

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

**Eightieth Session  
March 29, 2019**

The Senate Committee on Government Affairs was called to order by Chair David R. Parks at 1:08 p.m. on Friday, March 29, 2019, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada and to Room #123, High Tech Center, Great Basin College, 1500 College Parkway, Elko, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator David R. Parks, Chair  
Senator Melanie Scheible, Vice Chair  
Senator James Ohrenschall  
Senator Ben Kieckhefer  
Senator Pete Goicoechea

**GUEST LEGISLATORS PRESENT:**

Senator Pat Spearman, Senatorial District No. 1

**STAFF MEMBERS PRESENT:**

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

**OTHERS PRESENT:**

Tick Segerblom, Board of County Commissioners, Clark County  
John Fudenberg, Coroner, Clark County  
Jamie Rodriguez, Washoe County  
Ellen Richardson-Adams, M.Ed., Southern Nevada Adult Mental Health Services,  
Division of Public and Behavioral Health, Department of Health and  
Human Services  
Jeff Page, County Manager, Lyon County

Senate Committee on Government Affairs  
March 29, 2019  
Page 2

Mike Ramirez, Las Vegas Police Protective Association  
Mary Sarah Kinner, Washoe County Sheriff's Office  
Shani Coleman, City of Las Vegas  
David Cherry, City of Henderson  
Scott Edwards, President, Las Vegas Peace Officers Association  
Brigid Duffy, Director, Juvenile Division, Office of the District Attorney, Clark County  
Jeff Buchanan, Deputy Chief, Fire Department, Clark County  
William R. Burks, Brigadier General, The Adjutant General of Nevada, Nevada National Guard, Office of the Military  
Catherine Grush, Lieutenant Colonel, Executive Officer to The Adjutant General, Nevada National Guard, Office of the Military  
Todd Pehrson, Superintendent, School District, Elko County  
Robert Stokes, County Manager, Elko County  
Grace Nichols, Co-Chair, Coalition for Nevada National Guard Youth Challenge Program  
Heather Goulding, Co-Chair, Coalition for Nevada National Guard Youth Challenge Program  
Mitchell Roach, United Veterans Legislative Council  
Paul McKenzie, Building and Construction Trades Council of Northern Nevada, AFL-CIO  
Donald Gallimore, Sr.  
Joi Holliday, Nevada System of Higher Education  
Cathy McAdoo  
Vinson Guthreau, Deputy Director, Nevada Association of Counties  
Steve Walker, Storey County; Douglas County; Carson City  
Vonne Chowning  
Terry Taylor, Fire Prevention Association of Nevada; International Association of Arson Investigators, Nevada Chapter; Sierra Front Wildfire Cooperators  
Larry Outlaw, Co-Executive Director, Law Center for Fireworks Safety  
Jim Andersen, Animal Control, Clark County  
Karen Layne, Las Vegas Valley Humane Society  
Brian O'Callaghan, Las Vegas Metropolitan Police Department  
Kathy Clewett, City of Sparks  
Matt Walker, TNT Fireworks  
Bart Chambers, Chief, State Fire Marshal Division, Department of Public Safety

CHAIR PARKS:

We will open the hearing on Senate Bill (S.B.) 465.

**SENATE BILL 465**: Revises provisions relating to redevelopment areas. (BDR 22-1159)

TICK SEGERBLOM (Board of County Commissioners, Clark County):

Senate Bill 465 deals with redevelopment agencies and the taxes normally collected for schools that will not be collected for a redevelopment agency. I am trying to bring the redevelopment agency back to Clark County. In doing so, one of my fellow Commissioners questioned the concept of taking money from schools. Another Commissioner, Jim Gibson, stated that it is not done in cities because redevelopment agencies in cities do not take the school tax. I questioned why counties collect school tax and cities do not. No one has an answer for that other than that is how the law is written.

This bill proposes to prohibit county redevelopment agencies from collecting school taxes so schools will not be impacted. If we get the redevelopment agency on board, it will help redevelopment in economically deprived areas in my district but not impact schools, which is a good thing.

SENATOR KIECKHEFER:

Would this be prospective or retroactive in existing redevelopment areas? I ask this because of potential debt issued against that tax increment. Would this allow the peel back of some of that tax increment to its original source, thereby jeopardizing some of the outstanding debt?

MR. SEGERBLOM:

Clark County had a redevelopment agency, but it never actually did anything. Therefore, there are no existing debts in the County. This would be prospective only. If we do this, it will take about three years to get it up and running. This would not even go into effect until the 2020s.

SENATOR KIECKHEFER:

Are there any county redevelopment districts outside of Clark County? I do not know if there are any in Washoe County. The City of Reno is the only entity that has developed them. Is the bill specific only to Clark County? It has general applicability. I am not aware of any redevelopment districts created in other counties.

MR. SEGERBLOM:

We would be happy to limit it to counties with populations over 500,000 if that makes a difference.

SENATOR KIECKHEFER:

I do not think it does, necessarily. I want to make sure we are not applying it retroactively to an entity that has outstanding debt. If it is not an issue for you, I want to make sure it is not an issue for anyone else. Otherwise, it makes sense to me.

MR. SEGERBLOM:

I discovered that in Clark County, Mesquite and every other city has a redevelopment agency, but the County does not. That is surprising.

CHAIR PARKS:

The hearing is closed on S.B. 465. We will open the hearing on S.B. 463.

**SENATE BILL 463**: Revises provisions related to county officers. (BDR 20-1153)

JOHN FUDENBERG (Coroner, Clark County):

Washoe County has submitted a friendly amendment to S.B. 463 ([Exhibit C](#)). Clark and Washoe Counties worked on that together; however, they are going to rescind the amendment because some language needs change. They will submit another amendment before the work session.

Page 2, lines 3 through 8 of the bill address the cause of death. The problem has been when a death falls under the jurisdiction of a coroner, an examination is done by a forensic pathologist. The forensic pathologist determines the cause of death. In the coroner-medical examiner world, the determination of the cause of death is considered a practice of medicine; therefore, it should be done by a medical doctor. It is not in statute, but it is a standard for a coroner-medical examiner.

The problem has been when a forensic pathologist determines the cause of death as the contracted medical examiner—in counties other than Washoe and Clark—and the county sheriff, who is the ex officio coroner, has changed that cause of death. This bill will codify in statute that when a death occurs under the jurisdiction of the coroner and the cause is determined by the forensic pathologist, the certifier of death, who would be the sheriff-coroner in the

15 counties outside of Clark and Washoe, "shall record on the death certificate the exact cause of death as determined by the forensic pathologist."

The cause of death is not just changed. We do not see cause of death for someone who died of a gunshot wound changed to a natural disease diagnosis. That is not the issue. What we see is a change of some verbiage. Every word and letter used in writing the cause of death is important when determining the diagnosis classification code—ICD-10—and that is sent to the Centers for Disease Control and Prevention (CDC). For example, the forensic pathologist may determine that someone died of acute cocaine and heroin toxicity and list that as the cause of death. However, the sheriff-coroner may just enter drug overdose. The CDC needs those statistics to determine where to put its funding efforts and which drugs are causing deaths.

