

**MINUTES OF THE  
SENATE COMMITTEE ON ENERGY, INFRASTRUCTURE AND  
TRANSPORTATION**

**Seventy-fifth Session  
March 30, 2009**

The Senate Committee on Energy, Infrastructure and Transportation was called to order by Chair Michael A. Schneider at 9:55 a.m. on Monday, March 30, 2009, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412E, 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 Michael A. Schneider, Chair  
Senator Maggie Carlton, Vice Chair  
Senator John J. Lee  
Senator Shirley A. Breeden  
Senator Randolph Townsend

**COMMITTEE MEMBERS ABSENT:**

Senator Barbara K. Cegavske (Excused)  
Senator Dennis Nolan (Excused)

**STAFF MEMBERS PRESENT:**

Matt Nichols, Committee Counsel  
Scott Young, Committee Policy Analyst  
Laura Adler, Committee Secretary

**OTHERS PRESENT:**

Dick Cooper, Policy Advisor, Senator Steven A. Horsford, Clark County  
Senatorial District No. 4

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CHAIR SCHNEIDER:

We will open the hearing on Senate Bill (S.B.) 152. Mr. Nichols, would you go over the amendments to the bill shown on the work session document ([Exhibit C](#), original is on file in the Research Library)?

[SENATE BILL 152](#): Enacts the Green Jobs Initiative. (BDR 58-172)

MATT NICHOLS (Committee Counsel):

The first tab in the work session document has proposed amendment 3396, [Exhibit C](#), which is the amendment the Committee voted to approve on March 20. This amendment contains all the language proposed by the Majority Leader, and in addition, contains language to address the amendments proposed by the Housing Division and by Ray Bacon from the Nevada Manufacturers Association.

If you will turn to page ... I'm sorry, we are not going to address the Majority Leader's proposed amendments, because the Committee has seen those a couple of times and I think everyone is familiar with them. So, I'll just point you to the Housing Division's amendments and Nevada Manufacturers Association's amendments.

If you will turn to page 2, line 4, we've added the term "waste heat" to the definition of renewable energy. This was in response to the amendment proposed by Ray Bacon. This will change the definition of renewable energy, but only for the purposes of this bill, not for *Nevada Revised Statutes* (NRS) in total. Again, on page 2 ...

SENATOR CARLTON:

Would the definition of waste heat under renewable energy include waste heat in the renewable portfolio standard?

MR. NICHOLS:

"No, Ma'am."

SENATOR CARLTON:

It would be excluded?

MR. NICHOLS:

Yes, Ma'am. Again, on page 2, line 22, there's a change in subsection 1 of section 9; changing "and" to "or." This was at the request of the Housing Division to clarify that the Housing Division would not be required to enter into contracts relating to retrofit applications and renewable energy plants, as their projects and programs only deal with residential weatherization.

On page 3, lines 15 and 16, subparagraph (7) of paragraph (b), that adds, "the manufacturing of components relating to work performed pursuant to subparagraphs (1) to (6), inclusive." This amendment was at the request of Ray Bacon, again. This would address the manufacture of components that relate to renewable energy projects, weatherization projects and the like that will be performed under the bill.

On page 3, lines 28 to 30, subsection 6 of section 9, language has been added that reads, "governmental entities, community action agencies or nonprofit organizations, including, without limitation, qualified nonprofit collaboratives." This language was added at the request of the Housing Division to clarify who they may enter into contracts with to perform their projects. My understanding is that this language captures their existing subgrantees, so that the residential weatherization program that Housing carries on now would be included under the provisions of this bill. If I am wrong, hopefully, they will come up and correct me on that.

On page 4, lines 21 to 26, new subsection 9 which defines community action agencies. Again, these are entities that Housing contracts with to carry out their residential weatherization program, and this definition was just taken from the Department of Energy's definition of community action agencies.

The other changes in this version of the amendment are the changes the Committee has already seen that were proposed by the Majority Leader.

SENATOR CARLTON:

Back on page 3 of the proposed amendment, the new green language under subparagraph (7), "the manufacturing of components relating to work performed pursuant to subparagraphs (1) to (6), inclusive." The original version that this was authored under was that the manufacturing of these components would have been considered a renewable. This is now changed, and they have put the manufacturing of these components under the apprenticeship program. How does that fit together?

MR. NICHOLS:

The amendment as proposed by Mr. Bacon would have put the manufacturing of the components into the definition of renewable energy, but in the discussion of that amendment, what came out was the production of those components being a portion of this program rather than including that within the definition of renewable energy. Frankly, it just doesn't work to say that the manufacturing of the components would be a renewable energy. Certainly, if we wanted to change it that way, we could try and come up with something, but I couldn't make it work that way.

SENATOR CARLTON:

No. I did not agree with it where it was, but I am trying to figure out how it fits here.

SENATOR TOWNSEND:

Go to the top of page 3, where it talks about, "In concert with joint labor-management or other affiliated apprenticeship programs, develop apprenticeship programs to train laborers in skills relating to: ... The manufacturing of components relating to work performed pursuant to subparagraphs (1) through (6)." In other words, the money being put into these apprenticeship programs can go towards training people to manufacture components for renewable energy.

SENATOR CARLTON:

I wanted to make sure I understood.

MR. NICHOLS:

I'll go to the next proposed amendment; I believe that's under tab B in your work session document, [Exhibit C](#). This is proposed amendment 3679. This proposed amendment contains all of the changes that I just discussed, all of the changes proposed by the Majority Leader, and one new component, which is on page 7, section 12. Section 1606 of the American Recovery and Reinvestment Act requires that laborers and mechanics who are paid to perform work on projects that are funded by stimulus money be paid prevailing wages. Section 9 of this bill also requires that these persons are paid prevailing wages.

