

Aaron Ford:

We are looking forward to working with [Assembly Committee on Judiciary] Chairman Yeager and the working group to help facilitate negotiation and compromise on that bill. Make no mistake: The Attorney General is interested in criminal justice reform. I am very supportive of many of the propositions in that bill, if not most of them. I am the top law enforcement officer. I understand we need to find an opportunity to move the ball forward in a way that is compromising—not in the negative sense—but that allows law enforcement to

feel as though we have the ability to do our job and protect people from violence and harm and also requires the appropriate level of punishment when people commit crimes. We are going to be working with Chairman Yeager through his working group today.

Jessica Adair:

Thank you for your question. We are very interested in this legislation. As Senate Majority Leader, the Attorney General was a member of the Advisory Commission on the Administration of Justice, and he will continue being a member of that committee as the Attorney General. Special Assistant Attorney General and former prosecutor for Mineral County Kyle George—I can see him down in Las Vegas—and I have been working closely with DAs and with law enforcement on this bill in particular. If you have any feedback that you would like us to incorporate as we continue those discussions, I am happy to receive it. Please contact our office, or I am happy to give you my business card and we can have that conversation.

Assemblyman Assefa:

It is awesome to see my former Senator in his current capacity. Thank you for your service.

A couple of weeks ago we had the Secretary of State before this Committee. She informed us about fraudulent activities relating to document preparers, such as tax preparers and impostors who think they know what they are doing when it comes to immigration benefits. They are victimizing people who are not in the know. They impose themselves as officials and present themselves as people who are experienced and trained to do certain things related to tax preparation and immigration benefits. People end up being victims of their mistakes and end up not getting the benefits they are entitled to. What we heard was that there is only one enforcement officer statewide in the Secretary of State's Office who looks into these kinds of things like unlicensed document preparers. The enforcement officer does not even look at these impostors who are presenting themselves as people who are licensed to do these things. Does the Attorney General's Office have a division within it that is looking into these things or will look into it or will work closely with the Secretary of State's Office to make sure that Nevadans are not victimized in these two areas?

Aaron Ford:

I am familiar with the issues you are talking about. I know that the Chair has bills regarding *notarios*, which is, I suspect, along the lines of what you are talking about here—these fake document preparers who are taking advantage of vulnerable people. I open the mic up to any of my staff who may be able to assist me with answers.

Christine Jones Brady:

Our office has constituent services, which has an intake process, a complaint form. We can be contacted a number of different ways: through our online complaint form or we can receive letters or people can walk into our office with complaints and fill out the forms. We do not have a department for tax preparation complaints, specifically, or for immigration fraud complaints, specifically, but we do have fraud prosecutors and fraud investigators. If we receive a complaint, we will look at it and evaluate it for prosecution purposes. Over and

above that, if there are many people submitting these complaints and we notice a pattern of practices from more than one person, it may give us an additional cause of action if we are able to show that one entity is doing this to a number of people. Attorney General Ford can give you my information; I am happy to speak with anybody. If you are seeing that there is an entity or company with a pattern of practice established, we can look into it.

Assemblyman Assefa:

Concerning these submission forms and intake forms, generally the immigrant community is intimidated and not inclined to come forward. In the event they do come forward, I want to make sure to check whether these intake forms disclose their personal information to the people who are victimizing them.

Aaron Ford:

I would be happy to have an additional conversation with you off-line about this. It is a very important issue, and this office will absolutely get involved in trying to protect these individuals.

Chair Flores:

Members, are there any additional questions? I have a few, Mr. Attorney General.

First of all, I want to thank you specifically on NRS Chapter 240A, which deals with the document preparation services and tax preparation services. I think we will send a resounding message to the community if we could go after one of these predatory businesses, get rid of them, and kick them out of the state. Under NRS 240A.290, if irreparable harm is caused by somebody pretending to be an attorney, it is a category D felony. I would love to see that used for some of the garbage that we have in the state.

Aaron Ford:

Mr. Chair, what we should do is an alert. I am speaking out loud now to my Consumer Protection Division, those who are going to put out an alert in Español, in Ethiopian, or whatever language, to help the immigrant communities be more prepared to address this issue. Great questioning, and thank you for the idea.

Chair Flores:

Assemblyman Assefa and I—I am putting him out there—will help in whatever way we can. We are committed to this right alongside of you.

