

**MINUTES OF THE
SENATE COMMITTEE ON COMMERCE AND LABOR**

**Eightieth Session
March 22, 2019**

The Senate Committee on Commerce and Labor was called to order by Chair Pat Spearman at 1:08 p.m. on Friday, March 22, 2019, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Pat Spearman, Chair
Senator Nicole J. Cannizzaro
Senator James Ohrenschall
Senator Chris Brooks
Senator Joseph P. Hardy
Senator James A. Settelmeyer
Senator Heidi Seevers Gansert

GUEST LEGISLATORS PRESENT:

Senator Yvanna D. Cancela, Senatorial District No. 10
Senator Melanie Scheible, Senatorial District No. 9
Senator Joyce Woodhouse, Senatorial District No. 5

STAFF MEMBERS PRESENT:

Cesar Melgarejo, Committee Policy Analyst
Marjorie Paslov Thomas, Committee Policy Analyst
Jennifer Richardson, Committee Secretary

OTHERS PRESENT:

Alfredo Alonso, Black Knight Sports and Entertainment LLC
Rusty McAllister, Nevada State American Federation of Labor and Congress of Industrial Organizations
Todd Ingalsbee, Professional Fire Fighters of Nevada

Senate Committee on Commerce and Labor
March 22, 2019
Page 2

Danny Thompson, International Brotherhood of Electrical Workers; International Union of Operating Engineers
Tom Dunn, District Vice-President, Professional Fire Fighters of Nevada
Terry Taylor, Fire Prevention Association of Nevada; Nevada International Association of Arson Investigators
Steve Grammas, President, Las Vegas Police Protective Association
Bruce Genter
Herb Santos Jr., Nevada Justice Association
Steve Alcorn
David Catron
Les Lee Shell, Clark County
Shani Coleman, City of Las Vegas
Michael Pelham, Nevada Taxpayers Association
Dalton Hooks, Nevada Self Insurers Association
Brian McAnallen, City of North Las Vegas
Dagny Stapleton, Nevada Association of Counties
David Cherry, City of Henderson
Wes Henderson, Nevada League of Cities and Municipalities
Sheri Russell, Carson City
Jesse Wadhams, Las Vegas Metro Chamber of Commerce
Jamie Rodriguez, Washoe County
Jennifer Jeans, Washoe Legal Services; Southern Nevada Senior Law Program; Volunteer Attorneys for Rural Nevada; Legal Aid Center of Southern Nevada
Lauren Peña, Legal Aid Center of Southern Nevada
Bailey Bortolin, Washoe Legal Services; Southern Nevada Senior Law Program; Volunteer Attorneys for Rural Nevada; Legal Aid Center of Southern Nevada
Autumn Zemke
Gabriel Bayer
Shane Piccinini, Food Bank of Northern Nevada
Serena Evans, Nevada Coalition to End Domestic and Sexual Violence
Jordan Ross, Southern Nevada Rural Constable's Alliance
Liz Ortenburger, SafeNest
Nancy Brune, Guinn Center for Policy Priorities
Christine Saunders, Progressive Leadership Alliance of Nevada
Izzy Youngs, Nevada Women's Lobby
Laura Cadot
Kevin Sigstad, Nevada Realtors

Senate Committee on Commerce and Labor
March 22, 2019
Page 3

Keith Lynam, Nevada Realtors
Dave Tina
Ashley Hawks, Black and Cherry Real Estate
Michael Smith, Remax Realty
Brent Boynton, Reno Housing Authority
Bill Brewer, Nevada Rural Housing Authority
Kerrie Kramer, National Association of Industrial Office Properties; Live Nation Entertainment

CHAIR SPEARMAN:

We begin with a work session on Senate Bill (S.B.) 131.

SENATE BILL 131: Revises provisions relating to the resale of tickets to an athletic contest or live entertainment event. (BDR 52-64)

CESAR MELGAREJO (Committee Policy Analyst):

I have the work session document ([Exhibit C](#)) which explains S.B. 131 and the eight proposed amendments.

SENATOR SETTELMAYER:

If someone buys season tickets, do they always have an assigned seat? Are they allowed to resell their ticket?

There was some discussion about selling purchased tickets in our conversations. I want to make sure that was preserved.

I am not referring to a broker who buys 50 tickets, I am referring to an individual who bought a season ticket and cannot attend the event for any reason. Are they able to sell their individual ticket?

SENATOR JOYCE WOODHOUSE (Senatorial District No. 5):

I will ask Mr. Alonso to answer your question.

ALFREDO ALONSO (Black Knight Sports and Entertainment LLC):

You are correct. The bill makes certain that ticket sellers, such as the Black Knights, set up a unique opportunity for locals to purchase tickets at a discounted rate, but the tickets are not intended for ticket brokers to resell. It does not change the ability for someone with season tickets to sell their seats.

Senate Committee on Commerce and Labor
March 22, 2019
Page 4

SENATOR SETTELMAYER:

Is the stakeholder amendment ([Exhibit D](#)) included in the bill?

MR. ALONSO:

The stakeholder amendment is amending the existing bill.

SENATOR SETTELMAYER:

Section 9, subsection 2, paragraph b of the stakeholder amendment refers to "knew or should have known". The language is broad. Can we change it to "knew or reasonably known"?

SENATOR WOODHOUSE:

Yes, we can accept that language in our stakeholder amendment.

There is one more edit we would like to add to our stakeholder amendment. Section 4 states "any additional fees and taxes". We would delete "and taxes".

CHAIR SPEARMAN:

We will take a vote on S.B. 131.

SENATOR CANNIZZARO MOVED TO AMEND AND DO PASS S.B. 131
AS AMENDED.

SENATOR SETTELMAYER SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

CHAIR SPEARMAN:

We will close the work session on S.B. 131. We will open the hearing on S.B. 215. Senator Ohrenschall will lead the hearing.

SENATE BILL 215: Revises provisions relating to occupational diseases.
(BDR 53-317)

SENATOR NICOLE J. CANNIZZARO (Senatorial District No. 6):

I am presenting S.B. 215. Firefighters and police officers work every day to ensure Nevadans have a safe place to live, work and raise a family. Their jobs

put their lives at risk. Exposure to harmful substances during the course of their employment frequently results in a diagnosis of a serious disease.

Responding, battling, investigating or spending the day in the wake of a fire or car exhaust comes with the exposure to multiple carcinogens and other harmful elements. This exposure can and does leave men and women first responders with the question of what and when cancer will develop in their lives.

First responders diagnosed with cancer can be temporarily disabled, permanently disabled or die. They have an occupational disease that allows them to seek the treatment they need. To qualify for treatment, the first responders have to be employed for five years or more in a full-time capacity, be exposed to a known carcinogen that is associated with the disabling cancer and prove the cancer manifested out of and in the course of their employment.

We know our first responders are regularly exposed to carcinogens in the course of their job duties. There are many first responders who are not covered despite that knowledge.

The *Nevada Revised Statutes* (NRS) provide a list of substances that are deemed to be known carcinogens and provide a specific list of the associated disabling cancers. For example, NRS 617.453 subsection 2, paragraph (i) provides for known carcinogens linked to prostate cancer, and NRS 617.453 subsection 2, paragraph (j) outlines known carcinogens associated with testicular cancer.

There are provisions for liver cancer, kidney cancer, brain cancer and bladder cancer. If a type of cancer is not within statute, the first responders are obligated to fight for coverage by demonstrating that a substance is a known carcinogen and is reasonably associated with the disabling cancer.

Fighting the insurance companies on a case-by-case basis prevents the workers from pointing to a pattern of claims. It is exceedingly difficult for our first responders who do not fall within that enumerated list to obtain care.

