

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

**Seventy-Ninth Session
April 6, 2017**

The Committee on Government Affairs was called to order by Chairman Edgar Flores at 8:11 a.m. on Thursday, April 6, 2017, in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/79th2017.

COMMITTEE MEMBERS PRESENT:

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

COMMITTEE MEMBERS ABSENT:

Assemblyman Chris Brooks (excused)

GUEST LEGISLATORS PRESENT:

Assemblyman Elliot T. Anderson, Assembly District No. 15
Assemblyman James Ohrenschall, Assembly District No. 12



STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

John V. White, Chancellor, Nevada System of Higher Education
Chester O. Burton, President, Western Nevada College
Joseph R. Sunbury, Chief Internal Auditor, Nevada System of Higher Education
Karin Hilgersom, President, Truckee Meadows Community College
Michael Flores, Director of Communications and Government Affairs, College of Southern Nevada
Luis F. Valera, Vice President, Government Affairs and Compliance, University of Nevada, Las Vegas
Kent M. Ervin, Ph.D., Legislative Liaison, Nevada Faculty Alliance
Rick Trachok, Chairman, Board of Regents, Nevada System of Higher Education
Jeffrey Haag, Administrator, Purchasing Division, Department of Administration
Elisa Cafferata, Chair, Nevada Commission for Women
Holly Welborn, Policy Director, American Civil Liberties Union of Nevada
Michael D. Sherlock, Executive Director, Peace Officers' Standards and Training Commission
Corey Solferino, Sergeant, Legislative Liaison, Washoe County Sheriff's Office
A.J. Delap, Government Liaison, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department
Javier Trujillo, Director of Public Affairs, City of Henderson

Chairman Flores:

[Roll was called. Committee rules and protocol were explained.] We will be hearing Assembly Bill 390 first, Assembly Bill 477 second, and Assembly Bill 383 will be last. I will open the hearing for Assembly Bill 390 and invite Assemblyman Elliot Anderson to the table.

**Assembly Bill 390: Makes various changes to state governmental administration.
(BDR 23-102)**

Assemblyman Elliot T. Anderson, Assembly District No. 15:

I am here today to present Assembly Bill 390, which is part of the Nevada Higher Education Reform Act. First of all, Senator Woodhouse apologizes for not being here this morning. She is chairing the Joint Meeting of the Assembly Committee on Ways and Means and the Senate Committee on Finance.

Senator Woodhouse and I proposed a two-piece Nevada Higher Education Reform Act in response to recent events. In the lead-up to this session and previous sessions, the Nevada System of Higher Education (NSHE) attempted to control, alter, and misrepresent information provided to policymakers, including the Legislature. Obviously, this is unacceptable, but I am not here to relitigate that. Both Senator Woodhouse and I want to commend Board of Regents Chairman Rick Trachok and Nevada System of Higher Education Chancellor John White for taking many positive steps during the interim to correct some of these issues. I think they have done a good job since then. However, as policymakers, we cannot stay focused on personalities. We have to stay focused on building systems. We owe the citizens of Nevada a culture of accountability in all levels of government. The higher education system belongs to all Nevadans and is an investment in our future and the future of the state.

Our reform efforts revolve around information in general. We need to improve the Legislature's access to information in order to help each of our universities and community colleges thrive. Without accurate information, our hands are tied and we cannot properly advocate for our constituents or our communities in Carson City. During the interim, we proposed several reforms. I am going to briefly discuss a number of them. You will not see all of them in the measure before you, and I will explain why in a moment.

We need to give the Board of Regents of the Nevada System of Higher Education the proper resources to do their jobs effectively and to manage the sprawling system of higher education. We also need to vest hiring and firing power over institution presidents with the Board of Regents and not the Chancellor. We need to provide checks and balances inside of this process by strengthening the Regents where we can. Furthermore, individual institutional presidents should also be required to present their institution budgets directly to the Board of Regents and the Legislature without the Chancellor playing favorites.

Establishing regional advisory committees would also be another way to give our higher education institutions a more direct connection to the community to publicly share information about their concerns and priorities. This is key to helping legislators make well-informed decisions. We also support expanding whistleblower protections for NSHE employees to include disclosure of any information involving false or misleading statements made to the Legislature.

Finally, bringing NSHE under the purview of the Spending and Government Efficiency (SAGE) Commission would allow state government to conduct a top-to-bottom review of the system from the outside.

At this point, you are probably asking yourselves or other Committee members, Where are most of these proposals? The short answer is that due to the *Nevada Constitution*, we are unable to proceed with several of them and have been left with the bill before you today. That is according to a legal analysis by the Legislative Counsel Bureau. Therefore, we had to stop moving forward with some of those proposals.

With that background in mind, Chairman Flores, allow me to take this moment to briefly plug the other part of our Nevada Higher Education Reform Act that is moving forward in the Legislature so you can fully understand the context. As a part of our proposal, Senator Woodhouse and I have proposed Assembly Joint Resolution 5. Constitutional governance serves as an antiquated way to govern higher education, and Nevada is the only state that has its entire system governed by a single elected board that also has constitutional status. Although there are several variations, some of which are in various constitutions, we have the only exact combination of an elected governing board and it is in the *Nevada Constitution*. The only reason it is in the *Nevada Constitution* in the first place was to have a self-executing law to access funds from the Morrill Act of 1862, [Pub. L. No. 37-108, 12 Stat. 503 (1862)] upon gaining statehood. That language speaks to the Morrill Act. Ever since, at least under a constitutional look based upon case law, we have jammed all of the state's higher education governance and administration under this provision despite a laundry list of studies and analyses recommending a reorganization of the state's higher education structure.

Based upon this case law, a notion that Nevada's constitutionally defined unified system of higher education precludes a role for the Legislature persists and is often used to obstruct efforts to align higher education in governments in line with the state's demographic and economic needs. It has regularly been interpreted to suggest that NSHE is a fourth branch of government, extending constitutional authority of the Board of Regents to govern the three branches of the University of Nevada system and all the other institutions.

At the very least, before you today you see a real result of that provision. It has precluded Senator Woodhouse and me from moving forward with a number of proposals. Furthermore, it is also why this bill does not just apply to NSHE. The Legislative Counsel, in case law, has been shaped and formed to preclude us from specifically making distinctions in law as we do for every other state agency. If we want to rope in NSHE, the language needs to apply to all state officers. That is why the whistleblower protections you see before you apply to all state agencies. I think it is very important to discuss this constitutional provision here today because it has had a real-world effect on this legislation. It precluded us from moving forward with proposals such as regional advisory committees to connect workforce and communities. The provision has become an impediment to reform.

Before I get into the bill, I will note that if we are different and were succeeding, that is one thing. However, if we are different and failing, then we need to change it. We can do better. I would like to draw the Committee's attention to the provisions of the legislation that have survived. I will note for the Committee that we do have a mock-up of a proposed amendment ([Exhibit C](#)). The language in the bill came back a bit broader than I would like, so we have provided a mock-up to your staff. I am not sure if the mock-up has been uploaded to the Nevada Electronic Legislative Information System (NELIS).

Chairman Flores:

When was that mock-up provided to the staff?

Assemblyman Elliot T. Anderson:

I received the mock-up last night from the Legal Division of the Legislative Counsel Bureau. It was forwarded to your staff this morning.

Chairman Flores:

I do not believe we have the mock-up at this point. Things are moving very quickly. Would you ask your attaché to send the mock-up again?

Assemblyman Elliot T. Anderson:

It is a simple change, so I will go through it now with what has changed. If you look at section 1, subsection 1 of the bill, it discusses a fairly broad charge that allows any state employee acting in good faith to communicate personally or in his or her official capacity with the Legislature or a legislator in any manner. In the mock-up, that has been deleted in whole and narrowed down to only provide protections when there is false information that was disseminated on behalf of the employer. It allows the state agency to reveal that information to the Legislature. It also allows them to disclose evidence of illegal activity. It has taken the charge from any matter specifically to move it and narrow it down to just false information that was presented to disclose false information presented to the Legislature or disclose any other evidence of illegal activity. The mock-up makes it more in line with what was envisioned. This was the whistleblower protection I referenced in my opening remarks. That charge has been significantly narrowed because our intent was not to allow for state agencies to have no control over their agency. I would like a provision like that for the university presidents to facilitate that conversation. However, that is not allowed under the *Nevada Constitution*, so that is not before you today.

In order to protect whistleblowers, in the original bill in section 1, subsection 2, there is a laundry list of different protections to ensure there is no retaliation against the state employee by the state agency. In section 1, subsection 5, "Legislator" is defined broadly to include staff to facilitate that communication.

I would like to talk about the SAGE Commission provisions in section 4. This is something we have seen in a number of different forms throughout our time in the Legislature. In Assembly Bill 421 of the 78th Session, as introduced, the SAGE Commission dealt with both NSHE and the Department of Education for K-12. That was amended in the Senate to take NSHE out of the bill. This bill moves forward with a similar provision.

I will not take up any more time. I know you have a busy schedule. If the Committee has any questions, I would be happy to answer them.

Chairman Flores:

Members, I do want to point out that everyone should have an email with the proposed amendment mock-up ([Exhibit C](#)). I appreciate the presentation. I will open the hearing for questions from the members. In the interest of time, I will allow one question with a follow-up.

Assemblywoman Neal:

My question is in regard to section 2, subsection 2, paragraph (b). In the bill, you are basically letting state employees have the same protections as a member of the Senate or the Assembly. This portion of the bill states "Legislator" means any "Other person who takes or performs any actions within the sphere of legitimate legislative activity that would be protected if taken or performed by any member of the Senate or Assembly" That provision is not deleted in the mock-up.