Section 3, subsections 1 and 2 address the issue of a staff member of the coroner's office who is exposed to bodily fluids. We just found out that we cannot amend this section as intended because the original intent of this section was to address when the staff of a coroner and first responders are exposed to bodily fluids. If police or firefighters are at a scene and exposed to the bodily fluids of a decedent, this would have given us the authority to test the decedent for communicable diseases and report the results to the local health official who would then report the results to the respective department.

We will work with counsel on how we can address that. It is in the Washoe County amendment, but we will have to open a whole new section of statute to address first responders. That is why the Legislative Counsel Bureau left it out originally. That was the intent of the bill, more so than the staff of the coroner. When first responders are exposed to bodily fluids, it will allow the testing for communicable diseases and reporting those results.

Section 4 is confusing. It enables a coroner to establish a wellness and mental health program. With the Washoe County amendment, we would like to add a bereavement program. The reason we want to put this in statute is because in section 7, subsection 6, we are requesting to increase the fees from the sales of death certificates from \$1 to \$4. This increase in fees would enable us to establish mental health, wellness and bereavement programs as part of the five allowable items funded by death certificate fees. The items funded through death certificate fees are in section 5, subsection 5, paragraphs (a) through (d), which include a youth program, training and education, training for an ex officio

coroner and deputies, and the purchase of specialized equipment. This additional fee would enable us to fund wellness, mental health and bereavement programs if the amendment is incorporated into this bill.

Senator Kieckhefer brought up the point that the words "wellness program" may be too broad. We intend that not only staff members of the coroner's office but also "agencies within the jurisdiction" would be able to participate in these mental health and bereavement programs. The reason for this is that following October 1, 2017, it became evident that we do not have a good mental health service or support program for staff who are affected by mass fatalities or the day-to-day exposure to decedents.

Grant money from the federal government is funding multiple programs. This bill would allow us to continue and sustain those programs in the future. It is our goal to use part of this funding for wellness, mental health and bereavement programs. I can speak about a rough budget or percentage of money that may be used for mental health and bereavement programs in Clark County. We would continue to use funding from the federal government for youth programs, training and education. We have not used any of that money for specialized equipment since 2005. The rest of it would be used to fund the mental health, wellness and bereavement programs within our jurisdiction. The intent is to allow not only the coroner's office staff but rural counties, first responder agencies and public agencies impacted by significant incidents and daily exposure to death to participate in the mental health programs.

Section 6, subsection 3 is the original reason for this bill. This issue came up during the Attorney General's task force on the opioid epidemic and how to address the opioid problem in Nevada. The bill states that if a coroner suspects a death was caused by drug use or poisoning, "the coroner shall cause a postmortem examination to be performed" by a forensic pathologist. The problem is that we are not sure of the gravity of this issue, but we do know it has happened in the past. It is one of those situations in which "we just don't know what we don't know." The other 15 counties outside of Washoe and Clark send their decedents to Washoe or Clark Counties for medical examiner services. The coroners' offices serves as those counties' contracted medical examiners.

When a death was caused or suspected to be caused by drug use or poisoning, it is a standard procedure to have that decedent go through a full autopsy, draw

fluids, perform forensic toxicology and have a doctor or a forensic toxicologist interpret or analyze the forensic toxicology results. Therefore, section 6, subsection 3 mandates that all counties have a postmortem examination performed when it is suspected that the cause of death of a decedent was due to drug use or poisoning.

There may be a fiscal impact to the 15 rural counties. Clark County charges \$400 for a postmortem examination and \$2,500 for a full autopsy. We did not put full autopsy in the statute because we did not want counties to be on the hook for the full \$2,500. Because this is a small percentage of cases, it will not have a significant fiscal impact on those other counties that may have cases they do not currently send for a postmortem examination.

We worked with Eric Spratley with the Nevada Sheriffs' and Chiefs' Association. He notified his membership of this bill, and he indicated he has gotten only positive feedback. It appears there is no opposition at this point.

The last section we are changing is in section 6, subsection 4. This would give coroners authority to issue subpoenas for records. The language in the bill says any document, record or material relevant to an investigation can be subpoenaed by the coroner. The original intent was to subpoena just medical records. The problem we are trying to solve is that hospitals occasionally do not cooperate, although coroners are legally entitled to medical records. Coroners have a HIPAA exemption. The Washoe County Regional Medical Examiner's Office is having problems obtaining medical records from hospitals in northern Nevada and California.

We talked about narrowing that language to just medical records, but I was informed about 30 minutes before the hearing that some of the current verbiage of the bill should remain. Occasionally, surveillance video from hotels or some sort of document, such as an incident report from a casino or business, is needed. We would like to have subpoena authority to obtain those types of records as well. We will work on that language to ensure we are explaining it correctly.

Ellen Richardson-Adams, with the Department of Health and Human Services, presides over a first responder recovery group created after the October 1, 2017, shooting. To alleviate some of the concerns about how broad the verbiage "wellness and mental health" programs may be, these are existing

programs vetted by her group. We may take the word "wellness" out of the bill and gear it toward mental health programs and bereavement services for families and friends who have been impacted by a death.

SENATOR OHRENSCHALL:

The language in section 6, subsection 4 addresses subpoena power. Under statute, what do the coroners' offices normally do if they want to get surveillance video or medical records?

MR. FUDENBERG:

Generally, the requests are elevated to the department head at the respective business. A letter might be sent on official letterhead with the hope that they cooperate. Ultimately, some businesses will not cooperate because their legal departments will not allow it. In some cases, barriers cannot be overcome. The subpoena power will ensure that evidence is released so a death can be properly investigated.

JAMIE RODRIGUEZ (Washoe County):

I want to clarify that the amendment, [Exhibit C](#), is being withdrawn based on conversations and further evaluations of the bill, with the understanding that another amendment is needed. Instead of sending multiple amendments, we are pulling this one back. We will work on a complete, well-rounded amendment to address the concerns brought to our attention and to ensure the amendment we bring to the Committee completes the intent of the bill.

CHAIR PARKS:

Will the programs you intend to fund through the fee increase be identified in the proposed amendment?

MR. FUDENBERG:

It will be narrowed in scope. We do not intend to actually name specific programs. Ms. Richardson-Adams knows the specifics and protocols required to vet the programs we would be funding to ensure they are accredited and legitimate.



ELLEN RICHARDSON-ADAMS, M.ED. (Southern Nevada Adult Mental Health Services, Division of Public and Behavioral Health, Department of Health and Human Services):

We ensure the service is applicable and the providers are licensed through the appropriate licensing boards in Nevada. We ensure they use evidence-based practices. We also determine if they have experience with the first responder community and understand their day-to-day challenges. The services they receive, whether wellness-type activities or traditional methods such as counseling, must be appropriate and effective so that individuals who are seeking those services will come back and continue using them. Services are only as good as the access they have to them. We also look at capacity and the availability of scheduling. Often, first responders work various shifts and have different days off. Programs need to be conducive to their lifestyles so they can access the services they are seeking.