SENATOR MELANIE SCHEIBLE (Senatorial District No. 9):

We have many female first responders who are diagnosed with cancers not covered under the law. A female firefighter who is diagnosed with uterine cancer, cervical cancer or breast cancer must fight for needed health care to

save her life. Uterine, cervical and breast cancers are not covered under existing NRS provisions.

Senate Bill 215 seeks to solve this problem. The bill eliminates the enumerated list of specific, known carcinogens and related cancers. The bill provides that disabling cancer is an occupational disease and it is compensable so long as it develops in the course of employment by somebody who has been employed for two or more years as a police officer, arson investigator, full-time or volunteer firefighter.

The bill provides that disabling cancers are conclusively presumed to have developed or manifested out of, or during the course of, employment under the following conditions: the person has served for two or more years, the diagnosed disease causes disablement or death during the employment, the person serves for less than 20 years during a period equal to the length of time they served or they have served 20 years or more during any point in that person's life. Purchased service years credited toward retirement cannot be used toward the calculation of service time.

RUSTY McALLISTER (Nevada State American Federation of Labor and Congress of Industrial Organizations):

I was a firefighter. The law protecting firefighters was put in place in 1887. We determined that claims were not accepted, because the employers and the insurers stated there was no relationship between a specific carcinogen, the type of cancer and the exposure of firefighters.

We are required to show when we were exposed to a specific carcinogen that would have caused the type of cancer that we have. Our claims are denied.

In 2003, we supported a bill to clarify the language. This language is what we see in statute that lists specific cancers and specific carcinogens we are exposed to on a regular basis. The language was written into statute and serves as the causal relationship between the type of cancer and the carcinogen.

Research is available and shows additional types of cancers affecting first responders. In 2009, we brought legislation to add additional cancers to the list in statute.

Cancers affecting female firefighters are excluded from statute. Female firefighters are showing effects of exposure to carcinogens, such as breast cancer, cervical cancer and uterine cancer. Their cancers are not included in statute.

In the City of Las Vegas, we took a case for a female firefighter who has breast cancer. The City denied her claim. We appealed the decision. The appeal officer agreed with us and approved her claim.

The City appealed the ruling in District Court. The District Court did not overturn the ruling. The City appealed the case to the State Supreme Court where the ruling was upheld. The female firefighter's breast cancer was related to her job. Her case took 5 years and over \$50,000 to litigate.

Research shows cancer in firefighters is more prevalent than cancer in the general population. This bill would eliminate the causal relationship and create a presumption that cancer occurs out of employment.

In regard to presumption, the bill matches the language in sections 455 through 459 of NRS 617, also known as the heart and lung statute. I worked with Senator Settlemeyer during the passage of the heart and lung statute in 2015. The language about coverage for the period of time after employment matches this statute.

We need this broad coverage because studies have shown that the latency periods for different types of cancer can range from 2 months to 20 years after exposure. Current legislation covers us for a maximum of five years after retirement. Many cancers do not manifest for seven years or more after exposure.

The intent is to match the language in the heart and lung statute and to extend coverage for first responders after retirement.

TODD INGALSBEE (Professional Fire Fighters of Nevada):

We are not testifying to convince the Committee that firefighters have a high risk of contracting cancer. Our current laws make this statement apparent. Legislation needs to be updated to keep up with the changing environment; in our case, the increase of cancers in the firefighting profession.

We are presenting this bill because new building materials and engineered thermoplastics, such as fluoride laminated veneer lumbers, increase the carcinogens we are exposed to during fires.

Today, residential fires have more in common with HAZMAT scene events than old-fashioned house fires due to the common materials in homes, such as plastics and other synthetic materials.

Because of budget cuts and staffing problems, our exposure time increases due to the limited number of available firefighters. Firefighters are responding to more calls than ever. Because of retirement restrictions, we work longer careers.

Cancer rates are underreported among firefighters because many firefighters do not discover they have cancer until after retiring. Many cancers do not metastasize until 5 to 25 years or more. At that time, retirees are considered to be part of the general population as compared to the group.

Improvements have been made to protect our members over the years. Nevertheless, we run into burning buildings to protect the lives and property of our citizens and visitors without concern for our own safety. Research studies make suggestions on how to prevent our contact with carcinogens, but the suggestions are denied due to budgetary reasons.

For example, my fire station does not have washer extractors to clean contaminated turnouts. After we respond to a fire, members are subjected to the carcinogens released from the contaminated turnouts. People on shift and the people in the oncoming shifts are exposed. Many of our members throughout the State do not have spare sets of turnouts, boots, helmets or self-contained breathing apparatuses.

The opposition states we need to narrow the list of cancers, because they cannot cover all the costs; it will be too expensive. We have conclusive presumptive language in our heart and lung coverage. We are asking for the same coverage for cancer because we do not know all the hundreds of recognized carcinogens we are exposed to over a 30-year career.

It is impossible to know what is contained in a commercial building, dumpster, wildland or house fire. Firefighters are 15 percent more likely to be diagnosed

and die of cancer than the general population. Since 2002, 65 percent of all the line-of-duty deaths are from cancer. Cancer is the leading cause of line-of-duty deaths among firefighters.

Since 2014, the Professional Fire Fighters of Nevada placed 29 members on a national firefighter memorial in Colorado Springs, Colorado. These members were someone's mother, father, sister, brother, son or daughter. Sixteen deaths were from cancer. There is a good chance one of us, if not all of us, sitting here today has cancer.

Times have changed and so has our cancer coverage. Current legislation does not address specific cancer coverage for women within the fire service. Specific to their gender, women firefighters deserve the same coverage as men. We need change for our sisters and for the 16 men and women whose names were placed on the memorial.

We discussed the bill with the opposition. We have discussed language with the sponsor to clarify rank classifications within various departments to prevent future denial of claims.

SENATOR HARDY:

One in eight women are diagnosed with breast cancer. There is a genetic propensity for some people. Is there an increase of cancer incidents in our female firefighters?

MR. MCALLISTER:

Yes, there has been an increase. Exposure to the carcinogen, benzene, drives a higher risk for breast cancer. There is a continual study ([Exhibit E](#) contains copyrighted material. Original is available on request of the Research Library.) by the San Francisco Fire Department, in coordination with other Bay Area fire departments, specific to female breast cancer and exposure for female firefighters.

SENATOR HARDY:

There are increased rates of cancer in firefighters over the last five to ten years. We have increased numbers of incidents because of the plastics and laminates in our environment. Have you seen increases in the last five to ten years?

Senate Committee on Commerce and Labor
March 22, 2019
Page 10

MR. INGALSBEE:

Yes, that is correct. We used these studies ([Exhibit F](#), [Exhibit G](#), [Exhibit H](#) and [Exhibit I](#)) in our language as references. [Exhibit H](#) and [Exhibit I](#) contain copyrighted material. Originals are available on request of the Research Library. Incidents of cancer have increased. In regard to breast cancer, we found cases of men in Nevada diagnosed with breast cancer.

SENATOR HARDY:

Firefighters are not dying from heart disease because we are better at treating heart disease. The general population has increased incidents of cancer.

MR. MCALLISTER:

Every state is required to report incidents of cancer in firefighters to a national registry so we may get a better idea of those numbers. Recent legislation at the national level requires a national registry.

SENATOR HARDY:

Will the police testify to the same effect?

SENATOR CANNIZZARO:

Yes, officers will testify about their exposure to carcinogens.