Assemblyman Elliot T. Anderson:

That language you read refers to staff. It allows a potential whistleblower to talk to our staff. I believe it is defined in section 1, subsection 4.

Assemblywoman Neal:

What are the specific examples that you have actually seen that created the need for this particular piece of legislation?

Assemblyman Elliot T. Anderson:

There was a lot of attention over the interim based upon some false information that was presented to the Legislature. I am not here to get into that today. I believe it was pretty well documented during the interim about what happened. I am trying to get us past those instances and have us look forward with explicit whistleblower protection.

Assemblywoman Neal:

There was a lot that happened over the interim, and I know you do not want to get into it. I am not asking you to necessarily dig it all up, but it would be good to state what the issue was so we understand the public policy issue we are engaging in.

Assemblyman Elliot T. Anderson:

It is for the record that I am being asked to say this. There was some information presented during a previous interim relating to the higher education funding formula. The writings of NSHE were passed off as the writings of an independent consultant, put on independent consultant letterhead, and presented to the Legislature. The Legislature wanted to ensure that analysis was independent. We found out during this past interim that the information was not, in fact, an independent consultant's work, but NSHE's work. It was discussed, and we have proof that it was discussed. It was done specifically because we did not trust NSHE and the information needed to come from an independent consultant. That is as concise of an explanation as I can give you.

Again, this is not about what happened in the past. This is about what kind of system we want to have going forward and putting in protections to ensure as legislators we receive good information so we can create good policy for our constituents. We have been talking about the hectic schedule we have today. We have to make decisions very quickly on the fly at the Legislature. We have to be able to rely on every bit of information that we receive without wondering whether the information is true. We need to be able to rely on the fact that the information is true without any thought. There is a sign at this witness table that tells testifiers they must speak honestly. We need to ensure that we have protections. People need to know that if that law is violated, we are able to get that information. That is at the heart of this legislation and goes to the core of the legislative process. We need to take steps to protect that process.

Assemblyman Kramer:

I looked at section 4 of the mock-up ([Exhibit C](#)) for something that is italicized or bolded to indicate a change but could not find anything. I am curious as to what the change is in section 4.

Assemblyman Elliot T. Anderson:

There are two types of statutes. There are revised statutes in the *Nevada Revised Statutes* (NRS) and there are other statutes that are contained in what is called the *Statutes of Nevada*. When we talk about the blue changes in sections 1 through 3, those sections revise the NRS directly. Section 4 is a plain statute with no changes because we are not revising anything. We are creating a commission, which is contained in the *Statutes of Nevada*, which are big volumes of the actual laws we pass. Once we are done passing all those *Statutes of Nevada*, they are then revised during the codification process by the Legislative Counsel Bureau. Section 4 is a new commission. It is not blue or red because we are not actually revising the NRS.

Assemblyman Kramer:

What you are saying is because of the type of statute it is, it does not get the same treatment in color-coding or bolding as other new language would get?

Assemblyman Elliot T. Anderson:

It would only have blue, red, bold, or italicized language if it is going to revise NRS. This is only going to exist in the *Statutes of Nevada* and will not be revised into the NRS. It is technically new law.

Chairman Flores:

For those of you following online, the mock-up ([Exhibit C](#)) has been uploaded to NELIS. Are there any further questions from the Committee?

Assemblyman McCurdy:

I understand this is not a money committee, but I would like more information regarding the salary of the Board of Regents going from \$80 per meeting to \$20,000 per year in section 3, subsection 1 of the bill.

Assemblyman Elliot T. Anderson:

It is not bad to talk about the policy of why that is in this bill. I am not sure it will make it all the way through the process. To that point, this is about empowering the Regents. Somehow, we get into an adversarial relationship at times. I think a big part of accountability for NSHE is to empower the Regents a bit more. We often have to rely on staff more than I would like. We have good staff, but in the end, we have to make the decisions. Likewise, we need to ensure it is the Regents making the decisions. I think part of the problem is there is a vacuum, especially during the interim. We have part-time legislators, part-time Regents, and full-time staff. In function, that sometimes means we have to rely too much on people who have not been elected. I think staff performs an invaluable service, but we need to ensure the people who supervise NSHE and the bureaucracy have the ability to manage it so they are not being managed by it. I am not sure that will make a huge difference, but I would have to say it is better than \$80 per meeting to ensure people who take the time to serve in state government have some ability to keep their focus on that position.

Assemblyman Carrillo:

Section 5, subsection 2 of the bill indicates section 4 of the bill expires by limitation on June 30, 2019. Could you clarify that section?

Assemblyman Elliot T. Anderson:

It is necessary to have that section expire because the SAGE Commission is a limited term body. If you look at section 4, subsection 11, the Commission is directed to file its report on February 1, 2019, if this bill passes. At that point, there would be no other reason for the Commission to meet, so it is important to sunset the Commission at that time.

Chairman Flores:

Are there any further questions from the Committee? [There were none.] After having the opportunity to speak with some of the stakeholders last night, the way I would like to proceed is to allow the first two individuals in opposition, support, and neutral to testify for five minutes. Everyone following will have two minutes to testify. Please coordinate with those wishing to speak in opposition, support, or neutral and select the individuals you would like to testify for five minutes. Is there anyone wishing to testify in support of the bill, either in Carson City or Las Vegas? [There was no one.] Is there anyone wishing to testify in opposition to the bill, either in Carson City or Las Vegas?

John V. White, Chancellor, Nevada System of Higher Education:

I should preface my comments by saying that NSHE has spoken with the bill sponsor, and we are aware that there are amendments coming through. We have not had a chance to study the current amendment. Our conversations have been very productive, and we thank Assemblyman Elliot Anderson for that. My comments will be shorter than I had initially planned and premised on the fact that this is a moving target. We are hopeful that we can come to some agreement.

Thank you for the opportunity to comment on this bill. It is an interesting bill and its original form was troublesome to us in some respects. I will comment on the three major provisions in turn. First, I do not have a view as Chancellor or as the head of NSHE about payment of Regents. The Board of Regents itself has not had an opportunity to comment on this provision, and I do not really know what their opinion would be, nor do I know if payment in the proposed amount would be positive or negative. We do not really have an opinion about that provision.

Secondly, the SAGE Commission proposal raises two concerns. I do not have any worry about the SAGE Commission's review of NSHE's administration office. Our office is small and subject to regular audits that help us pursue best practices. I echo testimony before the Assembly Committee on Education last session when the SAGE Commission was discussed [April 6, 2015]. In that hearing, our current board chair wondered if such a commission would be necessary, effective, or in the best interest of our campuses. The Board of Regents has been especially focused in the interim on efficiency and effectiveness, leading to a review of many business practices, opportunities for consolidation of functions, and effectual uses of resources. Having said that, we are not opposed to an outside view in general, but we have some concerns about whether the SAGE Commission would be the right vehicle. We look forward to continuing to work with the bill sponsors.

In any event, I caution that the Board's efforts around business practices have been complicated by the necessity of respecting important academic values, particularly shared governance. A SAGE Commission would encounter the same challenge. Higher education in the United States has flourished in large part because the system of shared governance leaves to experts—our faculty—most decisions about curriculum and faculty hiring. Their understanding of the cutting-edge developments in their field and how those might be incorporated in a curriculum that represents strengths and opportunities in the department for the betterment of students cannot be replaced with decisions from above, by me, or from outside.

While I can confidently speak to questions of legal education and President Jessup of the University of Nevada, Las Vegas (UNLV) about management information systems and Provost Chase, also of UNLV, to anthropology and archeology, what can any of us say responsibly about physics generally or material science within physics? We have informed opinions about this and other fields for sure, but the expertise to ensure the curriculum is strong and up to date rests with the faculty.

I believe shared governance is the most efficient way to run a university. This perhaps surprising observation is supported by the largely failed efforts of for-profit universities to craft an effective but different model. The reason is that the quality of the product in higher education is dependent on this bottom-up reliance on faculty members' collegial decisions around curriculum and faculty hiring, coupled with the joint efforts of faculty and administrators to build an effective university. I believe the conventional corporate model for the university would either demand massive numbers of middle managers or would lead to long-term stagnation of curriculum and instruction. Any SAGE Commission-type project in higher education would need to be careful not to disrupt this crucial structure. Indeed, its members would have to work diligently just to not be preoccupied with the shared governance model, which is, needless to say, strange to the business world.

I will end at this point, having noted only that in its original form, the whistleblower provisions were of grave concern to us. We thank Assemblyman Elliot Anderson for his amendment and we look forward to studying any amendments in developing our position as we move forward.

Chester O. Burton, President, Western Nevada College:

I am here to speak specifically against section 4, regarding the SAGE Commission. I will preface this by saying no one in NSHE believes more in efficiency and effectiveness than I do. If you do not believe that, we are right up the street and I invite you to see and hear what we have done. Metrics speak louder than any anecdotes, so I will quickly give you some metrics.

Since 2008, our state-supported budget has been cut by 42 percent. At the same time, we have improved the number of graduates with associate degrees by over 50 percent. More important, our graduates with technical and professional certification have doubled over that period of time. There is a study that workforce development leads directly to jobs.

My vice president of academics left last week to take over the presidency of a college in North Carolina. That is a state not generally noted as a liberal bastion or for high spending. He has roughly the same number of students I have at Western Nevada College. His budget next year will be \$25 million. My budget next year will be \$17 million. I joked with him that I would trade and he could take over Western Nevada College. I would love to see an additional \$8 million and think about what I could do with it.

