

ASSEMBLY BILL NO. 408—ASSEMBLYMEN FIORE, SHELTON,
DOOLING, TITUS, SEAMAN; DICKMAN, ELLISON, GARDNER,
HANSEN, JONES, MOORE, OSCARSON AND WHEELER

MARCH 17, 2015

JOINT SPONSOR: SENATOR GUSTAVSON

Referred to Committee on Natural Resources,
Agriculture, and Mining

SUMMARY—Enacts provisions relating to certain uses of land and
the exercise of law enforcement authority in this
State. (BDR 26-1060)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to governmental administration; declaring the
support of the Legislature for certain uses of private
property and public lands in this State; authorizing the
sheriff of a county to enter into an agreement with a
federal agency concerning primary responsibility or the
exercise of law enforcement authority on land managed
by the federal agency under certain circumstances;
providing that sheriffs and their deputies are the primary
law enforcement officers in the unincorporated areas of
their respective counties; and providing other matters
properly relating thereto.

Legislative Counsel's Digest:

- 1 Under existing law, the Legislature has declared that the public policy of this
- 2 State is to continue to seek the acquisition of lands retained by the Federal
- 3 Government within the borders of this State. (NRS 321.00051) **Section 11** of this
- 4 bill expands that public policy to include: (1) support for an owner of private
- 5 property in this State to use any resources located on that private property; (2)
- 6 support for the members of the general public in this State to access and use any
- 7 public lands in this State for certain recreational activities; and (3) support for the



8 residents of this State to use any public lands in this State in a manner which
9 ensures multiple uses of those public lands for those residents.

10 Existing law sets forth the general powers and duties of sheriffs and their
11 deputies in this State. (NRS 248.090-248.250) **Section 12** of this bill authorizes the
12 sheriff of any county in this State to enter into an agreement with certain federal
13 agencies pursuant to which the sheriff and his or her deputies are primarily
14 responsible for the exercise of law enforcement authority on land managed by those
15 federal agencies if the agreement: (1) requires the payment of fair compensation to
16 the sheriff for exercising law enforcement authority based on federal statutes and
17 regulations; and (2) provides that the federal agency recognizes the sheriff as the
18 primary law enforcement authority on the land managed by the federal agency.
19 **Section 13** of this bill provides that the sheriffs and their deputies are the primary
20 law enforcement officers of the unincorporated areas of their respective counties.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** (Deleted by amendment.)

2 **Sec. 2.** (Deleted by amendment.)

3 **Sec. 3.** (Deleted by amendment.)

4 **Sec. 4.** (Deleted by amendment.)

5 **Sec. 5.** (Deleted by amendment.)

6 **Sec. 6.** (Deleted by amendment.)

7 **Sec. 7.** (Deleted by amendment.)

8 **Sec. 8.** (Deleted by amendment.)

9 **Sec. 9.** (Deleted by amendment.)

10 **Sec. 10.** (Deleted by amendment.)

11 **Sec. 11.** NRS 321.00051 is hereby amended to read as
12 follows:

13 321.00051 The Legislature hereby declares that the public
14 policy of this State is ~~to~~:

15 *1. To continue to seek the acquisition of lands retained by the*
16 *Federal Government within the borders of this State ~~H~~; and*

17 *2. To support the ability of:*

18 *(a) An owner of private property in this State to use any*
19 *resources located on that private property, including, without*
20 *limitation, the development of any subsurface rights;*

21 *(b) The members of the general public in this State to access*
22 *and use any public lands in this State, including, without*
23 *limitation, any public lands managed and controlled by the*
24 *Federal Government in this State, for camping, fishing, hiking,*
25 *hunting, rock climbing, trail riding and any other recreational*
26 *activity; and*

27 *(c) The residents of this State to use those public lands in a*
28 *manner which ensures multiple uses of those public lands for*
29 *those residents.*



* A B 4 0 8 R 1 *

1 **Sec. 12.** Chapter 248 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 1. *The sheriff of a county in this State may enter into an*
4 *agreement with a federal agency pursuant to which the sheriff and*
5 *his or her deputies are primarily responsible for the exercise of*
6 *law enforcement authority on land managed by the federal*
7 *agency, if the agreement:*

8 (a) *Requires the payment of fair compensation to the sheriff*
9 *for exercising law enforcement authority based on federal statutes*
10 *and regulations on the land managed by the federal agency; and*

11 (b) *Provides that the federal agency recognizes the sheriff as*
12 *the primary law enforcement authority on the land managed by*
13 *the federal agency.*

14 2. *As used in this section:*

15 (a) *“Exercising law enforcement authority” and “exercise of*
16 *law enforcement authority” means:*

17 (1) *To take any action to investigate, stop, serve process on,*
18 *search, arrest, cite, book or incarcerate a person for a federal*
19 *criminal violation when the action is based on a federal statute or*
20 *regulation; or*

21 (2) *To gain access to or use the correctional or*
22 *communication facilities and equipment of any state or local law*
23 *enforcement agency.*

24 (b) *“Federal agency” means:*

25 (1) *The Bureau of Land Management;*

26 (2) *The Bureau of Reclamation;*

27 (3) *The National Park Service;*

28 (4) *The United States Fish and Wildlife Service; or*

29 (5) *The United States Forest Service.*

30 **Sec. 13.** NRS 248.090 is hereby amended to read as follows:

31 248.090 1. *Sheriffs and their deputies are the primary law*
32 *enforcement officers in the unincorporated areas of their*
33 *respective counties. In a county within the jurisdiction of a*
34 *metropolitan police department, the sheriff and his or her deputies*
35 *are the primary law enforcement officers in the unincorporated*
36 *areas of the county and in any incorporated city whose law*
37 *enforcement agency has been merged into the metropolitan police*
38 *department.*

39 2. *Sheriffs and their deputies shall keep and preserve the*
40 *peace in their respective counties, and quiet and suppress all affrays,*
41 *riots and insurrections, for which purpose, and for the service of*
42 *process in civil or criminal cases, and in apprehending or securing*
43 *any person for felony, or breach of the peace, they may call upon the*
44 *power of their county to aid in such arrest or in preserving the*
45 *peace.*



1 **Sec. 14.** This act becomes effective upon passage and
2 approval.

⑩



* A B 4 0 8 R 1 *