Secondly, you talked about working with domestic violence victims and being an advocate. It is so important that we help this specific segment of our community. Does your office work with U and T visa enforcement? Specifically, for a victim of a crime there is something called a Form I-918 supplement that needs to be submitted. Law enforcement or any agency can sign that, acknowledging that the person was, in fact, a victim. The form would then be sent to United States Department of Homeland Security so that the individual can apply for a U visa. Are these supplements, these forms, being signed by the Attorney General's Office?

Typically, Las Vegas Metropolitan Police Department, for example, is usually at the forefront in getting these. Is your office working with them at all?

Jessica Adair:

Our office does not have original jurisdiction on typical domestic violence cases. Usually, we receive domestic violence cases when they are referred to our office from a local jurisdiction. Usually, that form would be signed when an officer from a local jurisdiction encounters a domestic violence situation and a victim for the first time. Our office gets involved on a more holistic scale. After victims have been processed through the local jurisdiction, our office is often contacted for victim services. Ombudsman O'Banion will sit down with victims—for hours—and help them fill out victims of crimes assistance forms, forms to help them get into college, forms to help them apply for an apartment, things like that. Having said that, most of these forms that are signed immediately are done by the local jurisdiction. Our role also is a larger convener of stakeholders through the Nevada Council on the Prevention of Domestic Violence. We work with law enforcement officers and victim advocates to create policies and procedures that will better serve victims. I am happy to bring this information to the Committee and have a larger conversation about what is happening in local jurisdictions. Things might be happening differently in Clark County versus Washoe County versus rural counties, and sometimes that is by design and appropriate. Sometimes we need to have a more consistent response to victims across the state. We would love to talk with you off-line about that and have a conversation with our stakeholders.

Chair Flores:

Beautiful. I would love to work with you on that. Obviously, in the state of Nevada we have a human trafficking issue. You see it and understand it better than most of us in this Committee. I would love to see some of these victims be able to apply for something called a T visa where, if you were a victim of human trafficking or any crime enumerated in a qualifying list of crimes and you were an essential witness to the prosecution, the Department of Homeland Security has a process where you would be eligible for a work permit and you would be able to remain in the United States and get a social security card. It would be amazing if your office, on top of all the wraparound services you have talked about, could also remind them, By the way, you are essential to us, we can help you with this, make sure you apply—educate them on that.

With that, members, are there any additional questions? Seeing none, thank you again for being here. We appreciate all of you being here. We look forward to working with you.

Aaron Ford:

Thank you, Mr. Chair. Thank you, Committee.

Chair Flores:

We are going to close the presentation. We will open the hearing on Assembly Bill 143, which revises the provisions governing the Capitol Police Division of Department of Public Safety. The hearing is now open. Welcome, Assemblywoman, to the hardest-working Committee in this building.

Assembly Bill 143: Revises provisions governing the Capitol Police Division of the Department of Public Safety. (BDR 27-942)

Assemblywoman Sandra Jauregui, Assembly District No. 41:

I am here today and am proud to be introducing Assembly Bill 143. Assembly Bill 143 would level the playing field for the Nevada Capitol Police Division. Currently, the Nevada Department of Public Safety (DPS) is made up of different agencies that serve the state, including some that you might be familiar with, like the Nevada Highway Patrol (NHP) and Capitol Police. All officers within these agencies do three things:

1. They complete the same Academy.
2. They complete a department-specific basic training.
3. They successfully complete a probation period that is typically about 12 months.

The only difference is, upon completion of the academy, basic training, and probation period, all other department officers move from their current DPS I to a DPS II position. Capitol Police officers, although performing the exact same duties of a DPS II officer, remain as a DPS I. Again, I would like to emphasize that they are the only single department that does not promote in pay grade from a DPS I to a DPS II. The DPS I and DPS II designations specifically relate to pay grade, benefits, and advancement opportunities. What does this mean for Capitol Police? It means lower pay, lower benefits, and lower advancement opportunities for the Capitol Police—who have gone through the same rigorous standards.

