

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

**Eightieth Session  
February 25, 2019**

The Senate Committee on Government Affairs was called to order by Chair David R. Parks at 1:06 p.m. on Monday, February 25, 2019, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator David R. Parks, Chair  
Senator Melanie Scheible, Vice Chair  
Senator Julia Ratti  
Senator Ben Kieckhefer  
Senator Pete Goicoechea

**GUEST LEGISLATORS PRESENT:**

Senator Heidi Seevers Gansert, Senatorial District No. 15

**STAFF MEMBERS PRESENT:**

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

**OTHERS PRESENT:**

Russell Rowe, American Counsel of Engineering Companies, Nevada Chapter  
Shelly Capurro, American Institute of Architects  
Jim Owens, Chief, Las Vegas Paiute Tribe Police Department  
Ernie Adler, Pyramid Lake Paiute Tribe  
Chuck Callaway, Las Vegas Metropolitan Police Department  
Marshall Emerson, Chief, Fallon Paiute-Shoshone Tribal Police Department  
Eric Spratley, Nevada Sheriffs' and Chiefs' Association  
Corey Solferino, Washoe County Sheriff's Office

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Mike Sherlock, Executive Director, Commission on Peace Officers' Standards and Training

Rick McCann, Nevada Association of Public Safety Officers

Marla McDade Williams, Reno-Sparks Indian Colony

Lea Cartwright, State Board of Cosmetology

Alexis Motarex, Associated General Contractors of America, Inc., Nevada Chapter

Paul Moradkhan, Las Vegas Metro Chamber of Commerce

Tyson Falk, State Board of Oriental Medicine

CHAIR PARKS:

We will open the hearing on Senate Bill (S.B.) 175.

**SENATE BILL 175**: Revises provisions relating to public works. (BDR 28-618)

RUSSELL ROWE (American Counsel of Engineering Companies, Nevada Chapter):

This bill is simple and straightforward. It places a sunset in 2021 on a two-project exception to the \$5 million threshold on design-build. The exception was created as part of S.B. No. 246 of the 79th Session. In the amendment that was submitted to your Committee in the hearing on S.B. No. 246 of the 79th Session, the intention was to create the exception to the threshold as well as to have it sunset in 2021.

When S.B. No. 246 of the 79th Session came out of the Senate, it had the two-project exception, but it did not have the sunset which was just an oversight. There were a number of pieces of legislation with sunsets. This bill simply corrects the oversight by adding the sunset in 2021.

SENATOR KIECKHEFER:

If this bill passes, will design-build be allowed on projects less than \$5 million?

MR. ROWE:

After 2021, if the bill passes, design-build projects below \$5 million will not be allowed.

SENATOR KIECKHEFER:

Why do we not want that?

MR. ROWE:

Eliminating the \$5 million threshold was originally proposed in S.B. No. 246 of the 79th Session. From an engineering perspective, the design-build process puts engineers at risk because they are predesigning projects for free as part of the design-build team. The threshold was originally \$30 million. That has been whittled down session by session to the point it is now—\$5 million.

The City of Henderson originally proposed the language eliminating the \$5 million threshold. We are working with them to identify specifically what they need. We agreed with the two-project exception and the sunset.

The purpose of the sunset was to give us time to work on fixing some of the structural problems within design-build. It is not necessarily fully functional for all local governments regarding their projects. For example, the City of Henderson, I do not want to speak for them; however, the City wanted to do some significant tenant improvement projects under design-build. Those projects did not meet that threshold. We did not want to stand in the way of that, but we were not comfortable completely eliminating the threshold when it puts the industry at greater risk.

We began conversations with Henderson and other local governments on how to better fix design-build rather than just eliminating the threshold. We want to make it more functional for public entities as well as the engineering community.

SENATOR KIECKHEFER:

Engineers are not required to participate in design-build. They enter those agreements with their understanding of their contractual relationships with the bidders.

MR. ROWE:

Yes, they do. Contractors and design professionals combine as a team voluntarily and voluntarily submit bids for projects. The design-build team and particularly the design professional are predesigning a project. There is significant risk for those submitting bids, especially for those two or three design-build teams who make it to the final bid. They are spending much time and upfront money of their own on their bids.

Provisions in statute address stipends for design professionals because significant costs are incurred by design professionals in order to reach the goal of design-build. The goal of design-build is to provide greater creativity to local governments and public entities in designing major projects. Local government or any public entity should be presented with not just the lowest bid but alternatives on how to approach a project from both a cost and a creativity standpoint. To do that, the design professional takes on a lot of risk. The statute addresses that with a stipend, which is never used, as well as bridging documents, which could be clarified. I can get into greater detail on those issues; however, we are talking about those things with public entities to restructure design-build to improve it for the design community and for public entities.

We envision coming back in 2021 with something that works better for everyone rather than just eliminating a threshold or creating exceptions. We might as well eliminate the threshold because we have exceptions. Why have the threshold at all?

