

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

**Eighty-first Session  
March 29, 2021**

The Senate Committee on Government Affairs was called to order by Chair Marilyn Dondero Loop at 3:32 p.m. on Monday, March 29, 2021, Online. [Exhibit A](#) is the Agenda. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator Marilyn Dondero Loop, Chair  
Senator James Ohrenschall, Vice Chair  
Senator Dina Neal  
Senator Pete Goicoechea  
Senator Ira Hansen

**GUEST LEGISLATORS PRESENT:**

Senator Nicole J. Cannizzaro, Senatorial District No. 6  
Senator James A. Settelmeyer, Senatorial District No. 17

**STAFF MEMBERS PRESENT:**

Alysa Keller, Policy Analyst  
Heidi Chlarson, Counsel  
Janae Johnson, Committee Secretary

**OTHERS PRESENT:**

Fred Horvath, Secretary-Treasurer, International Brotherhood of Teamsters  
Local 14  
Will Adler, Las Vegas City Employees Association; Pyramid Lake Paiute Tribe  
Chris Daly, Nevada State Education Association  
Tom Dunn, District Vice President, Professional Fire Fighters of Nevada  
Kent Ervin, Nevada Faculty Alliance  
Rusty McAllister, Nevada State AFL-CIO  
Marlene Lockard, Service Employees International Union 1107  
Dagny Stapleton, Executive Director, Nevada Association of Counties  
Mark Fiorentino, Nye County; Red Apple Fireworks

Senate Committee on Government Affairs  
March 29, 2021  
Page 2

Nicole Rourke, City of Henderson  
Bruce Snyder, Government Employee-Management Relations Board, Department  
of Business and Industry  
Vonne Chowning  
Mike Dzyak, State Fire Marshal  
Jeff Dixon, Nevada State Director, The Humane Society of the United States  
Karen Layne  
Verna Mandez, Nevada Conservation League  
Dan Peart, Director, Phantom Fireworks  
Gina Wilson, Red Apple Fireworks  
Jeremy Smith, Red Apple Fireworks  
Chris Ferrari, D&T Imports, Inc.; ADT LLC  
Jenney Sartin, Pahrump Valley Chamber of Commerce  
Tim McKoy, D&T Imports, Inc.  
Herminia Jones, D&T Imports, Inc.  
Regina Toney, D&T Imports, Inc.  
Joanna Jacob, Clark County  
Holly Borgmann, Vice President, ADT Security Services  
Vinson Guthreau, Deputy Director, Nevada Association of Counties  
Nicole Willis-Grimes, Nevada State Contractors' Board  
Warren Hardy, Urban Consortium

CHAIR DONDERO LOOP:

We will open the hearing on Senate Bill (S.B.) 294.

**SENATE BILL 294**: Revises provisions governing collective bargaining by local government employers. (BDR 23-254)

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

I am here to present S.B. 294. If an organization that represents local government employees other than educational support personnel, firefighters, police officers and teachers fails to resolve an issue with negotiating a collective bargaining agreement with an employer, a dispute can be submitted to an impartial fact finder. However, before doing so, the parties need to agree to make recommendations to the fact finder on certain issues that are final and binding. When a local government employer and employee organization cannot agree, either party can request a formation of a panel. The panel will determine whether the findings and recommendation of the fact finder on certain issues will be final and binding.

This bill repeals the provisions relating to such panels. It provides the findings and awards of the fact finder are final and binding on the parties. In labor disputes involving the local government employers, S.B. 294 provides that unless the parties agree to make the finding of the fact finder final and binding, the fact finders report must include recommendations for settlement of the dispute in lieu of an award and the findings and recommendations of the fact finder are not binding.

Sections 1 and 2 repeal the provisions relating to aforementioned panels and provide the findings and award of the fact finder are binding of the parties. Section 3 makes changes that are only applicable to labor disputes involving firefighters and police officers. Section 4 eliminates the authorization for expenditure of funds for expenses related to the panels.

FRED HORVATH (Secretary-Treasurer, International Brotherhood of Teamsters Local 14):

I am here to bring consistency and efficiency to the collective bargaining process as defined in *Nevada Revised Statutes* (NRS) 288, as referenced from my testimony ([Exhibit B](#)).

SENATOR NEAL:

You are talking about the panel members that have the interest-based arbitration, which is seven individuals. Is this bill contemplating replacing the existing number of panel members with a number of seven?

MR. HORVATH:

Everyone but police, fire and school teachers all have access to the American Arbitration Association. Local government employees do not have access to the Association. There is a panel of three in the statute which include an attorney, accountant and another attorney or accountant—which is the panel that will be eliminated. We are trying to go with the professionals from the list of seven.

SENATOR NEAL:

In section 2, subsection 6, the strikeout on lines 23 through 28 says the panel should consider actions by the parties in previous fact-finding in the best interest of the State and all of its citizens. It talks about the potential fiscal effect within and outside of the political subdivision and danger and safety to the people. Why are we striking this out? Even if you choose to go to the

experts, it seems the language is pertinent to considerations that should be made for these groups.

MR. HORVATH:

This is redundant language which exists under the fact-finding guidance in NRS 288.201, 288.215 and 288.217. This was specific to the panel that will no longer exist.

SENATOR NEAL:

I want to make sure if you are going to make this other body that those considerations matter. They are unique to Nevada, but on page 5, section 2, subsection 10 references subsection 6. I do not know if this is a typo because in section 6, the time period is struck out, or if it is referencing subsection 6 on the 45 days of receipt of the report. It is not clear what the time frame is referencing except for the period prescribed in subsection 6, any time limit prescribed by the section, and there are two time limits in section 6. One is struck out, and one is a new section 6 with 45 days.

MR. HORVATH:

We will have to point this out to the Legislative Counsel Bureau (LCB) and hopefully clean it up.

SENATOR NEAL:

So this is an error?

MR. HORVATH:

I believe so.

CHAIR DONDERO LOOP:

I was looking at section 2, subsection 10 where it says "any time limit." Does this mean any time limit or some point it will end?