JEFF PAGE (County Manager, Lyon County):  
Lyon County supports Clark County's bill, S.B. 463.

Over the years, I have worked closely with the Washoe County Regional Medical Examiner's Office. I support this bill from a fiscal point of view. Requiring a postmortem examination on potential poisonings and drug overdoses may increase the costs of what we do, but we have opiate and other drug problems throughout the State. Until we know what the cause of death is, we do not know that we have a problem. We support that process.

In 41 years of public service, I have seen many first responders and others suffer as a result of the calls to which they responded. We should do anything we can to support and build those people up and to keep them whole and in our system, especially in rural Nevada where they are mostly volunteers.

MIKE RAMIREZ (Las Vegas Police Protective Association):  
The Las Vegas Police Protective Association supports S.B. 463.

MARY SARAH KINNER (Washoe County Sheriff's Office):  
The Washoe County Sheriff's Office supports this bill.

SHANI COLEMAN (City of Las Vegas):  
We want to thank Clark and Washoe Counties for bringing this bill forward and allowing the City of Las Vegas to participate. As spoken about earlier regarding

a possible amendment in section 4 of the bill, I want to make sure that includes employees of the office of the coroner and other agencies because the Las Vegas Fire and Rescue Department and the City of Las Vegas Department of Public Safety often collaborate with the Clark County Office of the Coroner on mental health training. Senate Bill 463 is an opportunity to further enhance that collaboration for the benefit of southern Nevada emergency responders.

Support for mental health training is desperately needed. This bill will provide a road map to collaboratively pursue a dedicated funding source for this type of training. The funding provided in this bill will enhance the safety and well-being of emergency responders from law enforcement and firefighters across southern Nevada. The mental health training will save governmental entities money because employees will not have to use employee assistance programs and will be able to use the training they receive from this funding.

The City of Las Vegas supports S.B. 463 as amended in section 4 to include other agencies.

DAVID CHERRY (City of Henderson):

The City of Henderson is the largest incorporated city in Nevada. It has its own police and fire departments. For all of the reasons articulated previously, the mental health services for its first responders, especially those who have been affected by mass casualties, are important in order to ensure they are getting the services they need.

For those reasons and many others, we support this bill.

SCOTT EDWARDS (President, Las Vegas Peace Officers Association):

The Las Vegas Peace Officers Association echoes support of this bill. Officers experience incidents that happen to people in jail or that have caused them to be in jail. Programs for post-traumatic stress could be used to help the longevity of their careers and help them deal with the challenges in their lives.

BRIGID DUFFY (Director, Juvenile Division, Office of the District Attorney, Clark County):

"There is no place else I have to be or anything else I have to do than in this moment." Those are powerful words when one carries so much responsibility for a community and a state. I learned those words from a program of meditation that Mr. Fudenberg allowed me to bring into my Division for my

attorneys and staff. I have 68 employees under me. We handle all of the child sexual abuse and child sex trafficking case victims as well as victims of physical abuse and child fatalities. We watch children murder each other in the streets every day. The wellness program I was able to bring to 68 employees has allowed them to go home on Fridays and be in the moment with their families. We are tough; I am tough. Nineteen years of handling those cases makes you tough. But having that one statement in my mind when I go home makes me able to give everything to my kids, not just my community.

Section 4 is important for those who are in the field. We hope you consider passing this bill.

JEFF BUCHANAN (Deputy Chief, Fire Department, Clark County):

I echo all the support that has been given previously and thank Mr. Fudenberg for considering including other agencies that are exposed to traumatic incidents. Unfortunately, after the 2017 shooting and for the first time ever recorded, more police officers and firefighters committed suicide than died in the line of duty. Mental health is of critical importance, and the Clark County Fire Department supports this bill for that reason and many others.

MS. RICHARDSON-ADAMS:

After the October 1, 2017, incident, we created a responder work group through which we have seen the benefits of mental health and wellness services and programs. As the chair of the work group, I work closely with the Clark County, Office of the Coroner/Medical Examiner. It provided space and an open invitation for all first responder agency staff to participate in mental health and wellness programs.

This has built community relationships and support for personnel who are seeking alternative interventions to traditional methods. Attendance demonstrates the need and desire for continued service. The outcome has helped with staff retention and prevention strategies for future incidents.

CHAIR PARKS:

We will close the hearing on S.B. 463 and open the hearing on S.B. 295.

**SENATE BILL 295**: Creates the Nevada National Guard Youth Challenge Program. (BDR 34-566)

SENATOR PAT SPEARMAN (Senatorial District No. 1):

The National Guard Youth Challenge Program was established by the National Guard in 1993 to turn around the lives of adolescents between the ages of 16 and 18 who are experiencing difficulty in completing traditional high school programs.

The Challenge Program is a voluntary, 17-month dropout recovery program that assists at-risk youth to earn a General Educational Development (GED) or high school diploma. In addition, the Challenge Program continues to work with participants after graduation to help them enroll in a postsecondary education program or a trade school, start a career or join the military. The Challenge Program operates 40 programs in 28 states, Puerto Rico and the District of Columbia.

The Program uses a disciplined and structured format based upon a military model. To date, more than 145,000 students have graduated from the Program. According to a multiyear study of the Program, the key findings are: GED or diploma attainment increased by nearly 29 percent, college attendance increased by 86 percent and annual earnings increased by 20 percent.

I met with stakeholders yesterday and several amendments were presented, but I will continue with the bill as introduced.

Senate Bill 295 lays out the structure for the Challenge Program in Nevada. It creates the Program within the Office of the Military and provides that the goal of the Program is to educate, train and mentor youth who have dropped out of high school or who are at risk of dropping out so they may become productive, employed and law-abiding citizens.

A person who wishes to apply to participate in the Program must submit an application to the Office of the Military. An applicant must be a Nevada resident. The measure provides that a child in foster care or going through the process of adoption is also eligible to participate in the Program. The guidelines for the review of applications must give special consideration to eligible children of a military family as long as they meet the other requirements.

The Program will be established within a school district and must include two components: a residential component that lasts at least 22 weeks and a nonresidential component that lasts at least 12 months following the residential

portion of the Program. The Program components are outlined under section 11 of the bill and include a course of study, case management and mentoring.

Because this Program is part of our K-12 education system, section 13 of the bill requires the Office of the Military to enter into an agreement with the Superintendent of Public Instruction and the board of trustees of a school district to establish a challenge school. Section 15 requires the Superintendent to adopt regulations to carry out the provisions of the bill.

Section 4, subsection 3 of the bill exempts a challenge school from pupil-teacher ratio requirements.

Section 8, subsection 4 exempts the school from the 180-day minimum school year.

Section 13 provides that the school day may be shorter or longer than a traditional school.

Section 14 of the bill provides that a challenge school is exempt from the provisions of *Nevada Revised Statutes* (NRS) 389, which relates to academic standards, instruction and courses of study.

Instead of a traditional course of study, section 16 requires the Office of the Military to develop a curriculum for a challenge school based upon the needs of the participants. In addition, section 18 of the measure requires the Office to adopt written rules of behavior for pupils enrolled in a challenge school.