SHELLY CAPURRO (American Institute of Architects):  
We are also design-build, and we support S.B. 175.

CHAIR PARKS:  
We will close the hearing on S.B. 175 and open the hearing on S.B. 182.

[SENATE BILL 182](#): Revises provisions relating to peace officers. (BDR 23-561)

JIM OWENS (Chief, Las Vegas Paiute Tribe Police Department):  
Prior to becoming Chief of the Las Vegas Paiute Tribe Police Department, I had worked with the Paiute Tribe Police Department in past years, but I was unaware that tribal officers were not considered peace officers until I became the Chief.

When I reviewed *Nevada Revised Statutes* (NRS) 289, which explains who has peace-officer powers in this State, I found that there were 68 specific job titles listed as peace officers but tribal police were not included. I found this interesting because my officers are all Nevada Peace Officers' Standards and Training (POST)-certified. Several have retired from Nevada police agencies. All have prior police experience in other law enforcement agencies.

Tribal police officers work closely with sheriff deputies and city police officers all over the State. Tribal officers have limited jurisdiction outside the boundaries of their particular reservation. Most tribal agencies have a memorandum of understanding (MOU) or an interlocal agreement with adjoining jurisdictions. These mutual aid agreements allow tribal, city and county officers to assist each other in times of need. However, because their authority is limited outside the reservation, this creates situations in which it is difficult for tribal officers to fully assist their fellow officers. In jurisdictions with limited police resources, the ability for law enforcement agencies to fully assist each other is critical.

Giving tribal police officers peace officer status would provide tribal police officers the same protections and considerations shown to other police and law enforcement officers, particularly in the event of a critical incident or when a level of force is required.

This peace officer status will allow tribal police officers to respond to and assist in natural or manmade disasters in which an immediate police or peace officer presence can make a difference.

It was interesting that NRS 202.265 restricts access to school property for persons with firearms or dangerous weapons. However, it exempts peace officers from this restriction. As a peace officer, a tribal law enforcement officer could legally enter school grounds to assist local law enforcement in the event of an incident such as an active shooter or other critical event.

This bill is not meant to force any state, county, city or tribal entity to do anything. It is be an enabling bill which would allow positive change to occur. Agencies will be able to work together to create an agreement that works well for both agencies and to provide additional resources and protections in times of need. If an agency does not wish the change to occur in its area of concern, it simply does not sign the agreement.

CHAIR PARKS:

Amendments to S.B. 182 ([Exhibit C](#), [Exhibit D](#) and [Exhibit E](#)) have been proposed. We tried getting that language into the bill when it was redrafted but apparently there was an oversight. It now appears as proposed amendments in place of existing wording.

ERNIE ADLER (Pyramid Lake Paiute Tribe):

The Pyramid Lake Paiute Tribe supports S.B. 182. One of the reasons tribal police have had trouble over the years is because in the mid-1970s in a U.S. Supreme Court case, *Oliphant v. Squamish Indian Tribe*, 435 U.S. 191 (1978), the Court decided that tribes do not have jurisdiction over non-Indians committing crimes on the reservation. That created a problem because people who are non-Indians enter the reservations and commit crimes. At that time, most local entities entered into mutual aid agreements with the tribes in order to arrest people and turn them over to state or county authorities.

The Pyramid Lake Paiute Tribe would like to see this bill pass because it would clarify that tribal police officers have the authority to arrest non-Indians who are committing crimes on the reservation.

Statute allows tribal police departments to have mutual aid agreements, to have jurisdiction over crimes committed on the reservation and when they are in fresh-pursuit of a suspect who leaves the reservation. It is important to have language similar to that in the bill because, otherwise, tribal police officers will stop at the reservation border when they are pursuing someone in an automobile chase. Tribal police officers should have the same authority as Nevada State Highway Patrol officers who can pursue someone from Nevada into California. I suggest that we make that consistent in this legislation.

We do not object to having a county sheriff enter into the agreements with the tribes for arrests and jurisdictions. It is important to put that in the bill as well.

The bottom line is tribal police officers are trained to the same standards as other police officers in this State. They should have the same status in the statutes as those other officers.

CHAIR PARKS:

Mr. Adler, we will take your recommendations under advisement.

CHUCK CALLAWAY (Las Vegas Metropolitan Police Department):

I worked with Chief Owens on the language of the bill prior to this Session. I am the author of amendments, [Exhibit C](#) and [Exhibit D](#). A proposed amendment from Marla McDade Williams, [Exhibit E](#), has been added.

As written, the bill said a "law enforcement agency." That is problematic because in the Las Vegas area, for example, there is North Las Vegas, the City of Henderson, and many other jurisdictions, such as school police. If all of those entities choose to enter into agreements or not enter into agreements, there would be a hodgepodge of where tribal police would have jurisdiction. The Sheriff of Clark County is the law enforcement authority over the whole County. It would be clearer if the Sheriff had the discretion to grant or deny jurisdiction to tribal officers when they are off tribal land.

