

**MINUTES OF THE  
SENATE COMMITTEE ON LEGISLATIVE OPERATIONS AND ELECTIONS**

**Eighty-second Session  
April 11, 2023**

The Senate Committee on Legislative Operations and Elections was called to order by Chair James Ohrenschall at 3:03 p.m. on Tuesday, April 11, 2023, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator James Ohrenschall, Chair  
Senator Skip Daly, Vice Chair  
Senator Nicole J. Cannizzaro  
Senator Heidi Seevers Gansert  
Senator Lisa Krasner

**GUEST LEGISLATORS PRESENT:**

Senator Julie Pazina, Senatorial District No. 12

**STAFF MEMBERS PRESENT:**

Nicolas Anthony, Policy Analyst  
Bryan Fernley, Counsel  
Jeff Koelemay, Counsel  
Diane Rea, Committee Secretary

**OTHERS PRESENT:**

Gabriel Di Chiara, Chief Deputy, Office of the Secretary of State  
Mark Wlaschin, Deputy for Elections, Office of the Secretary of State  
Paul Catha, Culinary Workers Union Local 226  
Ashley Kennedy, Clark County  
Emily Persaud-Zamora, Executive Director, Silver State Voices  
Athar Haseebullah, Executive Director, American Civil Liberties Union of Nevada  
Christine Saunders, Progressive Leadership Alliance of Nevada

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Annette Magnus, Executive Director, Battle Born Progress  
Izack Tenorio, Campaign Legal Center Action  
Amy Burgans, Clerk-Treasurer, Douglas County  
Beth Schmidt, Las Vegas Metropolitan Police Department  
Donna West  
Daela Gibson  
Alvin Chan, Native Voters Alliance of Nevada  
Brian Harris  
Eric Jeng, Acting Executive Director, One APIA Nevada  
Christi Cabrera-Georgeson, Deputy Director, Nevada Conservation League  
Eric Kregel, Sierra Club  
Dora Martinez  
Oscar Williams  
Vonne Chowning  
Elmer Chowning, Law Center for Fireworks Safety  
David Parks  
Unidentified Testifier  
Dale Way, Deputy Fire Chief, Truckee Meadows Fire Protection District  
Michael Baggett  
Douglas Burda, CEO, Red Apple Fireworks  
Dawn Bennett  
Gina Wilson  
Richard Sheehan, D&T Imports  
Vinson Guthreau, Nevada Association of Counties  
Susan Fisher, Phantom Fireworks  
Mark Fiorentino, Red Apple Fireworks; Nye County  
Alex Tanchek, Pyramid Lake Paiute Tribe  
Tracey Thomas

CHAIR OHRENSCHALL:

We are going to start with our hearing on Senate Bill (S.B.) 406 and are pleased to have two representatives of the Secretary of State's (SOS) Office.

**SENATE BILL 406**: Revises provisions relating to elections. (BDR 24-894)

GABRIEL DI CHIARA (Chief Deputy, Office of the Secretary of State):

Secretary Francisco Aguilar could not join us today, but we have presented the Committee with a letter ([Exhibit C](#)) from the Secretary explaining how critical this bill is. This legislation has been a priority for him since before he was

elected and since taking office. He spent significant time meeting with State and local election workers. Those conversations led him to believe more passionately that Nevada must act on protecting our election workers.

This Committee has heard several bills which would adjust how our elections are conducted: the methodology, time line and procedure. The Secretary says elections do not work without people.

Nevada has seen an unbelievable turnover of election officials in elected and administrative positions over the last four years. It has gotten harder to recruit poll workers, and a big reason is people are afraid. That is why the Secretary is bringing the bill before you.

Senate Bill 406 would provide additional protection for election workers and state loud and clear that assaults on the democratic process have no place in Nevada. We have provided an amended version of its Bill Draft Request ([Exhibit D](#))—with SOS updates that belong in the bill—which I will talk through.

Sections 2 through 5 were removed because we are working with Assemblywoman Sabra Newby to include those protections in one of her bills.

The first section adds new statute clarifying harassing or intimidating an election worker with the intent of interfering in the conduct of an election or retaliating against workers for their work on an election is a Category E felony. The language is drawn from current statute regarding harassment or intimidation of voters and others at polling places.

CHAIR OHRENSCHALL:

We are going to take a brief recess and go to the work session.

NICOLAS ANTHONY (Policy Analyst):

Senate Bill 54 was heard in Committee on March 2, 2023. It was sponsored by the Committee on Legislative Operations and Elections on behalf of the SOS. The work session document ([Exhibit E](#)) includes two proposed amendments from the SOS.

**SENATE BILL 54**: Revises provisions relating to elections. (BDR 24-409)

SENATOR DALY:

Number 3 of the second proposed amendment would have more frequent updates. How do you envision that happening? Because the SOS may publish more frequent updates as necessary, the manual must go through the regulatory process instead of once every four years. Are you going to have training workshops for all your staff or some provision that you can make ministerial changes?