In order to fund the Program, section 12 creates the Nevada National Guard Youth Challenge Program Account in the State General Fund, and section 24 appropriates \$850,000 in each fiscal year of the biennium. These funds will only become available if matching money is awarded by the federal government to the Office of the Military in support of the Program. The money in the account does not revert at the end of any fiscal year.

In addition, sections 2, 3, 13 and 20 of the measure provide that a challenge school is deemed a public school and receives school funding just as any other public school. Section 21 requires the Office of the Military to designate a

person to draw all orders for payment of money belonging to a challenge school and complete and sign cumulative voucher sheets.

The remaining sections not previously discussed include definitions and make conforming changes.

WILLIAM R. BURKS (Brigadier General, The Adjutant General of Nevada, Nevada National Guard, Office of the Military):

We have several amendments and wish we could have gotten them done before the bill was published, but we had to wait for the National Guard Bureau to get back to us since it is the administrator. The Bureau reviewed the draft of the bill and finally gave us its comments.

CATHERINE GRUSH (Lieutenant Colonel, Executive Officer to the Adjutant General, Nevada National Guard, Office of the Military):

The amendment ([Exhibit D](#)) deletes "as a public school located on the campus of a public school" in the Legislative Counsel's Digest which is generally defined in section 8, subsection 1 of the bill. The intent of this change is to ensure that the public school is located at the youth challenge facility where participants of the Nevada Youth Challenge Program reside. This is a residence program.

Section 11, subsection 3 is amended to request special consideration for admission to an eligible child of a military family to ensure the potential applicant meets all requirements as all other applicants. Active duty military personnel and their children have many issues regarding deployments and potential moves. We want to ensure that when eligible military children apply for the Program, they can meet all its requirements. This is not just for the residence program but also for the 12-month mentoring and counseling session that begins after the residence program. We want to make sure that as voluntary participants, they understand all the ramifications of a 17-month program.

Section 18, subsection 2 is amended from a hearing to an opportunity to be heard and rebut the evidence because not every issue will require a hearing in the Challenge Youth Program. We want to make sure we differentiate between a public hearing for a child who needs to be expelled and expulsion due to other issues stemming from a residence program.

Section 19, subsection 1 changes the "Office of the Military" to the district in which the challenge school resides to ensure accountability of expenditures for the public education portion of the Youth Challenge Program is submitted by the school district directly to the Superintendent of Public Instruction. It is already accountable for both the Distributive School Account through the public school instruction and the Youth Challenge School for just the public education portion.

Amend section 19, by deleting subsection 2 because the responsibility for expenditures will be reported to the Superintendent of Public Instruction by the district instead of by the Youth Challenge Program.

Amend section 24, subsection 2 to include a process for the State to be reimbursed for any expenditures covered by federal funds. This process is already in the Office of the Military because it receives federal funds. This is how we will ensure that the State's percentage is covered correctly by both State and federal funds.

GENERAL BURKS:

Senate Bill 295 would create the Nevada National Guard Youth Challenge Program.

Slide 2 of my presentation ([Exhibit E](#)) shows two important points: first, we take pride and commend the Department of Education and county school superintendents for having high graduation rates. We all remember when Nevada was at the rear of the pack for graduation rates nationwide. Second, this slide shows we still have much work to do with the 4,000-plus high school dropouts. The Youth Challenge Program is not just about dropouts. It is about those fence-sitters who have become disenfranchised for whatever reason.

This is the solution as shown on Slide 3, [Exhibit E](#). Yes, it is the solution, but it is also a voluntary solution. It is a dropout-recovery, youth-saving program that helps at-risk and disenfranchised youth earn their self-respect back while putting them on track to graduate. This Program is fiscally responsible, saves the lives of at-risk youth and produces educated and disciplined workers.

Slide 4, [Exhibit E](#), demonstrates the Program's fiscal responsibility. These are the major reasons the Nevada National Guard Youth Challenge Program is fiscally responsible. Twenty-five percent of the State share will be met with a stable 75 percent federal match as long as the State share continues.

From a pure comparison, it will cost roughly \$53,000 for a 7 1/2-month stay in a juvenile facility in Nevada versus \$5,000 to \$6,000 for an 18-month challenge program which is a 1-time cost.

Youth Challenge is a 25-year old program as shown in Slide 5 of [Exhibit E](#). It has 39 programs in 30 states, territories and the District of Columbia with a proven track record.

When you look at producing educated and disciplined workers, this is a 3-phase program as shown on Slide 6, [Exhibit E](#). There is a 2-week acclimation period, a 5-month residential period with mentors and then the mentors move on to the 12-month post-residential program. The Program has eight core components.

Slide 7, [Exhibit E](#), states the mission of the Youth Challenge Program is to intervene and reclaim the lives of at-risk youth. The Youth Challenge Program empowers participants to embrace responsibility, achievement and positive behavior. It instills self-confidence, fosters ambition and increases opportunities through job skills training, service to the community and leadership.

According to the Manpower Demonstration Research Corporation, Program participants achieve impressive results in education attainment and employability. Key findings of that study included GED or high school diploma attainment increased by 29 percent, college attendance increased by 86 percent and annual earnings increased by 20 percent. As previously seen on Slide 4, [Exhibit E](#), the RAND Corporation cost-benefit analysis shows that every dollar spent on a Youth Challenge Program yields \$2.66 in benefits or a return on investment of 166 percent.

Slide 8, [Exhibit E](#) shows the states that have programs. The states in gray do not have programs. The New England States, the Breadbasket of America, and many of the Western states, including Nevada, do not have programs. The states in blue have single programs and the states in black have multiple programs. California has three separate programs.

Why the National Guard? In addition to what Slide 9 of [Exhibit E](#) says, one of the major reasons is the Governor/The Adjutant General relationship. In a biennial report from Idaho, a caption from Governor C.L. "Butch" Otter says, "This program is one of my proudest achievements as the Governor of Idaho." Governor Steve Sisolak and this Committee will feel the same way once this



Program is up and running. It fits within the mission of the National Guard and may be the most important mission we could achieve in the future. We also have trained personnel available.

I mentioned previously that the Program has eight core components. The National Guard is adept in seven of the eight core components: health and hygiene, job skills, leadership/followership, life-coping skills, physical fitness, responsible citizenship and service to the community.

Why Carlin? During 2010 to 2011, we started negotiations with the University of Nevada, Reno, to purchase the Fire Science Academy in Carlin. It is a state-of-the-art facility situated on 460 acres in Elko County. I wanted the Fire Science Academy to be the home of the Nevada National Guard Youth Challenge Program. Since its purchase, the facility has been home to one of the Nevada Army National Guard's medium trucking companies. It also built an additional building at the site for unit mission needs.

The facility's remoteness, 273 miles from Reno and 417 miles from Las Vegas, provides a buffer from the major population centers, which is viewed as a benefit to the program rather than a detriment. Idaho's program is also in a remote location in the panhandle region of that state.