If a police chief has concerns over tribal police exercising authority in his or her jurisdiction, the Nevada Sheriffs' and Chiefs' Association (NvSCA) could help remedy that situation. The Sheriff could then withdraw that permission if the problem was not resolved. The Sheriff should be the ultimate authority to say yes or no. Nevada is not a one-size-fits-all urban area. The Sheriff may absolutely need additional resources and want tribal police officers to have that jurisdiction. In rural areas, it depends on the sheriffs and what are the needs in their communities.

SENATOR RATTI:

The Reno-Sparks Indian Colony, in northern Nevada, is an urban colony nested well within the Reno Police Department's (RPD) jurisdiction. Are you saying that the RPD would have to defer to the Washoe County Sheriff to decide whether that particular tribal police force would have authority to work outside of its territorial boundary?

MR. CALLAWAY:

Yes, the intent is that the sheriff of the county, in this case the Washoe County Sheriff, would have the ability to grant authority to the tribe to exercise police power off the reservation. In most cases, probably 99 percent of the time, law enforcement agencies are going to agree.

However, if there is a situation in which the RPD Chief wants tribal police to be able to exercise police power in his or her jurisdiction, but the Sheriff does not want that, or vice versa, that situation could be rectified through the NvSCA and through conversation.

Because of the various jurisdictions in which police organizations are adjacent to each other, tribal police might have jurisdiction in one area, but across the street they might not have jurisdiction and then in another place they have jurisdiction.

For example in Clark County, the City of Henderson, North Las Vegas, Boulder City and Mesquite are all adjacent jurisdictional areas. If tribal police have jurisdiction in one area but not in another area close by that could be problematic.

SENATOR RATTI:

It would be helpful for you to hear from the police chiefs on whether they agree with that. Do your amendments, [Exhibit C](#), [Exhibit D](#) and [Exhibit E](#), give sheriffs unilateral veto power over tribal police having authority to work outside the reservation even if they have met all of the POST certification requirements? Could a sheriff say he or she does not want tribal police doing anything outside their jurisdiction?

MR. CALLAWAY:

Yes, that is the intent because under statute, tribal police do not have jurisdiction off tribal land.

For example, under this bill a sheriff could grant jurisdiction and enter into an MOU giving power to tribal police to assist and exercise police power off tribal land. However, if a situation arises where a certain tribal police chief gets out of control or abuses that power, forms his or her own Special Weapons and Tactics (SWAT) team, starts kicking down doors in the City of Henderson and starts doing traffic-related procedures in other jurisdictions, the Clark County Sheriff would have the authority to advise that tribal police chief that is not the intent of the MOU. The intent is for them to work together and use their resources to accomplish what is best for public safety. The Sheriff would have the authority to retract the MOU.

SENATOR RATTI:

I see how that addresses the issue for a tribal police chief who may take that new-found power and become more aggressive than intended. How do we solve the issue of an elected sheriff who has a particular view about tribes and is not willing to work with tribal police?

MR. CALLAWAY:

That is a great question. You hit the nail on the head when you said "elected sheriff." The sheriff is accountable to the voters. If the sheriff has a particular mindset about the tribe which conflicts with that of his or her constituents, then as an elected official that sheriff has to answer to his or her constituents. In my



30 years of being a police officer, 99 percent of the time law enforcement agencies work well together, whether it is tribal police and Las Vegas Metropolitan Police Department (LVMPD), or LVMPD and Nevada Highway Patrol (NHP). Of course as with any entities, there are disagreements, but that is the exception rather than the rule.

SENATOR RATTI:

Were the tribes consulted? We have been working hard over the last several sessions on a number of topics to ensure that they are consulted and that we are recognizing tribes and their sovereign authority.

Is there a way to write this bill that says if tribal police are POST-certified and have met all of the accountability requirements, they shall be given this power but must reach agreement with the county sheriff? It would force a consultation rather than a veto power, which is how the proposed amendments read [Exhibit C](#), [Exhibit D](#) and [Exhibit E](#).

MR. CALLAWAY:

I will answer your second question first. Your first question about consulting with the tribes should be deferred to Chief Owens.

The tribes do not have the authority to exercise police power off tribal land. A tribal police officer cannot stop someone in front of his or her house in Las Vegas or Reno and give him or her a speeding ticket, or arrest him or her for throwing trash on the sidewalk off tribal land. If it is the desire of the Legislature to allow tribal police to have jurisdiction to exercise police power off tribal land without agreement from the sheriff, then obviously that is the decision of the Legislature. The intent of the amendments, [Exhibit C](#), [Exhibit D](#) and [Exhibit E](#), is to allow a county sheriff and an Indian tribe to enter into an MOU when they agree they can be of assistance to each other to the benefit and interest of public safety. The tribal police officers must be POST-certified and have the required training. The MOU would authorize the tribal police to exercise police power off tribal land. The MOU would specifically define the tribal police's role. They might provide traffic enforcement in and around the tribal areas. They might assist during an emergency with traffic control such as evacuating citizens in the case of flooded roads. They might be the first officers to enter a school in the case of an active shooter. That would be the intent; not the day-to-day police operations. Tribal police will not go into a neighborhood to take a burglary report.