SENATOR SETTELMAYER:

We worked hard in 2015 on the heart and lung statute. The reality is, cancer is a function of age. Take prostate cancer for example. If you are 50 years old, you have a 50 percent chance of a prostate cancer diagnosis. At 75, you have a 75 percent chance of a prostate cancer diagnosis. At 100, you have prostate cancer. Several doctors have told me this.

Regarding the effective date of the bill, will coverage be going forward or will it go back? How will that work? Will firefighters need two additional years of service before they are covered?

MR. MCALLISTER:

I am not sure.

SENATOR OHRENSCHALL:

That is a question for our legal counsel. I will defer to the Legal Division.

SENATOR SETTELMAYER:

The scope of individuals involved would change. We require someone to work 20 years before they are covered for life. If they served for 20 years, they should be covered for life. We can add that into an amendment and try to clarify the language.

I have a problem with the "2 years" reference in section 1 of the bill. People need to be more vested in their careers than the minimum two years. We had the same discussion during the heart and lung bill. Most people do not stop being firefighters or police officers after two years. They traditionally quit prior to that.

The scope of individuals is not a large number. How many people work for two years and drop out of the profession? I would like that information.

SENATOR HARDY:

As a doctor, I see people with workers' compensation injuries and workers' compensation pays for it. If their private insurance knows about a work injury, they do not pay for it.

If a patient fails to declare a work injury, there is the question of who pays for medical care. Nobody pays, because the patient did not fill out a form.

Who pays for cancer treatments now and who pays for them after the bill passes?

MR. INGALSBEE:

The cost of care is the responsibility of the municipality and whoever handles the workers' compensation insurance for the injured person.

SENATOR HARDY:

If you get cancer right now, are you covered?

MR. INGALSBEE:

It depends. Most of the fire departments within Nevada are self-insured. If the diagnosis does not line up with what is currently in law, the claim is denied. We go through the process to find out. That is why we litigate so often.

If treatment is approved, it will be charged to the workers' compensation of the municipality. Some municipalities are self-insured.

If the person diagnosed is a retiree outside the guidelines or if the firefighter is under their self-trust, then the self-trust covers it. If they are covered under Medicare or Medicaid, then Medicare or Medicaid will pay for it.

SENATOR HARDY:

Are you covered through your regular insurance if you fall down and break your leg? Are all illnesses and injuries covered under your private insurance plan?

MR. INGALSBEE:

If I break my leg outside work, the cost of care is covered under my insurance plan.

SENATOR SEEVERS GANSERT:

I am concerned about cancers in women being left off the list of cancers and known carcinogens. I want to make sure that there is coverage for women. You mentioned breast cancer and cervical cancer. You mentioned a continued study out of San Francisco. Do cancers not covered by statute have a direct relationship to exposure?

The list in statute was derived because we were trying to find a nexus between exposure and cancer. The language in the bill is broad. It will be hard to underwrite something broad and undefined. If you add folks retroactively, the timeline becomes a concern. Consider being more specific.

The broad language and the retroactive timeline concerns me because I am not sure if we can secure coverage.

SENATOR OHRENSCHALL:

What percentage of firefighters are female?

MR. INGALSBEE:

Women encompass 10 percent to 12 percent of firefighters. The number grows every year.

DANNY THOMPSON (International Brotherhood of Electrical Workers, International Union of Operating Engineers):

We support S.B. 215. I was here in 1987 when the original bill was enacted. It was clear, through data and research, firefighters and police officers have a higher propensity to those types of diseases.

There was a company in southern Nevada making a product called chloral and ortho-dichlorobenzene, which is a byproduct of DDT when it is changed chemically. Inadvertently, this company was producing dioxin as a byproduct. Dioxin is the most toxic substance known. It was accidentally produced in the chemical plant in Henderson. There were multiple fires at their facility.

I was the head of the steelworkers union at the time of the plant fire. People who worked in that division died of a specific kind of brain cancer. The Environmental Protection Agency started investigating. They discovered the dioxin. The plant was shut down, cut up, hauled off and buried.

I introduced the conclusive presumption for the heart and lung statute because every case was denied. Denials still happen. These claims are fought in court.

TOM DUNN (District Vice-President, Professional Fire Fighters of Nevada):

We support S.B. 215. Firefighters are hired to do a job. That job is to preserve life and property, to keep our citizens in their homes and to keep our businesses open and vibrant. Whether it is a structure fire in Las Vegas, an airplane crash in Elko or a major wildland-urban interface fire in northern California, firefighters do their job professionally and honorably.

Firefighters are doing their job by having the required heart and lung physical. Firefighters are doing their job by lobbying Congress for grant funding so our communities can purchase safety equipment such as radios, self-contained breathing apparatuses, personal protective equipment and health and safety studies involving cancer and cardiopulmonary injury.

Firefighters are doing their job by improving policies involving hazardous exposures, such as clean cab programs, on-scene post-fire decontamination and sending our equipment out for proper cleaning and repair. Yet, our exposure to carcinogens and toxic byproducts increases.

There is no safe dose for a carcinogen. Every dollar we spend to get a cancer claim accepted is one less dollar we spend in a local restaurant, shopping in a local store or saving for our child's education fund.

I would like to close with the words of Governor Tasker Oddie from his message to the Legislature in 1911.

The legal doctrine that won for an injury to his person has sure speed and adequate remedy in the courts is not sustained by the statistics of workmen's injuries in this country. Compensation of injured employees has been anything but speedy and all but the exceptional case when carried in the courts has resulted in no actual recovery by the plaintiff. The continued cases of flagrant injustice to maimed employees and to the dependents of workers killed in the discharge of their duties has aroused public sentiment and sympathy with a result that in the past few years various commissions have been appointed by the states and in several of national character which have sought to provide a just and adequate remedy thereof.

We have the same problem with workers' compensation 108 years later. It is not about railroad workers and miners; it is for firefighters, female coworkers and our retirees. I encourage you to pass S.B. 215.

TERRY TAYLOR (Fire Prevention Association of Nevada; Nevada International Association of Arson Investigators):

We support S.B. 215. We are the people who hang out for a long period of time after a fire has been put out. We dig through the rubble and expose ourselves. We live with the fire to determine the origin and the cause. We have limitations regarding our personal protective equipment, and we arrive when the fire is in a smoldering state. This includes wildland fire exposure.

In 1989, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) while conducting a study noticed an alarming number of cancers in their arson investigators. They felt they had a causal connection between cancer overall and exposure at fire sites.

In 1997, the ATF conducted a second study and declared there was a problem with fire inspectors and arson investigators contracting cancer. We want to

make sure we are not forgotten. We have had issues with coverage when we are told we are not firefighters.

The statute lists arson investigators but not fire inspectors. We determine whether a fire is arson or not. When we are assigned, we go to the site of a fire and attempt to determine the origin and the cause. Fire inspectors perform this service part-time.

SENATOR SETTELMAYER:

I have to disclose that I know Mr. Taylor who has been to my property for agricultural fires.

I agree with you about bomb squads, arson investigators and individuals who inspect the fire from day one. Your investigators are sifting through that material. There is no question about that aspect of the profession.

I am perplexed with section 1 of the bill regarding the 2 year requirement versus the 5 year requirement. I am trying to figure out the time frame. In your profession, do you get hired into that position? Are you part of the regular fire department before you move to that specialty?

MR. TAYLOR:

Yes, in most cases investigators enter the profession from police or firefighter professions. We have specialized training and we are transferred to an arson bureau.

We do multiple functions. For example, I may spend a month engaged in fire investigations during wildland fire season. Other months, I may not do any investigations. My cumulative exposure time is over 30 years. I am retired now, so exposure will not affect me, but past exposure will affect my health.