The facility is home to a learning center, administrative offices, cafeteria-dining hall, workout center, classrooms and an auditorium. The complex is ideal for the National Guard Youth Challenge Program. The rural location will prove beneficial for at-risk youth because it will help them focus on their education and self-development without the distractions of friends, family and potential bad influences in society that often contribute to their high school credit deficiencies.

The National Guard Youth Challenge Program is a preventive rather than a remedial program for at-risk youth. The graduates have all of these potential options, if not more, upon graduation from a youth challenge program as shown on Slide 11, [Exhibit E](#). The program accomplishes this by being a voluntary program for those youth who have dropped out of school, are not satisfactorily progressing, are unemployed or underemployed and are drug- and crime-free. This is not a juvenile detention facility program. That is not its purpose.

The latest results from the National Guard Bureau website are on Slide 12, [Exhibit E](#). Challenge Program statistics from 1993 through 2018 are: 408,737 applicants, 233,254 enrollees, 173,319 graduates, 130,062 academic credentials awarded and 11,617,539 hours of service to communities valued at \$233.9 million.

This voluntary program creates an additional element to a holistic approach to overall development for the youth of Nevada. This Program, first established in 1993, has a proven track record in transforming the lives of more than 173,000 youth to date, nationwide.

I like the motto, "If it doesn't challenge you, it won't change you." Please favorably consider [S.B. 295](#) to establish and fund a Nevada National Guard Youth Challenge Program.

SENATOR SPEARMAN:

I want to reiterate that we are looking at a 3-to-1 match. For every \$1 the States contributes, the federal government contributes \$3. It becomes a win-win for us in several ways. I also want to reiterate it is not a disciplinary program—it is voluntary. It is not a juvenile detention center.

TODD PEHRSON (Superintendent, School District, Elko County):

I have submitted my written testimony ([Exhibit F](#)) supporting [S.B. 295](#), a letter to the Elko County School Board ([Exhibit G](#)) and the estimate of the costs of the Youth Challenge school ([Exhibit H](#)).

ROBERT STOKES (County Manager, Elko County):

Although this proposal has not formally gone to the Elko County Board of Commissioners, I spoke with several of the Commissioners and they are supportive. I am confident this will have the full support of the Board of Commissioners, although I am speaking only as the County Manager, not for the full Commission.

GRACE NICHOLS (Co-Chair, Coalition for the Nevada National Guard Youth Challenge Program):

I have submitted my written testimony ([Exhibit I](#)) supporting [S.B. 295](#).

HEATHER GOULDING (Co-Chair, Coalition for the Nevada National Guard Youth Challenge Program):

I have submitted letters from Reece Keener, Elko Mayor ([Exhibit J](#)); Mike Kazmierski, President/CEO, Economic Development Authority of Western Nevada ([Exhibit K](#)); and the Coalition for Nevada National Guard Youth Challenge Program signed onto by multiple people ([Exhibit L](#)) supporting S.B. 295.

When I asked a Youth Challenge Program graduate about his experience in the Program he told me, "When I came here I was a 0.25 GPA student, and now I am a 4.0 GPA student. I would not have my high school diploma if it weren't for Youth Challenge." I want to point out how he talks about himself and his experience. He does not say I had a 0.25 GPA, and I now have a 4.0 GPA—he talks about how "I was" and now "I am." That is the power of transformation offered by Youth Challenge.

MITCHELL ROACH (United Veterans Legislative Council):

On behalf of the 250,000 veterans in Nevada, we support S.B. 295.

PAUL MCKENZIE (Building and Construction Trades Council of Northern Nevada, AFL-CIO):

One of the obstacles for high school dropouts getting into a trade apprenticeship program is they must have a high school diploma. This program gives kids an opportunity to correct the bad choices they made when they were young and to enter a trade. We are happy this opportunity is being offered to Nevada's youth. We hope you will support this legislation. We are willing to work with the Program to help kids get into the trades as they graduate from this course.

DONALD GALLIMORE, SR.:

I support the youth challenge program especially for minority and African-American students. These students are at a higher risk. Those statistics stated earlier do not indicate that. It is a complex, historical, cultural, systemic situation. Something like this may offer minority students an opportunity to make up for some of the things they did not have a chance to get right the first time. The youth challenge program addresses this.

The location is ideal. There might be some cost savings because the site is already established. It is relatively new and has a town that is supportive of the Programs that will help these students. Apprenticeship programs can also be

gleaned from this. This is an excellent opportunity to expand our education system.

MS. KINNER:

The Washoe County Sheriff's Office supports S.B. 295.

Sheriff Darin Balaam was pleased to add his name to the letter of support from the Coalition for Nevada National Guard Youth Challenge Program, [Exhibit L](#), mentioned by Ms. Goulding.

JOI HOLLIDAY (Nevada System of Higher Education):

I have submitted written testimony supporting S.B. 295 ([Exhibit M](#)).

CATHY McADOO:

I am a Regent for the Nevada System of Higher Education; however, I am not representing the Regents, I am representing myself as a resident of Elko. I am the former Executive Director of Partners Allied for Community Excellence coalition. I served 15 years working within our school district with these students and others. As a member of this community, I support S.B. 295.

GENERAL BURKS:

The Nevada National Guard Youth Challenge Program is fiscally responsible and gives a 300 percent return on investment because of the 3-to-1 federal match from the U.S. Department of Defense. It reclaims the lives of high school at-risk youth with an evidence-based program. It adds educated and disciplined employees to Nevada's workforce to address our workforce shortage. The National Guard Bureau plans to expand the number of Youth Challenge programs this budget year. Nevada is first in line of all the states to get one of these expansion slots if this bill is passed and funded this Session.

An overview and fiscal note for the program has been submitted ([Exhibit N](#)).

CHAIR PARKS:

I had the opportunity to go to San Luis Obispo, California, and see the operation of this program there some years ago. I was impressed.

I also had the opportunity to meet four young men who had attended and graduated from the Arizona program. I found them to be most impressive young men who seemed to have their heads on straight.

We will close the hearing on S.B. 295 and open the hearing on S.B. 460.

**SENATE BILL 460**: Revises provisions relating to public administrators. (BDR 20-540)

VINSON GUTHREAU (Deputy Director, Nevada Association of Counties):  
Senate Bill 460 makes reforms to the office of public administrator in Nevada's rural counties.

The public administrator is the person in each county who handles the estates of deceased persons who die without a will or legal documentation. The public administrator provides for the dissolution of estates and settles the estate of a deceased person. Public administrators are elected county officials with separate authority from boards of county commissioners.

Reforms to the office of public administrator in rural counties have been discussed at length in previous Legislative Sessions. The Nevada Association of Counties (NACO) Board of Directors, individual county commissioners and State Legislators have attempted to address issues with public administrators. For example, in the Seventy-ninth Session, legislation by Assemblywoman Robin Titus provided a mechanism for minimal compensation in an effort to attract qualified professionals to run for these elected positions. However, the issues of the office of the public administrator in rural counties remain.