From my perspective, as the primary, elected law enforcement officer of the county, the sheriff should have the authority to either grant or deny police power to tribal police off tribal property and into the county.

SENATOR RATTI:

I appreciate the sincerity of the debate because this is an interesting question. County sheriffs and school police are both limited to their jurisdictions. If they want to move into each other's jurisdictions, they would sign some sort of mutual agreement. In that mutual agreement, the county sheriff would not have greater status than the school police chief. If they want to enter into each other's jurisdictions, they would have to have some sort of mutual agreement.

MR. CALLAWAY:

That is correct. The difference in that lies with the NHP which already has police power in the entire State. However, the LVMPD and the NHP have interlocal agreements about who handles which accidents.

Tribal police are different because their jurisdiction is limited to tribal properties. As the primary law enforcement officer of the county, the sheriff should have the authority to grant or deny jurisdiction to tribal police off tribal lands. We could debate whether we agree if that is the case.

From my perspective, and from the conversations I have had with sheriffs—I am not speaking for the NvSCA—the sheriff should have the authority to grant or deny that power in the county.

SENATOR RATTI:

The original intent and core of this bill was to give tribal police officers the same status as any other police officer. If the POST certification requirement is satisfied, the tribal police officer has a category of officer just like any other police. That does not dictate where they can use that power. Their power is limited; however, there is a change in status to a police officer because he or she is given the opportunity to complete POST training.

Since they are now POST-trained and -certified and have the same status as a police officer, let us ensure that we are not treating them any differently than any other POST-certified trained police officer and how they relate to other governments.

We can discuss this later so we get to the point where we can ensure that we are not treating tribal police officers any differently than any other POST-certified officers.

MR. CALLAWAY:

The original intent of this bill, based on my conversation with Chief Owens, was that some tribal police officers have category I, POST-certified peace officer training. You also have to understand that their level of training and their jurisdiction are two different things. For example, there are bailiffs who have category I training, but their jurisdiction is in the courts.

The intent of this bill was to allow tribal police to be able to work, off tribal property, with local law enforcement. However, we must ensure that they have category I, POST certification, and that they have a written agreement allowing them jurisdiction off tribal land.

The original bill said that every chief can make that agreement. Some chiefs may say yes, some may say no with a hodgepodge effect. A county sheriff can say yes for the whole county.

SENATOR RATTI:

That is fine as long as we deal the same way with every other kind of law enforcement sharing jurisdiction.

SENATOR SCHEIBLE:

I understand what you are saying about the hodgepodge and the difficulties associated with that. However, the way the bill was originally written would give the tribal police the discretion to pick the agency from which they seek permission or an MOU. Under the original bill, if they wanted to exercise their police powers in all of Clark County, could they just go to the Clark County Sheriff?

MR. CALLAWAY:

Yes, theoretically. Under the original bill, if they wanted to exercise their power in the whole county, they could do that.

SENATOR GOICOECHEA:

Does a federal certificate qualify them, and are you comfortable with that?

MR. CALLAWAY:

No, I am not. It must be POST certification. A POST certification is specific to Nevada State law and Nevada training. Federal training does not always equal Nevada training. If tribal police are going to exercise police power off tribal property in Clark County, or any other county in the State, they should be POST-certified.

SENATOR GOICOECHEA:

I agree, but as I understand the bill it says "receive a certification." I am concerned about that because I have known some tribal officers who came from the Rosebud Indian Reservation and from out of state. They qualified because they were federally certified.

If we are going to get down to splitting hairs over where the jurisdiction lies, I agree with you that I do not want tribal police to have jurisdiction in the City of Reno but not in Sparks. I do not know what happens when you get to Gerlach.

The county sheriff is the chief police officer. I am concerned that if we are going to call them category I police officers, they must be Nevada POST-certified.

MR. CALLAWAY:

I agree and the intent was POST certification.

SENATOR GOICOECHEA:

The bill says "equivalent." I am not sure if the federal government would consider their certification equivalent.

CHAIR PARKS:

That is on page 2, line 8.

SENATOR RATTI:

Have the tribes been consulted?

CHIEF OWENS:

All the tribal police chiefs were consulted and were given the opportunity to participate and give us ideas. However, I cannot say whether the police chiefs spoke with the tribes themselves. I know that many have. My tribe supports

this bill and is looking forward to it. All the police chiefs are in support. I cannot speak for them on how well they briefed each tribal chairman.

SENATOR RATTI:

You made an excellent point about tribes with POST, category I certified law enforcement officers. In those tribes with that certification, is there anything in NRS that prohibits them from entering into a mutual aid agreement with an adjacent jurisdiction?