SENATOR SETTELMAYER:

If the language states 2 years or 5 years, will most arson investigators be covered due to most of them coming from another part of the job prior to that?

MR. TAYLOR:

That is correct.

STEVE GRAMMAS (President, Las Vegas Police Protective Association):

We support S.B. 215. Law enforcement officers are routinely on the scene of a fire and exposed directly to known carcinogens. Whether it be from an auto accident, house fire, meth lab or marijuana grow operation, we are there.

I was directly involved in a specific incident of fire. I was at the Mt. Charleston fire several years ago and helped with civilian extractions, as well as provided traffic control. We were directly exposed to the smoke and burning fuel from the plane crash. We had the same exposure as the fire department, but we did not have protective gear. Our first responders do not have routine access to that gear. The most protection we have is to cover our nose and mouth with the front of our shirt.

BRUCE GENTER:

I support S.B. 215. The Police Protective Association asked me to testify about my experience with exposure to carcinogens in the law enforcement community.

My personal experience includes well over 200 exposures to meth labs, over 20 exposures to spice synthetic labs and several unknown substance labs that I have responded to.

I am involved with the Utah Meth Cops Project. They conducted research and found 90 percent of first responders, who respond to meth labs, had exposure to carcinogens and other unknown substances. They are exposed to more carcinogens than the cooks.

The majority of first responders go to the scene without any protection. They arrive to conduct the initial investigation before the fire department. We are exposed to synthetics coming from China, carcinogens coming from fires and to other substances we come in contact with over many years of work. Our first responders return to their work operations without taking a shower or changing clothes.

CHAIR SPEARMAN:

Will the people in Las Vegas stand if you support S.B. 215? I see the majority of the room standing.

HERB SANTOS JR. (Nevada Justice Association):

We support S.B. 215. Since 1991, I have represented injured workers in the State. The statute needs to be fixed. Workers' compensation laws are intended to ensure that workers receive timely medical treatment so they can recover and return to their jobs.

Eliminating the list of substances deemed to be known carcinogens reflects the reality that cancer causing substances are rapidly changing and expanding. Research is discovering new carcinogens, explaining how they cause cancer and provides insight on the ways to prevent cancer.

Cancer research is ongoing. The list of carcinogens allows an insurer to rebut the presumption and put a claim in litigation where the probability of delayed cancer treatment becomes a reality.

Is this what we want for the men and women who put their lives on the line to protect us? When we have a rebuttable presumption standard, the odds are that the claim is denied and goes to litigation.

Cancer claims for our first responders have no place in a courtroom. Senate Bill 215 will take the cancer claims out of the courtroom and back with the healthcare providers, so the men and women who risk their lives every day receive timely cancer treatment.

The opposition discussed genetic or predisposed genetic factors. The Nevada Supreme Court has upheld the statute for heart claims. Once one meets the qualification requirements for heart disease, whether the cause is congenital, idiopathic or otherwise introduced, they are covered despite any preexisting symptom or condition. Cancer should be no different.

Hearing a diagnosis of cancer is devastating enough; we add insult to injury when we allow an insurance company to manipulate the rules and delay cancer treatment by denying, delaying and defending claim denial. This bill will prevent that injustice from happening.

STEVE ALCORN:

I support S.B. 215. I am a retired firefighter. I retired May 2016. Two years later, I was diagnosed with cancer in my pancreas. I filed a claim with SafeBuilt

Insurance Services (SIS) of Nevada the day I was diagnosed. I had surgery to remove half of my pancreas and waited for SIS to respond to my claim.

My claim was denied pending further investigation. The claim workers at SIS notified me that they had not received enough information on my claim. As of last week, they have not made a decision on my claim. They are not sure when they will be able to make a decision.

DAVID CATRON:

I support S.B. 215. I will read from a prepared statement ([Exhibit J](#)).

CHAIR SPEARMAN:

Will the people in Carson City stand if you support S.B. 215? I see the majority of the room standing.

LES LEE SHELL (Clark County):

We oppose S.B. 215. I will contact the bill sponsors so we may discuss amendments as we move forward. Clark County shares the goals of the sponsors to ensure our first responders have access to benefits in the event of a work-related injury or illness. We are not opposed to including fire and arson investigators. We are not opposed to extending coverage for our female first responders.

We oppose striking out section 1, lines 16 through 25 of the bill. This section removes the nexus between occupational exposure and the disease. That is a tenant of workers' compensation. We would like to retain this. Striking out the entire section enables any cancer, for any reason, to be covered.

The expansion for retirees is a concern. We structure our budgets to know what that exposure is. It is a 5 year period. We fund our programs in such a way to cover this. Premium changes are decided by this calculation.

We have difficulty acquiring excess insurance coverage required by statute. Our underwriters cite our presumptive laws as the reason why. We are able to retain a single underwriter in Clark County to provide this coverage for us. We may not be able to continue to access coverage meant for catastrophic losses.

SHANI COLEMAN (City of Las Vegas):

We oppose S.B. 215. We support the provisions outlined by Clark County. The City recognizes the value firefighters bring to the citizens of Las Vegas. We want to do right by firefighters who may suffer from "occupational" harms due to the service they provide.

I emphasize "occupational", because that is the core of what workers' compensation is designed to address; an injury or harm that resulted from the work an employee performs.

Senate Bill 215 removes requirements that such harm suffered by a firefighter be related to the service he or she provided, which by its nature, is contrary to the intent of workers' compensation claims.

Stakeholders work together to identify carcinogens. Related cancer studies have shown the carcinogens are problematic to firefighters. The bill seeks to eliminate all the previous hard work stakeholders agreed relates to the occupational diseases correlated to firefighters.

The bill poses an additional concern with the addition of police officers and the removal of the 60-month post-employment diagnosis requirement. Removal of this provision will place the City of Las Vegas in the untenable situation of being underfunded because of the uncertainty of the number of claims that could arise from injuries that were originally beyond the 60-month timeframe.

We recognize the risk our firefighters take on. We understand and agree to the obligation to provide relief for a job-related injury. For the reasons stated, we are unable to support this bill. We are open to working with the stakeholders to find common ground.

MICHAEL PELHAM (Nevada Taxpayers Association):

We oppose S.B. 215. This bill will cost State and local governments too much money. Estimates show industrial insurance premiums increasing by 50 percent to 100 percent. Las Vegas has a fiscal note citing a cost of \$1 million per year. Clark County has a fiscal note citing a cost of \$7.5 million per year.

White Pine County states this bill will be devastating. The County will be unable to afford the cost related to broad and unquestionable coverages in workers' compensation. White Pine County will need to take on enormous additional

expenses without the ability to generate new revenue. The adverse impact cannot be overstated.

CHAIR SPEARMAN:

While working on another bill in 2013, it was brought to my attention a story about a correctional officer who intervened between two inmates during a fight. During the altercation, the officer broke his ankle. Months later he left work. People in town noticed he was swerving while driving and thought he was having a medical emergency related to his heart. His heart had stopped.

There was a blood clot in his ankle that moved to his heart. The coroner determined that the scuffle precipitated his death. Sometimes the cause of injury is known for sure and other times it is a different event that precipitates the illness. Is there room in the bill for that compromise?

Ms. SHELL:

There is room built into the process now. In that situation there were unknowns. They are taken on a case-by-case basis. We have a workers' compensation expert in Las Vegas who can answer the question.

DALTON HOOKS (Nevada Self Insurers Association):

I am an expert in workers' compensation. You are correct, in terms of the blood clot that occurred in that case. This is decided by a doctor making a medical determination that the blood clot was related to the occupational injury. Under those circumstances it would be compensable because a doctor made that determination.