SENATOR CANNIZZARO:

I believe it references page 4, what would now be the renumbered version of the bill, the new subsection 6. On page 4, line 17 says "within 45 days after the receipt of the report from the fact finder, the governing body of the local government employer shall hold a meeting in accordance with the provisions of NRS 241." I believe it is the time period for which they are referring to, and it could be extended.

HEIDI CHLARSON (Counsel):

On page 3, line 11, the existing subsection 6 language is deleted. On page 4, Senator Cannizzaro, is that correct where subsection 8 is changed to subsection 6? On page 5, when subsection 10 references subsection 6, it is referencing the new subsection 6 on page 4 which is existing law under subsection 8.

SENATOR NEAL:

It seems to remove the point where folks can agree when you have recommendations. The time period is 30 days. The new subsection 6 says the report is coming after the award. If this happened today, what would the collective bargaining process look like with the changes?

MR. HORVATH:

This is not for police, fire, teachers, support staff or State employees. This applies to everyone else, local government employees. The parties would attempt to negotiate a contract and reach a voluntary agreement. If they are unable to do so, the act provides for mediation and a report from the mediator within 30 days. If this is unsuccessful, it is off to fact-finding and using a fact-finding process with this bill. The fact-finding decisions are final and binding for this group of employees only. With the current panel of three, there is no time frame dictated for a decision as there is for police and firefighters where there is a clear mandate for a decision to take place. There are real-life examples for the panel that could not make a decision, and it is sent back to the parties. The efficiencies come from the best it, does come to an end, and in the end, professionals are making those decisions.

SENATOR HANSEN:

There seem to be substantial checks and balances that will be eliminated with section 2, lines 7 through 28. While there is some additional language to what is being deleted in existing law, the big change is the fact finder under current law presents to the public body, and the public body sees it as recommendations. On page 3, line 16, the award is final and binding on the parties. Currently, you are going back to the public body with recommendations from the panels. With the bill, you are going back to the public body to say it is a done deal. Is that correct?

MR. HORVATH:

It is not our intent to circumvent any safeguards. It is simply to bring the matter closure at fact-finding instead of using the panel. Currently, the fact finder would do all of his work, make a recommendation, and the government body would have 45 days to do so. Then off to the panel for another extended period of time.

SENATOR HANSEN:

I understand you are trying to streamline it. From the perspective of local governments and the taxpayers, I would like some checks and balances built into the system. It would be great to deal with one fact finder or a small group of fact finders rather than them having to go back to the public body. What is absent in your new law are checks and balances to protect the taxpayers' interests in regard to the public bodies having substantial oversight of this process.

SENATOR CANNIZZARO:

The difference is between ultimately determining for fact-finding, regardless if it is binding or not binding. What often happens at the panel is the exact same results. I thought it was compelling, and when we are talking about taxpayers' dollars, how do you ensure we are getting the right results without wasting taxpayer dollars—something that is not required to go through the process twice to ultimately come to the same decision? It is a way we can assure the taxpayers their dollars are being spent wisely.

MR. HORVATH:

For example, the City of Las Vegas went through an extended process with their corrections officers to get to a fact finding recommendation. The City chose not to embrace that and instead chose to spend dollars from their side and the employee organization. This ended in the exact same place when the arbitrator was done.

SENATOR HANSEN:

I am glad you agree that you can save tax dollars in some cases when the panels are redundant. But from a taxpayer perspective, I do not mind having a couple of layers to go through or jump through hoops for those results. The amount of dollars involved for the taxpayers is substantially larger than any savings we have by eliminating one of these steps. It is a red herring to suggest it is in the taxpayer interest is to reduce some of the checks and balances under

existing law. I do not see this as a taxpayer savings. If employers are looking for savings, it will be on big dollars involved with salary and benefit packages that are negotiated in these arrangements.

WILL ADLER (Las Vegas City Employees Association):

The Association supports S.B. 294 in all of its measures and what the bill wishes to do. We see the bill has a few changes needed. When the changes are done, it will provide a proper structure to reduce redundancy in Nevada.

CHRIS DALY (Nevada State Education Association):

We appreciate it how important it is for collective bargaining, including fact-finding and binding arbitration, to be fair to all parties. This is the best system to decide critical work issues and continue labor peace. We support S.B. 294 which revises provisions relating to collective bargaining between certain government employers and employee associations. We support the Teamsters Local 14 members with their collective bargaining to improve their processes with local governments.

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

We support S.B. 294 and ditto to everything that was already said.

KENT ERVIN (Nevada Faculty Alliance):

We work to empower faculty to be fully engaged in our mission to help students succeed. We support S.B. 294 in solidarity with our local government union public worker colleagues. Binding arbitration and fact-finding are the most efficient ways for the parties to come to a speedy resolution.

RUSTY MCALLISTER (Nevada State AFL-CIO):

We support S.B. 294. This bill simply evens the playing field for all public employees. Certain groups have the ability to go to a fact finder, whereas local government employees do not. We represent a large number of public employees, and S.B. 294 provides fairness. As for stopgaps for taxpayers, we agree that everyone should have a chance. What we have found over the course of time is many local governments will use this process to delay or stall since they have nothing to lose. The longer they delay this process, the longer they keep from having to pay out on a contract. If you can delay through the fact finding process and go to binding arbitration process, you just doubled the time to solve the contract with the same result at the end. You just did not have to pay for it. This bill saves time and provides fairness. It still allows for police,

fire and other groups to have binding arbitration and fact-finding processes available to them.

MARLENE LOCKARD (Service Employees International Union 1107):  
We support S.B. 294 and the previous comments.

DAGNY STAPLETON (Executive Director, Nevada Association of Counties):  
The Nevada Association of Counties (NACO) members are concerned about the proposal in this bill to make fact-finding final and binding. We believe the current structure regarding fact-finding is preferable to local government employees. Final and binding fact-finding can create disincentive for both sides to reach an agreement. Either side can go through the motions voluntarily in hopes of getting a better outcome through arbitration. This is opposed to nonbinding fact-finding which incentivizes counties and labor to receive outside recommendations for fact-finding, to consider reaching an agreement voluntarily. If S.B. 294 is passed, it could lead to increased arbitration and costs. Overall there is an increase in personnel costs which could be true for all counties large and small. For these reasons, we are opposed to S.B. 294.