MR. CALLAWAY:

There is nothing that prohibits them from entering into a mutual aid agreement. From my discussions, I have learned that there are tribes that have existing mutual agreements. The difference is that under statute they cannot exercise police power off tribal lands. Even with a mutual aid agreement, if tribal police leave their jurisdiction, use deadly force or get into a situation where they have to make an arrest, they would be doing so as a citizen and not as a police officer.

SENATOR RATTI:

Even with a mutual aid agreement?

MR. CALLAWAY:

Yes.

MARSHALL EMERSON (Chief, Fallon Paiute-Shoshone Tribal Police Department):

The Fallon Paiute-Shoshone Tribal Police Department supports S.B. 182. I echo what was said by Chief Owens and other testifiers. However, I would like to discuss several areas that may help clarify some of the questions that were asked and also give additional support for this bill.

Tribal police officers traverse across contiguous jurisdictions on a regular basis while performing their duties. For example, in the case of my department, we travel from the tribal colony to the reservation which is approximately ten miles down the road, then back to the colony. We also travel to established businesses on tribal land in Fallon and to others in Fernley, in Lyon County.

Many times our officers come upon conditions that require immediate action such as motor vehicle accidents, suspected DUIs, crimes in progress and citizen hails. When an average citizen sees a marked police car with a uniformed police

officer in it, they usually do not distinguish whether the officer is a city, county or tribal officer. They see a police officer, and they believe this is someone who can help them in a bad situation.

In most cases, our tribal police departments act under the provisions of an existing MOU with local law enforcement agencies, specifically the county sheriff. However, what is missing is the specific statutory authority to act in the capacity of a peace officer when off tribal lands. For example, if one of my officers is on the Reno Highway on his or her way to patrol or to a call for service on tribal lands located in Lyon County and he or she is hailed by a person who is in need of assistance on the Reno Highway, I expect my officers to stop and render aid. If they are required to exercise some level of force to stop a crime, they would not be acting under color of law or authority per se, they would be acting as a legally armed private citizen. That creates a large amount of anxiety on my part as Chief of Police.

Acting under the color of law and authority would indemnify a tribal police officer's actions while performing as a police officer under a limited set of circumstances. However, a mutual aid agreement of some sort must be in place with the sheriff of that county. That would provide a level of protection to our tribal police agencies as well as further protect county sheriffs who would be signatories to our already existing mutual aid agreements.

ERIC SPRATLEY (Nevada Sheriffs' and Chiefs' Association):

The Nevada Sheriffs' and Chiefs' Association supports S.B. 182 with the proposed amendments, [Exhibit C](#), [Exhibit D](#) and [Exhibit E](#). We have worked with Chief Owens and Chief Emerson who did a presentation before an NvSCA meeting last year. These same questions were raised and answered in that meeting.

It really comes down to law enforcement resources and sometimes a lack thereof, especially in the rural jurisdictions. We already rely heavily on tribal police. However, as has been pointed out, if someone takes off running and force is used against that person, tribal police could be held liable. We do not want that for our fellow peace officers.

I would like to go to section 1, subsection 2 of the bill. It says "equivalent to that of a category I peace officer, from the Peace Officers' Standards and Training Commission." It seems tribal police officers could have an equivalent

type of certification. We want them to have a Nevada POST certification so they are trained exactly like the rest of our peace officers throughout the State.

SENATOR SCHEIBLE:

Could you describe what the landscape looks like in terms of mutual agreements? Do all the counties have them with each other or with other jurisdictions?

MR. SPRATLEY:

It is all over the board. The Reno-Sparks Indian Colony Tribal Police is a fantastic resource for the City of Reno. There is much activity in the City of Reno of which that colony is a part. They also have tribal lands in Hungry Valley. They travel from the City of Reno, through the City of Sparks, through Washoe County to get to Hungry Valley. Many bad things can happen along the way. They have MOUs with Reno and Washoe County, but I am not sure if they do with Sparks. It is really disparate like that throughout the State.

They have an agreement with the Washoe County Sheriff but they might not have one with the City of Fallon or some other city. We would like to bring it all under one umbrella of law enforcement.

SENATOR SCHEIBLE:

When we are talking about nontribal police such as parole and probation officers or bailiffs, is it the same thing. Is it different in different jurisdictions, or do most of them follow a standard structure?

MR. SPRATLEY:

I cannot speak to that.

MR. CALLAWAY:

The LVMPD literally has thousands of MOUs with various entities, an MOU with Immigration and Customs Enforcement all the way to an MOU with the U.S. Forest Service, the Bureau of Land Management and the Drug Enforcement Administration. The list goes on and on. The MOUs vary in length and size. Some are 50 pages long while some are a couple of pages long. They are updated by our legal staff when something occurs and when there is a realization that the MOU did not cover a particular situation. They are adapted so every situation is covered.

SENATOR SCHEIBLE:  
I did not realize that.

SENATOR RATTI:  
Does the sheriff have veto power over any of those MOUs?