BRIAN MCANALLEN (City of North Las Vegas):

We oppose S.B. 215. We did not submit our fiscal note to the Legislature in time for the bill. There is a \$4 million annual impact to the City of North Las Vegas.

We understand the challenges firefighters face on a regular basis. We are sympathetic to the issues they encounter. They are our first responders. They are essential to the community. There will be challenges with self-insured entities obtaining excess workers' compensation insurance if it is available at all.

MR. HOOKS:

I want to join the comments made by Clark County. I have been asked to present a practical perspective as a professional expert in workers' compensation. We would like to present to the Committee the norms dealing with the rebuttable presumption to a conclusive presumption. These changes transmute the workers' compensation system from what it is intended to be to something that is extensive.

Combining police officers and firefighters is a matter of public policy. Firefighters have singular unique exposures when they respond to a fire where it is impossible to determine the source of exposure. The inability of firefighters to file a claim based on that is unacceptable.

With respect to police officers, it is a different scenario. They are responding to scenes where they have specific records of what, why and when they are responding. This allows them to have specific details of the type of exposure.

CHAIR SPEARMAN:

Last summer there were many wildfires. It was so smoky in northern Nevada that the building was filled with smoke. I saw a person from the Sheriff's department on the news who had gone to the places where people lived to help people evacuate to safety. They were not firefighters; they were public safety officers. They would have been exposed to the same fires that the firefighters were exposed to.

Yes, police respond to scenes where they may know what is going on, but they also respond to fires. They do what they have to do to save lives and protect property. Can anyone address this?

DAGNY STAPLETON (Nevada Association of Counties):

We oppose S.B. 215. I cannot answer your question. There are others here who can. We support expanding coverage to arson investigators and others who are exposed to situations like the one you describe.

We want to reiterate that our members care about the health and safety needs of our first responders. They are at risk because of the work they do for the public. It is right to pay claims connected to the exposure risks that these individuals meet.

Nevada's urban counties and the 15 rural counties agree. The majority of the counties are insured by the Public Agency Compensation Trust (PACT) in association with self-insured public agencies, which is a non-profit risk sharing pool serving public entities.

Several sessions ago, PACT and other self-insured employers carefully crafted the existing statutory language in a joint effort with representatives of the firefighters. The list of covered cancers that was agreed on has a reasonable occupational connection. The bill overturns that compromise. As written, it will require public employers to cover diseases that may not be connected to their occupation. This includes the position that all cancers could be eligible for payment.

These expansions are proposed without an associated plan or ability for counties to prepare for these significant changes. Additionally, the increased unknown liability will make it difficult for local governments to obtain the statutorily required excess insurance that covers catastrophic exposure events.

These impacts to counties may be disproportional in rural jurisdictions. We expressed our concerns to the sponsor.

DAVID CHERRY (City of Henderson):

We oppose S.B. 215. We recognize our public safety professionals protect our community. Their occupations include activities that place them in contact with hazardous substances. We recognize our obligations under our workers' compensation system. We plan for this obligation and the resources needed to cover the claims for those who have been diagnosed with a disease related to their employment.

This bill would change the framework and widens the pool of those eligible to receive workers' compensation coverage. We are concerned with the elimination of the required nexus between exposure to carcinogens and cancer diagnoses.

We are against changing the minimum 5 years of service to 2 years of service, widening eligibility to include covering new jobs and changing the 5-year post-employment window to a lifetime window for individuals who served 20 years.

This makes it difficult for the City to calculate its potential liability and to plan accordingly because it is likely to result in a larger number of claims. We are concerned about how this bill could limit our ability to obtain liability coverage. This situation poses a severe fiscal risk to the City's self-insured fund.

We share the goal of those here today as it relates to covering those who are injured on the job, extending coverage to female firefighters and to others who have been left out of the current framework.

WES HENDERSON (Nevada League of Cities and Municipalities):

We oppose S.B. 215 for the same reasons stated by others opposed. We are willing to work with stakeholders on the bill.

MR. GRAMMAS:

I can answer the Committee's question about police responding to fires. Officers are heroes just like our brothers and sisters in the firefighting profession. When there is a fire and people are trapped, an officer will enter the building to save lives.

On October 1, 2017, our officers went to the 32nd floor knowing that they may not come down, but they still went. We know what we are up against; we have more information and we have more details during an emergency, and we go anyway. Folks still perform this job while putting safety aside for themselves. They think about others.

The argument is a weak point that officers know what they are exposed to; therefore, they do not need coverage. We know what we are up against and we still try to save a life.

The people who claim it will monetarily impact their municipalities take a back seat to the heroes willing to die to save a stranger's life.

SHERI RUSSELL (Carson City):

We oppose S.B. 215. We support the discussions about an amendment from Clark County. They include cancers that have an established link between carcinogens firefighters are exposed to, and this information is based on a 2016 report from the Centers for Disease Control and Prevention. Regardless of the cause of cancer, we want the same thing. We want employees to be treated and to be able to return to work.

Carson City provides excellent employee health insurance, as well as a retiree health insurance program. We believe the information we discussed with Clark County provides the clear legal guidance needed to avoid delays in treatment as different insurance companies struggle to figure out who is responsible for the payments.

JESSE WADHAMS (Las Vegas Metro Chamber of Commerce):
We oppose S.B. 215. Our concern is with the language as drafted.

JAMIE RODRIGUEZ (Washoe County):
We oppose S.B. 215 as drafted for the reasons previously stated. We understand the intent.

SENATOR CANNIZZARO:

It is important to talk about this issue and to recognize the sacrifices that men and women make to keep our communities safe. We will work with the stakeholders to create an amendment. There was mention of an amendment from Clark County, but there is no amendment for this bill at this point in time.

SENATOR SCHEIBLE:

I agree.

CHAIR SPEARMAN:

Because we have a time constraint, the following written statement ([Exhibit K](#)) has been submitted for the record. We will close the hearing on S.B. 215. We will begin the hearing on S.B. 256.

SENATE BILL 256: Revises provisions relating to discrimination in housing and various provisions relating to landlords and tenants. (BDR 10-569)

SENATOR YVANNA D. CANCELA (Senatorial District No. 10):

I am presenting S.B. 256. In the Interim, I participated in a committee to study issues related to affordable housing. The bill is a result of the testimony and issues we heard. There is a shortage of 200,000 affordable housing units in the State. Home ownership is out of reach for more than half of Nevadans. Renters are priced out of the market.

Renters are dependent on any housing they can secure and afford regardless of the problems with the unit. They are less likely to complain about repairs or

excessive late fees, because they are afraid their rent will increase or they will be evicted. Landlords have fewer reasons to keep tenants in place because they can charge higher rent or sell property to developers.

Bad actors in the industry have more incentive to harass tenants in order to force them to move. They use security deposits to fund repairs on units and to charge more rent. Good landlords act within the outlines of the bill. These minimum protections are needed for those who exploit tenants.

Some landlords charge exuberant late fees. Some charge late fees on previously accrued late fees. A late fee can be charged the first day a rent payment is late. There was a tenant who paid \$600 in late fees per month for 3 months after missing her rent payment by 3 days. This bill seeks to help people like her with her uphill battle.

A tenant can be evicted for missing a rent payment as soon as a rent payment is seven days late. Landlords have 30 days before they are required to return a security deposit. Landlords may withhold money to make repairs without consulting the tenant. One tenant was charged \$2,000 to replace 8-year-old carpet. This bill allows a tenant to request an initial and a final walkthrough to document and fix any problems with the property.