MARK FIORENTINO (Nye County):  
We shared the same concerns expressed by NACO. We are happy to work with the sponsor and Committee if there is room for something in between. We are opposed to S.B. 294.

NICOLE ROURKE (City of Henderson):  
We are neutral to S.B. 294 simply because we do not see a need for this bill. We appreciate the clarities the bill provides on nonbinding fact finding for public safety in section 3. It is not apparent to us as to why section 2 makes fact-finding binding for nonpublic safety groups. If nonbinding fact-finding is a good process for bargaining with public safety unions, then it should be a sufficient tool to bargain for nonpublic safety unions. This tool creates an opportunity for one or both parties to appreciate the other party's proposal in a different light. To agree to a compromise to reach a mutual resolution is the ultimate goal for these negotiations.

BRUCE SNYDER (Government Employee-Management Relations Board, Department of Business and Industry):  
We regulate labor relations between Nevada governments and unions that represent their employees. The Government Employee-Management Relations



Board (EMRB) is neutral to S.B. 294. The issue of fact-finding has generated a number of questions today. The process of getting to a new contract starts with negotiations. If either party after so many times believes they are at an impasse, they can declare an impasse which starts the process of mediation. If this does not work, then the parties get to fact-finding. Each party can state whether or not the fact-finding should be final and binding or advisory. If the two parties cannot agree the fact-finding to be final and binding or advisory, then the case takes a detour to a fact finding panel. The only purpose for a fact-finding panel is to determine whether enough fact-finding is to be final and binding or whether is to be advisory. It does not decide what the terms of the new collective bargaining agreement are to be.

Fact-finding panels are a seldom used feature. In my tenure as a Commissioner for the last seven years, the EMRB has only had a few requests for convening a fact finding panel. Only one such panel has actually met and rendered a decision. The law as written presumes speedy convening of fact finding panel so the parties may actually get to the fact finding itself. However, the process is anything but speedy and is likely why it is seldom requested, and when requested, seldom used in the end. The process involves contacting the State Bar of Nevada and the State Board to ask each of these agencies to submit five names of their members, which is done after educating them as to why they are involved in a labor dispute. The names are stricken by the parties until only one name remains on each list. I contact the people who were selected, and often they are unwilling to serve or have a conflict. Finally, when two members have been selected, they must then find a third member. Only when this is done can the agency then submit a work program to obtain the funds to pay for three panel members along with their travel. The three panel members must register as employees like any other member of a board in the State.

This whole process takes a couple of months. In the meantime, the fact-finding is put on hold with the resolution of a new contract. The ERMB takes no position on the policy issue of whether fact-finding should automatically be binding and thus there is no need for fact-finding panel or whether it should be as is. If this Committee believes it should not automatically be final and binding, and thus the need for panels to remain, there is a simple fix to resolve the cumbersome nature of selecting and funding such panels. Use the existing ERMB board members as the fact-finding panel. This is the only area an existing board is not authorized by law to sit on and render a decision within its

jurisdiction. This would allow for convening of the board as fact-finding panel as soon as the Opening Meeting Act would allow. This would eliminate having to deal with other State agencies and obtaining funds.

SENATOR CANNIZZARO:

The process proposed is similar to the process used by State employees and by other public employee sectors. Senate Bill 294 will make a clearer process. This is not something that is utilized, and it is costly and time-consuming. This provides a much clearer pathway for the resolution for those negotiations where needed.

CHAIR DONDERO LOOP:

We will close the hearing on S.B. 294 and open the hearing on S.B. 227.

**SENATE BILL 227**: Makes various changes relating to the regulation of fireworks. (BDR 42-520)

SENATOR JAMES OHRENSCHALL (Senatorial District No. 21):

Fireworks are an exciting part of celebrations in our Country, none the least of which is Independence Day. However, according to U.S. Consumer Product Safety Commission, on average 280 people go to the emergency room with fireworks related injuries in the month around July Fourth. The State Fire Marshal is tasked with enforcing all laws and adopting regulations relating to the storage and use of fireworks.

I will give a brief background on why I am proposing S.B. 227. The board of directors of a county fire protection district and the board of fire commissioners are required to adopt and enforce all rules and regulations necessary for the administration and government of the county fire protection district. The board of county commissioners, organizing each county fire protection district, is the official governing body of each such district and known as the board of fire commissioners when acting in this capacity.

The board of county commissioners and the city council are authorized to create a district for the fire department and to organize, regulate and maintain the fire department respectively. The board of county commissioners is authorized under existing law to pass ordinances concerning the sale, use, storage and possession of fireworks, while the town board or board of county

commissioners is authorized to regulate the storage of gun powder, other explosives and combustible materials.

Senate Bill 227 provides consistency and minimum standards for any regulation or ordinance relating to fireworks and combustibles. This will ensure public safety across all levels of State and local government. Sections 1, 2, 5, 6, 7 and 9 require authorization for governmental entities to regulate or adopt ordinances concerning the manufacture, sale, use, storage and possession of fireworks, as long as those regulations and ordinances are at least as stringent as the regulations concerning fireworks that are adopted by the State Fire Marshal. This language is consistently applied to the various governmental entities throughout the bill.

Section 8 adds the authority to the governing body of an incorporated city. Section 3 includes language applying to these entities specifying if someone who stores or uses fireworks in violation of existing law or regulations that are administered by the State Fire Marshal, the individuals are subject to reimburse the State Fire Marshal or the appropriate governmental entity for the direct and indirect costs resulting from such a violation. This would include the cost associated with any investigation into such a violation, suppressing a fire from the sale, storage or use of such fireworks, and the confiscation and disposal of fireworks sold, stored or used in violation of existing laws or regulations. The bill further authorizes the State Fire Marshal and certain agencies of State and local government to institute a legal proceeding to enforce these provisions.

