

Amendment No. 595

Assembly Amendment to Assembly Bill No. 408 First Reprint (BDR 26-1060)
Proposed by: Assemblywoman Fiore
Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION		Initial and Date	SENATE ACTION		Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	Adopted	<input type="checkbox"/>
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	Concurred In	<input type="checkbox"/>
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	Receded	<input type="checkbox"/>

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

JRS/BJE



Date: 4/20/2015

A.B. No. 408—Enacts provisions relating to certain uses of land and the exercise of law enforcement authority in this State. (BDR 26-1060)



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.~~ **governmental administration.** (BDR 26-1060)

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

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

AN ACT relating to governmental administration; **requiring the establishment of a fund to provide assistance to the Attorney General in defending or protecting certain interests of this State;** 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:

Existing law sets forth provisions governing the acquisition, use and management of state lands and certain other public lands in this State. (Chapter 321 of NRS) Section 10.5 of this bill requires the Secretary of the Interim Finance Committee to establish a fund to provide assistance to the Attorney General in defending or protecting: (1) the interests of this State and its residents in the ownership, management or control of any public lands in this State, including, without limitation, any public lands managed and controlled by the Federal Government in this State; and (2) the sovereignty of this State as impaired by the management and control of those public lands by the Federal Government.

Under existing law, the Legislature has declared that the public policy of this State is to continue to seek the acquisition of lands retained by the Federal Government within the borders of this State. (NRS 321.00051) **Section 11** of this bill expands that public policy to

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13 include: (1) support for an owner of private property in this State to use any resources located
 14 on that private property; (2) support for the members of the general public in this State to
 15 access and use any public lands in this State for certain recreational activities; and (3) support
 16 for the residents of this State to use any public lands in this State in a manner which ensures
 17 multiple uses of those public lands for those residents.

18 Existing law sets forth the general powers and duties of sheriffs and their deputies in this
 19 State. (NRS 248.090-248.250) **Section 12** of this bill authorizes the sheriff of any county in
 20 this State to enter into an agreement with certain federal agencies pursuant to which the sheriff
 21 and his or her deputies are primarily responsible for the exercise of law enforcement authority
 22 on land managed by those federal agencies if the agreement: (1) requires the payment of fair
 23 compensation to the sheriff for exercising law enforcement authority based on federal statutes
 24 and regulations; and (2) provides that the federal agency recognizes the sheriff as the primary
 25 law enforcement authority on the land managed by the federal agency. **Section 13** of this bill
 26 provides that the sheriffs and their deputies are the primary law enforcement officers of the
 27 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. 10.5.** Chapter 321 of NRS is hereby amended by adding thereto a
 12 new section to read as follows:

13 1. Upon the commencement, maintenance or defense of any civil or
 14 criminal action in which the Attorney General determines any interest or the
 15 sovereignty of this State must be defended or protected pursuant to this
 16 subsection, the Attorney General may request that the Secretary of the Interim
 17 Finance Committee establish a fund to provide assistance to the Attorney General
 18 in defending or protecting:

19 (a) The interests of this State and its residents in the ownership, management
 20 or control of any public lands in this State, including, without limitation, any
 21 public lands managed and controlled by the Federal Government in this State;
 22 and

23 (b) The sovereignty of this State as impaired by the management and control
 24 of those public lands by the Federal Government.

25 2. The fund must be administered by the Interim Finance Committee which
 26 may:

27 (a) Apply for and accept any gift, donation, bequest, grant or other source of
 28 money for deposit into the fund; and

29 (b) Expend any money received pursuant to paragraph (a) in accordance
 30 with subsection 3.

31 3. The Attorney General may submit a request to the Interim Finance
 32 Committee for an allocation of money from the fund. In considering the request,
 33 the Interim Finance Committee may require any additional information specified
 34 by the Interim Finance Committee to consider the request. As soon as practicable

1 after receiving the request, the Interim Finance Committee shall grant or deny
2 the request and notify the Attorney General of its decision.