According to the Federal Reserve, 40 percent of Americans do not have \$400 saved for an emergency situation. Renters need their security deposit in order to secure new housing when they leave a unit. In some Nevada counties, tenants are given as little as ten minutes notice when they are evicted.

A tenant may be locked out of their home while out of town, or while in the hospital by a landlord evicting them. Their necessary belongings are inaccessible in the unit. The bill creates a process to allow for the retrieval of essential items.

Landlords sometimes abuse their right to access the premises. For example, they enter the unit to make repairs late at night with the intention to drive out the tenant. The bill allows for an expedited process for tenants to seek relief in the event a landlord abuses their right.

The bill makes it easier for a tenant to bring a landlord's failure to address repairs to the court's attention. A tenant can point out a leaking roof in front of 20 people, including the landlord, but the court cannot consider that a failure to

repair unless the tenant gives a prior 14-day written notice. This bill allows the tenant to prove actual knowledge.

There are certain types of properties that receive public dollars to house low-income Nevadans. In those properties, a landlord can refuse to consider a potential tenant's application if the tenant has a prior inability to pay, thus perpetuating a lack of affordable housing. This bill would prohibit that practice for specific properties that are intended to assist low-income Nevadans to avoid homelessness. Presumably, those applicants had difficulty paying rent in the past.

JENNIFER JEANS (Washoe Legal Services; Southern Nevada Senior Law Program; Volunteer Attorneys for Rural Nevada; Legal Aid Center of Southern Nevada):

I recently spoke with Rita Greggio, an attorney at Washoe Legal Services. She described an atmosphere of fear and anxiety in her clients. She described a senior who was so afraid of eviction that the senior did not want to complain about lack of heat during the winter. The senior ended up contracting pneumonia.

Another senior tenant was subjected to eviction for nonpayment of rent because she could not afford her \$900 monthly rent payment and \$400 in late fees. She ended up losing her housing of nine years because she could not recover from the late fees.

Another client was charged \$2,000 in carpet depreciation when she moved out of the unit she lived in for 8 years. The carpet had not been replaced during that time. It is stories like these that led us to want to bring S.B. 256. This atmosphere affects veterans.

We submitted to the Committee a letter ([Exhibit L](#)) from Shane Whitecloud, Veterans Resource Centers of America (VRC). Mr. Whitecloud works with homeless veterans and veterans who are on the edge of homelessness. The problems in this bill speak to the problems that VRC sees every day as veterans are having a harder time maintaining their housing.

Sections 1 and 2 of the bill prohibit discrimination against tenants whose income includes government benefits. This provision is used in 15 other states and many municipalities.

We are working on a conceptual amendment to clarify our intent. These sections were intended for public housing properties that accept Section 8 Housing or any other voucher, and is not meant to preclude landlords from considering a tenant's ability to pay rent. Landlords will have the ability to consider a tenant's income and reliability of income.

Section 2 prohibits properties that receive tax credits and federal funding for housing very low-income individuals from denying applicants solely on the basis that they have a prior inability to pay rent. The conceptual amendment eliminates this requirement for tax credit properties. We are speaking to a very narrow type of public housing with regard to this prohibition.

Section 7 establishes a new procedure for tenants to request an initial inspection, be given a list of actions needed to avoid deductions and a final inspection after they move out of the property. The conceptual amendment limits this right to no cause termination.

I will discuss section 10 before section 9 for clarity. Section 10 prohibits charging late fees until 3 days after rent is due. It caps the late fees at 5 percent of the periodic rent and prohibits charging late fees on late fees. We are in discussions with the Nevada State Apartment Association (NVSAA) on this section.

Section 9 redefines rent to exclude late fees, the security deposit, service fees, collection fees, damages, repair costs, attorney's fees and other nonrefundable fees. Currently tenants pay these fees within five days or face an eviction action in order to challenge these fees. We are in discussions with the NVSAA on this section.

Section 11 reduces the time that a landlord has to return the remainder of a security deposit from 30 days to 14 days after the tenancy ends or 5 days after final inspection. We are in discussions with the NVSAA on this section.

Section 15 allows tenants to assert a landlord's failure to make repairs when a tenant can prove that the landlord had actual knowledge of the issue. It also attempts to clarify when it is necessary to place rent in an escrow account in order to raise certain defenses. This will prevent a tenant from being excluded from addressing issues when a landlord spends their entire deposit to fix a repair

in an eviction for nonpayment of rent. We are in discussions with the NVSAA on this section.

Section 17 allows tenants quick access to a court when a landlord abuses access to the property. For example, a landlord showing up in the middle of the night to make repairs.

Section 20 allows tenants to retrieve essential items, such as medicine and legal documents following an eviction in a way to seek quick relief from the court if the landlord refuses. Ms. Peña will testify about tenants who are evicted while they are at work, out of town or in the hospital. In some jurisdictions, tenants are given ten minutes from the service of the eviction order until they are out on the street.

Section 22 sets the process for a tenant under section 20. It requires a landlord to accept rent even if the tenant does not tender other fees, such as late fees or collection fees.

We have been working with Nevada HAND on this bill. We pledge to work with them before the work session to offer amendments.

LAUREN PEÑA (Legal Aid Center of Southern Nevada):

I would like to address the definition of rent and how late fees are currently addressed. Existing law makes it difficult, if not impossible, for tenants, landlords and the courts to figure out how much money is owed by the tenant. Rent should not be a moving target. Late fees should not be hard to calculate. This bill intends to address this issue.

Existing law defines rent as your monthly periodic payment with actual reasonable late fees as provided in your rent and lease agreement. A nonpayment of rent notice may include unpaid security deposits. It is not supposed to include collection fees or attorney's fees, but a landlord cannot refuse to accept rent if it is for nonpayment for collection fees or attorney's fees. This can be confusing.

A big portion of my day at the Legal Aid Center of Southern Nevada (LACSN) is consulting with tenants who are baffled by what they actually owe. For example, they know their rent is \$1,100. They know they are a few days late.

Why are they receiving a nonpayment of rent notice for \$2,000? Sometimes we do not know the answer. Sometimes the only option is to go to court.

If a tenant does not want to go to court, but instead wishes to pay what they believe they owe, how much should they pay? How much does the landlord have to accept? These are the types of questions we have.

A nonpayment of rent notice should advise the tenant that the landlord has not received rent. The periodic payment that we all define as rent in the real world is how rent should be defined in statute. When a tenant receives a nonpayment of rent notice, he or she will know what they are expected to pay is the actual rent.

With a large percentage of Nevadans being renters, it makes sense that the tenants understand what is expected of them. You may hear from landlords who state that this definition will hurt them. I hear from property managers regularly. They ask questions, such as what amounts can I include on my nonpayment notice? What portions do I have to accept? What is a reasonable percentage for late fees?

Nothing in this bill prohibits a landlord from going after late fees or collection costs. A nonpayment of rent notice should clarify that a nonpayment of rent has occurred. In regard to late fees, the current law has allowed for too much abuse.

A single working mother came into the LACSN. Because of her work schedule and childcare situation, she could not come sooner to ask her questions. If her rent was \$1,650 per month, is it fair that her landlord has been charging her \$600 per month in late fees for being a couple days late?

I was floored to find out that she paid \$1,800 in late fees. It was hard for her to get to court. She did her research online. She drained her savings. If she went to court as someone who was unrepresented, someone who would be seen as a person not knowledgeable in the law, she was concerned that reason would not go in her favor.

This bill will clarify late fees. There are unexpected expenses for tenants. They sometimes have an unexpected medical bill or a death in the family. Let us

allow a tenant to sit down and calculate what worst case scenario late fees may cost when emergencies occur.