We have heard a lot of testimony this year about incidents that have originated with fireworks in some of our counties, whether they be reports of property fires in southern Nevada or wildland fires in northern Nevada. Senate Bill 227 is a measure aimed at public safety to bring uniformity and a minimum standard for what kind of fireworks would be permitted. If a county wanted to go farther and not allow fireworks, it would be within the purview of the bill. The effective date of S.B. 227 is October 1 of the following year. This is meant to address any concerns that have been relayed to me. There could be some potential amendments discussed with the State Fire Marshal.

VONNE CHOWNING:

I am here in support of S.B. 227 as referenced from my testimony ([Exhibit C](#)). I did address this issue many years ago when I was in office. We are the only State that does not have a uniform fire control law. In Nye County, illegal

fireworks can be sold year-around. The fireworks are brought into Clark County and California which are illegal in these areas. Speaking for Clark County, we have to deal with this issue year after year during the Fourth of July. The explosions are deafening and happen in our streets with sky rockets going onto our roofs. We cannot leave our homes. Residents have hoses ready with water to make sure their homes do not burn down. How are we able to enjoy the holiday? Many years ago, we only had the safe and sane fireworks and did not have the dangerous exploding fireworks in Clark County. If we only had safe and sane fireworks, these would be a safer alternative and allow us to enjoy the holiday.

SENATOR NEAL:

On indirect and direct costs throughout the bill: On page 4, the direct and indirect costs could roll in the cost for a legal proceeding. In section 1, subsection 2, paragraph (c), subparagraph (3), a district may institute a legal proceeding to enforce the provisions of a regulation. Is this something you are going roll into the costs and basically have someone pay the legal cost for illegal fireworks?

SENATOR OHRENSCHALL:

That would be a potential cost if illegal fireworks have been found. We do have experts on the phone to provide more information. The State Fire Marshal can give you more details on how the investigations are conducted.

MIKE DZYAK (State Fire Marshal):

I have been with the State Fire Marshal's Office for 20 years, and we have seen fireworks legal and illegal. I was the investigations chief. We did not have to use any legal route to deal with a civil suit. It is going to cost the State, city or county money to do an investigation. You may need expert witnesses, confiscation, disposal and storage—and the quantities can be substantial.

SENATOR NEAL:

It spells out direct and indirect costs. But a huge concern is the dollar amounts, and it says without limitation. Why would the benefits for employees be rolled into this? Would the interstate compact or any other agreement for firefighting support would be attributed to an offender? It seems excessive and not a cost that anyone contemplates, nor is it triggered by an act that may have happened in a city.

SENATOR OHRENSCHALL:

The goal here was to make sure the costs can be recovered. When fireworks are not legal in a certain county and are brought into that county, this bill will look at civil fines and recovering the costs as the penalty. Those costs, which sometimes can be hefty, can be recovered.

MR. DZYAK:

Any costs we get would have to be proven and that they were encountered. It is not unfair to charge the offender the costs of the investigation for a civil or criminal penalty for fireworks. I do not think you can make anything up. You have to show that we incurred the costs for this.

SENATOR HANSEN:

I refer to section 1, subsection 2, paragraph 4 concerning the Indian reservations and colonies. Does this regulation require the Indian colonies to only sell to Indians, or does it open up to sell to anyone?

SENATOR OHRENSCHALL:

My discussions with LCB Legal Division show we have no jurisdiction on what our friends on Native lands can sell. Some states have entered into compacts or treaties to restrict sales of fireworks. There is no restriction on what can be sold on Indian lands that can be accomplished through NRS.

SENATOR HANSEN:

I thought that was true, as I represent about ten different Indian colonies and reservations that sell fireworks. The reason this is critical is several counties have outlawed it. In most counties, any person who wants fireworks can get them right away. For example, there are cigarette sales anywhere you have an Indian colony or Indian establishment. The real problem I have is in Lander County, which has legalized the sale of fireworks. Even if you took away their right to do that, in the heart of Battle Mountain is an Indian colony that sells fireworks. If you were to pass this law, all you would be really doing is restricting anyone who is not Indian from having a fireworks store.

One of the biggest fireworks stores in Nevada is in Battle Mountain. Washoe County, Mineral County and Lander County all have Indian Colonies selling fireworks. The only person this will affect is the small store in Battle Mountain where a guy who is not Indian sells fireworks. Anybody who is in northern Nevada who wants to buy fireworks can buy them at an Indian reservation and

still have the same problems as before. The intention of this bill is good but it ignores the reality of Indian Nations' right to sell fireworks under their sovereignty. You are not going to restrict or help anything by restricting the county citizens to sell fireworks. As long as we have the Indian Nations able to sell fireworks, it does not make sense to restrict the counties.

SENATOR OHRENSCHALL:

I believe S.B. 227 would be a first step in trying to ensure the safety of Nevadans, which is a priority. Fireworks are great in the hands of professionals who know how to handle them. This bill would set a minimum safe and sane standard. If S.B. 227 is enacted, then little by little the State and local governments can work on compacts and treaties with the Indian Nations to come to agreements. I have heard other states have done this, and it will take time as these are sovereign nations. The first step is Nevada setting a standard for safe and sane fireworks. The nonsafe fireworks would only be in the hands of professionals for displays. This would be the first step in setting up a Statewide uniform fireworks safety law.

SENATOR GOICOECHEA:

If the fireworks were purchased on an Indian Nation, and the person carried them off the reservation, they would be in line for the direct and indirect costs. In Battle Mountain or Pahrump, there are people selling fireworks. Let us say someone from Clark County buys fireworks from Pahrump. Do the costs of this fall to the person who sold the fireworks or person who purchased fireworks and leaves the property with them?

SENATOR OHRENSCHALL:

The intent of S.B. 227 is the fine would be on person who brings them into the county. The person who is in possession or using them. It would be pending on the investigation if S.B. 227 became a law.