3 4. Any interest and income earned on the money in the fund, after
4 deducting any applicable charges, must be credited to the fund. The money in the
5 fund must remain in the fund and does not revert to the State General Fund at
6 the end of any fiscal year.

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

8 321.00051 The Legislature hereby declares that the public policy of this State
9 is ~~to~~ :

10 1. To continue to seek the acquisition of lands retained by the Federal
11 Government within the borders of this State ~~+~~ ; and

12 2. To support the ability of:

13 (a) An owner of private property in this State to use any resources located on
14 that private property, including, without limitation, the development of any
15 subsurface rights;

16 (b) The members of the general public in this State to access and use any
17 public lands in this State, including, without limitation, any public lands
18 managed and controlled by the Federal Government in this State, for camping,
19 fishing, hiking, hunting, rock climbing, trail riding and any other recreational
20 activity; and

21 (c) The residents of this State to use those public lands in a manner which
22 ensures multiple uses of those public lands for those residents.

23 **Sec. 11.5.** NRS 218E.405 is hereby amended to read as follows:

24 218E.405 1. Except as otherwise provided in subsection 2, the Interim
25 Finance Committee may exercise the powers conferred upon it by law only when
26 the Legislature is not in a regular or special session.

27 2. During a regular or special session, the Interim Finance Committee may
28 also perform the duties imposed on it by subsection 5 of NRS 284.115, NRS
29 285.070, subsection 2 of NRS 321.335, NRS 322.007, subsection 2 of NRS
30 323.020, NRS 323.050, subsection 1 of NRS 323.100, subsection 3 of NRS
31 341.126, NRS 341.142, paragraph (f) of subsection 1 of NRS 341.145, NRS
32 353.220, 353.224, 353.2705 to 353.2771, inclusive, 353.288, 353.335, 353C.224,
33 353C.226, paragraph (b) of subsection 4 of NRS 407.0762, NRS 428.375,
34 439.4905, 439.620, 439.630, 445B.830 and 538.650, ~~+~~ and section 10.5 of this act.
35 In performing those duties, the Senate Standing Committee on Finance and the
36 Assembly Standing Committee on Ways and Means may meet separately and
37 transmit the results of their respective votes to the Chair of the Interim Finance
38 Committee to determine the action of the Interim Finance Committee as a whole.

39 3. The Chair of the Interim Finance Committee may appoint a subcommittee
40 consisting of six members of the Committee to review and make recommendations
41 to the Committee on matters of the State Public Works Division of the Department
42 of Administration that require prior approval of the Interim Finance Committee
43 pursuant to subsection 3 of NRS 341.126, NRS 341.142 and paragraph (f) of
44 subsection 1 of NRS 341.145. If the Chair appoints such a subcommittee:

45 (a) The Chair shall designate one of the members of the subcommittee to serve
46 as the chair of the subcommittee;

47 (b) The subcommittee shall meet throughout the year at the times and places
48 specified by the call of the chair of the subcommittee; and

49 (c) The Director or the Director's designee shall act as the nonvoting recording
50 secretary of the subcommittee.

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

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

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

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

10 **2. As used in this section:**

11 **(a) “Exercising law enforcement authority” and “exercise of law**
12 **enforcement authority” means:**

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

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

18 **(b) “Federal agency” means:**

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

20 **(2) The Bureau of Reclamation;**

21 **(3) The National Park Service;**

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

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

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

25 248.090 **1. Sheriffs and their deputies are the primary law enforcement**
26 **officers in the unincorporated areas of their respective counties. In a county**
27 **within the jurisdiction of a metropolitan police department, the sheriff and his or**
28 **her deputies are the primary law enforcement officers in the unincorporated**
29 **areas of the county and in any incorporated city whose law enforcement agency**
30 **has been merged into the metropolitan police department.**

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

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