MR. CALLAWAY:  
Yes and no. The sheriff has veto power in the sense that he can end an MOU. For instance, we have an MOU with the FBI. If something were to occur and the sheriff did not like the way FBI handled it, the sheriff could end the MOU with the agency. However, the FBI has federal jurisdiction to exercise police power in the State.

The Sheriff has an MOU with the City of Henderson. The City of Henderson obviously has full police power within the area of the City. The Sheriff cannot take away their police power under statute, but the Sheriff can end the MOU.

The difference with this bill is that tribal police do not have police power off tribal land. This bill would give them that power and then require the MOU.

SENATOR RATTI:  
This bill gives them that power and requires the MOU in order for the sheriff to work with a tribe. Where I am getting stuck is I cannot think of any other example in which the sheriff could veto an MOU between a police department and a tribe.

Of course the sheriff has veto power over any agreement in which he or she is directly involved because he or she could cancel the agreement. In the sheriff's MOU, when things blow up, either party to that agreement can pull out and that agreement is no longer in place. However, the way I am reading your amendments, you would then be inserting sheriffs. This is only going to affect two counties, Washoe and Clark Counties. For example, the Washoe County Sheriff would be inserted into the agreement between the RPD and the tribal entity.

MR. CALLAWAY:  
I do not know if there are tribal lands in all 17 counties. There are many counties outside of Washoe and Clark Counties that could be affected by this bill.



SENATOR RATTI:

My point is that rural counties are not going to have quite as many police entities as Washoe and Clark Counties.

MR. CALLAWAY:

The intent of my amendment is that the sheriff, as the elected primary law enforcement authority of the county, would have the ability, if he or she chose, to not grant authority for tribal police to exercise police powers off tribal land.

SENATOR RATTI:

There is no other police-to-police relationship where that would exist.

MR. CALLAWAY:

I would not say there would be no other existing police relationships. If the sheriff in Clark County does not want tribal officers exercising police power off tribal land, then things would be as they are today. If the sheriff agreed to the MOU, then tribal officers would have the ability to exercise police power off tribal land. In the situations described by Chief Emerson, they would assist officers on a call and they would be fully protected as full-power police officers.

SENATOR RATTI:

I should be clear, since I had a long line of questioning, that I support the original intent of the bill. My concern is doing anything with the amendment that treats tribal police differently than we would treat university or school police in the process of making an MOU with an equally situated law enforcement agency.

We can discuss this later and perhaps I can understand how this is not treating them differently.

MR. CALLAWAY:

You just made a valid point, Senator Ratti. Under statute, the jurisdiction of school police is limited to school properties. If a bill came forward tomorrow stating that school police could enter into an MOU with law enforcement to exercise full police power anywhere outside of school jurisdiction, I would want that bill to read that the county sheriff has the authority to grant or deny the MOU.

SENATOR RATTI:

Do we not already have that in place with the university police? In northern Nevada, university police have limited jurisdiction outside of the University of Nevada, Reno (UNR), campus but adjacent to the UNR campus. The Washoe County Sheriff did not have to sign off on that.

MR. CALLAWAY:

I am not sure what agreements may or may not be in place with Washoe County. My understanding, based on the statute, is that higher education officers may have category I power but, again, it gets into the question of category I training and authority versus jurisdiction. Someone may have category I training, but what is his or her jurisdiction. To the best of my knowledge, I am not aware of University of Nevada, Las Vegas (UNLV), police writing traffic tickets in Summerlin, making vice-related arrests or exercising law enforcement powers outside the scope of their jurisdiction, which is the UNLV campuses and facilities.

SENATOR GOICOECHEA:

A county sheriff's deputy does not have jurisdiction in another county.

MR. CALLAWAY:

That is correct.

SENATOR GOICOECHEA:

Are we going to say that they are category I police officers, therefore, they can be sent from Eureka to Las Vegas to arrest people? There is a line you have to draw. Most sheriffs would be more than willing to grant those police powers in their county jurisdictions.

We talked about a hodgepodge scenario. Elko County has 4 incorporated cities with 50 to 100 miles between them. It is going to be difficult if Wendover gives tribal police authority and they drive to Wells, which has not given authority, but maybe they have authority in Elko. It is problematic. I agree that the county sheriff, as chief law enforcement in that area, should be the one to grant or deny that authority.

COREY SOLFERINO (Washoe County Sheriff's Office):

Washoe County Sheriff supports S.B. 182 with the proposed amendments, [Exhibit C](#), [Exhibit D](#) and [Exhibit E](#).

SENATOR RATTI:

Do you know if university police have limited jurisdiction outside of their boundary?

MR. SOLFERINO:

University police are different than school police because they are a State entity. They have law enforcement powers in the State similar to a NHP trooper. Their jurisdiction may be limited to the local university. For instance, UNR has the Redfield campus off Galena and then the main campus in north Reno. While university police do not routinely engage in traffic stops between the different locations, they have the authority to do so.