Assembly Bill 143 will allow Capitol Police to move into a DPS II category just like every one of their counterparts in sister departments, and level the playing field. Section 1, subsection 3 of this bill states that for the purposes of classification, compensation, and advancement, the Director of the Department of Public Safety shall treat personnel appointed pursuant to subsection 2, the Capitol Police, in the same manner as Nevada Highway Patrol. I would like to point out some highlights from the state's very own Executive Summary of 2018. I have provided a handout to every legislator, and it is an exhibit on the Nevada Electronic Legislative Information System ([Exhibit E](#)). I have highlighted in yellow some of the bullet points that I am going to go over with you. I repeat, this is the Nevada Department of Public Safety's Executive Summary on the subject of sworn retention.

On page 1 ([Exhibit E](#)), you note where it states that the state has identified that the Department of Public Safety sworn vacancy rates are alarming. Also on page 1, see where it says Nevada state law enforcement officer (LEO) salaries are not on par with other Nevada municipal or school LEOs. On page 3, see where it says, during the last two years, Capitol Police have never stopped recruiting, yet they cannot fill the vacant positions. At one time,

they were forced to contract security officers at some fixed posts. And, "The issue for hiring full-time sworn law enforcement officers lies in the classification/pay disparity when compared to other divisions within the Department of Public Safety." You will see that also on page 2 ([Exhibit E](#)). Chair, all we are asking is that we give Capitol Police a fighting chance at recruitment, retention, and advancement. If you were a young adult just completing the academy and basic training, where would you go? You would choose a department that is going to give you better pay, better benefits, and better advancement opportunities every single time. I am open to any questions. I also want to introduce Rick McCann, who is here with me to answer any questions that the Committee might have.

Chair Flores:

Thank you, Assemblywoman, for your presentation. We have a few questions.

Assemblyman Carrillo:

When did this change take place? Has it always been the case that they have been paid at a lower rate?

Assemblywoman Jauregui:

It has not been a change that has taken place. They have always been at a lower pay scale. They are kind of the "forgotten sister" department. Other departments advance into DPS II; however, this was just never granted to the Capitol Police.

Assemblyman Leavitt:

Is the Capitol Police fully staffed at this time?

Assemblywoman Jauregui:

No, they have a vacancy rate.

Assemblyman Leavitt:

What is that vacancy rate currently?

**Richard P. McCann, Executive Director, Nevada Association of Public Safety Officers,
CWA-Local 9110, AFL-CIO:**

We have the Chief of the Capitol Police sitting behind us; he might be able to address that technical question about the vacancy rate. I would agree with Assemblywoman Jauregui that there is a vacancy rate. The document that Assemblywoman Jauregui provided to you is important for another quote that I would like to point out. From that analysis performed by the State of Nevada, Division of Human Resources Management, I quote as follows:

The Capitol Police Division line-level officers perform in the capacity of DPS [Department of Public Safety] Officer II, yet they are hired and retained at the classification and pay rate of a DPS Officer I. In all other divisions within

DPS, cadets are hired as a DPS Officer I then auto-progress to DPS Officer II status. The division employs two DPS Officer II positions that perform duties and have responsibilities identical to the classification of a DPS sergeant, yet the pay does not correspond to that of a supervisor position.

It is important for you to keep in mind that there are only two DPS Officer II positions, one in the north and one in the south. It is a very good summary by Human Resources of exactly the dilemma we are in. I offer and introduce Chief Dale Liebherr to answer any specific questions you might have about his division.

Dale Liebherr, Chief, Capitol Police Division, Department of Public Safety:

Do you have any questions?

Assemblyman Leavitt:

My initial question is still on the floor. I want to know what the vacancy rate is currently, to date.

Dale Liebherr:

Currently I have two open positions in Las Vegas, but you have to consider I also have critical fill needed, positions that are filled with retirees. Right now I have four in the north and two in the south. They are expiring in June, but there is a process that I am hopeful will enable me to retain those a little bit longer.

Assemblyman Leavitt:

That leads me to a question for my own understanding. Of course, I support the Capitol Police and all that they do for me in my current position. Outside of the 120 days of session, what are the Capitol Police doing? Does the number of officers go up and down with the legislative session? If not, are their duties different? I would imagine they are a little different, as we do not have as many people in the building and your staffing levels do not have to be as high.

Dale Liebherr:

There are two different agencies here. What you are referring to is Nevada Legislative Police. The Capitol Police supports other state agencies. We protect the other state buildings, grounds, and properties.

Assemblyman Leavitt:

Thank you for that clarification.