With that said, you may wonder why I do not welcome the SAGE Commission. To incorporate the level of cuts we have had over the last eight years and maintain student services and the graduation rates I am talking about, we have had to cut our back office drastically. Within my budget office, I used to have three people; now I have one. As president of the college, I wear two hats: chief financial officer and president. It keeps me a little busy, but it is about the students and I enjoy that. These studies, however well intentioned, take a lot of time and effort. If we are supporting a commission that wants to look at all our spending, it really could disrupt operations.

We already have multiple levels of oversight, including a local institution advisory council that is made up of local business leaders, government leaders, and educators who look at our operations and actually report to the Board of Regents. There are metrics out there that show our effectiveness without having to do a whole study. The Chancellor recently did a presentation to the Board of Regents that shows how Nevada compares. In almost every single metric of efficiency and effectiveness, we compare very favorably.

The last thing I will say is I gave similar testimony on Assembly Bill 421 of the 78th Session two years ago regarding a higher education SAGE Commission. Since that time, we are looking at phasing out the so-called bridge—or mitigation—money, so we have taken another \$2 million budget cut over that period, meanwhile supporting the same number of students and graduating more students. We are continuing our efforts. It has not stopped, I can assure you. With that, I welcome any questions.

Assemblywoman Neal:

When I first read section 4, it seems it has a specific purpose over the two years. I am going to say it like this: Somebody is looking for something and trying to get information. They are thinking in two years this report is going to reveal something that perhaps has not been shown before. I do not know what kind of conversations you are having with the bill sponsor in regard to what he is looking for and the scope of what he is seeking to find. To me, the provision allows a certain level of fishing to look for things. Has there been a conversation to try to deal with the scope or offer up whatever is being sought?

Chet Burton:

I am not aware of any scope at this point. I am going off of what I saw in the K-12 SAGE Commission, as well as other SAGE Commissions. The scope of that has been pretty in-depth in collecting information, disseminating information, and looking at comparisons. Frankly, I am not seeing any substantial changes coming as a result of any of these SAGE studies. I am a person who believes in results. There was a SAGE Commission in A.B. 421 of the 78th Session in the last two years, and I am not aware of any substantial changes coming forward as a result. Efficiency and effectiveness is a pretty wide range, and I do not know what they are specifically looking for. Those numbers I gave you are factual numbers and speak for themselves.

Assemblywoman Neal:

May I ask the same question to you, Chancellor White?

John White:

We did talk to the sponsor and I believe his goal is an admirable one of finding efficiencies so we can improve the operation of the system. I think my comments really go to the challenge of doing that through this particular vehicle. Our discussion has been for an alternative vehicle that would be satisfactory to his goals of finding efficiencies, which we are all for, but not disruptive of the system and not one that would operate ineffectively because of the shock and awe of seeing how higher education works.

I think it is fair to say that higher education does not work like other parts of the economy, even though it participates in the economy. Our traditions, whether it is academic freedom or shared governance, are foreign to most profit-seeking businesses and many nonprofits. On the other hand, notwithstanding the limitations of the American higher education system, it is admired in large part because it is not a bureaucratic system like European countries. It is not a government agency as such. We have a mix of different kinds of schools, including private. That structure is one that I think is admirable and has helped us to thrive. We have to do better. Not to speak for the bill sponsor, but I think his goal is to have us do better.

Chairman Flores:

Are there any additional questions from the Committee? [There were none.] Is there anyone else wishing to speak in opposition in Carson City or Las Vegas?

Joseph R. Sunbury, Chief Internal Auditor, Nevada System of Higher Education:

I understand the Committee has some interest in better understanding NSHE's internal audit function. I hope my comments this morning will be helpful on that front. The Internal Audit Department functions as an independent and objective assurance and consulting activity conducting ongoing evaluations to improve the effectiveness across all eight institutions and the NSHE administrative office in areas of risk management, control, and governance processes. To maintain independence and maximize public accountability, my position reports to the Compliance and Audit Committee of the Board of Regents functionally. This reporting structure allows the capacity to not only perform independent assessments, but also to perform consulting and investigative activities without bias. We provide analysis, appraisals, and recommendations to a given function being reviewed. This is made possible through authority for full access to all NSHE records, properties, and personnel.

Over the past two years, we have averaged 16 completed audits per year. These audits span all eight institutions, plus system administration. These reports are reviewed publicly during quarterly Compliance and Audit Committee meetings, and these are presented with recommendations and the institution's action plans already imbedded into the report to expedite discussion.

These audits stem from our annual audit plan, which is born from a robust risk assessment process. This process is very collaborative in nature. We solicit input and ideas from a variety of sources, including the campuses, for consideration as we weigh items against our various risk factors. This collaborative, risk-based approach allows internal audit to focus on areas that are important to our key stakeholders and ensures that our work will remain relevant.

The types of audits being performed can vary. For example, at a recent Compliance and Audit Committee meeting, we presented audits ranging from cloud computing management to purchasing cards. Very different areas with slightly different tones in each, but the overall process was the same, which is to recommend improvements in business processes and to strengthen the control environment.

Using that meeting, I will run through a very quick example of a recommendation that helped efficiency. I mentioned purchasing cards earlier. The institution will set up these cards so that certain vendor types are not allowed. These are identified through the use of merchant category codes that businesses are assigned within the credit card industry. We utilize data analytic software and were able to quickly identify that a number of vendors appeared to be within an inappropriate merchant category code. Based on this, we recommended the list be reviewed by the appropriate parties and the credit card company be contacted to eliminate the inappropriate codes.

Chairman Flores:

I appreciate the breakdown, but in the spirit of fairness, I did say I was going to limit the rest of the conversation to two minutes. Could you please do a closing remark?

Joseph Sunbury:

The last point I will touch on, while not a function of internal audit, is to make clear the distinction that we do have an external audit firm, Grant Thornton LLP, that performs NSHE's financial statement audit as well as an audit of grants and contracts. These audited financial statements are then incorporated into the state's financials.

Karin Hilgersom, President, Truckee Meadows Community College:

I am the relatively new President of Truckee Meadows Community College (TMCC). According to one of the testimonies I heard this morning, I suppose I missed a lot of fun in the last couple of years. For me, the bill is a bit unclear, and I am trying to get a handle on what has triggered it. I have heard a few things. I would like to explain that I am in my thirtieth year in higher education. I was an executive vice president for two colleges for approximately six or seven years, and I was the president of a small college in New York, which really had some budget issues, for the last three and a half years. I am happy to report, now at TMCC, I feel I have found my fit at one of the best community colleges in the country. The reason that is important to note is because I think NSHE is a good system, and I think it is working very well. It sounds like there was a big trouble spot, as all systems experience once in a while. I think it is important to try to be truthful. As legislators, I hope we can work together to verify what is truthful and to verify that things are truthful as they are presented.

I oppose this bill because I do not think it fixes any of that. We do not produce widgets in higher education. I like to think after 30 years that I assist in producing better people, people who are very skilled in the workforce, people who transfer on to the University of Nevada, Reno, or other universities, including private universities. Some of my students have become doctors, lawyers, city managers, public health officials, and all kinds of wonderful things. I am in the business of transformation, not widgets.

For 30 years I have prided myself in all my roles as being a very responsible and ethical public steward of state funds. I do not think I need a SAGE Commission to help me do that. I do appreciate independent audits, which NSHE does do. I think those are fabulous. In short, I oppose the bill, and I would encourage continued conversations to fix the issues at hand.

Michael Flores, Director of Communications and Government Affairs, College of Southern Nevada:

I will echo the testimony of others in opposition. I would like to say we understand the seriousness and the concerns of the bill sponsor, and we look forward to working with him. However, we do oppose the bill as written.

Luis F. Valera, Vice President, Government Affairs and Compliance, University of Nevada, Las Vegas:

Upon learning of the ongoing conversations between the Chancellor and the bill sponsor, I have shortened my remarks. We certainly appreciate the bill sponsor's intent as well as the historical basis for proposing this bill. However, as the Chancellor so eloquently stated, there are some managerial, logistical, and supervisory issues that present some challenges to running a large and complex organization such as the University of Nevada, Las Vegas. As Assemblyman Anderson noted, there is some broad language that he has identified and is looking to address, so that is certainly something we welcome. We would certainly be happy to work with the bill sponsor through the office of Chancellor White on changes to the bill.

Chairman Flores:

Is there any further testimony in opposition to the bill? [There was none.] Is there anyone wishing to testify in the neutral position?

Kent M. Ervin, Ph.D., Legislative Liaison, Nevada Faculty Alliance:

Nevada Faculty Alliance is the faculty association at all eight NSHE institutions. We are the affiliate of the American Association of University Professors, which was founded 102 years ago to advocate for meaningful faculty participation in academic governments.

Nevada Faculty Alliance has always taken the position that faculty can freely communicate with their legislative representatives, either as private citizens or as subject matter experts regardless of things that come down from the administration, as long as they do not represent themselves as speaking for the institution. For that reason, we support section 1 regarding the whistleblower protections. I had a brief chance to look at the proposed amendment mock-up ([Exhibit C](#)) and that seems to remove some overly broad language. We do think extending the protection to former legislators and especially former employees may be a little too broad. I am not sure people always know when they are speaking with a former legislator or why they should have special protections.

In section 3, subsection 1 regarding Board of Regent stipends, I must admit many of my members are skeptical of this provision. We believe the Board of Regents should absolutely be fairly compensated for their time. I do not know where the \$20,000 number came from given the numbers of days of service expected of the Board of Regents. The Board of Regents has stated many times over the past year that faculty compensation is their highest budget priority, and it would be the height of irony if the Regents receive a large raise and faculty merit is not funded this session.