MARK WLASCHIN (Deputy for Elections, Office of the Secretary of State):

You are right. The intent is to set it up so ministerial changes and nonsubstantive changes are allowed to be made to the procedure manual. This manual will augment the statutes and the regulations.

This is going to be a manual where you click on a screen to pull in a certain report as required for a canvass. This will be a user's procedures manual. It will not be statutory requirements of the law or the electoral administrative process. There is a new update so instead of this screen, the button is not up here anymore, it is now down here. The intent would be to identify a way we could keep the manual applicable on a routine basis.

SENATOR SEEVERS GANSERT:

I have people asking about in-person voting. I want to make sure the record is clear that S.B. 54 does not preclude anyone from manual voting?

MR. WLASCHIN:

That is correct, Senator. This will not alter, prevent or reduce a voter's ability to vote in person or manual voting.

SENATOR KRASNER:

Will this prevent some counties from hand counting ballots if they choose to do so?

MR. DI CHIARA:

This bill is just the creation of the election procedure manual. It is a summary and collection of existing statutes and regulations. This bill does not adjust the conduct of elections. It does not have anything to do with the ability to hand count or not hand count ballots.

CHAIR OHRENSCHALL:

Not seeing any additional questions, I would accept a motion to amend and do pass with the amendments listed in the work session.

SENATOR DALY MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 54.

SENATOR CANNIZZARO SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

\* \* \* \* \*

MR. ANTHONY:

The next bill before the Committee is Senate Bill 60. The work session document ([Exhibit F](#)) revises various provisions relating to elections. The bill was heard on March 2, 2023. There are two proposed amendments attached from the SOS. The first amendment removes sections 6 and 10, amends several *Nevada Revised Statutes* (NRS) and includes two additional amendments so the bill comports with the federal Electoral Count Reform Act of 2022 and its compliance via a conceptual amendment to Title 24 of NRS.

**SENATE BILL 60**: Revises provisions relating to elections. (BDR 24-412)

The second amendment, ([Exhibit G](#)), was submitted by the SOS which broadens the time of service for election board officers.

CHAIR OHRENSCHALL:

I would be open to a motion to amend and do pass Senate Bill 60 with the amendments.

SENATOR DALY MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 60.

SENATOR CANNIZZARO SECONDED THE MOTION.

SENATOR SEEVERS GANSERT:

Because of the number of conceptual amendments, I am going to vote yes but reserve my right to vote no because I am not sure how it affects the entire bill.

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SENATOR KRASNER:

Because of all the amendments I will be voting no but reserve my right to change my vote to yes prior to Floor.

THE MOTION CARRIED. (SENATOR KRASNER VOTED NO.)

\* \* \* \* \*

MR. ANTHONY:

The next bill on the Committee's work session is Senate Bill 133, sponsored by Senator Daly. It was heard in Committee on February 21, 2023. The work session document ([Exhibit H](#)) and the proposed amendments are attached.

**SENATE BILL 133**: Revises provisions relating to presidential electors.  
(BDR 24-539)

CHAIR OHRENSCHALL:

We are going to take a brief recess to get the revised language to the amendment on S.B. 133.

MR. ANTHONY:

The next bill before the Committee today is Senate Bill 215. The bill was brought forward by this Committee on behalf of the Joint Interim Standing Committee on Legislative Operations and Elections and heard on March 16, 2023. The work session document ([Exhibit I](#)) has no amendments.

**SENATE BILL 215**: Revises provisions relating to mechanical voting machines and mechanical recording devices. (BDR 24-363)

CHAIR OHRENSCHALL:

This is prospective, not retroactive, and it came out of the Joint Interim Standing Committee on Legislative Operations and Elections. Is there a motion for do pass?

SENATOR DALY MOVED TO DO PASS S.B. 215.

SENATOR CANNIZZARO SECONDED THE MOTION.

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SENATOR SEEVERS GANSERT:

I am going to vote against this proposal. I appreciate it is not retroactive, but we also went through a disruptive period where counties felt they needed to pivot in the way they hold their elections.

THE MOTION CARRIED. (SENATORS KRASNER AND SEEVERS GANSERT VOTED NO.)

\* \* \* \* \*

MR. ANTHONY:

The next bill for the work session is S.B. 279. The work session document ([Exhibit J](#)) revises various provisions to employment and was brought forward by Senator Pat Spearman and Assemblywoman Tracy Brown-May. It was heard in Committee on April 4, 2023.

[SENATE BILL 279](#): Revises provisions relating to employment. (BDR 23-882)

Written testimony in support ([Exhibit K](#)) was submitted by Catherine Nielsen, Nevada Governor's Council on Developmental Disabilities.

CHAIR OHRENSCHALL:

There was no opposition at the hearing on Senate Bill 279. I would accept a motion for do pass.