SENATOR RATTI:

If a significant event occurred near the University—not university related—could they be enlisted to assist in that event? Is that done through a mutual aid agreement?

MR. SOLFERINO:

We have an MOU with the UNR police department. In fact, we are entering into an agreement with them in which two of their officers will soon become members of our SWAT team. Those MOUs do exist. I do not know what is in the current agreement.

MIKE SHERLOCK (Executive Director, Commission on Peace Officers' Standards and Training):

The Commission on POST does not have authority or jurisdiction over who is a peace officer or who exercises peace officer powers in Nevada. That is a legislative function.

We are tasked with establishing the minimum standards for the hiring, training, certification and the necessary continuing education of peace officers.

This bill is well-thought-out and well-articulated, including the amendment. The Commission's position is always simple. If the Legislature creates new peace officers in our State, it should always require them to meet the minimum standards of POST, and they should fall under our jurisdiction. The citizens of Nevada expect all peace officers in this State to be POST-certified—meaning they meet at least the minimum standard. Individuals exercising peace officer

powers who do not meet POST standards reflect badly on POST because the public assumes they have met those standards.

This bill accomplishes that, and POST supports the bill.

RICK McCANN (Nevada Association of Public Safety Officers):

The Nevada Association of Public Safety Officers supports S.B. 182 with the proposed amendments, [Exhibit C](#), [Exhibit D](#) and [Exhibit E](#).

This is an enabling bill, not a restricting bill. I am cognizant of everything that was brought up by Senator Ratti and others. Offline conversation is always a good thing. We are headed in the right direction.

MARLA MCDADE WILLIAMS (Reno-Sparks Indian Colony):

The Reno-Sparks Indian Colony supports the bill. We also support the concept of the proposed amendments, [Exhibit C](#), [Exhibit D](#) and [Exhibit E](#), and would appreciate participating in offline discussions to ensure they represent everything the tribes are willing to support.

CHAIR PARKS:

We have a few questions to answer on this bill, therefore we will work on that and bring the bill back with the appropriate changes in a future hearing.

We will close the hearing on S.B. 182, and open the hearing on S.B. 183.

**SENATE BILL 183**: Makes various changes relating to governmental administration. (BDR 19-537)

SENATOR HEIDI SEEVERS GANSERT (Senatorial District No. 15):

Senate Bill 183 deals with Nevada's Open Meeting Law. This measure increases communication with the public in two ways. First, it increases the public's knowledge of agenda items and supporting materials to be discussed; and second, it provides an increased opportunity for impacted small business owners to provide input into the impact of potential actions of a public body.

To protect transparency in government, every state has some variety of law mandating that all government business be conducted in open meetings to which the public has access. These are sometimes referred to as sunshine laws, open government laws, or as in Nevada, open meeting laws.

Pursuant to NRS 241.010, the Legislature declares that all state and local public bodies exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.

The measure before you increases communication, or transparency, with the public to protect fairness of actions taken by public bodies. When the public is aware of possible deliberations and actions to be taken, they have a better chance of communicating the impact of such decisions and ensuring any decision treats everyone equally.

The legislation before you makes four changes to the Open Meeting Law:

First, section 1, subsection 2, paragraph (d), subparagraph (8) of S.B. 183 provides that if an agenda is revised in any way after it has been posted or delivered, the revised version must clearly indicate what has been revised and the date of the revision.

On the first example on the presentation on page 2 ([Exhibit F](#)), you cannot really tell what has been changed. This is a revised agenda, but you are not really sure what it is. There are some asterisks and so forth. The second example is a revised agenda, page 3, [Exhibit F](#), which is red-lined so you can see that it has been revised, the date of the revision and what has actually been revised. It is clear to any member of the public that it has been changed and what are those changes.

Second, in section 1, subsections 5 and 6, paragraph (c), the measure provides that all public bodies that maintain a website and are located in a city or county that has a population equal to or greater than 45,000 must post on the website any proposed ordinance, regulation and other supporting materials to be discussed at the meeting.

Page 4 of [Exhibit F](#) shows an example of a proposed regulation with no language of the proposed change. It has a reference that could have been a hyperlink so someone could have just clicked on it and see the proposed regulation. It would have been clear to anybody interested in this public meeting.

On pages 5 and 6 of [Exhibit F](#) is an example of a proposed regulation with the actual language of the regulation. There are a couple of ways to do that. Because some of the counties with populations under 45,000 do not necessarily post everything on the website, we have continued the exemption they have.

Third, section 2, subsection 1, paragraph (c) deals with minutes of the meeting. The Open Meeting Law requires the substance of all matters to be included in the report. This measure instead calls for "a detailed summary" of all matters discussed or decided. The *Oxford Dictionary* defines detailed as "having many details or facts; showing attention to detail."

We have intentionally not defined "detailed" to leave some discretion to public bodies. The purpose of this change is to compel public bodies to provide enough information to allow the public to clearly understand the content of a public meeting. We have all seen summaries where there is hardly any information and you do not know what happened in the meeting.