As far as the SAGE Commission, my members are very skeptical of SAGE commissions, partly because there is no faculty representation except by appointment. We very much operate from a bottom-up perspective of faculty governance. We remember when SAGE commissions did have an effect, particularly a SAGE Commission some time ago that proposed major cuts to state employee benefits and retirement plans. Those may not have been enacted directly through the budget cuts of the recession, certainly many of those ideas were brought to fruition, particularly with respect to health care benefits. We are generally a little fearful of an ideologically or politically based commission without great faculty involvement.

Assemblyman Carrillo:

I am not sure how many days the Board of Regents works annually. At the Legislature, the legislators put in 120 days every two years and we know what our salary is. I know this is not a money committee, but how many days do the Regents put in on average per year?

Kent Ervin:

I would like to leave that question for an expert. I know they have quarterly two-day meetings plus extra one-day meetings almost as often.

Assemblyman Carrillo:

How many meetings did they have in 2016?

Kent Ervin:

I do not want to give you inaccurate information. I suspect it is 10 to 20 meetings annually.

Rick Trachok, Chairman, Board of Regents, Nevada System of Higher Education:

The Board of Regents average about ten meetings a year. In terms of how much time we put in, as Chairman, I have been averaging about 40 hours a week for the last two years. I think the average Regent will probably put in about 15 hours a week in studying all the materials.

Chairman Flores:

Is there anyone else wishing to speak in the neutral position, either in Carson City or Las Vegas? [There was no one.] Assemblyman Anderson, do you have any closing remarks?

Assemblyman Elliot T. Anderson:

I would like to thank Chancellor White and Chairman Trachok for meeting with me to discuss the ways we can have a consensus. The mock-up ([Exhibit C](#)) is the first attempt. I agree that the bill language was too broad initially.

I do want to address some of the points about the SAGE Commission. What I have heard today is, "We are different, we are different, we are different." With respect, government in general is different. Every other government agency went through the SAGE Commission, either in 2009 or because of A.B. 421 of the 78th Session. This is about changing the culture of "we are different." That is the core of this higher education reform effort. Currently, we are forced to treat NSHE differently than we can treat every other state agency. I hear "we are different," but that could apply to any government agency because not every government agency is a business. They have different performance metrics as well.

Other government agencies do not produce widgets, as you have heard. If every other state agency can go through this process, why not NSHE? This is at the core of the resistance that the Legislature has faced from the Board of Regents and NSHE. It has become too insular. Everyone could use an outside look in. It is a very important principle of accountability and transparency that one cannot hold oneself accountable. That is why every state agency, not just NSHE, needs an outside look in. I am certainly open to discussing the scope and the membership in having those discussions, but "we are different" is not a good enough answer. I urge the Committee to reject that sort of analysis, as it would if any other state agency were to testify. This body deals with agencies all the time, and NSHE is the only one that we cannot create law focused at. That is something that should change through the constitutional process. It should be kept in mind as the Committee is considering this legislation.

I would add, again, if we were at the top in terms of performance in the higher education world, maybe we should not do anything. We have room to grow, and I think this bill is a positive step forward to ensure we are getting accurate information and that we have outside accountability into the system of higher education.

Chairman Flores:

We appreciate the spirit of your bill and look forward to what you and the stakeholders can come up with so we can get this on work session. I will close the hearing on Assembly Bill 390. I will open the hearing for Assembly Bill 477.

Assembly Bill 477: Authorizes appointment of a General Counsel of the Purchasing Division of the Department of Administration. (BDR 27-895)

Jeffrey Haag, Administrator, Purchasing Division, Department of Administration:

This bill proposes changes to *Nevada Revised Statutes* 333.100, allowing the Administrator of the Purchasing Division, Department of Administration, to appoint an unclassified general counsel position. As a point of clarification, this position is really a contractual law counsel, as they will serve in the contractual review process.

This bill is the result of the Executive Branch Audit Committee's *Report #C16-01: State Procurement Process I*, which was delivered in June 2016. The report found that the state's procurement and contracting functions lacked sufficient review and oversight. The audit included nine recommendations, one of which was to create a central contract unit.

In fiscal year 2016, the Purchasing Division facilitated more than 250 solicitations resulting in hundreds of contracts representing more than \$430 million in state spending. The contracting counsel position, when approved, will replace a vacant administrative services officer position that has been vacant for more than one year. The contracting counsel will be responsible for reviewing solicitations and contracts to ensure adherence to Nevada laws and procurement policies; managing legal reviews and contract negotiations to ensure the state's needs are met; providing statute interpretation services for the procurement function; and continuously reviewing and maintaining the state's procurement policies and legal documents.

This position will be complementary to the services provided by the Office of the Attorney General. Today, the Office of the Attorney General provides shared legal services of one deputy attorney general. This deputy attorney general is shared by four other state agencies in addition to the Purchasing Division. The Purchasing Division's in-house contracting counsel will work collaboratively with our deputy attorney general to address the procurement and contracting needs of the state.

Supporting this bill will allow the Division to support the central contract unit as recommended in the Executive Branch audit, providing the state much-needed legal review and oversight. That concludes my remarks. I would be happy to answer any questions you may have. [Also submitted was written testimony from Jeffrey Haag ([Exhibit D](#)).]

Assemblyman Daly:

Is the Department of Administration covered by a deputy attorney general now? Why do you need a separate general counsel? If it is needed, we will take a good look at it.

Jeff Haag:

We are currently represented by a deputy attorney general. Those resources are shared with four other state agencies in addition to the Purchasing Division. As a result of that, and I think this was found in the Executive Branch audit, our solicitations today and the contracts that are executed as a result of those solicitations do not, in some cases, receive any legal review other than a signature on a form. They certainly do not involve the appropriate amount of legal review needed due to the workload of that deputy attorney general.

I think it is also important to note that this decision was made in coordination with the Office of the Attorney General. The initial recommendation was that we work through that office for more dedicated legal support to the procurement function. Those resources were not available and it was the recommendation of that office that we pursue an internal contracting counsel to ensure proper oversight and review.

Assemblywoman Neal:

I do not know if you have submitted the audit for the record, but how long has the lack of legal review been going on?

Jeff Haag:

I am just shy of a year and a half in my position. It is my understanding the structure of legal support that we are looking to address has been in place for as long as I have been made aware. As a result of that, it is my opinion that the lack of proper review has been ongoing for some time.

Assemblywoman Neal:

Does that mean contracts have walked out the door that have had illegal provisions requiring your Division to backtrack or rescind? What has happened?

Jeff Haag:

I think there are several things that are happening. Certainly, the Division has agreed to contract language that we should not have agreed to because it lacked the proper legal review and insight into how those contracting issues should be addressed and the language being proposed by our vendors is countered, if you will. Secondly, we suffer in a procurement cycle time that is largely extended due to the lack of proper legal oversight. It is not uncommon for solicitations, more appropriately contracts, to sit for months as they are reviewed. That is not fair to agencies we are responsible to serve and it is not fair to the vendors we are doing work with.

I think there have also been some fundamental contracting failures in the state recently that could have been mitigated if we had the full-time legal support this bill is recommending. Legal support would have the insight, fortitude, and opportunity to research these large multimillion-dollar contracting opportunities to ensure the traps and pitfalls are mitigated to the best of our ability.

Assemblyman Carrillo:

Will this slow down the procurement process?

Jeff Haag:

On the contrary, we expect this to significantly increase the procurement cycle time because we are currently waiting in a queue, if you will, behind four other state agencies to get the attention of our deputy attorney general to review the documents, approve them, and allow us to move through the process. Having legal resources on site full-time in the procurement office so we can literally walk down the hall, hand them the documents for review, and potentially get an answer the same day, will significantly improve our turnaround time for state agencies.

Assemblywoman Neal:

You said there have been some failures in the past. Could you give me an example of one of those failures you feel could have been mitigated?

Jeff Haag:

Let me preface that the examples I share are things that have been brought to my attention but transpired prior to my arrival to the agency. One large failure was around the standup of the Affordable Care Act several years ago and the colossal contracting effort. The failure in that contracting effort and the breakdown of that process is something that we talk about regularly. I cannot help but wonder, if we had more focused attention and resources, if those problems would have been mitigated. We also have a contract that we have done a lot of work on and have made significant improvement with the provider of our financial system within the state. Again, I think the opinion of folks within the state, and my personal opinion, is that the contract was not provided the fortune of having the proper level of legal review. I cannot help but wonder, had we had the opportunity for more focused legal review, which this bill is presenting and trying to provide, if those problems would have been mitigated, and we could have been more successful with those vendors.

I think this is a resource that is as needed for us internally as it is for the way in which we engage the vendor community, the level of service and engagement we have with them, and the timely response of the concerns they bring to us as we are working through the contract function.

I would also like to point out that in addition to the contracting support this position will perform, we also have policies and procedures that do not have the fortune of having the continuous legal review they need. We are in an ever-changing environment in an ever-changing industry. The ability to have timely and appropriate legal review of those policies and procedures is critical as well. That had not been happening when I arrived.

Chairman Flores:

Are there any further questions from the Committee? [There were none.] Is there anyone wishing to testify in support of A.B. 477, either in Las Vegas or Carson City?

Elisa Cafferata, Chair, Nevada Commission for Women:

I think several of you have heard me present on the gender equality index. I did have the opportunity to meet with Mr. Haag earlier during the session to discuss innovative ways that we might incorporate some of the questions and policy concerns from that initiative into the Purchasing Division system. Although he did not spend any time talking about his credentials and his commitment to innovation and advancing great policy in the state, that has been my experience with Mr. Haag. I just wanted to make sure that was put on the record. I think he is trying to do good work for all of us in Nevada, and that should be supported.