SENATOR DALY MOVED TO DO PASS S.B. 279.

SENATOR CANNIZZARO SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

\* \* \* \* \*

CHAIR OHRENSCHALL:

We will go back to our hearing on Senate Bill 406.

MR. DI CHIARA:

Walking through the amended version of the bill, section 1 is a new statute which clarifies harassing or intimidating an election worker with the intent of

interfering in the conduct of an election or retaliating for work on an election is a Category E felony. This language is drawn from statute regarding harassment or intimidation of voters and others at polling places. There is an important distinction here.

Subsection 2 specifically confirms harassment is a crime whether it happens at a polling place or elsewhere. We have heard many stories about workers being followed to their cars from locations other than polling places, like a county building, and the harassment may take place at the workers' homes.

Subsection 3 makes it unlawful to disseminate personal identifying information of an election official without his or her consent.

We wish this were not necessary, but we have heard several stories of family members, including minor and adult children, of election workers receiving targeted harassment. Working with advocacy groups, we have concerns that some elements of this bill could be used to unfairly target individuals participating in election observation, poll observation or counting board observation. It is important to protect the transparency of the democratic process and allow those individuals to have their constitutional rights to observe. Observers fill an important role in the process.

Subsection 6 outlines the rights of those observers. This bill gives the process tools needed to go after bad actors and halt the chilling effect these unprecedented threats have had on our democracy.

Senate Bill 406 is a priority for Secretary Aguilar because elections do not work without people, and we need to take steps to protect the people we have.

CHAIR OHRENSCHALL:

We will temporarily postpone hearing on S.B. 406 and reopen the hearing on S.B. 133, to present the corrected amendment to Senate Amendment No. 142 for consideration from Senator Daly ([Exhibit L](#)).

SENATOR DALY MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 133 WITH AMENDMENT NO. 142.

SENATOR CANNIZZARO SECONDED THE MOTION.



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SENATOR SEEVERS GANSERT:

I am going to vote no because we just received this amendment.

THE MOTION CARRIED. (SENATORS KRASNER AND SEEVERS GANSERT  
VOTED NO.)

\* \* \* \* \*

CHAIR OHRENSCHALL:

We will return to the hearing on S.B. 406.

SENATOR DALY:

You are proposing to delete everything except for section 1 in this bill?

MR. DI CHIARA:

Yes, subsections 1 and 6 have the enforcement.

SENATOR DALY:

Is there a reasonable standard you are applying to this?

MR. DI CHIARA:

The answer to that question is yes. The reasonable statement is in the provisions around the doxing component of releasing someone's personal identifying information. The first section is the intimidation harassment that does include an intent threshold. Their intent would need to be proven for that to apply.

PAUL CATHA (Culinary Workers Union Local 226):

The Culinary Union runs the largest field campaigns in both Las Vegas and Reno. In 2022, the Union knocked on more than a million doors Statewide. As a result, the Union has frequent interactions with our election workers at both the State and local levels. Nevada is likely to have some of the best election laws and election workers in the Nation. Our election officials, regardless of party, have truly been public servants who are primarily interested in making sure every Nevadan who wishes to cast a vote is able to do so and have his or her vote counted.

The Culinary Union has witnessed the unfortunate rise of authoritarian tendencies in American politics, and Nevada has not been unaffected. Nevada's

elections are safe, secure, legitimate, but those who do not believe this are increasingly a threat to not just the electoral process but the safety of Nevada's election workers and their families.

The democratic process should be entirely free of intimidation and coercion. The State has a duty to ensure this is true and Nevada's election workers are treated with dignity, respect and have the safety they deserve.

This bill is a commonsense measure that will protect election workers and Nevada's Democracy.

ASHLEY KENNEDY (Clark County):

Clark County is in support. We appreciate the SOS for its advocacy and protecting our election workers.

EMILY PERSAUD-ZAMORA (Executive Director, Silver State Voices):

Silver State Voices is in support of S.B. 406. Election officials are the unsung heroes of our democracy. They work tirelessly to run Nevada's elections and ensure all voters can cast their ballots. It is unacceptable that our public servants have faced harassment for simply doing their jobs. Last year, U.S. federal agents arrested a Nevada man for threatening a worker at the Secretary of State's Office.

We support this bill as it provides legal protections for election officials against intimidation, violence, disseminating personal information without consent, physical injury and stalking. We support the language that includes coverage for close family members and partners because, unfortunately, they also have been on the receiving end of harassment.

Part of our work at Silver State Voices is helping recruit nonpartisan election workers during election season. Physical safety is still a priority for election workers that we must consider when recruiting candidates.

We also appreciate the added language to protect the constitutional rights of observers. Observers should not have to fear for their safety.