Assemblyman McCurdy:

Thank you, Assemblywoman Jauregui, for bringing forward this amazing bill. We really need it, and I believe that there will be many folks who will be positively impacted by it. Is there not a reclassification process currently?

Dale Liebherr:

Are you referring to the Division of Human Resource Management of the Department of Administration reclassification?

Assemblyman McCurdy:

Yes.

Dale Liebherr:

Yes, there is. I am not acquainted with the Human Resource Management Division's abilities to do that. I cannot answer that question, but I could get you that information.

Assemblyman McCurdy:

That will be sufficient. Why are they currently in a lower classification?

Assemblywoman Jauregui:

They were just forgotten. This is the first time a bill has actually been presented in this format to increase them from a DPS I to DPS II.

Richard McCann:

There have been many times in the past sessions when the Governor, in the proposed budget, has had this information on his desk. It never made its way to you. Well, now you have a bill. To be quite candid, I got tired of it, so we presented a bill. This young lady to my right is bringing it before you, which is where it should be. We need to fix this inequity. I might also add that these are sworn Category I law enforcement officers. They respond to calls for service at any state agency in Reno, Sparks, Carson City, and the Las Vegas areas. I have fixed locations at the State Capitol, Governor's Mansion, and the Grant Sawyer Building in Las Vegas. They put their lives on the line each day to protect you, me, and the thousands of people who frequent those buildings every year. It is time, through this bill, to fix this inequity and stop the history of Capitol Police being essentially the "doormats" of the state law enforcement agencies.

Assemblywoman Jauregui:

They are Category I officers, so they take the same calls that any other Category I officer takes. They respond to burglaries, they respond to thefts, and they respond to calls for domestic abuse; they will respond to any type of call that they receive.

Assemblyman McCurdy:

I could not agree more, Mr. McCann.

Assemblyman Assefa:

You briefly made a distinction between Capitol Police and the Legislative Police. Could you clarify that for me? Does this bill also apply to Legislative Police, or does it apply exclusively to Capitol Police? If it does not apply to Legislative Police, what category are they in?

Assemblywoman Jauregui:

This specifically applies to Capitol Police. Capitol Police are a Department of Public Safety agency. The Legislative Police are under the purview of the Legislative Counsel Bureau, the Legislature.

Assemblyman Assefa:

Are they subject to the inequities in the system right now?

Assemblywoman Jauregui:

I cannot answer that question. I am not familiar with the Legislative Police pay scale, but I can look into it and get back to you with information on the category they are in.

Richard McCann:

There is pay inequity throughout law enforcement in the state of Nevada, Assemblyman. I do not mean to be smug by that. You are going to hear more, as this session progresses, about other bills that we are presenting concerning that very issue. In this particular case, it is limited to the Capitol Police because the DPS I and DPS II designations, or lack thereof, are germane to them specifically. This does not involve the Legislative Police, although I am the first to stand in line for a pay raise for them, too, if we need to.

Assemblywoman Jauregui:

You will see on the first page of the Executive Summary that I provided ([Exhibit E](#)), a table that shows the pay scale and a ranking of our state law enforcement departments and other local municipalities. We are at the very bottom.

Assemblyman Assefa:

What is the cooperation level of Capitol Police with other law enforcement agencies around Carson City or other jurisdictions? Can they be summoned to incidents if necessary?

Dale Liebherr:

We work closely with numerous law enforcement: the Las Vegas Metropolitan Police Department, Henderson, North Las Vegas, Washoe County, Reno, Sparks, and Highway Patrol, obviously. We work with numerous law enforcement agencies throughout the state quite often.

Assemblyman Carrillo:

At the very beginning of the testimony, you talked about age. Of course, one is going to look at the benefits. One is going to look at pay, especially if one is fresh out of the academy. What is the current median age of the officers that you have? The Legislative Police—we know they are retirees—we take trips up to the airport together and have conversations to find out a wealth of knowledge of these individuals. They are there to protect us, no different. What, as an example, would you use as the current median age of your officers?

Dale Liebherr:

We have officers ranging in age from the early 20s to 60s. It is a wide range of ages. If I would guess what the actual median age of Capitol Police is, we are probably looking at around 40 to 50 years old.

Assemblyman Carrillo:

You gave the example of someone in their early 20s. What is the retention on those individuals? Once they get some experience, after being wet behind the ears, and then they say, Here is my chance, I have done my grazing, now I am going to move on. Is retention an issue?