Recently, due to the actions of its public administrator, Lyon County was sued and, without going into the details of the lawsuit and allegations because this is still under appeal, the County was ordered to pay a \$2.1 million judgement to the family of the deceased. One important piece is that in the judgement, the court found that the Lyon County Board of Commissioners, which has no oversight or authority over an independently elected county official, was still considered ultimately liable for the actions of that office.

The term of the Elko County public administrator ended on December 31, 2018. No one filed for that vacancy in the 2018 election.

Public administrators serve a critical function for our communities. They have access to valuable monetary and physical assets of those who have passed. Without proper oversight, little to no compensation and a lack of qualified individuals available to run for these offices, they are ripe for fraud and abuse.

As I demonstrated earlier, the county is ultimately responsible for the actions of the office.

The NACO and its member counties understand and accept the responsibilities for these offices, but in exchange for that accountability, they would like to have the option to appoint a qualified individual to the office of public administrator. Simply put, the bill would allow counties, if they choose, to abolish the elected office of public administrator. If they did that, they would then be required to administratively employ or contract with someone to provide the service.

Section 1 of the bill brings a contracted public administrator under the auditing authority of a board of county commissioners.

Section 2 adds conforming language to align with section 3 of the bill. Section 3, subsection 1 allows counties with populations less than 100,000 to abolish the office of public administrator.

Section 3, subsection 2, paragraph (a) allows a person elected to the office of public administrator or serving as ex officio to the office to serve out the remainder of his or her term before the office may be abolished.

Section 3, subsection 2, paragraph (b) requires the board of county commissioners to appoint or contract with someone to the office of public administrator if the office is abolished through an ordinance. For example, the board of county commissioners cannot allow the office to remain vacant. Those duties must be filled by a county or contract employee.

Section 3, subsection 2, paragraph (c) requires that the county pass an ordinance to take these actions. The ordinance must include the minimum qualifications of a public administrator.

Section 3, subsection 3 allows the board of county commissioners to repeal or amend the ordinance that abolished the office of public administrator so if a county chooses, the seat could once again become an elected position.

Sections 4 through 36 make conforming changes to include language that provides for the employment or contracting of an individual to fill the office of public administrator. The language provides for the same job duty requirements

in the handling of estates that exist in statute. Language was added to make sure that these requirements would still apply and be required of any individual performing these duties going forward.

A provision added to the bill in section 21 requires that at the end of an individual's employment or contract, as outlined in section 3, that person would be required to surrender to the board of county commissioners all documents and estate materials, including monetary or other assets of estates, of which he or she may still be in possession or were used during his or her employment.

This legislation would become effective July 1.

SENATOR SCHEIBLE:

Are you envisioning that the public administrator position would be contracted out to someone else within the county government or be someone who serves as public administrator for multiple counties?

MR. GUTHREAU:

It could be either option. Members of NACO, if this is enabled, would like to use regional services. We have discovered through conversations with our Board that it often makes sense to have one public administrator for multiple counties due to caseload.

CHAIR PARKS:

The issue involves different situations in each county. I give credit to the bill drafters for covering every alternative.

MR. STOKES:

Elko County supports the passage of S.B. 460. Elko County is not looking for a way to dodge or avoid the responsibility of the public administrator position. It is looking for the flexibility to manage the position to provide services to the public in an efficient manner and to also provide additional oversight.

Elko County understands the bill is enabling and allows for a change from an elected official to an appointed official or a contractor. The bill also allows for the position to be redesignated as an elected position in the future. Any change would occur through an open and public ordinance process the public would be able to understand.

In the last election cycle in Elko County, no one filed for the public administrator position. One individual called the County Clerk's Office and asked how much the position paid and what the position does. That person did not file for election. The County Commission appointed an individual to this position for the next two years. By statute, that person will be required to run in the next election.

I have submitted a letter to the Committee supporting S.B. 460 ([Exhibit O](#)).

SENATOR OHRENSCHALL:

If this position goes to a company, an agency or is contracted out to someone, will the oversight be the same as with an elected public administrator? He or she is going to have considerable power over someone's estate. We are always hopeful he or she acts in the best interest of the estate and the heirs and pays the bills. What kind of oversight would there be if this is contracted out?

MR. STOKES:

Any of these opportunities for changing or amending this position would lead to increased oversight. Whether it is a contractor, an appointed county employee or an elected position, there would be additional oversight through the county manager's office and the county commission.

MR. PAGE:

Lyon County has the dubious honor of a \$2.1 million civil court judgement against it. It has prosecuted and convicted a former public administrator for embezzlement. Lyon County has also terminated a number of appointed public administrators for failure to do the job.

This bill will allow Lyon County to be in compliance with what it is doing now. It has contracted with Churchill County's Public Administrator to provide those services since 2014. In 2014, Lyon County had an election. The public administrator took office in January 2015 and left about 6 months later due to a new job. It has not had an elected public administrator since then.

The public administrator had been appointed; however, Lyon County got to the point where it could not find anyone to do the work. After Churchill County's Public Administrator spoke with Lyon County, it decided to move forward because it needed to fulfill its statutory obligation to provide that service.



No one applied for that position in this last election cycle. One person asked what the position does and what it pays and how much work is involved. That person did not have any basic idea about the job.

If this bill passes, Lyon County's goal is to enact the ordinance, make it an appointed position and have a written contract with Churchill County. Churchill County's District Attorney and Lyon County's District Attorney advised that the current public administrator is not a qualified electorate, so it is challenging to have a contract. A written contract will be in place, and oversight will be more stringent. It is difficult for the Board of County Commissioners or staff to have oversight over any elected official because statute allows elected officials a great deal of autonomy. By having a contract in place or by hiring an employee, that person will fall under the purview of the county manager's office, human resources and risk management to ensure what he or she does is correct and is not having issues. If there are any issues, there will be a quick way to remedy that rather than finding out about something because the County is being sued. The County did not know there were issues with the public administrator.

Lyon County supports this bill. It has been pushing for three Sessions to do something different with the public administrator. I find it odd that the same chapter of NRS covers public guardians and public administrators. A public guardian is appointed and hired by the board of county commissioners, but the public administrator is not. They both deal with people's lives, property and money. This bill makes good sense.

STEVE WALKER (Storey County; Douglas County; Carson City):

Storey and Douglas Counties, and Carson City support S.B. 460. It is time to solve this problem. This bill is a good mechanism through which that will happen and it is well-written. Please support this bill so we can move on with our lives.

CHAIR PARKS:

We will close the hearing on S.B. 460 and open the hearing on S.B. 338.

**SENATE BILL 338**: Makes various changes relating to the regulation of fireworks. (BDR 42-34)

SENATOR OHRENSCHALL:

Last July Fourth, local jurisdictions established a website where people could give tips regarding illegal fireworks. In Clark County, that means the unsafe and not sane types of fireworks that usually come across county lines. Over 25,000 tips were given about instances around the County. This creates dangers for property, life and safety in Clark County and has implications across the State.