ATHAR HASEEBULLAH (Executive Director, American Civil Liberties Union of Nevada):

I am a member of the Let Nevadans Vote coalition. We also have coordinated the nonpartisan legal observation program Statewide. We are appreciative for the Secretary of State's Office and its entire staff, as well as the Attorney General's Office, for addressing our potential concerns with respect to the bill and for coming up with language that bolsters the ability for individuals to observe, regardless of their party and candidate. This bill has benefits for everyone, not only for election workers. We recognize the challenges these departments face Statewide in terms of recruitment, but for those who are engaging in observation activity, this bill is one of few I have seen of true collaboration around voting rights issues and rights of people to their First Amendment right with protection as they engage in election observation.

CHRISTINE SAUNDERS (Progressive Leadership Alliance of Nevada):

We are in support of Senate Bill 406. We believe our democracy is most vibrant when more people are participating, and this includes the important workers who make our elections happen. We want to thank the Secretary of State's Office for hearing our concerns regarding observation activities and accepting the amendment presented today. Together with our election officials, we will work to ensure every voter in Nevada has a positive voting experience.

ANNETTE MAGNUS (Executive Director, Battle Born Progress):

I will read my written testimony ([Exhibit M](#)) in support of S.B. 406.

IZACK TENORIO (Campaign Legal Center Action):

We are a nonpartisan, nonprofit organization working to protect and strengthen America's democracy across all levels of government. We urge your support on S.B. 406 to protect election officials in Nevada. Election officials across the Country have been on the receiving end of an onslaught of threats, harassment and stalking that has escalated to an undeniable crisis. Nevada is no exception. Despite hailing from across the political spectrum, election officials in the Silver State have come under fire for simply carrying out their duties.

A survey in 2002 reveals one of six local election officials have experienced threats. Seventy-seven percent have reported threats, and violence has increased in recent years. The experiences of Nevada election administrators confirmed this on the local level. Ten of Nevada's 17 counties have lost their clerks or registrars since 2020 with many of them coming from resignations in

response to threats and harassment. At least six other states across the Country have laws prohibiting violence, threats and harassment toward election officials, including Colorado, Georgia, Maine, New Hampshire, Oregon and Pennsylvania. Nevada can and should join this list. Dedicated election officials are the necessity for free, fair and secure elections Nevadans deserve, and we must do everything we can to protect them.

AMY BURGANS (Clerk-Treasurer, Douglas County):

I want to thank the SOS for coming into his office with the passion and understanding of what we do and the protections we need. Senate Bill 406 is important. After the 2020 election, we did lose a lot of the clerks who previously had worked in this position; but on top of that, we lost a lot of our poll workers. A lot of the poll workers did not want to come back. It is a contentious job even just to be a poll worker. We appreciate the fact this is going to give a bit of teeth to enforcement. I, personally, have been the recipient of a stalker during the primary election last year and death threats during the general election. I am the single mom of five children. I have an amazing sheriff who patrolled my neighborhood and my house. This bill will assist in that. I appreciate the teamwork that went into bringing the amendment forward. I appreciate everyone who came together. My observers are important to me. They bring vital information to light during the election. I appreciate the fact the amendment includes the observer.

BETH SCHMIDT (Las Vegas Metropolitan Police Department):  
We support S.B. 406.

DONNA WEST:

I live in Senate District No. 14. I have volunteered both as a poll observer and a vote count observer at the Clark County Election Department for the past several cycles. I appreciate the protections provided to both staff and volunteers under S.B. 406.

DAELA GIBSON:

Planned Parenthood Mar Monte is a member of the Let Nevadans Vote coalition. We are in support of S.B. 406 and ditto on other statements made in support of this bill.

ALVIN CHAN (Native Voters Alliance of Nevada):

The Alliance is in support of S.B. 406. In the 2022 cycle, our organization made hundreds of thousands of voter attempts across the State and turned out voters in every single county. We aim to build political power for the 28 federally recognized tribes in Nevada, as well as for the urban natives living in Clark and Washoe Counties. We show BIPOC voters already vote at a lower rate than their White peers. We do not need to add any reason to dissuade any BIPOC voters from going to the polls, whether it be a lack of polling locations, poll workers or intimidation at the polls. We believe in supporting S.B. 406 and echo the comments made.

BRIAN HARRIS:

I will read my written testimony, [Exhibit M](#), in support of S.B. 406.

ERIC JENG (Acting Executive Director, One APIA Nevada):

I am also Director of Outreach for our 501(c)3 counterpart, Asian Community Development Council, the core partner for organizations that have recruited dozens of nonpartisan election protection observers. Democracy is on the line. Exercising our voting rights should be sacred and free from fear and intimidation. We are here to thank the SOS and his Office for proposing S.B. 406, for working with community partners, county registrars and election departments and their teams for their sacrifices and service.

CHRISTI CABRERA-GEORGESON (Deputy Director, Nevada Conservation League):

We are in support of S.B. 406. We cannot have a healthy environment without a healthy democracy. Democracy and election officials are key to ensuring our elections are run smoothly. It is critical we protect these workers so they can do their job. We would like to thank the SOS for bringing this bill forward.