And the Labor Commissioner has not established job classifications and wage rates for residential weatherization in Nevada. So, section 12 of this bill, this proposed amendment will authorize the Labor Commissioner, will actually will require him to adopt the federal job classifications and wage rates that are necessary to carry out this bill.

Typically, when the Labor Commissioner adopts wage rates or job classifications, he has to go through the procedures that are outlined in chapter 233B of NRS, the Nevada Administrative Procedures Act, as a timely, time-consuming process, not something that can be accomplished, as I understand it, within the time constraints that are imposed under the stimulus bill. In fact, some of the deadlines for proposals under the stimulus bill have already passed. There were deadlines earlier this month. The next set of deadlines, as I understand it, are in mid-May. Some of the people in the audience might be able to give you more precise numbers on that. But, the Labor Commissioner, in discussions with the Chairman, with the Majority Leader, explained that he cannot adopt those classifications within the time constraints imposed by the stimulus bill, so section 12 would avoid the necessity for going through chapter 233B of NRS, and just require that the federal job classifications and wage rates for residential weatherization that are enforced by the feds would be adopted by Nevada and authorize the Labor Commissioner to enforce those job classifications and wage rates in the same way that he does any

job classification or wage rate that he adopts consistent with existing law.

SENATOR TOWNSEND:

Does that mean that if the State Labor Commissioner adopts the federal classification and wage rates, that he cannot go back then and go through chapter 233B of NRS to figure out if they are applicable to Nevada? Or do we have to take the federal and they are there forever?

MR. NICHOLS:

Senator Townsend, I don't read section 12 as precluding the Labor Commissioner from going back and revisiting those wage rates; although, you're correct. I guess, strict interpretation of this language would require that those rates remain in force, with the caveat that that would only apply to the jobs under section 9 of the bill. So, not across the board for Nevada.

One other point that I think is worth mentioning here is that if the locality that the Labor Commissioner has to adopt the wage rates for does not have a federal wage rate, then this section authorizes him to look to the nearest locality that does have a wage rate established in federal law, even if that locality is outside of Nevada. So, it might be Alpine County for Washoe County or something along those lines.

Last week, Senator Cegavske approached the Majority Leader with one more amendment, and that amendment is behind tab C in the work session document, [Exhibit C](#). It is No. 3687. And again, this proposed amendment contains all of the changes that were under tab A; it contains the language in tab B, and the new language requested by Senator Cegavske is on page 3, line 24.

She proposed to add the language, "to the extent money is available for the purpose ..." in line 24. And so, that would read, "that funding provided for the job training described in subsection 3, Must, to the extent money is available for the purpose, include the cost of tuition and supplies."

As I understand her intent, she understands that the stimulus money will not be here forever, but this program may. And if there isn't money to pay for tuition and supplies through the stimulus bill, then she would like to acknowledge that these programs don't have to include the cost of tuition and supplies. But, to the extent there is stimulus money to pay for those, she wants those included.

And as the Chairman said, it's my understanding the Majority Leader is okay with this amendment.

CHAIR SCHNEIDER:  
Senator Horsford signed off on the amendments.

SENATOR TOWNSEND:  
Senator Horsford and I discussed the division or allocation of resources to the various components of this bill. I see Mr. Cooper is here, and if he knows, it would be important for the Committee to understand. In other words, we have a fixed pot of money, \$30 million-plus, and how much, by percentage, do you think we want to put toward training, as opposed to money left over for jobs once people get trained? I do not know if you have had an opportunity to discuss that, and who will make that decision; is that the best way to frame that question? I am not trying to put you on the hot seat, Mr. Cooper, we evolved through this, and think that is an important question for all of us.

DICK COOPER (Policy Advisor, Senator Steven A. Horsford, Clark County Senatorial District No. 4):  
We do not have that number yet, but it is something we are going to look at.

CHAIR SCHNEIDER:  
For the record, Dick Cooper is the policy analyst for the Senate Majority Leader?

MR. COOPER:  
That is correct.

CHAIR SCHNEIDER:  
The bill has to go to the Senate Committee on Finance, right?

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MR. NICHOLS:

"That is my understanding."

CHAIR SCHNEIDER:

Do we amend and rerefer or do we send it to the Senate Floor for a vote first and then refer it to Finance?

MR. NICHOLS:

"I am sorry, I do not have a technical answer. I do not know why we could not rerefer."

CHAIR SCHNEIDER:

Should we vote and send it to the Floor, and they can decide what they want to do; if they want to take it into Finance or vote there?

SENATOR TOWNSEND:

I will be honest with you, I do not know why they would want to take it into Finance; this is a receptacle for federal money. I would hope we would get it to the Floor, adopt the amendment, then, depending on how they want to put it in ... . They will probably have an exemption on this one. I do not want to hold it up; I want to make the right motion.

MR. COOPER:

I think Senator Horsford's preference is that it would go to the Senate Floor. Time is of the essence on this bill.

SENATOR TOWNSEND MOVED TO AMEND AND DO PASS AS AMENDED S.B. 152 WITH PROPOSED AMENDMENT 3687, WHICH INCLUDES THE MAJORITY LEADER'S ORIGINAL CHANGES AS WELL AS RAY BACON'S AND SENATOR CEGAVSKE'S AMENDMENTS.

SENATOR CARLTON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR SCHNEIDER:  
The next bill is S.B. 217.

SENATE BILL 217: Enacts provisions relating to the Department of Motor Vehicles and registration under the federal Military Selective Service Act. (BDR 43-119)

Committee, it is my desire that we move this bill to the next work session. With that, we are adjourned at 10:22 a.m.

RESPECTFULLY SUBMITTED:

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Laura Adler,  
Committee Secretary

APPROVED BY:

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Senator Michael A. Schneider, Chair

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