I was talking about Lake Tahoe with Senator Ben Kieckhefer and whether this bill would impact areas in northern Nevada. I believe it would. If S.B. 338 passes and there are uniform fireworks regulations across all counties, fewer dangerous fireworks would be coming into Lake Tahoe, southern Nevada and its neighborhoods.

VONNE CHOWNING:

Nevada is the only state without a state fireworks control law. Nevada only has a county option policy. In northern Nevada, most counties ban the sale and use of all fireworks. However, in southern Nevada, two counties are diametrically opposed to each other. In Nye County, a wide variety of consumer fireworks are sold year-round, ranging from aerial bombs, firecrackers or bottle rockets to sparklers and other items deemed as "safe and sane." In Clark County, safe and sane fireworks are only allowed for sale one week before the Fourth of July. A State law would provide uniformity and would be regulated by the State Fire Marshal.

This not something new. For over three decades, southern Nevada residents have been crying out about the epidemic of hazardous, illegal fireworks proliferating in our neighborhoods. Last year, over 25,000 complaints were made to the Las Vegas Metropolitan Police Department (LVMPD). Our streets look and sound like war zones. We are afraid to leave our homes for fear they will burn down. The noise from the explosives is deafening, which is harmful to us and our pets.

I support safe and sane fireworks for sale and use. I also support the controlled commercial displays. If people want to hear the big booms and see the explosions in the air, they can go to the commercial displays. If they do not want to, they do not have to and they can stay home. However, we do not have a choice because the explosions in the air and the balls of fire are everywhere. It is not just for one day. People are able to go a short distance,

purchase all of these items and shoot them off in our streets one week, two weeks or three weeks before the Fourth of July. By the Fourth of July, we are absolutely tired of it all.

We used to have only safe and sane fireworks in Las Vegas. They did not leave the ground. We were able to have them on our streets, and our families could have safer alternatives with which to celebrate. I am asking you to please pass a State fireworks control law. We want to have our holiday back. Please keep illegal fireworks out of our neighborhoods.

TERRY TAYLOR (Fire Prevention Association of Nevada; International Association of Arson Investigators, Nevada Chapter; Sierra Front Wildfire Cooperators):

You can buy what you want in Nye County, but you cannot use them there. That tells me quite a bit. I am in a unique position. I am a fireman saying that maybe we should allow fireworks. The irony of that still strikes me.

We support the intent of the bill. We have issues with some of the language because it might actually weaken what little regulation we have. We want to see the bill move forward. We would like language that makes safety Statewide and makes it clear that a city or a county can implement a usage-permitting program for safe and sane fireworks but not for those deemed unsafe.

We have issues with the illegal fireworks trade here. I have worked in this State and in California. The operations in Pahrump are a source of supply for the same problem going west.

We have had numerous injuries. I live in Douglas County where all fireworks are illegal except for commercial displays. Fireworks use here is not to the extent as in Las Vegas, but it starts about May 1 and continues until about August 15. The problem I have is that they cause wildland fires. The No. 1 one investigated determined cause, excluding natural causes like lightning, is shooting during a red flag day. The No. 2 cause is illegal burning or campfires, and No. 3 is fireworks. This past year in Washoe County, serial arson cases involved fireworks being used as ignition devices.

I teach wildland fire investigation. Sadly, we use fireworks in our protocols to teach students how to identify them as causes of fires. They are prevalent.

The fire service, the directors with Sierra Front, prevention officers, northern and southern Nevada fire chiefs have all agreed we will do anything we can to support this bill. We want to make sure that one law Statewide gives a city or a county the ability to authorize safe and sane fireworks.

Conversely, we want to make sure that the State Fire Marshal and any fire or law enforcement authorities have the ability to make arrests, regulate and seize illegal fireworks.

LARRY OUTLAW (Co-Executive Director, Law Center for Fireworks Safety):

My wife and I are retired from the Clark County School District. We have resided in Clark County for 42 years. We raised three children here. Today, we ask that you listen with your heads as well as with your hearts. Because you are concerned members of our State Legislature, we appeal to you to please join us to better protect all Nevada residents, children, veterans, communities and animals.

Even though Nevada is known as the gambling capital of the Nation, it continues to gamble with firework safety. In fact, Nevada is known as the rogue state because it is the only state in the Nation without a state fireworks control policy. This is shameful and embarrassing.

Each year, illegal, dangerous fireworks spark fear and put our residents, pets and properties at high risk of danger. In the weeks leading up to and including the Fourth of July, illegal dangerous fireworks make many neighborhoods resemble war zones. The huge, deafening, illegal fireworks launched by lawbreakers in the middle of our streets frighten cowering pets, rattle nerves and spike fears about overwhelming injuries and fire problems. These are tortuous nights for veterans, pets and our neighborhoods.

Fireworks regulations are on the books in various Clark County communities, but law enforcement agencies are overwhelmed. There is little prosecution of offenders; most of the time they just get warnings. Lawbreakers shooting fireworks into the air do not stick around if they hear law enforcement is near.

On May 2, 2013, a 7-year old boy from Will Beckley Elementary School, named Jacob, died in a horrific fireworks tragedy in Las Vegas. Three older boys had purchased Roman candles from an ice cream vendor. They were shooting the

illegal fireworks off near solvents in a carport where Jacob was standing. The carport and house were ignited. Little Jacob had no chance.

Committee members, remember to listen with your heads and hearts. It is time to take action. We appeal to you to please join us to better protect Nevada residents. Together, we will do it. Please help us keep dangerous, illegal fireworks out of our neighborhoods.

JIM ANDERSEN (Animal Control, Clark County):

I support this bill. Each year, the days between July 1 and July 10 are a busy time for Clark County Animal Control as well as for our contracted animal shelter. The number of stray animals picked up during this time by Animal Control or turned in by the public to the animal shelter increases substantially. Last year in the Las Vegas Valley, 672 stray animals were brought into the shelter between July 1 and July 10. This represents a 24 percent increase compared to the daily average number of animals brought into the shelter. Of the 672 animals, sadly, only 19 percent were reclaimed by their owners. The increase in the number of animals brought to the shelter during this time is directly attributed to the loud explosions from fireworks. Animals are afraid of those noises and go to great lengths to escape their yards when otherwise they would not normally do so.

Any law put into place to limit the loud explosions from fireworks would benefit animals and their owners.

KAREN LAYNE (Las Vegas Valley Humane Society):

I want to reiterate what Mr. Andersen said about the issues these fireworks create for animals. We support any changes that will improve the current situation. All of our volunteers and anyone I know in the animal rescue business stays as close to home as possible during this time.

Unfortunately, we have begun to hate the holiday, which is sad to say. Fireworks create problems not only for us and our neighbors but also for the animals we rescue from the streets. As has already been pointed out, many animals escape from their homes because of their fear of fireworks explosions.

I had a 105-pound rescued Rhodesian Ridgeback dog. This animal literally cowered, trembled and whined the entire time fireworks were going off. During the Fourth of July, I always turned the volume up on every television in the

house and gave the dog tranquilizers, but nothing helped. There was nothing sadder.