ERIC KREGEL (Sierra Club):

The Sierra Club's Legislative Committee is devoted to civic engagement. On behalf of the Club of the world's largest environmental volunteer organization with more than 30,000 members and supporters Statewide, I speak in support of S.B. 406. The 2020 election cycle saw an unprecedented rise of threats of violence against election officials from top administrators to the temporary poll workers and election department employees. Fueled by disinformation, these threats extended beyond the workplace to their homes and families. A former Washoe County registrar stepped down and other workers quit because of threats and harassment. Armed protesters gathered at

the Clark County Election Department nightly while the vote count was underway. Studies found one in three election workers have concerns for their safety.

Our election workers are essential to the peaceful transfer of power from the presidency to local races, and we thank them. We can, as citizens and lawmakers, give these devoted election officials the assurance of safety for them and their families in the next election cycle by enacting this bill. Specific language prohibits intimidation, stalking and doxing against all election workers.

DORA MARTINEZ:

The Nevada Disability Peer Action Coalition is 100 percent in support of this bill. We really do want our poll workers and volunteers to be safe so they could help people with disabilities who choose to go in person and vote.

CHAIR OHRENSCHALL:

The Committee has additional written testimony ([Exhibit N](#)) in support of S.B. 406 from Teresa Crawford.

OSCAR WILLIAMS:

I am opposed to S.B. 406. I have a right to free speech, to those grievances and a right to have complaints about elections and election contest results accurately and officially provided by law. This lopsided bill does nothing to protect my rights. It does everything to chill my desire to challenge you, to make sure you are doing things accurately. I have experienced complaints of maladministration. You are not responding to my right to have consent about elections and election contests accurately and efficiently adhered to. There have been gross violations at the county level of Washoe County and you want me to support this bill that would make it harder for me to pursue my complaint.

CHAIR OHRENSCHALL:

Written testimony in opposition ([Exhibit O](#) and [Exhibit P](#)) was received from Valerie White and from Reva Crump, respectively.

MR. DI CHIARA:

I thank you for hearing this bill. As heard in testimony, this happened often, and it happened here in Nevada. It happened to our friends and our neighbors. This bill is a solution to help make sure it does not happen again.

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CHAIR OHRENSCHALL:

We will close the hearing on Senate Bill 406, and I will hand the gavel over to Vice Chair Daly.

VICE CHAIR DALY:

I will open the hearing on Senate Bill 268.

**SENATE BILL 268**: Requires the Secretary of State to submit an advisory question to voters concerning the regulation of the sale and use of fireworks in all counties of the State of Nevada. (BDR S-247)

SENATOR JAMES OHRENSCHALL (Senatorial District No. 21):

I am joined by former Nevada Assemblywoman Vonne Chowning, who was a leader in many facets during her time in the State Assembly. One of those areas has to do with this issue regarding sale and use of fireworks here in our State and the need for uniformity across all our counties.

Fireworks are an exciting part of many celebrations in our Country, not the least of which is Independence Day. However, according to a new report by the U.S. Consumer Product Safety Commission, there has been a 25 percent increase in firework injuries over the last 15 years. In 2021 alone, 11,500 people were treated in emergency rooms. Most of the injuries suffered were burns, with common injuries to the ears, extremities, eyes, face and head. The regulation of fireworks in Nevada may sound like a straightforward proposition, but it is complicated. That is why Senate Bill 268 is before you today.

Under statute, our State Fire Marshal Division within the Nevada Department of Public Safety is required to enforce all laws and adopt regulations relating to the storage and use of fireworks not otherwise regulated by the Division of Industrial Relations under the Nevada Department of Business and Industry. A board of county commissioners is also authorized under current Nevada law to pass ordinances concerning the sale, use, storage and possession of fireworks. A town board or a board of county commissioners is authorized to regulate the storage of gunpowder and other explosive or combustible materials.

With that background, I turn to the provisions of this bill. It is straightforward and simply requires the Secretary of State to place an advisory question on the 2024 general election ballot. The question would ask our voters of Nevada

whether the Legislature should direct the State Fire Marshal to adopt Statewide regulations for the sale and use of fireworks.

VONNE CHOWNING:

I submitted written testimony ([Exhibit Q](#)) in support of having the State Fire Marshal to be allowed to develop regulations Statewide for the sale and use of fireworks because right now, it is a mixture by counties. In the southern part of the State, the Fourth of July is not an enjoyable holiday. We stay home because we are afraid our homes are going to burn. We stay home because our pets suffer immeasurably because of the explosive items sold by a neighboring county. In one year, there were 30,000 complaints to the Las Vegas Metropolitan Police Department. Clark County tried a measure for everybody to submit complaints, but it did not help. It is getting worse, and it feels like we are in a war. We have tried with the Legislature for many sessions.