While addressing security deposits, we heard that many people have a hard time affording an unexpected expense of \$400. If you are a good tenant and you have lived in a unit for a long period of time, it can be hard to move without a little bit of money in your pocket. Shortening the time period it takes for security deposits to be returned to tenants eases the burden on the tenants while not being a burden to landlords.

This bill allows for a pre-inspection opportunity. This will benefit both sides. It allows both parties to meet and inspect the unit. Both parties can reasonably expect some outcome to their security deposit instead of litigating it in the courts. This is a reduction of litigation.

The bill creates a mechanism for people who are looking to retrieve essential items or medication. In a separate hearing, I referred to a story about an elderly man who was evicted during a hospital stay. An unexpected emergency put him in the hospital. When he was discharged, he returned home to find out that he was evicted. Essential items were locked away in the property. A mechanism like this will allow tenants like him to have an opportunity before the court.

The bill provides an opportunity for tenants whose landlords might be abusing access to the property. We hear stories from female tenants who are scared because a repairman or property manager, acting under the authority of a landlord, is knocking on their door under the guise of doing repairs in the middle of the night with the intention of making advances on the women. This is a scary experience. Tenants need expedition to get before a judge.

The examples I cited today are not extreme. With 3 million people in Nevada and 44 percent being renters, these eviction procedures have the ability to affect a vast number of Nevadans. In 2018, the Las Vegas Justice Court saw over 32,000 summary evictions. Las Vegas is 1 of 11 justice courts in Clark County. The impact of this bill is tremendous.

For these reasons, I ask for your support of S.B. 256.

SENATOR CANCELA:

Judge Brown and Judge Saragosa are in attendance in Clark County in case there are questions on how the bill will affect the court.

SENATOR BROOKS:

I have a question about section 2 where it states that a landlord cannot refuse applications due to a history of nonpayment. To what types of properties will that provision apply? There is a U.S. Code listed in the bill. I looked it up, but it is not clear.

MS. JEANS:

That section applies to public housing complexes and properties we refer to as "low-income tax credit properties". We agreed to draft a conceptual amendment where we would remove the restriction on "qualified low-income housing projects". It will apply to public housing complexes where tenants pay a percentage of their rent. These tenants would be homeless without that protection.

Our rationale is those providers are a safety net specifically for tenants who struggle to pay rent. We would like to maintain the safety net for those tenants.

SENATOR BROOKS:

A conceptual amendment would remove subsection (c) and keep subsection (b)?

MS. JEANS:

Yes, that is correct.

SENATOR BROOKS:

Subsection (b) refers to government housing that is fully subsidized by State, federal or other municipalities? Is subsection (c) referring to a model that is used by Nevada HAND where a percentage of their tenants are in subsidized housing?

BAILEY BORTOLIN (Washoe Legal Services; Southern Nevada Senior Law Program; Volunteer Attorneys for Rural Nevada; Legal Aid Center of Southern Nevada):

Nevada HAND has multiple types of low-income housing. They are in attendance today and can answer any questions you may have. They asked to

remove subsection (c). We are committed to working with them to ensure that subsection (b) does not curtail them in any way, because that is not our intent.

The scenario Nevada HAND brought to me was regarding evicted tenants moving from one of their properties to another one of their properties. They did not want to be restricted from holding that eviction against that tenant at another Nevada HAND property on the same day. That is not our intent.

We see companies who unilaterally refuse applicants who have been evicted. We would like their payment history to not be considered when somebody is applying for a specific assistance program, because tenants in that situation are likely to have a history of not paying their rent on time.

SENATOR SEEVERS GANSERT:

There are investors who have what I call "80/20 properties". They have 80 percent regular income tenants and 20 percent subsidized income tenants. Nevada is considering an income tax program in coordination with a federal program where property owners receive a lower interest rate if they provide "80/20 housing". Would this apply to those types of properties?

MS. JEANS:

No, they would not be affected.

SENATOR SETTELMAYER:

Earlier, we discussed some of the issues. Refunding the security deposit within five days is difficult for landlords who are unable to find contractors to perform remediation on the property in a quick time frame.

If a tenant painted a room purple with yellow polka-dots, hiring a contractor to fix that would take more than five days.

MS. JEANS:

Returning the security deposit and the itemization of damages requires a list of what deductions need to be made from the deposit. If the deductions exceed the amount of the deposit, the landlord would have other opportunities to seek legal action.

Our intent is to strike a balance because we have a lot of tenants who need those funds to find another place to live. Our intent is to set up a process where

the landlord can have time to reasonably make an estimate of what those charges will be. We have been in discussions with the stakeholders on this issue. We are working with the NVSAA to find a process that will be beneficial to both tenants and landlords.

SENATOR SETTELMAYER:

In northern Nevada, it is not easy to find a contractor to appear in five days let alone get a repair done. In regard to section 10, late fees not exceeding 5 percent of the periodic rent, I agree. I have heard horror stories, some related to payday loans.

Would you consider adding an amendment; a clause for proven damages?

Some landlords need the rent payment in order to pay their mortgage payment on the property. If they do not pay the mortgage, they will be charged a late fee by the bank. Five percent of the periodic rent may not cover the bank fee because the damages to the landlord from the bank's late fees will exceed that amount.

I would not continue to be a landlord if I was to lose money on a property because we restrict late fees.

MS. COLEMAN:

The City of Las Vegas supports S.B. 256. We have a challenge with adequate affordable housing in southern Nevada. The City of Las Vegas has a unique challenge with an abundance of homelessness. This bill will stymie that issue. For that reason, we support the bill.

AUTUMN ZEMKE:

I support S.B. 256. I will read from a written statement ([Exhibit M](#)). I have a letter ([Exhibit N](#)) from my friend who could not be here today. I have a proposed amendment ([Exhibit O](#)).

GABRIEL BAYER:

I support S.B. 256. I am a homeless, unemployed veteran. I support Ms. Zemke's proposed amendment.

SHANE PICCININI (Food Bank of Northern Nevada):

We support S.B. 256. We serve 90,000 clients per month. Access to housing and the ability to maintain housing is the biggest challenge our clients face.

SERENA EVANS (Nevada Coalition to End Domestic and Sexual Violence):

We support S.B. 256. Economic insecurity is one of the several problems that domestic and sexual violence victims face. Victims often leave their rental homes to seek safety. The changes in this bill will allow those victims to recover as many funds as are legitimately owed to them.

JORDAN ROSS (Southern Nevada Rural Constable's Alliance):

We support S.B. 256. The recovery of essential personal property, the abuse of access and habitability issues are important aspects of this bill. The majority of the property management community negotiates in good faith. Most of them behave in a manner you would expect from good stakeholders.

There are a tiny number of bad actors, but their influence and their ability to exploit these areas is regrettably all too real.

SENATOR SEEVERS GANSERT:

You stated that the primary issues you see are the recovery of essential personal property and habitability. Is that correct?

MR. ROSS:

Yes, we see those issues the most.

LIZ ORTENBURGER (SafeNest):

We support S.B. 256. We serve 25,000 domestic violence victims in Clark County. One of our services is transitional housing. Our clients want safe housing. A large percentage of domestic violence victims return to their abuser because they cannot find housing. Unreasonable late fees, service fees and other attached costs contribute to a victim's inability to access safe and stable housing.

NANCY BRUNE (Guinn Center for Policy Priorities):

We support S.B. 256. This bill helps families with their children's education. Despite the investment in resources, Nevada's K-12 education system ranks 49th in many national rankings. Our leaders in education argue that student

transiency, especially in the Clark County School District, is a primary reason Nevada has not been able to improve education for our students.