Chairman Flores:

Is there anyone else wishing to testify in support of the bill? [There was no one.] Is there anyone wishing to testify in opposition to the bill? [There was no one.] Is there anyone wishing to testify in the neutral position? [There was no one.] Mr. Haag, do you have any closing remarks?

Jeff Haag:

I would like to thank you for hearing this bill and giving me an opportunity to present it.

[Submitted as an exhibit but not discussed was ([Exhibit E](#)).]

Chairman Flores:

I will close the hearing on Assembly Bill 477. Assemblyman Ohrenschall is on his way to present Assembly Bill 383. While we are waiting for him, we will start the work session with Assembly Bill 8.

Assembly Bill 8: Revises provisions governing the collection of delinquent municipal utility charges. (BDR 21-323)

Jered McDonald, Committee Policy Analyst:

The first bill on the work session is Assembly Bill 8, which was heard in this Committee on March 2, 2017. Assembly Bill 8 expands the authority of a city to have delinquent charges for any utility services collected with the county's general taxes ([Exhibit F](#)).

We did have an amendment proposed for this bill submitted by the sponsor. The amendment is on page 2 of the work session document ([Exhibit F](#)). As proposed in the mock-up, the term "utility services" is defined in section 1, subsection 9 as sewerage, storm drainage, or water service, or any combination of those services. Sections 2 and 3 of the mock-up make conforming changes.

Chairman Flores:

I will entertain a motion to amend and do pass Assembly Bill 8.

ASSEMBLYMAN KRAMER MADE A MOTION TO AMEND AND DO
PASS ASSEMBLY BILL 8.

ASSEMBLYMAN DALY SECONDED THE MOTION.

Assemblywoman Neal:

I understand where the cities are trying to go and the fact that this was a 1947 provision in law. However, I will be voting no because I am still not comfortable. My idea was to maybe reverse the 1947 law and change the landscape of what was happening.

THE MOTION PASSED. (ASSEMBLYWOMAN NEAL VOTED NO. ASSEMBLYMEN BROOKS AND WOODBURY WERE ABSENT FOR THE VOTE.)

Chairman Flores:

Assemblyman Kramer will take the floor statement. We will move on to Assembly Bill 258.

Assembly Bill 258: Revises provisions governing the Nevada Commission for Women. (BDR 18-852)

Jered McDonald, Committee Policy Analyst:

The next bill on work session is Assembly Bill 258. The bill was sponsored by Assemblyman Frierson and others and heard in this Committee on March 22, 2017. Assembly Bill 258 declares the legislative intent for the creation of the Nevada Commission for Women as the advancement of women toward full equality in all areas. The bill also requires appointments to the Commission to reflect the diversity of the state, insofar as practicable. The measure also allows the Chair, Vice Chair, and other officers to serve one additional term in that capacity beyond the initial one-year term.

Among other provisions, the bill grants the Commission additional powers to advise executive and legislative bodies on the effect of proposed legislation on women; enter into any contract or other agreement appropriate to carry out its mission subject to the prior approval of the Director of the Department of Administration; and prepare an annual work program outlining the objectives and tasks of the Commission. Finally, this bill authorizes the Commission to pay for the services of consultants as independent contractors for specific projects from the money received by the Commission (Exhibit G). There are no amendments on this bill.

Chairman Flores:

I will entertain a motion to do pass Assembly Bill 258.

ASSEMBLYMAN CARRILLO MADE A MOTION TO DO PASS
ASSEMBLY BILL 258.

ASSEMBLYWOMAN MONROE-MORENO SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN ELLISON, KRAMER, MARCHANT, AND McARTHUR VOTED NO. ASSEMBLYMEN BROOKS AND WOODBURY WERE ABSENT FOR THE VOTE.)

Chairman Flores:

Assemblyman Carrillo will take the floor statement. We will move on to Assembly Bill 297.

Assembly Bill 297: Requires certain local governments to designate sites for persons to meet in order to complete the sale of personal property that was initiated on the Internet. (BDR 20-765)

Jered McDonald, Committee Policy Analyst:

Assembly Bill 297 was sponsored by Assemblywoman Jauregui and heard in the Committee on March 28, 2017. Assembly Bill 297 requires each governing body of a county, city, or town to designate one or more fire stations or police stations as a site at which two or more persons may meet to complete the sale of personal property that was initiated on the Internet ([Exhibit H](#)).

There was an amendment, as discussed during the hearing. The mock-up can be found on page 2 of the work session document ([Exhibit H](#)). The mock-up requires each board of county commissioners to designate one or more sheriff's offices and cities and towns to designate one or more police stations. The amendment makes conforming changes for cities and towns incorporated under general or special laws and unincorporated towns. Finally, the amendment also bars any action against the county, city, or law enforcement agencies or employees based on an incident that occurs when two or more persons meet at a designated location.

Chairman Flores:

I will entertain a motion to amend and do pass Assembly Bill 297.

ASSEMBLYWOMAN MONROE-MORENO MADE A MOTION TO AMEND AND DO PASS ASSEMBLY BILL 297.

ASSEMBLYWOMAN BILBRAY-AXELROD SECONDED THE MOTION.

Assemblyman Ellison:

I will be voting yes, but I will reserve my right to change my vote on the floor.

Assemblyman McArthur:

I will be voting yes, but I will reserve my right to change my vote on the floor.

THE MOTION PASSED. (ASSEMBLYMEN BROOKS AND WOODBURY WERE ABSENT FOR THE VOTE.)

Chairman Flores:

Assemblywoman Jauregui will take the floor statement. The final bill on work session is Assembly Bill 415.

Assembly Bill 415: Provides for the acceptance of a tribal identification card in certain circumstances. (BDR 18-366)

Jered McDonald, Committee Policy Analyst:

Assembly Bill 415 was sponsored by the Assembly Committee on Judiciary and was heard in this Committee on April 3, 2017. Assembly Bill 415 authorizes state and local government entities to accept a tribal identification card issued by a tribal government for the purpose of identifying a person if the tribal identification card meets certain requirements. The bill also requires businesses to accept a tribal identification card as proof of identification if they accept driver's licenses and identification cards issued by the Department of Motor Vehicles ([Exhibit I](#)). There are no amendments for this bill.

Chairman Flores:

I will entertain a motion to do pass Assembly Bill 415.

ASSEMBLYWOMAN BILBRAY-AXELROD MADE A MOTION TO DO PASS ASSEMBLY BILL 415.

ASSEMBLYMAN KRAMER SECONDED THE MOTION.

Assemblyman Ellison:

I will vote yes at this time, but I still have a problem with no photo identification. I would like to reserve my right to change my vote on the floor.

THE MOTION PASSED. (ASSEMBLYMEN BROOKS AND WOODBURY WERE ABSENT FOR THE VOTE.)

Chairman Flores:

Assemblyman Hansen will take the floor statement. I will open the hearing for Assembly Bill 383.

Assembly Bill 383: Requires peace officers to be trained in the constitutional and lawful use of force. (BDR 23-1077)

Assemblyman James Ohrenschall, Assembly District No. 12:

Assembly District No. 12 includes parts of Henderson and unincorporated Clark County. Thank you for hearing Assembly Bill 383. I apologize for running late. With me today is Holly Welborn, who is the policy director for the American Civil Liberties Union (ACLU) of Nevada. She is here to help me present A.B. 383.

Assembly Bill 383 requires that peace officers certified by the Peace Officers' Standards and Training (POST) Commission must be trained in the constitutional and lawful use of force. Since I have been practicing law, I have gotten to work with law enforcement officers. I am not a prosecutor. I am currently employed as a deputy public defender at the Office of the Clark County Public Defender. Still, I get to meet many law enforcement officers in that work. Meeting them and talking to them, I certainly have great respect for the work they do

in putting their lives on the line every day to protect us. That being said, I believe A.B. 383 will not only be beneficial for the community, but will be beneficial for every law enforcement officer in Nevada. I do hope the Committee will consider processing this measure.

I have had some discussion on the measure with representatives from the Las Vegas Metropolitan Police Department (Metro), Reno Police Department, and recently the Henderson Police Department. I do believe there is common ground. There may be an amendment that addresses some of their concerns. I have not been contacted by any other law enforcement agencies, and unfortunately, I have not contacted any others, but I have had discussions with the three I mentioned. I did reach out early to Metro on this bill to see what concerns they may have. I believe Metro does a lot of what A.B. 383 seeks to codify in the *Nevada Revised Statutes* (NRS) and is a very good example in terms of training in lawful use of force, constitutional force, and de-escalation of situations. Some situations that law enforcement encounters may seem harmless at the beginning, but can become very dangerous. I believe this training will help them and help our citizens.

I will briefly outline the bill. Section 1, subsection 1 outlines the meaning of constitutional and lawful use of force, which includes but is not limited to, "(a) Best practices in reducing use of force by a peace officer; and (b) The legal foundations and limitations on the authority of a peace officer under the Constitution and laws of the United States and the Constitution and laws of this State." Under section 1, subsection 2, the measure contains a variety of training options that the POST Commission may provide to carry out the intent of the bill, including "(a) Technology which integrates legal training on the constitutional and lawful use of force by peace officers; (b) Best practices regarding responses by peace officers to threatening situations; (c) Tactical training of peace officers, including, without limitation, training conducted by means of a simulator; (d) For the investigation of an incident involving the use of force by a peace officer; and (e) Legal documentation of an incident involving the use of force by a peace officer."