The best thing to do is to let the voters have their voice. We never had this as a question before. I urge you to support this measure.

ELMER CHOWNING (Law Center for Fireworks Safety):

The important public safety issue question is should Nevada establish a State fireworks safety control policy law? Those of us who reside in southern Nevada believe our lives, health, safety and well-being are unfairly impacted by the present county option law.

I have written testimony ([Exhibit R](#)). In conclusion, support of S.B. 268 will provide a pathway to better protect all Nevadans from the highly dangerous, exploding aerial fireworks that terrorize our neighborhoods. Additional written testimony ([Exhibit S](#)) was to former Assemblywoman Vonne Chowning in 2001 from Bruce Woodbury.

DAVID PARKS:

I will read my written testimony ([Exhibit T](#)) in support of Senate Bill 268.

VICE CHAIR DALY:

Clark County has a rule that says you cannot sell. What is the rule on possessing? Bringing fireworks across the county line is an enforcement issue on some level, or is it okay to possess just not purchase?



SENATOR OHRENSCHALL:

Prior to the Fourth of July, there are stands all over Clark County and in the different municipalities run by different nonprofits. Those nonprofit stands sell Safe-N-Sane fireworks. In terms of the local ordinances, possession and or sales of the non-Safe-N-Sane fireworks, like the aerial and others mentioned earlier, are prohibited.

MR. CHOWNING:

Clark County has a seven-day period when the Safe-N-Sane fireworks are allowed for sale and use. Before those seven days and after July 5, everything is illegal in Clark County, and only nonprofit organizations are allowed to sell the Safe-N-Sane Fireworks.

VICE CHAIR DALY:

During a period near the holiday, certain people can sell certain fireworks that are legal to possess and light them off. Any other fireworks, not Safe-N-Sane, sold by any other vendor inside or outside of those periods are illegal to possess, sell or use.

SENATOR OHRENSCHALL:

That is how I understand Clark County's ordinance. Possession, sales or use of any of the kind of fireworks which are not the Safe-N-Sane seen at the nonprofit charity booths right before the Fourth of July are illegal in Clark County unless coming from our neighboring counties or sold by Native-American tribes. The bill cannot affect that. Some states have worked out treaties with some of the Native-American tribes where certain fireworks are prohibited.

If passed by the voters, it would encourage Statewide regulation by the Fire Marshal to get control, excluding fireworks sold on Native-American land.

UNIDENTIFIED TESTIFIER:

I am a store manager through the fireworks industry. I was given a chance as a young man. I completed an associate degree in business administration but was never given an opportunity to show my talent, despite my best efforts. I was working food service and various other industries unable to move vertically. Once I got to the fireworks industry, my dedication has been fully reciprocated. I have been able to work with influencers, celebrities and people from all walks of life to help bring joy to their lives, to the spectacular fireworks shows and to

further spread joy. Without this industry, I would have none of those opportunities. Now, as a store manager, I can find those who would otherwise be overlooked and help them develop careers of their own. This industry provides a space where flourishing is encouraged and where I thrived.

It is my hope the Nevada State Legislators will not rip our joy, opportunity and our livelihood from us.

DALE WAY (Deputy Fire Chief, Truckee Meadows Fire Protection District):

I have had experience in southern Nevada. I regulated fireworks for 20 years with North Las Vegas. Our opposition is due to the wording which is vague and would tend to encourage voters to believe this was the legalization of fireworks throughout the State.

MICHAEL BAGGETT:

I am a human resources coordinator for D&T Imports and a veteran of the U.S. Army with multiple combat tours. I have always been called to serve those around me. This ultimately led me to pursue a second career as a human resource professional. I am proud to say I support the fireworks industry in that role. Daily, I work with people from all walks of life, from employees working their first job to retirees who simply want to stay connected to their community and everyone in between. I am the proudest of those individuals who are working to get their lives back on track and recover from substance abuse. These individuals struggle to find employment, but I am honored to say they get a second chance in my industry. Through the cooperation of nonprofit organizations, we can help people restart their lives in a safe and supportive environment which helps them flourish. As someone who believes in second chances, I am asking do not take that chance from them. They need the opportunity the fireworks industry gives them to learn to have an effective life and to safely operate fireworks. They need your support.

DOUGLAS BURDA (CEO, Red Apple Fireworks):

My business is family-owned and has been in operation for the past 42 years. We opened in Pahrump about 12 years ago and since then have spent a huge effort developing what has become a successful business in reliance on the rules and regulations as they exist in the State. My company employs 60 full-time people and another 150 seasonal workers. We pay significant State and local taxes. We are constructing a \$12 million facility in Pahrump, which is the result of all these efforts based on transparency, predictability and our

ability to support our Red Apple Fireworks family, our employees and their families. We are in strong opposition to Senate Bill 268.