Dale Liebherr:

It is. We have young kids who want to go to the Highway Patrol or to the Investigation Division or other sister agencies. However, they are going after a DPS Officer II position as a DPS Officer I. It is very difficult for them to get that promotion.

Assemblywoman Jauregui:

One of the things that this bill would address is advancement opportunity. It would allow the Capitol Police Division to attract recruits right out of the academy at a young age and then afford them, or award them, the ability to promote to another sister agency, because they would have the same advancement opportunities, being categorized as a DPS II.

Assemblyman Carrillo:

We had a presentation in Committee on Growth and Infrastructure where we learned DPS is having a hard time retaining officers. It just seems like the pool is getting thinner and thinner.

Assemblywoman Duran:

If they leave Capitol Police and they move somewhere else, do they lose seniority rights? I know that in most places, they would continue to accrue their seniority as well as other benefits.

Assemblywoman Jauregui:

Yes, currently they do. That is another problem in the ability to attract young recruits. If they come onto Capitol Police and are there for five years then decide to go to NHP, they would lose their seniority. They do not have that advancement opportunity.

Assemblyman Leavitt:

I apologize. I worked in Washington, D.C., for a while and it took me three weeks to know the difference between Capitol Police and Legislative Police when I came here. I still revert back to that a little bit.

If I were a Highway Patrol officer, I would never choose to be a Capitol Police officer, right? Are they retired Highway Patrol officers who now come to the Capitol Police? Where are you getting your pool of staffing currently? It seems, if I am in the system right now at a certain level, I am not going to come to the Capitol Police simply because of the drop in rank that occurs.

Dale Liebherr:

There are retirees who do come back as a critical fill. Retired Highway Patrol or detectives from the Investigation Division have returned—one is actually in a sergeant's position, currently, under a critical fill. However, we also have, in certain instances, individuals from Division of Parole and Probation who will actually take a demotion to come to the Capitol Police. If they have taken a promotion to DPS Officer II, when they come to Capitol Police, they have to take a demotion to DPS Officer I.

Assemblywoman Jauregui:

Not every retiree can come back to Capitol Police. They have to be a critical fill. Since they are retired from the Public Employees' Retirement System, they cannot double dip. They can only come back as retirees if they are critical fill.

Chair Flores:

Members, are there any additional questions? Seeing none, I thank you. Please step back as I would like to invite forward those wishing to speak in support of A.B. 143. I see nobody in Las Vegas, but we have somebody here in Carson City.

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

We are here in support of A.B. 143, in support of our fellow public safety agency.

Chair Flores:

I do not believe we have any questions for you. Is there anybody else wishing to speak in support of A.B. 143?

Matthew Kaplan, President, Nevada Highway Patrol Association:

I want to state on the record that we and our members are in support of the passage of this bill.

Chair Flores:

I do not believe we have any questions for you. Is there anybody else wishing to speak in support of A.B. 143? I see no one. Is there anyone wishing to speak in opposition to A.B. 143? I am seeing no one in Carson City or Las Vegas. Is there anyone wishing to speak in the neutral position to A.B. 143? Seeing no one, I would like to invite Assemblywoman Jauregui back up for any closing remarks.

Assemblywoman Jauregui:

I want to end by saying thank you, Committee, for your time in hearing A.B. 143. I urge you to support it.

Chair Flores:

We are going to close out the hearing on A.B. 143 and invite anyone wishing to speak for public comment to come forward. I see no one. Members, are there any additional comments? [There were none.] This meeting is adjourned [at 9:45 a.m.].

RESPECTFULLY SUBMITTED:

Geigy Stringer
Committee Secretary

APPROVED BY:

Assemblyman Edgar Flores, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is undated prepared text titled "Attorney General's Office Overview Presentation Management Staff Bios," submitted by Aaron Ford, Attorney General.

[Exhibit D](#) is undated prepared text titled "Attorney General's Office Overview Presentation," delivered by Aaron Ford, Attorney General.

[Exhibit E](#) is an excerpt from Nevada Department of Public Safety Executive Summary on the subject of Sworn Retention, dated May 2018, submitted by Assemblywoman Sandra Jauregui, Assembly District No. 41, regarding A.B. 143.