SENATOR GOICOECHEA:

I am concerned if the cause of a fire was determined to be illegal fireworks in fact purchased by this person from a jurisdiction outside of Clark County. Ultimately, it would roll back to the person who sold them in Pahrump or Battle Mountain.

SENATOR OHRENSCHALL:

If S.B. 227 was enacted, there would be a Statewide uniform fireworks law. Safe and sane fireworks law will be set by the counties' standards. The Native American reservations are sovereign nations and State law would not affect those. The State law would be uniform and anyone in possession would be subject to this civil fine and recovery of the costs.

JEFF DIXON (Nevada State Director, The Humane Society of the United States): We are the Country's largest and most effective animal protective organization. We support policies that protect wildlife habitat, honor the human-animal bond and respond to the need of animal control sheltering professionals. We support the five freedoms, a set of animal welfare standards adopted by the Association of Shelter Veterinarians. Senate Bill 227 does each of these and we support this bill. The bill supports freedom of fear and distress around every Independence Day and New Year's Eve, when there is a spike in missing pets directly from fireworks. Pet owners are responsible for ensuring their animals are confined within their property and microchipped or wearing tags. However, when an animal feels threatened, their response is to escape their home. When successful, they are then at risk for depredation, being hit by moving vehicles and never being reunited with their human guardians.

If found, they are additional burdens to understaffed animal control agencies and space-constrained animal shelters. Even when they do not escape, fear induced by fireworks can cause animals to become aggressive, to harm themselves, to eliminate inappropriately or go into hiding. Fireworks place extremes on animals, neighboring households, facilities and publicly funded animal professionals. The government should have the power to consider the burden on pets, their owners, animal control officers and shelters caused by fireworks. They should consider the risk to animals and their wildlife habitat caused by fireworks. Senate Bill 227 does both and stands with pets, their humans and the professionals tasked with ensuring their welfare.

KAREN LAYNE:

I support S.B. 227. I was the former president of the Las Vegas Valley Humane Society and have been doing animal rescue work as a volunteer since 1992. I want to indicate my support for the previous speakers to talk about the damage caused to animals from fireworks. I have seen this time and time again doing rescue work in the Las Vegas Valley. Fireworks spook horses, dogs and other animals. Many dogs are lost from their homes during this time period. The

animal foundation only covers the City of Las Vegas, North Las Vegas and unincorporated Clark County areas. In 2019, there were more than 500 dogs picked up by animal control officers in the days after July Fourth. Only about 10 percent of those dogs are returned to their owners.

My friends who are dog owners do not leave their animals at home. My dog Ginger was terrified of fireworks. I turned up every TV in the house and provided tranquilizers, but nothing would help her. It was a terrible situation. Las Vegas Valley is home to more than 2 million people. It is a large metropolitan area, and July Fourth is absolutely terrifying. It is unbelievable the amount of rockets you see overhead.

VERNA MANDEZ (Deputy Director, Nevada Conservation League):

I support S.B. 227. Around 90 percent of wildfires in the United States are human-caused. Human-caused wildfires combined with climate change are making the West hotter and drier, leading to larger, more intense wildfires. Last year's fire season set new records in terms of geographic scale for fire intensity. In 2020, humans caused over 540 wildfires in Nevada, burning over 222,000 acres. These fires destroy and impact natural areas and wildlife habitat. The pollution effects from smoke are hazardous to our health. Senate Bill 227 will give local governments another tool to help stop illegal fireworks, which will lead to less wildfires in Nevada.

MARK FIORENTINO (Nye County; Red Apple Fireworks):

We are opposed to S.B. 227. It imposes substantial cost to the State. The fiscal note might approach \$650,000 in costs when Nevada is struggling to fund basic needs. The end result is to devastate a number of small Nevada-based businesses. It will put hundreds of people out of work and eliminate \$500,000 a year in revenue from Nye County. This is revenue Nye County cannot afford to lose and will have little to no capacity to replace. It will not resolve in any measurable impact on safety. It will send sales to the black market and to the Tribal nations who are exempt from the laws. Both of my clients fully support and understand the need for more education and enforcement. We remain committed to working with the Committee and other stakeholders to improve capacity for education and enforcement.

DAN PEART (Director, Phantom Fireworks):

Phantom Fireworks is opposed to S.B. 227 as referenced from my letter of opposition ([Exhibit D](#)).



GINA WILSON (Red Apple Fireworks):

I have enjoyed being employed with Red Apple Fireworks for the last ten years. There is not another business in Pahrump where I can earn as much as I do here. I have received a pay raise and set up a 401(k) account. I am 28 years old and was able to become a homeowner because of my job. Red Apple Fireworks' top priority is to educate customers on safety and best practices for use with fireworks. We make sure customers are well-educated when purchasing fireworks. I am opposed to S.B. 227 as it would hurt our company and my ability to earn a living.

JEREMY SMITH (Red Apple Fireworks):

I am opposed to S.B. 227. I have been a full-time employee with Red Apple Fireworks for three years. My passion for fireworks is great. Every time I get to speak to a customer, there is education provided on safety for using fireworks. Senate Bill 227 will hurt our company and ability to earn a living. I was able to buy a home and would not be able to find a job like working with Red Apple Fireworks. Red Apple does provide a generous health insurance and pay. Red Apple hires hundreds of local teens every year for seasonal work. This work will be taken away from these teens if you vote yes on S.B. 227.

CHRIS FERRARI (D&T Imports, Inc.):

I represent D&T Imports, which is a local company named after two friends, Doug and Tim, who went into business. They have done a tremendous amount for the County with their operations. They have also identified successful ways to work with the local government creating a launch site. A great community partnership developed over many years. Unfortunately, S.B. 227 would push these decisions to the State level and disconnect local governments that work with local businesses.

In section 4, subsection 1, paragraph (f) subparagraph (1), the only fireworks certified by the American Fireworks Standard Laboratory (AFSL) can be sold in Nevada. The AFSL is a private corporation, one of several who test fireworks and only one representative industry for safety standards. The passage of this language is equivalent to adding statutes that all shoes sold in Nevada must be certified by Nike. Yet, D&T Imports is embarking on the most significant economic project in Nye County by expanding the fireworks operation which includes housing and retail. Creating a monopoly limiting local government and private sector interaction is harming the economy. We are opposed to S.B. 227.