DAWN BENNETT:

I am the general manager of Area 51 Fireworks in Nevada. I have been with the company for 11 years. I started as a cashier and was allowed to grow to the position as general manager. During our season, I manage over 250 employees. The company allows us all to grow, to purchase homes, vehicles and support our community.

GINA WILSON:

I have worked with Red Apple Fireworks for a little over 11 years. It has provided me with stable employment for myself and health insurance for my family. It hires over 100 seasonal employees and retains over 60 full-time employees per year. This bill will have an impact on us supporting employees and their families on a yearly basis. This bill could also have a detrimental effect on people like me who have been able to make large purchases, like buying a house, cars and everyday needs.

RICHARD SHEEHAN (D&T Imports):

I am representing Area 51 Fireworks and Blackjack Fireworks. Like Red Apple, this business has been in the program area since 1979. We employ 60 full-time employees and 250 part-time employees. We have eight business licenses. We pay sales tax, use tax, property taxes and are working closely with Nye County and building an 80,000-square-foot warehouse. Fireworks are American. The first fireworks in celebration of Independence Day were launched in 1777.

VINSON GUTHREAU (Nevada Association of Counties):

Nevada Association of Counties (NACO) rises in opposition because our members believe these decisions are best handled at the local level and shifting local authority to the State Fire Marshal is problematic. You heard some testimony today showing how complicated this is in different communities, which is why NACO believes regulation at the local level is the ideal situation.

MS. KENNEDY:

I am representing Clark County to testify in opposition to S.B. 268. Illegal fireworks are an issue of concern for our Board. We have our own related ordinance and have established a reporting and enforcement program we stand up around the holidays when fireworks are an issue. We would be supportive of

further restricting illegal fireworks and stricter regulations. However, the way the bill is written does not accomplish the goal. We are supportive of keeping local authority to regulate fireworks in a manner consistent with our local needs and the needs of our constituents.

There are a couple questions about Clark County in particular our Safe-N-Sane Program, the fireworks we allow in the County. They can only be sold during certain holidays and at locally licensed and inspected fireworks stands permitted to sell the fireworks. We do not allow folks to use or possess illegal fireworks, and we do have penalties in place. We have a public information campaign we stand up around the holidays where residents are encouraged to report any possession or illegal use of fireworks.

SUSAN FISHER (Phantom Fireworks):

Phantom is a great community partner in Nye County. It has been there for over 20 years and is in the process of building a large warehouse storage facility. Nye County had required fireworks companies to have some portable units for fireworks storage. Then Nye County said it wanted to have permanent warehouse structures. Phantom has a huge investment in both Nye County and Nevada. We require signage in all our stores and Nye County. A couple of them identify what counties allow which fireworks. Sales staff in the stores are diligent about advising and informing consumers where they can use these fireworks.

I would add that the State Fire Marshal was not consulted about this bill prior to introduction.

MARK FIORENTINO (Red Apple Fireworks; Nye County):

Red Apple Fireworks and Nye County are opposed to S.B. 268 for three reasons.

One reason is a potential, significant fiscal impact on the County and its businesses. Nye County has been relying on the current system which allows the counties to make the decisions for themselves for some time and has invested a substantial amount of time, money and effort on the system. Nye County permits the sale and use of certain aerial fireworks but only under controlled circumstances. When you buy the fireworks, you also must buy a certificate or permit which allows you to shoot them only at a county-operated shooting facility under the control of people who know how to use them safely.

Based on current estimates, those permit licenses and taxes result in about \$700,000 a year in revenue to Nye County, which is significant. Ultimately, making a change would have a significant impact on Nye County and its citizens.

The second reason for opposition is because it would have a significant cost on the State not just in the loss of sales tax revenues. In a similar bill introduced last Session, the State Fire Marshal, with his fiscal note, estimated it would cost him about \$650,000 a year to get Statewide regulations up and implemented.

The third reason is it is not likely to be effective on what people are concerned about. The concerns raised are real in terms of the noise, the fear it causes and animals. The Fire Marshal will have no control to apply regulations to our Native-American tribes. The ultimate result is you would just shift sales to the tribes along with the sales tax revenue from the State and local entities.

The better approach is to work on enforcement. Last Session, Nye County worked closely with Clark County, Senator Ohrenschall, and other stakeholders to pass a bill strengthening the enforcement authority of other counties and their ability to impose fines. That is the sensible approach, not to allow the State Fire Marshal to regulate Statewide.

ALEX TANCHEK (Pyramid Lake Paiute Tribe):

Pyramid Lake Paiute Tribe understands this bill proposes placing an advisory question before the voters in 2024. The Tribe hopes all matters of tribal sovereignty continue to be given full and appropriate consideration.

SENATOR OHRENSCHALL:

I appreciate different folks coming to talk to me about Senate Bill 268 and possible solutions to address my concerns and those of the folks I am working with. We heard from some of the folks in opposition who know local control is best and is great in many circumstances. Certain items were transported across county lines where they are not legal. We have seen house fires in Clark County; we have seen forest fires in this part of the State and in eastern Nevada. Testimony in prior sessions said it was related to fireworks that were not legal in that county.