The average transient rate across Clark County schools is 24 percent. For our schools ranked 1-Star and 2-Stars, the rate is between 40 percent and 60 percent. Our research team studied the drivers for our transient rates in Clark County. We have heard that housing issues, especially those related to families who rent, are the primary drivers behind transiency rates.

We spoke to principals about issues facing their student's families. They mention landlords who do not take care of repairs. After being evicted, kids are not able to retrieve their school books and backpacks. It creates an additional burden on the family.

Housing situations lead to transiency. Families continue to attempt to find better housing situations. A principal from a 1-Star school with a transiency rate of 40 percent shared that her students move 2 to 3 times per year. The principal shared the pattern of movement she observed with her families. After the families receive their tax refunds in April, they will look for an opportunity to improve their housing situation. When they cannot sustain that housing, they move back to the original neighborhood.

Principals felt that these housing policies will help stabilize families.

CHRISTINE SAUNDERS (Progressive Leadership Alliance of Nevada):
We support S.B. 256.

IZZY YOUNGS (Nevada Women's Lobby):
We support S.B. 256.

LAURA CADOT:
I support S.B. 256. I will read a letter from Vivain Leal from Indivisible Northern Nevada Leadership ([Exhibit P](#)).

CHAIR SPEARMAN:
Will the people in support of S.B. 256 stand? I see 11 to 15 people standing.

KEVIN SIGSTAD (Nevada Realtors):

We oppose S.B. 256. Landlords do not have a rental if they do not have tenants. We have tried to make sure what we do in the industry has a balance. Landlords collect rent and receive a return on their investment. Tenants have a safe place to live so they stay and pay their rent.

The sponsors of the bill have tried to tell a scary story. I reflected on some of the statements. The courts would never allow a \$2,000 late fee on a \$1,000 rent. Any time we have gone to court, the court had a reasonableness test that they apply. They will not allow a former tenant to be charged for a carpet that is eight years old.

KEITH LYNAM (Nevada Realtors):

We oppose S.B. 256. We are shocked by what we hear. We value and trust the relationship we have with the Committee. We have been involved with these discussions for a year. When the bill came out, it was an insult. None of our concerns have been addressed.

We oppose the bill because we understand both sides of this issue. We represent both sides of this issue. We represent the tenants and the homeowners.

We understand the financial stresses tenants are under. We understand the stresses to the homeowners. Homeowners are not billion dollar hedge funds. They are Nevadans, grandparents, moms and pops. These homeowners have obligations too. Homeowners are susceptible to illness and late payments just like tenants.

Take an objective look at this bill and see if both sides of this issue have been addressed.

CHAIR SPEARMAN:

Can you clarify if your comments were directed toward the bill or the sponsor of the bill?

MR. LYNAM:

My comments were directed to the introduction of the bill and past correspondence. We submitted our concerns. We feel left out of the discussion.

DAVE TINA:

I oppose S.B. 256. I am concerned with section 2 of the bill that prohibits a landlord from refusing to rent to a low-income tenant with a history of inability to pay rent.

ASHLEY HAWKS (Black and Cherry Real Estate):

We oppose S.B. 256. I am concerned with sections 7 and 22 of the bill. Section 7 is problematic. You cannot accurately determine the condition of a property when it is occupied with the tenant's belongings. A landlord cannot identify damage behind furniture or wall hangings.

I have never heard a complaint from a tenant that my property manager or I have abused access to a home. Section 22 will allow tenants to file erroneous reports of harassment. It will cost landlords money to defend these claims.

MICHAEL SMITH (Remax Realty):

I oppose S.B. 256. The relationship between homeowners and tenants is mutually beneficial. It is not an adversarial relationship. The time to challenge the eviction is right after the eviction. Clark County and Washoe County have a procedure to make that challenge. If there are issues like uninhabitability or unreasonable entry, they can be taken care of before a person is evicted. I ask the bill sponsor to change those parts in the bill to prevent confusion and litigation.

BRENT BOYNTON (Reno Housing Authority):

We oppose S.B. 256. I have a prepared statement ([Exhibit Q](#)).

BILL BREWER (Nevada Rural Housing Authority):

We oppose S.B. 256. I have a prepared statement ([Exhibit R](#)).

CHAIR SPEARMAN:

Will the people in opposition of S.B. 256 stand? I see the majority of the room standing.

KERRIE KRAMER (National Association of Industrial Office Properties; Live Nation Entertainment):

We are neutral toward S.B. 256. We are working with Ms. Jeans and Ms. Bortolin on another bill that will address concerns in section 22 of S.B. 256.

Senate Committee on Commerce and Labor
March 22, 2019
Page 38

SENATOR CANCELA:

My door has been and will continue to be open to stakeholders who testified today and to the folks who did not have an opportunity to testify. I am available to hear them.

CHAIR SPEARMAN:

Because we have a time constraint, the following written statements ([Exhibit S](#), [Exhibit T](#), [Exhibit U](#) and [Exhibit V](#)) have been submitted for the record. [Exhibit V](#) contains a confidentiality notice. Original is available upon request of the Research Library. We will close the hearing on S.B. 256. With no public comment, the meeting adjourned at 3:32 p.m.

RESPECTFULLY SUBMITTED:

Jennifer Richardson,
Committee Secretary

APPROVED BY:

Senator Pat Spearman, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	1		Agenda
	B	23		Attendance Roster
S.B. 131	C	7	Cesar Melgarejo	Work Session Documents
S.B. 131	D	5	Senator Joyce Woodhouse	Proposed Stakeholder Amendment
S.B. 215	E	13	Rusty McAllister / Nevada State American Federation of Labor and Congress of Industrial Organizations	NIOSH Study of Firefighters
S.B. 215	F	11	Todd Ingalsbee / Professional Fire Fighters of Nevada	PTSD and Cancer of Fire Fighters
S.B. 215	G	7	Todd Ingalsbee / Professional Fire Fighters of Nevada	Fire Fighter Carcinogen Exposures
S.B. 215	H	1	Todd Ingalsbee / Professional Fire Fighters of Nevada	Firefighters Face Increased Risk for Certain Cancers
S.B. 215	I	14	Todd Ingalsbee / Professional Fire Fighters of Nevada	Cancer Risk Among Firefighters: A Review and Meta-analysis of 32 Studies
S.B. 215	J	2	David Catron	Written Statement
S.B. 215	K	2	Senator Pat Spearman	Written Statement from Jim Powell
S.B. 256	L	1	Jennifer Jeans / Washoe Legal Services; Southern Nevada Senior Law Program; Volunteer Attorneys for Rural Nevada; Legal Aid Center of Southern Nevada	Letter from Shane Whitecloud, Veterans Resource Centers of America
S.B. 256	M	1	Autumn Zemke	Written Statement

S.B. 256	N	2	Autumn Zemke	Letter from Michelle Tedrowe
S.B. 256	O	1	Autumn Zemke	Proposed Amendment
S.B. 256	P	1	Laura Cadot	Letter from Vivain Leal, Indivisible Northern Nevada Leadership
S.B. 256	Q	2	Brent Boynton / Reno Housing Authority	Written Statement
S.B. 256	R	1	Bill Brewer / Nevada Rural Housing Authority	Written Statement
S.B. 256	S	2	Senator Pat Spearman	Written Statement from Leandra Carr
S.B. 256	T	4	Senator Pat Spearman	Written Statement from Melissa Fore
S.B. 256	U	2	Senator Pat Spearman	Written Statement from Steven Goldman
S.B. 256	V	8	Senator Pat Spearman	Written Statement from William Rowan