JENNEY SARTIN (Pahrump Valley Chamber of Commerce):

I am speaking on behalf of the Chamber, which is opposed to S.B. 227, while not diminishing the importance of safety and concerns for our pets. At first glance, S.B. 227 appears to be an effort to eliminate healthy competition in Nevada's fireworks industry under the ruse of safety. The fireworks companies in our community have worked with local government and law enforcement to proactively reach out to State and local fire administrators. This has opened lines of communication on how they can partner with our community to demonstrate a shared concern in the interest of safety. Senate Bill 227 proposes that only fireworks certified by the AFSL can be sold in Nevada. Passage of this noncompetitive language is the equivalent to adding statutes that all cars sold in Nevada must be certified by Ford Motor Company.

It is the equivalent of me going to Walmart to buy a bag of potato chips and have a choking incident, then being told I can sue Walmart since the store sold me a bag of potato chips. The companies and stores in Pahrump are good community members and give back to the community in more ways of just contributing \$500,000 in tax revenues at a time we are seeing a number of restaurants and other businesses closing. We ask you do not add to the burden of our community by destroying the competitiveness of fireworks businesses and closing the doors on another business. We are opposed to S.B. 227 and ask you to reject this bill.

TIM MCKOY (D&T Imports, Inc.):

I am opposed to S.B. 227. I am co-owner of D&T Imports Inc. that employs 14 full-time employees and over one hundred seasonal employees. Over the years, we have created our own product line, selling retail and wholesale. We distribute our product across the United States. Senate Bill 227 would change what consumer fireworks could be sold and as a result put us out of business. In the last 15 years, more and more states across the Country are changing laws to allow a full line of consumer fireworks, the same fireworks we sell in Nye County. These states only sold fountains or sparklers in the past or had no fireworks at all. These states are declining in injuries and people trying to make their own fireworks since they opened full-line fireworks.

My business partner and I are in the development stage of an 80-acre shopping center in Pahrump. We are working with Nye County and the Town of Pahrump. This will be the largest shopping center in Nye County. With all three phases done on the shopping center, it would employ over 1,000 people and bring in

30 to 40 new businesses. The passage of this bill would stop this project in its tracks. Pahrump fireworks companies have reached out to Clark County and the Las Vegas Fire Department to build a corporate partnership to better educate and promote safety to the consumers. Pahrump has a launch site that is controlled by the town. In our conversations with Clark County, we suggested the vendors do public safety announcements to better educate consumers of fireworks.

HERMINIA JONES (D&T Imports, Inc.):

I work for D&T Imports in Las Vegas as a partner with Blackjack Fireworks and Area 51. I have seen support for Pahrump with employees and the entire State. The company is geared toward building this shopping center to bring in work and more shops into the community to stimulate the economy. These things would come to an end if S.B. 227 was passed. I think it is unfortunate for the economic growth that is trying to be established. We want to make sure Pahrump is successful and all the counties are well educated on the fireworks industry. People turning to the black market or reservations is a setup for failure. I do not think this should be the way we go with this bill.

REGINA TONEY (D&T Imports, Inc.):

I strongly oppose S.B. 227. I am employed with D&T Imports and would like to stay employed especially in the wake of Covid-19. I am thankful to my employer for contributing 75 percent toward my health care. During Covid-19, I would like to remind people how important it is to have health care from your employer. My company works hard to support the community and provides safety and regulations on a daily basis. The launch site offers safety and security in a place to enjoy fireworks and safety education. Community support is a huge factor in our business. Our company puts in hard work to support Nye County by bringing in new jobs for the economy and the working people in Nevada.

WILL ADLER (Pyramid Lake Paiute Tribe):

The Pyramid Lake Paiute Tribe is neutral to S.B. 227. The bill would leave the Tribal members out as neutral and would not impact them or their members acquiring fireworks.

JOANNA JACOB (Clark County):

On behalf of Clark County, we are neutral to S.B. 227, partly since we have brought our bill to this Committee. You heard about the concerns and impacts

seen in our community, including 43 Clark County fireworks incidents. Trying to plan for the impacts in Clark County was set up with the ISpy tool. This helps us plan enforcement efforts for the number of reports coming into the tool, with 16,541 in 2019 to 22,559 in 2020. The reason we are neutral is because we do allow safe and sane fireworks in Clark County. This is determined by a local process and testing. We define dangerous fireworks in the Clark County code. We have to work out how a State standard would impact the local standard. We have spent a lot of time on this. The regulation of safe and sane products in Clark County undergoes a testing process. Every year, fireworks must have certain labeling requirements and things to ensure there is clarity for our community. We do this at the county level. We are in support of stronger enforcement. We do need some assistance and would like to work with others on this bill.

MR. DZYAK:

I am neutral to S.B. 227. I have been adopting standards as long as I have been here. We adopt minimum standards and adopt the minimum codes throughout State. This is to have some base platform to say you can do these things and cannot be less stringent on what that base regulation is. I am not a big fan of fireworks since consumer fireworks cause a lot of fires. Senator Hansen was correct about whether they come from Tribal Nations or are sold in different counties, we deal with the results of fireworks the same way. I do not have numbers on how much we spend as a State in fighting fires started from fireworks. The enforcement is applied fairly under our office.

SENATOR OHRENSCHALL:

Nevada has a checkerboard of different laws and ordinances about fireworks. Some counties do not allow them and other counties require safe and sane fireworks. Other counties have looser ordinances about fireworks. I think we all enjoy fireworks, but a Statewide unified fireworks law would certainly lead to less incidents of property fires and forest fires. So often, we see these stem from fireworks that are purchased in areas where the laws are looser and more liberal for the fireworks allowed. The Legislature needs to take the first step of requiring the minimum standards to be safe and sane fireworks for private individuals to own and use. Once Nevada has taken that step for safe and sane as the minimum standard, we will have a stronger argument for the Native Tribes to enter into compacts and treaties. This will ensure only safe and sane fireworks are sold across Nevada.