According to the American Veterinary Medical Association (AVMA) statistics, fireworks are a problem for every kind of animal, not just dogs. The AVMA estimates there are approximately 441,000 dogs in Clark County. Even if a small percentage of those dogs get out of their homes, many of these dogs live outside. It is important to understand how devastating this can be not only for the dogs rescued by animal control officers and taken to a safe location but those dogs never rescued. That is a tragic situation.

We support any changes to make the Fourth of July and the days around it safe and sane.

BRIAN O'CALLAGHAN (Las Vegas Metropolitan Police Department)

In the last few years, LVMPD officers have been joining forces with the Fire and Rescue Department. We do a good job, but the biggest problem is fireworks coming into Las Vegas. However, they are not just fireworks—they are large mortars.

So in the scheme of things, it is not just some of the counties. We have many issues with the tribes, but we cannot get involved in that. There are also issues with other states because they do not abide by the *Nevada Revised Statutes*. Nevertheless, we all support this bill.

MR. CHERRY:

The City of Henderson supports S.B. 338. It has had similar experiences as mentioned by others with people regularly firing off illegal fireworks at holiday time.

The City of Henderson has a conceptual amendment that it would like to work on with the bill's sponsor. In section 3, subsection 1 the intent of its amendment is twofold. It would like to add language stating that a person charged for a municipal code violation would be subject to the same kind of cost recovery mechanism that the bill contemplates for a person charged for a violation of NRS 477. That would be a change in language in lines 26, 27 and 28 on page 4 to, "if a person was found in violation of the provisions of this chapter, the regulations adopted pursuant thereto or an ordinance adopted by a local government shall reimburse... ." If a person is charged under a municipal

code that is different than the NRS, a city would be able to recover costs as would the State Fire Marshal.

The second part of our conceptual amendment is in section 7, subsection 6. That language amends NRS 266. The City of Henderson would like to have the language in subsection 6 of section 7, mirrored in NRS 268. Incorporated cities are covered under NRS 268. Different types of cities are regulated in NRS 266 and NRS 268. It is asking that a new section be created in NRS 268 with language identical to that in subsection 6 of section 7.

CHAIR PARKS:

Thank you for your comments. We will discuss this further.

KATHY CLEWETT (City of Sparks):

The City of Sparks supports S.B. 338. The City of Sparks also has some of those challenges, and every year it gets worse in Washoe County. I live up on a hill, and I can see it happening in some of the residential areas. It is bad because it is dry in July in Washoe County. We also support the proposed conceptual amendment from the City of Henderson.

MATT WALKER (TNT Fireworks):

TNT Fireworks supports S.B. 338. TNT Fireworks partners with local, state and federal fire officials in all 49 states in which fireworks are legal. In southern Nevada, TNT Fireworks partners with local charitable organizations such as the Alzheimer's Association, Vietnam Veterans of America and countless churches and sports organizations to sell legal and approved fireworks across the Las Vegas Valley. This bill is an important step toward a coordinated, Statewide framework for the regulation of fireworks.

We want to point out a few best practices across the Nation that are most effective in tackling the issue of illegal fireworks: using standards from the American Fireworks Standards Laboratory (AFSL) as the regulatory framework requiring the sale of only AFSL-tested and -approved products; meaningful fines and enforcement resources dedicated to this issue; outreach to and coordination with federally regulated tribes to partner and work toward more uniform enforcement; and meaningful and convenient access to legal and safe fireworks.

We are looking forward to working with the sponsor of the bill and other stakeholders to explore additional opportunities to amend this bill to better reflect these best practices.

CHAIR PARKS:

We may want to call on you as a resource before we proceed with an amendment.

MS. COLEMAN:

Similar to other cities, we experience an increase of illegal fireworks in the City of Las Vegas. We support this bill because it will tighten up regulations and help alleviate the proliferation of illegal fireworks. We also support the amendments as proposed by the City of Henderson.

BART CHAMBERS (Chief, State Fire Marshal Division, Department of Public Safety):

We are neutral on the intent of this bill. We support the language; however, we do not support what it would do for our enforcement powers. As an expert from California with 14 years of law enforcement with the California Department of Forestry and Fire Protection and being familiar with fireworks regulations there as well as elsewhere in the Country, we have the opportunity to establish a framework that would help the bill and the other entities you have heard from today. It would give State and local jurisdictions the ability to ban dangerous consumer fireworks and to support safe and sane, commercial fireworks in those areas of the State that have displays.

CHAIR PARKS:

We may call on you for further help with an amendment.

MS. CHOWNING:

One more person wanted to submit an amendment. It is about Mylar balloons, which has nothing to do with fireworks, because it is in the chapter of NRS that deals with fire. If Mylar balloons hit the electric wires, they do cause fires. This is the language that person would appreciate having put in this bill.

I appreciate everyone's testimony and their heartfelt feelings. The injuries that have happened are truly horrifying and in some cases resulted in death. We cannot just sit here and say it is never going to happen again because it gets worse every year. We know there is going to be more tragedy next year. Our



Senate Committee on Government Affairs  
March 29, 2019  
Page 33

job as public safety officials and Legislators is to watch out and prevent these things from happening.

Remainder of page intentionally left blank; signature page to follow

Senate Committee on Government Affairs  
March 29, 2019  
Page 34

CHAIR PARKS:

We will take the request you had on the Mylar balloons under consideration and turn it over to Committee Counsel for review. We will close the hearing on S.B. 338. Having no further business to come before the Senate Committee on Government Affairs, we are adjourned at 3:24 p.m.

RESPECTFULLY SUBMITTED:

---

Suzanne Efford,  
Committee Secretary

APPROVED BY:

---

Senator David R. Parks, Chair

DATE \_\_\_\_\_

<b>Bill</b>	<b>Exhibit / # of pages</b>		<b>Witness / Entity</b>	<b>Description</b>
	A	2		Agenda
	B	7		Attendance Roster
S.B. 463	C	1	John Fudenberg / Washoe County	Proposed Amendment
S.B. 295	D	4	Catherin Grush / Office of the Military	Proposed Amendment
S.B. 295	E	16	William R. Burks / Nevada National Guard	Presentation
S.B. 295	F	1	Todd Pehrson / Elko County School District	Written Testimony in Support
S.B. 295	G	1	Todd Pehrson / Elko County School District	Letter to Elko County School Board
S.B. 295	H	1	Todd Pehrson / Elko County School District	Estimated Cost of Youth Challenge School
S.B. 295	I	2	Grace Nichols / Coalition for Nevada National Guard Youth Challenge Program	Written Testimony in Support
S.B. 295	J	1	Reece Keener / City of Elko	Letter in Support
S.B. 295	K	1	Mike Kazmierski / Economic Development Authority of Western Nevada	Letter in Support
S.B. 295	L	2	Heather Goulding / Coalition for Nevada National Guard Youth Challenge Program	Letter in Support
S.B. 295	M	1	Joi Holliday / Nevada System of Higher Education	Written Testimony in Support
S.B. 295	N	2	William R. Burks / Nevada National Guard	Overview and Fiscal Note
S.B. 460	O	2	Robert Stokes / Elko County	Letter in Support