In section 1, subsection 3, the POST Commission must make certain training and informational materials available, which include programs and information specifically designed to address, "(a) The recognition of potential resistance to law enforcement and options for responses by peace officers that do not involve use of force; (b) Decision-making skills regarding the use of force; (c) The management of stress experienced by peace officers during threatening situations; (d) Tactical disengagement; (e) The sanctity and preservation of life; (f) The investigation and critique of an incident involving the use of force by a peace officer; and (g) The legal foundations and limitations on the authority of a peace officer under the Constitution and laws of the United States and the Constitution and laws of this State."

Finally, in section 1, subsection 4, this bill requires the POST Commission to work with state and local agencies to ensure the most effective use of resources in providing the required training.

I did submit an exhibit that deals with training from the U.S. Department of Justice ([Exhibit J](#)). In the report, there is discussion about training in use of force in different law enforcement agencies across the country. If you look at page 5 of the report, there is information about use of force and what the averages are that the U.S. Department of Justice found online. With your permission, Chairman Flores, I would like to turn it over to Holly Welborn from the ACLU to discuss the bill.

Holly Welborn, Policy Director, American Civil Liberties Union of Nevada:

I am going to share some more overarching policy-related statistics and how we work with law enforcement across the country on developing use-of-force policies. According to *The Washington Post*, approximately 963 people were shot and killed by police officers in the United States last year. Many of these cases were high-profile, raising questions about police officer training and their use-of-force policies. The ACLU has been at the forefront of this issue, not only in the courtroom, but by working with law enforcement agencies to create policies that address institutional biases and de-escalation strategies.

The goal of these strategies and policies that we create is net lives saved, coming out of a situation where we are protecting the life of the law enforcement officer and the people they interact with. Police agencies that have emphasized the de-escalation over assertive policing have seen substantial decreases in officer use of force, including lethal force, without seeing an increase in officer fatalities. It is no surprise that the U.S. Department of Justice reviews de-escalation training when it investigates police agencies for civil rights violations.

The Las Vegas Metropolitan Police Department's use-of-force policies are praised by multiple entities, including the Office of Inspector General of the Los Angeles Police Department. They have used Metro as a model in updating their policies. The ACLU and the U.S. Department of Justice have praised Metro for its policies. We do view that as a model.

What [A.B. 383](#) will provide is needed continuity in training across the state. Many rural jurisdictions do not have the same level of use-of-force training and some of those models vary. It is also important that we focus on the training aspects. A typical police cadet spends 58 hours learning how to use a gun, 49 hours on defensive tactics, but only 8 hours learning how to calm situations before force is needed. The training is crucial and should include skills to avoid force or violence and skills in de-escalation. The officer should be trained to use gradually escalating degrees of force, training in use of nondeadly techniques, and use those techniques before resorting to deadly force unless there is an immediate need to use deadly force because of a legitimate threat to life. The training should also address implicit biases and demilitarization of police forces.

We will be releasing new training policies on mental disabilities and working with individuals with mental health issues. Police officers are expected to go out into the field to interact with people. They are expected to be licensed psychiatrists or licensed psychologists, which is not what they receive in their training, and that is not what they attend a police academy to engage in. Expecting a police officer to have those skills in the field is quite unreasonable. We understand that as an organization, and we are working to find solutions. Those training materials will be released in the middle of the year.

Training should also address school policing and interacting with children because those interactions should be different. We have a new project at the ACLU nationwide that is specific to school policing incidents.

The ACLU does support this bill. If you have any questions about the way we work and interact with law enforcement, I would be happy to address those.

Chairman Flores:

Thank you both for the bill presentation. To law enforcement, as always, thank you for your service to our great state. We do have a few questions.

Assemblyman Ellison:

How many people did you say were shot and killed by police?

Holly Welborn:

There were 963 people shot and killed by police.

Assemblyman Ellison:

How many police officers were killed?

Holly Welborn:

Unfortunately, I do not have that data with me.

Assemblyman Ellison:

Do the police not go through massive training in POST and then continue in training?

Assemblyman Ohrenschall:

There is certainly a lot of training that is promulgated by the POST Commission. However, what this bill seeks to accomplish is uniformity among the different departments. It certainly sounds like Metro has an excellent program, and that may be something departments around the state want to look to. I believe A.B. 383 is written in a broad enough way that we are not tying the Commission in terms of what they are going to promulgate pursuant to this act if it passes, but there will be uniformity throughout the departments.

I would like to touch upon one point Ms. Welborn mentioned in her presentation about the dangerous situations law enforcement officers often encounter with individuals who have mental health disorders. I believe it was just several months ago that the sheriff in Clark County stated in a press article that he believes the Clark County Detention Center is the largest mental health facility in the state because there are many individuals who have untreated or undiagnosed mental health issues or who have not been able to continue on a course of medication or therapy. That is something I hope will be part of the training if this bill passes.

Assemblyman Kramer:

I have read the bill and it seems to me if police departments are not already doing this training, someone did not write a very good training manual. Is this to say these training procedures mentioned in the bill are more important than other training, such as body camera training, or is it to specifically dictate certain training? These issues have had to have been addressed in POST already.

Assemblyman Ohrenschall:

I believe what A.B. 383 is trying to accomplish is extremely important to our constituents and to our law enforcement officers. I certainly think self-defense training and the use of body cameras is very important as well. I certainly hope when law enforcement officers leave to start their shifts, they are going to make it home every night. Any training that makes sure that happens is very important. However, I believe what we are trying to accomplish in A.B. 383 is also extremely important. That is why I brought the bill and I am hoping it will become part of the NRS.

Assemblyman Carrillo:

In section 1 there is nothing about additional training for dealing with people who have mental health issues. I know Metro conducts crisis intervention training, which includes some mental health training. Was there any consideration to ensure that type of training is mandatory?

Assemblyman Ohrenschall:

While there are much smarter attorneys in our drafting department who might be able to comment on that, my opinion is the training in terms of how best to respond to folks with mental health issues or having a mental health crisis could fit under best practices regarding responses by peace officers. Threatening situations is under section 1, subsection 2, paragraph (b). While you are correct that it is specifically not enumerated, I would certainly be open to adding it if the Committee would like me to.

Assemblywoman Neal:

I like the bill, but I would like more clarification. It is my understanding this would apply statewide. What is currently happening regarding tactical disengagement and how are they integrating technology with their training for use of force? I know in the south there are

different subunits created within Metro that deal with certain elements. That came out of some reforms that occurred over a period of several years. What is happening in the other parts of the state in regard to what they are doing around these practices? Where are the faults, discrepancies, or inconsistencies in practice?

Assemblyman Ohrenschall:

While working on this bill, I have had discussions with representatives from Metro, Henderson Police Department, and Reno Police Department. They have told me they believe they already substantially comply with what would be law if A.B. 383 passes. There are a few technical changes they will recommend. I believe Metro might have some information today about what they have in their training. As to what happens in the rural parts of the state, I cannot speak for every department. I believe there are representatives from the POST Commission here today, and I understand they have regulations as to training in lawful use of force. Hopefully, they can provide more information. The one thing I am looking forward to in this bill, if passed, is uniformity among the departments. I hope that will be accomplished.

Assemblywoman Neal:

The U.S. Department of Justice released a document [*Collaborative Reform Process: A Review of Officer-Involved Shootings in the Las Vegas Metropolitan Police Department*] in 2012. Metro had years to complete those recommendations. Many of those recommendations in the south revolved around use of force, de-escalation techniques, and trying to strengthen the organization. That is why I asked that question. There were 75 recommendations and I believe Metro complied with the majority of them, if not 72 or 73 of them. I want to know what you were thinking or doing because I did not see any exhibits that were a reflection of past or current practices.

Assemblyman Ohrenschall:

I was looking at the Collaborative Reform Process that was recommended by the U.S. Department of Justice, which is regarding the review of officer-involved shootings at Metro. As you said, I do believe Metro complied with most of the recommendations.

I believe this recommendation was solely for Las Vegas Metro and not any other agencies in our state. I cannot speak to whether other agencies in our state have tried to conform to the recommendations in that extensive review of what was happening in Las Vegas. Perhaps someone will be able to speak to it today, and I apologize for not having more information.

Holly Welborn:

My predecessor did a public records request asking for updated policies after that report was issued. I believe she did have a data analysis on that report and I will definitely submit it to the Committee.

Assemblywoman Neal:

I would appreciate that. I treat everyone the same way. I want to know what you are seeing so we can build the record. Are you seeing inconsistencies across the state, behaviors that you feel you are targeting, et cetera? We are hearing the bill and I support the concept, but there is no evidentiary basis or public policy purpose for the bill and the uniformity. Now I will have to ask a lot of questions to the others testifying today to figure out what they are doing right and what they are doing wrong. Does anyone ever tell on themselves? No, they do not.

Assemblyman McCurdy:

For clarity purposes, this bill would just allow for the expansion of the POST program. Is that correct?

Assemblyman Ohrenschall:

This would codify in statute the requirement for training in the lawful and constitutional use of force if it passes and the Governor signs it. It would certainly make sure this kind of training is mandatory. We have heard about the excellent training program Metro has instituted, and if this bill passes, we are going to see programs very similar in every department across the state, whether it is urban or rural. The benefits that will accrue will be far fewer dangerous situations for our constituents and our law enforcement officers.

Assemblyman McCurdy:

To answer the question that was asked by my colleague from the north, according to the National Law Enforcement Officers Memorial Fund, there have been 64 officers killed in the line of duty.

Assemblyman Ohrenschall:

That is 64 too many. While I cannot say that training like this can prevent that because of the dangerous work our officers do, I am hopeful the training will prevent it, leading to greater safety and greater collaboration between law enforcement and the community.