CHAIR DONDERO LOOP:

We will close the hearing on S.B. 227 and open the hearing on S.B. 253.

**SENATE BILL 253**: Revises provisions related to alarm systems. (BDR 20-968)

SENATOR JAMES A. SETTELMAYER (Senatorial District No. 17):

The bill is about utilizing alarms correctly. A board of county commissioners can impose a penalty on an alarm system contractor. This does not do much to dissuade the individual who might be repeatedly making the alarm go off because of not entering the proper codes. It could be after-hours staff cleaning up the particular building or the equipment keeps malfunctioning instead of going after the actual person making the error that could curb the bad behavior. Instead, they are fining the alarm system contractor.

Senate Bill 253 is looking to make sure that unless it is something attributed to bad installation by the alarm system contractor, the contractor would not be fined and allowed to go after the individuals making the mistakes. This is in sections 1, 2 and 3. Within the last portion, section 4 states when there is an error with the alarm system program, people should try and call the service rather than go through the contractor's license number that currently needs to be available. Under S.B. 253, the advertising by a contractor who installs alarm systems is not required to include the number of contractor's license if the advertisement includes an internet website or phone number.

HOLLY BORGMANN (Vice President, ADT Security Services):

I am the vice president of ADT and will give some background on the issues we deal with for false alarms as referenced from my testimony ([Exhibit E](#)).

SENATOR NEAL:

What will be the effective date for S.B. 253?

SENATOR SETTELMAYER:

With all legislation if you do not have an effective date, it automatically defaults to October 1 of the year the bill is passed. It will default to the standard effective date.

SENATOR NEAL:

In section 4 on advertising for the contractor, what was the reason for this language?

SENATOR SETTELMAYER:

If a situation occurs where there is a problem, you are trying to figure out who to call. Very few people know how to turn the contractor's license into a phone number to call. In that respect, it makes more sense to include a phone number, rather than the particular contractor's license, or a web link since so many people are using smart phones to access the internet website advertising. We thought this was a better way to get callers to the correct person to resolve any potential issues.

Ms. BORGMANN:

If you see ADT's billboard advertisement, you will look at the bottom and see a list of all the license numbers. It is just too hard to find your individual state's license number in all of the text. An example was submitted of ADT's commercial ([Exhibit F](#)). You can see the license numbers scrolling through at the bottom. To get through 30 states license numbers in a 30-second spot is difficult to do. We want to make sure customers can find the information and access it. So it is not like one of those pharmaceutical commercials where it is going through a list of symptoms and things you might get as result of the medication. We want people to be able to find ADT's information. It is more meaningful if we can tell them to visit ADT.com for licenses or call 1-800-ADT-ADSP for license information. I think this is how people find information now as opposed to listening to an advertisement on the radio or a TV ad.

SENATOR NEAL:

In section 1, where you say the county can impose a fee: Is this because the police will come out if there is a false alarm? What is the current fee the county is charging for a false alarm?

Ms. BORGMANN:

Each program is locally designed and administered to reflect the individual area needs. In some areas, the fees might range from \$10 to \$200. It depends on what the local government has decided to do. We are agnostic on what the fee should be. We feel the city is best equipped to determine how to move the needle within the community. We have found from based studies, the best way to change customer behavior for false alarms is to fine the user. We leave it up to the cities to determine how much or how that money is used. We want to make sure that any program enacted is meaningful. This type of legislation assigns the blame to the party at fault. If ADT installs a bad alarm, then you can

fine ADT. If it is the user, the fine goes to the user. This legislation has passed in California, New Jersey, Florida, Texas, Tennessee, Louisiana, Iowa and is pending in Georgia. We have found meaningful guidance helps local governments and will help drive down the number of false alarms.

SENATOR NEAL:

If my child sets off a false alarm, would I get charged if this bill is passed?

Ms. BORGMANN:

You would get charged. It depends on your city. Southern Nevada requires video verification or onsite verification that the alarm has occurred is before the police to respond. In other areas of the State, law enforcement will come out regardless if it has been verified by video. If we had nothing to do with generating the false alarm, the fine should not be sent to ADT. If we installed bad equipment, then the fine should be sent to ADT. But, most cities have something on the books and will give you the first or second false alarms for free.

SENATOR NEAL:

But you want it to be charged to me or the homeowner?

Ms. BORGMANN:

It will be charged to the party at fault. If homeowners have generated the false alarm, they will get the fines. Say my parents visit and do not enter the code correctly, and it generates a false alarm. It is on me the user to train my parents better on the system. However, if ADT installs a sensor that keeps falling off and generating false alarms, then the fine will go to ADT. It is all about modifying customer behavior to use the alarm system properly.

CHAIR DONDERO LOOP:

If you are not here in Nevada, let me tell you about the winds. When the wind blows you can have the alarm go off through no fault to your own. I have had this happen before. I am struggling with the idea that we are going to be charged for something we cannot control.

SENATOR SETTELMAYER:

Ms. Borgmann could provide information from other states concerning winds that are more extreme than those in Nevada. Florida has passed similar legislation and has information on this concern. I understand what your concern

is with the wind. It really comes down to how we can best to reduce the numbers of false alarms with the bill, we are trying to figure out what is the best way to do that. The problem may fall within something that you may have more control of. If a particular county develops a program to fine the company, the company may decide to no longer allow those individuals to have the product. For some of these products, they provide a degree of security for aging individuals. We do not want them to withdraw these items.

MS. BORGMANN:

I am based in south Florida where ADT is headquartered. We do have substantial winds as well. Of all the local ordinances I have seen, I have not seen one that does not exempt "acts of God" for when there is storm, fire, tornados and other natural disasters. We know this is outside of anyone's control. The local ordinances have been planned for these situations.