Finally, when looking at the possible impact of proposed legislation on small businesses, the Open Meeting Law requires a public body to consult with the owners and officers of businesses that may be impacted. Section 3, subsection 2, paragraph (a) of this measure provides that if the public body sends a survey or questionnaire to a small business, the public body must give the small business at least 10 working days to submit a response.

Page 7 of [Exhibit F](#) is an example of an impact questionnaire for small business. Because that took place over a Presidents' Day weekend, instead of having five days which they should have had, they only had two working days in which to respond to the questionnaire. Ten working days is more appropriate to allow businesses to provide sufficient information regarding the impact. The regulatory process can be long. Ten days may sound like a lot; however, in the scheme of things, it is not that much to be able to get input from small businesses.

I urge your support of this important legislation, which increases the public's knowledge of agenda items and supporting materials to be discussed in a meeting of a public body. It also provides an increased opportunity for small business owners to provide input regarding the impact of potential actions of the public body.

SENATOR SCHEIBLE:

Was a particular incident or occurrence the cause of this measure?

SENATOR SEEVERS GANSERT:

It was brought to my attention by someone who deals with boards and commissions on a regular basis. It can be confusing when an agenda is posted, a revised one comes out that does not have enough information and then the public cannot get the regulations. It was one thing after another.

SENATOR KIECKHEFER:

Does this bill relate exclusively to cities and counties, or is it any government within counties with populations under 45,000?

SENATOR SEEVERS GANSERT:

It falls under the Open Meeting Law. Any public body that is convening a meeting that falls under the Open Meeting Law would fall under this bill. The section of the bill regarding counties and cities with populations under 45,000 addresses only the website posting. The rest of the bill applies to all cities and counties.

SENATOR KIECKHEFER:

The threshold is just for that one section of the bill.

SENATOR SEEVERS GANSERT:

Yes, just for that one section of the bill, because governing bodies in cities or counties with populations under 45,000 do not necessarily maintain a website.

CHAIR PARKS:

On the top of page 6, line 1 of the bill, you reference "less than 45,000, shall post a proposed ordinance." If a public body in a city or county with a population less than 45,000 has the capability of following the first part of the bill to post on its website, is it allowed to do that? If a city or county is smaller than a certain size, must it post a proposed ordinance or regulation?

SENATOR SEEVERS GANSERT:

"Shall" applies to all counties with a population over 45,000. If the county has a population under 45,000, it can still post things online. It is not a mandate; however, that county can still post anything it likes online.

LEA CARTWRIGHT (State Board of Cosmetology):

We support S.B. 183 because it allows the public better access to public body meetings. We are doing a service to the general public, our licensees and our stakeholders anytime we can add clarity to the governmental process. The general public may not always have the time we have to dedicate to finding minutes and hunting down changes to agendas. We appreciate any openness we can add to the process.

ALEXIS MOTAREX (Associated General Contractors of America, Inc., Nevada Chapter):

We support S.B. 183 because we all appreciate clarity and transparency in all public meetings.

PAUL MORADKHAN (Las Vegas Metro Chamber of Commerce):

The Las Vegas Metro Chamber of Commerce supports sections 1 and 2 of the bill regarding the intent of greater transparency with the general public.

Regarding section 3, the Chamber deals with business impact statements all the time with local and state governments. There is definitely a need from our members because we hear the small business sector talking about regulations coming from State agencies.

Local governments have done a great job working with us to ensure transparency. Ten days is a fair and practical time period for response to the small business impact questionnaire. We appreciate that it will be clarified in State law.

TYSON FALK (State Board of Oriental Medicine):

We support the concept of the entire bill. We have one question in section 2 regarding "a detailed summary." We are not quite sure what that entails. We are wondering about how much time will be committed to this by the State Board of Oriental Medicine and some of the smaller boards. We appreciate the clarification which allows some discretion on behalf of our Board. We will work with the sponsor to ensure we can comply.



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CHAIR PARKS:

We will close the hearing on S.B. 183. That concludes the bills for consideration today. Having no further business to come before the Senate Committee on Government Affairs, we are adjourned at 2:17 p.m.

RESPECTFULLY SUBMITTED:

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Suzanne Efford,  
Committee Secretary

APPROVED BY:

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Senator David R. Parks, Chair

DATE: \_\_\_\_\_

<b>EXHIBIT SUMMARY</b>				
<b>Bill</b>	<b>Exhibit / # of pages</b>		<b>Witness / Entity</b>	<b>Description</b>
	A	1		Agenda
	B	6		Attendance Roster
S.B. 182	C	2	Chuck Callaway / Las Vegas Metropolitan Police Department	Proposed Amendment
S.B. 182	D	1	Chuck Callaway / Las Vegas Metropolitan Police Department	Proposed Amendment
S.B. 182	E	1	Marla McDade Williams / Reno-Sparks Indian Colony	Proposed Amendment
S.B. 183	F	7	Senator Heidi Seevers Gansert	Presentation