Assemblyman Carrillo:

In section 1, subsection 1, paragraph (a) the bill talks about best practices in reducing the use of force. To me, "best practices" needs to be better defined. We need to recognize every department is different because of the existing culture in the community. North Las Vegas Police Department and Metro are two different environments. They both deal with their own communities. When we talk about best practices, there is a better definition.

Assemblyman Ohrenschall:

I have had discussions with Mr. Delap and some of the other police agency representatives about trying to provide a better definition for best practices. I am certainly open to doing that. While certainly a police officer in Ely and a police officer on the Las Vegas Strip encounter very different situations, our federal *Constitution*, our state *Constitution*, our federal laws, and our state laws are the same. I do believe uniformity in terms of lawful and constitutional use of force would still be beneficial.

Holly Welborn:

From our perspective, best practices would include looking at the situations, where the situation is located, who is in the police department, the population being dealt with, and the city. There are certainly higher levels of crime in large municipalities than there are in less-populated municipalities. That would be included in the content, but perhaps that is how we would develop the definition of best practices for this bill.

Assemblywoman Monroe-Moreno:

When police officers go to the academy, they go through 480 hours of training. In that training, there is constitutional law on use of force, interpersonal communications, and tactics to be used for effective arrest. I think this is a great bill, and it is a tool we can use to expand upon the 480 hours of initial training. If laws change, training has to change. That can be addressed in annual POST certification. Each community has different demographics and this training needs to be reflective of that.

Assemblyman Ohrenschall:

I appreciate your comments. I know as a former law enforcement officer, no one on the Committee has had the experience you have had. The U.S. Department of Justice report I submitted as an exhibit ([Exhibit J](#)) mentions they found the national average number of hours of instruction for use of force was 21 hours. My bill does not specify a minimum number of hours that Nevada would have to adopt. That will be left up to the POST Commission. However, I certainly hope it would at least be at the average or higher.

Assemblywoman Neal:

Because there has been a lot of movement around police reform at the federal level, have you considered that maybe one of the components that would be helpful is within the community policing arm of this issue? That is something I have been focusing on with youth for about five or six years—trying to help them understand the appropriate techniques that are supposed to be used so they understand de-escalation techniques. That would trigger more of a community relationship so everyone is clear on what the standard is. When there is a deviation from the standard, the community is at least able to have dialogue around those conversations. The bill is asking for increased training. For the individuals who may receive the interaction, part of the conversation is what was the right or wrong thing to do. There is another arm to policing, which is the community in which the police are engaging. I do not know about Metro and their community meetings, but in the youth justice workshop that I am involved in, we have those conversations with lawyers and police. De-escalation is explained. Police, lawyers, youth, and community members are in the room together to talk about the appropriate techniques. What should each of them do if X happens and what should not happen. I just wanted to bring that up.

Holly Welborn:

I think that is a fantastic suggestion and something I can talk to Assemblyman Ohrenschall about adding to the bill. The Washoe County Sheriff's Office, Sparks Police, and other northern Nevada police agencies have what they call a "race symposium," but it has really become more of a justice symposium to address all of these issues. It has become a huge

collaboration among the police departments, the ACLU, National Association for the Advancement of Colored People (NAACP), and other community members. We have 400 to 500 members of the community who attend annually. The planning meetings leading up to the symposium are very collaborative with the community. It has actually led to a lot more trust in police officers in northern Nevada. I have discussed many times that this would be something great to see on a statewide basis—law enforcement collaborating with community partners in order to understand what de-escalation tactics are appropriate, as well as other justice issues.

Assemblyman Ohrenschall:

I would certainly be open to anything you would like to propose to be incorporated into the bill. It is a great idea.

Chairman Flores:

Are there any further questions from the Committee? [There were none.] I will open the hearing for anyone wishing to testify in support of the A.B. 383. [There was no one.] Is there anyone wishing to testify in opposition, either in Carson City or Las Vegas?

Michael D. Sherlock, Executive Director, Peace Officers' Standards and Training Commission:

I am very passionate about policing. I have been a police officer for 30 years, and I am also an attorney. I am currently the Executive Director of the POST Commission. To answer your question as to the number of peace officers killed, there have been 9 killed in the last 12 days; 33 killed so far this year.

The Commission on Peace Officers' Standards and Training is in opposition to this bill for several reasons, and I will speak to just a couple of them. First, this bill attempts to create a stand-alone condition for certification, and it is based on a training standard. Certification and standards related to certification of a peace officer is a function of the POST Commission. This legislation circumvents those statutory duties that are given to the POST Commission. Please understand, if every special interest or political statement was codified in the NRS, we would get no training done. Training and training needs change continually. To establish a training mandate through NRS as a stand-alone statute rather than through the Commission as it is intended in NRS, leaves little room to address changing conditions. As you know, we have to wait two years to change wording or laws in the NRS.

The POST Commission has the responsibility to establish those certification standards, including the training. The POST Commission has done that. This bill would simply add another layer of bureaucracy. The proper way to establish training or certification standards in Nevada is through the POST Commission. That is done by petitioning the POST Commission and attending meetings, and we do make those changes. Frankly, we should allow the POST Commission to do its job.

With that said, the POST Commission has already mandated the training portion outlined in this bill. There is no difference with Metro in terms of the minimum standards. Every academy in Nevada and every basic training program across the state is already mandated by the POST Commission to teach those topics outlined in the bill. This bill-training mandate in itself is simply redundant. At the same time, it circumvents the statutory authority of the POST Commission. Not only do we already teach these things, we have for years. They change and we adjust. We call it performance objectives and the topics are codified.

In terms of what was spoken about this morning, it is mandated that every academy must train in dealing with individuals with mental illness. They must train in critical incident response. They must train in constitutional law. They must train in search and seizure. They must train in laws of arrest. It goes on and on. In addition, we have implemented decision-based training throughout our academies. To put the national average of 22 hours in use-of-force training does not even come close to Nevada's standard. We do scenario training for nearly every topic. Use of force is a mandated subject along with constitutional law, probable cause, search and seizure, laws of arrest, et cetera. It is already taught.

In addition to all that, the bill mandates an oversight-type authority for POST in terms of auditing and providing scenario simulator-based training across the state. Frankly, if you understand our budget mechanism, we do not have the money, we will not have the money, and we will not be able to carry out that portion of the bill regardless. The biggest point from POST is this bill is redundant. We already teach these topics throughout the state in every single academy. I will be happy to answer any questions you may have.

Assemblyman Ellison:

It seems peace officers are continuously going through some kind of training. They meet every morning before going out in the field. They are always communicating. There were 963 people who were killed by police, according to the ACLU. There were 33 police officers killed in the line of duty this year. We should look at how many bad guys are out there compared with how many police officers are out there. The sponsor of this bill is my friend, but I would like to add a friendly amendment that if the police have to have this training, then the bad guys need to receive training. What I am trying to get across is to show respect for everyone. I think the police have enough training. What we need to do is get behind the police, not put more pressure on them.

Mike Sherlock:

I thank you for that comment. We average about 1,000 officer-involved deadly shootings a year. Understand, police make approximately 50 million contacts a year with citizens. Even if you consider that every one of those 1,000 shootings somehow violated a moral, ethical, constitutional, or legal issue, we are doing better than any other profession you could name. Not to say there are not problems, but I appreciate that at least someone recognizes that we are doing a good job. Every day in this country, thousands of people wish to do harm to police officers. Yet we are able to diffuse the situation, take them into custody—or whatever the situation merits—with no use of force at all. I do appreciate you recognizing that policing in this country does a good job.

In terms of how much training is received, the current mandate is a minimum of 480 hours for basic training academies. We have no academy in Nevada that has that few hours of training. The shortest Category I academy is about 670 hours of training. In addition, the Commission has done its job and does mandate use-of-force training every single year. I am not talking about critical skills. I am talking about policy being mandated and reviewed every year. Again, we do many of the things this bill calls for. We appreciate the recognition of these needs. However, the place for that is not to mandate it in NRS, but rather allow the Commission to mandate it, which it already has.

Assemblywoman Neal:

I was looking at NRS Chapter 289, which is where this language would be inserted. In NRS 289.590, NRS 289.595, and NRS 289.600, there are specific trainings revolving around chokeholds, response to dogs, and training about stalking and aggravated stalking. I did not see any other specific training in statutory provisions. I would like you to help me understand why those three types of training were particularly important to insert into statutory law?

Mike Sherlock:

Frankly, that is one of the reasons we oppose this bill so vehemently. Those provisions you are talking about, whoever came before this Legislature when those provisions were added, did not do a good job of explaining why we do not want specific trainings in statute. It is difficult for us. Those trainings are now mandated, but for instance, sometimes the titles may change or the type of training changes and this forces the POST Commission to try to comply with the statute. We are trying to prevent that. Again, we do the training and we have a mechanism to require the training that does not include changing the NRS.

Assemblywoman Neal:

For NRS 289.595, which is training in effective responses to incidents involving dogs, that provision was added in 2015 [[Senate Bill 147 of the 78th Session](#)]. It was Senator Parks who brought that bill forward because a dog was killed when the police were entering a home. Was the POST Commission in opposition at that time?

Mike Sherlock:

We did assist in the drafting of that bill. We were opposed to including it in NRS rather than including it in the *Nevada Administrative Code* (NAC) where it belongs. We were not successful in opposing it.

Chairman Flores:

Are there any further questions from the Committee? [There were none.] Is there anyone else wishing to speak in opposition, either in Las Vegas or Carson City? [There was no one.] Is there anyone wishing to testify in the neutral position, either in Las Vegas or Carson City?