SENATOR OHRENSCHALL:

Are the fines in Nevada that alarm companies charge aligned with other states, or are they higher? Do the fines vary by county?

MS. BORGMANN:

Top alarm response laws on the books in the Las Vegas area are stricter than most in the Country in terms of requiring verification before the police and fire departments will respond. Alarm companies need to have a guard ensure that someone is breaking into a house or the house is on fire before the first responders send service. This is outside of the norm. There are discrepancies between rural and urban areas. There are no municipalities in Nevada that levied false alarm fines against alarm companies. No local governments would need to change their ordinances.

SENATOR OHRENSCHALL:

Regarding the policy in the Las Vegas area requiring someone from the alarm company to verify that it is not a false alarm before police are called: Would this bill change the policy, or would it be left unchanged?

MS. BORGMANN:

It would not. The alarm industry talks a lot about the pros and cons, but we are not attempting to change it.



CHAIR DONDERO LOOP:

On the license numbers, is there a federal requirement to run those license numbers as well as the states?

MS. BORGMANN:

Only at the state level. It is my understanding it is a state level requirement.

CHRIS FERRARI (ADT LLC):

On behalf of ADT, we support S.B. 253. It is important to clarify what the bill is doing and not doing. It does not impact, raise or create any fees or alter fine structures. For example, I live in Reno and have an alarm system. I have had a door blow open and have come home to find police in my house. The alarm company has dispatched the police and for this I have been charged a fine. As a consumer, I am aware of the fine, and this is part of the contractual agreement with the company. It is the municipality choice to allow the fine. For natural issues, there are exclusions for this. All of this is at the local level. The bill is about preserving the consumer choice for services. The reason for the bill is if the current process is altered.

In a Georgia county, several small alarm companies had some customers that were repeat offenders. This county decided to send the fines to the alarm system provider, even though it was not their fault. Their systems were working properly and those companies had to move out of the county. This limited consumer choice and increased the cost for security services. Passage of S.B. 253 will preserve that without retaining all local control at the municipal level. If there are concerns for the fine level, those questions can be had with the local municipalities.

VINSON GUTHREAU (Deputy Director, Nevada Association of Counties):

The Nevada Association of Counties is opposed to S.B. 253. It removes county authority when addressing false alarms that trigger response from law enforcement and other first responders. Local governments try to educate homeowners, residents and businesses on false alarms that can bog down emergency response. Local governments use this authority sparingly, and we still need authority to penalize if a particular location continues to have numerous response calls because of malfunctioning alarm systems. The Counties appreciate the sponsor for offering to potentially work on the language. We are opposed to S.B. 253 as written.

NICOLE WILLIS-GRIMES (Nevada State Contractors' Board):

The Nevada State Contractors' Board is opposed to S.B. 253. In its efforts to help protect the health, safety and welfare of Nevada's citizens, the Nevada State Contractors' Board is responsible to make sure all licensees are compliant with NRS 624.720. The Contractors' Board strives to educate homeowners and urges them to use licensed contractors to do work on their homes. In doing so, homeowners have more options for recourse should there be issues with the quality and completion of the work product. We encourage customers to always ask for verification of the license number. They should not have to call or track down a website to get the number to verify whether a contractor is even licensed.

Advertising of contractor's licenses in Nevada lets the consumer know that businesses they contract with are regulated by the Contractors' Board. The Contractors' Board is a resource for homeowners in case they have issues. There are over 16,000 licensees, 41 primary classifications and approximately 130 subclassifications. A licensee who installs alarms would most likely hold a C-2c or C-2d license; there are 76 C-2c licensees and 501 C-2d licensees in Nevada. This total number accounts for approximately 3.6 percent of all licensees in Nevada. The Board estimates out of over 16,000 licensees, approximately 5,946, or 35 percent, hold licenses in other states.

The proposed legislation under S.B. 253 provides an exemption for licensed alarm companies in Nevada. This exemption represents only a small percentage or 3.4 percent of its licenses and a small percentage of licensees that hold licenses in other states. The bill provides an unfair exemption to the law. Additionally, advertising includes a multiple number of platforms to include radio, television, internet, billboards, flyers, work trucks and business cards. The requirement is displaying and providing a license number or licensee advertisement for public protection. The exemption provided in the bill is not for the benefit of consumer protection. The consumer would have to call the business or the website to determine whether the contractor is even licensed much less try to find the license number. The Nevada Contractors Board is opposed to S.B. 253 as written. It cannot support one specific industry.

WARREN HARDY (Urban Consortium):

We stand in opposition to S.B. 253 as written. This creates a unique situation for us when we have a private sector business with their business model on services that are paid for by taxpayers. We understand the concern and the

Senate Committee on Government Affairs  
March 29, 2021  
Page 27

issue. A better venue to deal with this would be conversations with the local government agencies that provide these services, the city councils and county commissions that represent police departments who respond to these calls. We are willing to continue these discussions with the proponents of the bill.

SENATOR SETTELMAYER:

I will follow up with the concerns on S.B. 253 and update the Committee.

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Senate Committee on Government Affairs  
March 29, 2021  
Page 28

CHAIR DONDERO LOOP:

I will close the hearing on S.B. 253. Seeing no further business, I adjourn this meeting at 5:48 p.m.

RESPECTFULLY SUBMITTED:

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Janae Johnson,  
Committee Secretary

APPROVED BY:

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Senator Marilyn Dondero Loop, Chair

DATE: \_\_\_\_\_

<b>EXHIBIT SUMMARY</b>				
<b>Bill</b>	<b>Exhibit Letter</b>	<b>Begins on Page</b>	<b>Witness / Entity</b>	<b>Description</b>
	A	1		Agenda
S.B. 294	B	1	Fred Horvath / Teamsters Local Union No. 14	Testimony
S.B. 227	C	1	Vonne Chowning	Testimony
S.B. 227	D	1	Dan Peart / Phantom Fireworks	Opposition letter
S.B. 253	E	1	Holly Borgmann / ADT Security Services	Testimony
S.B. 253	F	1	Holly Borgmann / ADT Security Services	Advertising Language