Would something like this solve that problem completely? Of course not. There still needs to be treaties with the Native-American tribes.

Under the language of Senate Bill 268, there are zero fiscal notes for a prior bill in a prior session from the State Fire Marshal, but not with this current legislation.

VICE CHAIR DALY:

We will close the hearing on Senate Bill 268.

CHAIR OHRENSCHALL:

We will open the hearing on Senate Bill 387.

**SENATE BILL 387**: Revises provisions related to the state personnel system.  
(BDR 23-961)

JULIE PAZINA (Senatorial District No. 12):

This bill was brought forward to ensure opportunities exist for every qualified person to be employed in our classified State service. Doctor Martin Luther King, Jr., once stated, everybody can be great because everybody can serve. You do not have to have a college degree to serve. That background and context exactly state the impetus and foundations for Senate Bill 387. Existing law establishes the classified service of employment within the State, and this is to ensure State positions are based on the similarity of duties and responsibilities so the same qualifications may be required for all positions within the same class.

This one and only section of the bill simply requires the administrator of the Division of Human Resource Management of the Nevada Department of Administration to periodically review the positions in the classified service which require a person to hold a bachelor's degree. When the administrator deems it necessary for the efficiency of public service, he or she is authorized to revise the qualifications to allow a person to substitute commensurate experience or skills in lieu of a degree. Our most qualify or skilled should not be denied a chance to work in classified service solely because the person lacks a bachelor's degree.

This bill will afford the administrator the authority to revise the qualifications for classified positions as necessary to ensure the State is hiring the most qualified for each position.

If we look at all the open positions we have right now, I imagine a number of these positions could be filled by qualified team members who may otherwise be missing out on these opportunities due to lack of a college degree.

SENATOR DALY:

The section 1 statute says the administrator shall prepare and maintain necessary classifications. He or she is already doing some of this work in the bill. How much effort is it going to take to do it in this section?

SENATOR PAZINA:

I had the same thought when I saw the fiscal note. However, it does carry a fiscal note as if it would take numerous employees, imagining those with a college degree, to do that job.

CHAIR OHRENSCHALL:

We will close the hearing on S.B. 387.

TRACEY THOMAS:

I would like to request a hearing for S.B. 405 as soon as possible so we can get the Governor's bill through and, hopefully, get some action. It has gotten quite a bit of attention online with plenty of opinions and comments. I would like to have this bill brought forward.

[SENATE BILL 405](#): Revises provisions relating to elections. (BDR 24-1090)

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CHAIR OHRENSCHALL:

Having nothing further to come before the Senate Committee on Legislative Operations and Elections, we are adjourned at 5:42 p.m.

RESPECTFULLY SUBMITTED:

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Diane Rea,  
Committee Secretary

APPROVED BY:

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Senator James Ohrenschall, Chair

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



<b>EXHIBIT SUMMARY</b>				
<b>Bill</b>	<b>Exhibit Letter</b>	<b>Introduced on Minute Report Page No.</b>	<b>Witness / Entity</b>	<b>Description</b>
	A	1		Agenda
	B	1		Attendance Roster
S.B. 406	C	2	Gabriel Di Chiara / Office of the Secretary of State	Letter in support from Secretary of State Francisco Aguilar
S.B. 406	D	3	Gabriel Di Chiara / Office of the Secretary of State	Proposed Amendment to BDR 24-894
S.B. 54	E	3	Nicolas Anthony	Work Session Document
S.B. 60	F	5	Nicolas Anthony	Work Session Document
S.B. 60	G	5	Mark Wlaschin / Secretary of State's Office	Second Amendment
S.B. 133	H	6	Nicolas Anthony	Work Session Document
S.B. 215	I	6	Nicolas Anthony	Work Session Document
S.B. 279	J	7	Nicolas Anthony / Policy Analyst	Work Session Document
S.B. 279	K	7	Catherine Nielsen / Nevada Governor's Council on Developmental Disabilities	Written testimony in Support
S.B. 133	L	8	Senator Skip Daly	Senate Amendment No. 142
S.B. 406	M	11	Annette Magnus and Brian Harris / Battle Born Progress	Testimony in Support
S.B. 406	N	14	Teresa Crawford	Written testimony in Support
S.B. 406	O	14	Valerie White	Written testimony in

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				Opposition
S.B. 406	P	14	Reva Crump	Written testimony in Opposition
S.B. 268	Q	16	Vonne Chowning	Written testimony in Support
S.B. 268	R	16	Elmer Chowning	Written testimony in Support
S.B. 406	S	16	Elmer Chowning	Written testimony in Support from Bruce Woodbury
S.B. 406	T	16	David Parks	Written testimony in Support