Corey Solferino, Sergeant, Legislative Liaison, Washoe County Sheriff's Office:

The Washoe County Sheriff's Office is neutral at this time. I believe Mr. Sherlock outlined our points and the fact that we are already doing the training. Our academy joins in a unified academy with the Reno Police Department and Sparks Police. We provide 760 hours of training over 20 weeks, 40 hours of which a lot of this bill covers and is what we call our "situational awareness training." That training is conducted with role plays and instructors. We send officers through as single-officer response units and also in teams. We send them through a number of scenarios that are scripted and allow them to make judgment decisions. Whether it is a "shoot, don't shoot," a "less lethal," or a "de-escalation" scenario, we make sure the trainees are getting those decisions. As they go through those decisions, they are walked through with an instructor/evaluator who, after the entire situation, provides an incident debrief. We do that to start off in the academy and then yearly in our continuing education and training. We have 24 hours a year that we submit to POST that cover use-of-force law and emergency vehicle operations. We also have a situational awareness and training component that is done yearly.

One of the points that needs to be made is law enforcement is a living, breathing, evolving thing. Techniques and technology that we had 20 years ago are not used today. Some are, but it evolves and continually brings us to the table to come up with those industry-best standards and practices. As an instructor, I am passionate about training as well. Codifying the training into law would tie our hands in some respects, but I am willing to work with Assemblyman Ohrenschall to discuss some of our concerns with the bill. Many of the things outlined in this bill are currently being done.

Assemblywoman Neal:

When Assemblyman Ohrenschall came to the table, he said he thought the bill was broad enough for some flexibility for folks to walk in and out of. It seems he wants the same kind of training language to be inserted into NRS Chapter 289. Which provisions do you feel are not broad enough?

Corey Solferino:

I believe there are a couple of things in the bill that make the matter difficult at best. I do believe it would be better in the NAC requirements, as Mr. Sherlock discussed. That would give us the flexibility to go through all of our lesson plans yearly or submit them to POST for review and approval, including the rosters, the instructors, and the lesson plans so they have a running, living document of what that is. As that changes from year to year, we make improvements and case law changes. What we do may change as court rulings come out from the U.S. Ninth Circuit Court of Appeals or the Nevada Supreme Court. As a district watch commander, when I am not here at the Legislature, my briefings routinely cover those things. If something changes, we address those in a daily environment, not just in a lesson plan that takes several months to develop and then be submitted by that governing body.

The only other thing I neglected to mention is under section 1, subsection 2, paragraph (c). It indicates tactical training of peace officers, including, without limitation, training conducted by means of a simulator. The only thing I can equate to that is maybe a force-on-force simulator that is similar to a video game where there are different strings that are depicted and officers are not able to interact with the role plays. It is scripted and officers are able to use either lethal or less-lethal means to dissolve a situation. It is a tool, but we believe our situational awareness training with live role plays is more realistic than watching a television. That was the only other concern we brought up to the sponsor.

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

The Las Vegas Metropolitan Police Department is neutral on the bill as well. I think we could check off each one of the lines of the bill with "We do that." We are very proud of our training and the progress we have made in the use of force with our community and becoming true partners with the community.

I am happy to answer any questions as it relates to our agency. I appreciate the concerns that were brought up by the Committee as well. I would also like to take this opportunity to extend an invitation to all members of this Committee and the legislative body in general to come out and look at what your law enforcement agencies are doing with this type of training and how they operate on a daily basis. As I look at the members of the Committee, I see faces of those who have taken that opportunity. Our door is wide open, and we are very proud of our organization and what we do to safely protect our community.

As a working police officer, the use of force and how that is done constitutionally is intertwined in the tapestry of how we operate day to day. It goes way beyond a briefing setting or before a shift. As a working police officer, I have to say it is constantly in my mind how I am going to lawfully police our community in a way that is safest for us all.

Crisis rehearsal is one thing that I would stress as a field training officer. That is the idea of always playing out scenarios in our mind. If an officer has not preplanned the event, chances are the officer is not going to respond appropriately. I believe this topic is effectively trained, and the synopsis and all those things that come out of POST are already there. The agencies take that, build upon it, and apply it to the nuances of our communities, whether it is an urban environment or a rural environment. Our agency polices both to the extreme. We believe this measure, although well intentioned, is already in place. We certainly appreciate Assemblyman Ohrenschall's willingness to talk with us and hear our concerns. I would be happy to answer any questions.

Javier Trujillo, Director of Public Affairs, City of Henderson:

I will echo the comments by the others in opposition. I would also like to thank the bill sponsor for allowing us the opportunity to continue to work with him on this bill. In addition to what has been mentioned, I will also share with you that we would want to look at defining some of the language in section 1, subsection 3, paragraphs (a) through (g). Much of this is already covered through training. The City of Henderson takes its training very seriously, and they do ensure all of these areas are covered. I would also invite this body to come to Henderson for a ride-along and spend some time with our training department so you can see all of this is already covered under current training. I do want to thank you for the opportunity to provide our position of neutral, and I do look forward to working with Assemblyman Ohrenschall.

Chairman Flores:

Is there anyone else wishing to speak in the neutral position? [There was no one.] Are there any closing remarks or response to issues raised during the testimony from the bill sponsor?

Assemblyman Ohrenschall:

I am very appreciative of the different agencies who spoke in neutral. I think there is common ground in this bill. It would be inadvisable to ever tie the hands of agencies in statute when there is something that could change quickly. The Legislature tried to prohibit the synthetic marijuana called "spice." The issue we faced in the past was the formula would keep changing, so a formula could not be placed in statute. Addressing the comments from Mr. Sherlock about not wanting to tie the hands of the POST Commission, if this were an issue subject to rapid change, such as the formula for an illegal drug, we would not want it in statute. That would be inadvisable. The *Nevada Constitution*, dating back to the 1800s, and the *Constitution of the United States*, dating back to the birth of our nation, and the rights that we have, while they are subject to interpretation by the courts, lawful and constitutional force is not something that changes rapidly. Looking at NRS Chapter 289, the Legislature has seen fit to find there is certain training that rises to the level of needing to be in statute. We have three statutes dealing with the use of chokeholds, stalking, and vicious dogs that the Legislature decided had risen to the level of needing to be in statute. I would love to work with Mr. Sherlock. I looked back at the minutes regarding S.B. 147 of the 78th Session dealing with vicious dogs. The way I see the minutes from the hearings, it looked like Deputy Director Tim Bunting from POST testified in support of that measure in terms of putting it into statute.

It is rare that we put something into statute, but this is something I believe rises to that level and needs to be in statute. It is certainly not a new precedent. We have other mandatory trainings that are set in statute. I look forward to working with the law enforcement agencies to get to common ground.

Holly Welborn:

I want to reiterate that this bill is largely permissive. Section 1, subsections 2 and 3 state the Commission "may" and "shall" provide for these different training tactics. From my perspective, it is not tying the hands of law enforcement because they can still create their own policies based on the best practices that are provided through a variety of sources.

Assemblyman Ellison:

I would like to recommend to the body and Assemblyman Ohrenschall that there is a system called FATS, which is a firearms training simulator. It is a virtual reality shooting program that police officers are trained with. It is based on actual shootings. I have been through this training seven or eight times, and I loved it. If anyone has time, I strongly recommend you go to this training in Washoe County or Las Vegas. They have the officers go through this training. I think it is a great system. It shows what the officers are up against and how they can react in different situations.

[Submitted as an exhibit but not discussed was ([Exhibit K](#)).]

Chairman Flores:

I will close the hearing on A.B. 383. Is there anyone here for public comment? [There was no one.] Members, as you know, we will be continuing the pace of having three and four hearings per day. If you have any issues or concerns, I ask that you please reach out to the bill sponsors ahead of time. That will help with streamlining the process because sometimes we will not be able to get everything on the record that we want. Sometimes we just want to know something for our own benefit. That is not always something we need to put on the record. Moving forward, I am going to have to start limiting members with questions. That is not something I like to do, but unfortunately, we do not have the time.

Having no further business, this meeting is adjourned [at 10:27 a.m.].

RESPECTFULLY SUBMITTED:

Lori McCleary
Committee Secretary

APPROVED BY:

Assemblyman Edgar Flores, Chairman

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is a proposed amendment to Assembly Bill 390 presented by Assemblyman Elliot T. Anderson, Assembly District No. 15.

[Exhibit D](#) is written testimony, dated April 4, 2017, authored and presented by Jeffrey Haag, Administrator, Purchasing Division, Department of Administration, regarding Assembly Bill 477.

[Exhibit E](#) is a letter dated April 4, 2017, in support of Assembly Bill 477 to Chairman Flores from Brett Kandt, Chief Deputy Attorney General, Office of the Attorney General for Adam Paul Laxalt, Attorney General, Office of the Attorney General.

[Exhibit F](#) is the Work Session Document for Assembly Bill 8, dated April 6, 2017, presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit G](#) is the Work Session Document for Assembly Bill 258, dated April 6, 2017, presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit H](#) is the Work Session Document for Assembly Bill 297, dated April 6, 2017, presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit I](#) is the Work Session Document for Assembly Bill 415, dated April 6, 2017, presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit J](#) is a report titled "State and Local Law Enforcement Training Academies, 2013" by the Bureau of Justice Statistics, U.S. Department of Justice, dated July 2016, regarding Assembly Bill 383, presented by Assemblyman James Ohrenschall, Assembly District No. 12.

[Exhibit K](#) is written testimony dated April 6, 2017, in support of Assembly Bill 383 authored by Wendy Stolyarov, Legislative Director, Libertarian Party of Nevada.